



**Blacks In Government®  
2022 National Delegates Assembly  
Cleveland, Ohio**

**RESOLUTION**

**Reform The Civil Rights Act of 1991**

WHEREAS, the National Organization of Blacks In Government, was incorporated in 1976 as a non-profit employee advocacy and professional development organization, to serve, to represent, and to advance the interest of Black Civil Service employees, and to ensure their full, equal and unbiased access to all hiring, development and career advancement opportunities in government, at all levels; and

WHEREAS, the National Constitution of Blacks In Government established a goal to eliminate practices of racism and racial discrimination against Blacks in Government; and

WHEREAS, the National Constitution of Blacks In Government states, that Blacks in government should have the opportunity for full, complete and equitable access to jobs, education, advancement in housing and health services and that they must have recourse to adverse situations without discrimination because of race; and

WHEREAS, the Civil Rights Act of 1991 was “enacted to restore prior interpretations of federal equal employment laws and, ultimately, to strengthen their enforcement mechanisms<sup>1</sup>.” and

WHEREAS, it was November 1991 (31 years ago) when the caps on compensatory and punitive damages were established<sup>2</sup>; and

WHEREAS, the limits on the amount of compensatory and punitive damages a person can recover when their employer has been found to have discriminated against them are currently limited to the following:

For employers with 15-100 employees, the limit is \$50,000.

For employers with 101-200 employees, the limit is \$100,000.

For employers with 201-500 employees, the limit is \$200,000.

For employers with more than 500 employees, the limit is \$300,000<sup>3</sup>.

; and

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<sup>1</sup> ARTICLE: HONORABLE COMPROMISES AND THE MORAL HIGH GROUD: THE CONFLICT BETWEEN THE RHETORIC AND THE CONTENT OF THE CIVIL RIGHTS ACT OF 1991, 46 Rutgers L. Rev. 1

<sup>2</sup> ARTICLE: Twenty Years of Compromise: How the Caps on Damages in the Civil Rights Act of 1991 Codified Sex Discrimination, 25 Yale J.L. & Feminism 249

<sup>3</sup> EQUAL EMPLOYMENT OPPURTUNITY COMMISSION: REMEDIES FOR EMPLOYMENT DISCRIMINATION, <https://www.eeoc.gov/remedies-employment-discrimination>



WHEREAS, the caps and limitations of the current law for damages available to employees do not serve as an adequate deterrent to continued discrimination in the workplace; and

WHEREAS, many federal employee complaints of discrimination never receive a hearing on the merits or even an investigation by the federal agency the employee works at because the employee complaint is dismissed as untimely because the federal sector EEO complaint process only gives a federal employee forty-five (45)<sup>4</sup> days from the time the employee knew or should have known of the discrimination to file a complaint of discrimination in the federal workplace.

THEREFORE, BE IT RESOLVED, that Blacks In Government, Inc. supports amending the Civil Rights Act of 1991, and its applicable implementing regulations and/or procedures to increase the combined compensatory and punitive damages that an employee may recover when discrimination is found in a final agency decision or decision by the EEOC to an amount up to the following:

For employers with 15-100 employees, the limit shall be changed to \$100,000.

For employers with 101-200 employees, the limit shall be changed to \$200,000.

For employers with 201-500 employees, the limit shall be changed to \$400,000.

For employers with more than 500 employees, the limit shall be changed to \$800,000.

BE IT FURTHER RESOLVED, that Blacks In Government, Inc. supports amending the Civil Rights Act of 1991, and its applicable implementing regulations and/or procedures to increase the amount of time that a federal government employee may submit a filing of discrimination in the federal workplace to the amount of time equal to ninety (90) days from the date the employee knew or should have known that the discriminatory action was taken against them.

BE IT FURTHER RESOLVED, that Blacks In Government, Inc. will write a letter and also send an electronic transmission by December 14, 2022, to the following stakeholders encouraging them to join in BIG's efforts to amend the Civil Rights Act of 1991, to strengthen the law as described above:

- National Urban League, Marc Morial, CEO, 80 Pine Street, 9<sup>th</sup> Floor, New York, NY 10005
- NAACP, Derrick Johnson, President & CEO, 4805 Mt. Hope Drive, Baltimore, MD 21215
- Congressional Black Caucus Foundation, Nicole Austin-Hillery, President & CEO, 1720 Massachusetts Ave., NW Washington, DC 20036
- Federally Employed Women, Karen Rainey, President, 455 Massachusetts Ave., NW, P.O. Box 306, Washington, DC 20001

