

from that person in order to deliver the document, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BROWN (for himself, Mr. LEAHY, Mr. FRANKEN, Mr. DURBIN, Mr. TESTER, Mrs. MURRAY, Mr. MERKLEY, Ms. WARREN, Ms. HIRONO, Mr. CASEY, Mr. WARNER, Mr. MENENDEZ, Mr. BLUMENTHAL, Ms. HEITKAMP, and Mr. REED):

S. 3491. A bill to amend the Truth in Lending Act and the Electronic Fund Transfer Act to provide justice to victims of fraud; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. PETERS (for himself and Ms. STABENOW):

S. 3492. A bill to designate the Traverse City VA Community-Based Outpatient Clinic of the Department of Veterans Affairs in Traverse City, Michigan, as the "Colonel Demas T. Craw VA Clinic"; considered and passed.

By Mr. BOOKER (