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<sup>4</sup> EQUAL EMPLOYMENT OPPURTUNITY COMMISSION: Annual Report on the Federal Workforce: Form 462 and MD-715 Data Tables for FY 2017 and FY2018, <https://www.eeoc.gov/federal-sector/reports/annual-report-federal-workforce-form-462-and-md-715-data-tables-fy-2017-and>



BE IT FURTHER RESOLVED, that Blacks In Government, Inc. will write a letter and also send an electronic transmission by December 14, 2022<sup>5,6</sup>, asking the following government leaders to support and advocate for the passage of legislation that would implement the changes identified above:

President of the United States, Mr. Joseph R. Biden Jr., 1600 Pennsylvania Ave., NW Washington, DC 20500

Vice President of the United States, Mrs. Kamala Harris, 1600 Pennsylvania Ave., NW Washington, DC 20500

Speaker of the U.S. House of Representatives, Nancy Pelosi, 1236 Longworth H.O.B., Washington, DC 20515

Minority Leader of the U.S. House of Representatives, Kevin McCarthy, 2468 Rayburn House Office Building, Washington, DC 20515

Chair of the Congressional Black Caucus, The Honorable Congresswoman Joyce Beatty, 2303 Rayburn House Office Building, Washington, DC 20515

Chair of the U.S. House Committee on the Judiciary, Jerrold Nadler, 2141 Rayburn House Office Building, Washington, DC 20515

The U.S. House Committee on the Judiciary, Chair, The Subcommittee on Constitution, Civil Rights, and Civil Liberties, Steven Cohen, 2104 Rayburn House Office Building, Washington, DC 20515

United States Senate, Majority Leader, Charles E. Schumer, 322 Hart Senate Office Building, Washington, DC 20510

United States Senate, Minority Leader, Mitch McConnell, 317 Russell Senate Office Building, Washington, DC 20510

Chair of the U.S. Senate Committee on Judiciary, Dick Durbin, 711 Hart Senate Building, Washington, DC 20510

Estimated Cost of implementation first year: \$8.50 for stamps if not already available in BIG supply.

Estimate Cost after first year: \$0

Respectfully Submitted,

Anthony W. Lee, J.D.  
National Corresponding Secretary  
Chair, RXI Legislative Committee  
President, Parklawn Chapter

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<sup>5</sup> United States Senate: Tentative 2022 Legislative Schedule, [U.S. Senate: Tentative 2022 Legislative Schedule](#)

<sup>6</sup> United States House Vote Schedule, [2022-HOUSE-CALENDAR.pdf \(majorityleader.gov\)](#)

Blacks In Government, Inc.  
[correspondingsecretary@bignet.org](mailto:correspondingsecretary@bignet.org)  
443-552-9492

## **Background Resource and Information in Support of BIG 2022 Resolution – Reform the Civil Rights Act of 1991**

Limits on Compensatory & Punitive Damages  
<https://www.eeoc.gov/remedies-employment-discrimination>

Annual Report on the Federal Workforce: Form 462 and MD-715 Data Tables for FY 2017 and FY 2018  
[Annual Report on the Federal Workforce: Form 462 and MD-715 Data Tables for FY 2017 and FY 2018 | U.S. Equal Employment Opportunity Commission \(eeoc.gov\)](#)

2022 Congressional Calendar  
<https://rational360.com/wp-content/uploads/2021/12/2022-Combined-Congressional-Calendar.pdf>

CBCF  
<https://www.cbcfinc.org/about/leadership-team/>

NAACP  
<https://naacp.org/people/derrick-johnson>

National Urban League  
<https://nul.org/our-team>

Federally Employed Women (FEW)  
<https://www.few.org/about-us/national-officers/>

The Biden-Harris Administration  
<https://www.whitehouse.gov/administration/>

Speaker of the U.S. House of Representatives  
<https://www.speaker.gov/>

Minority Leader of the U.S. House of Representatives  
<https://kevinmccarthy.house.gov/>

Chair of the Congressional Black Caucus  
<https://cbc.house.gov/about/leadership.htm>

Chair of the U.S. House Committee on Judiciary  
<https://judiciary.house.gov/>

The U.S. House Committee on Judiciary, Chair, The Subcommittee on Constitution, Civil Rights, and Civil Liberties  
<https://judiciary.house.gov/subcommittees/subcommittee/?SubcommitteeID=14929>

Chuck Schumer: [Scheduling\\_schumer@schumer.senate.gov](mailto:Scheduling_schumer@schumer.senate.gov)

Mitch McConnell: [senator@mcconnell.senate.gov](mailto:senator@mcconnell.senate.gov)

Dick Durbin: [schedule@durbin.senate.gov](mailto:schedule@durbin.senate.gov)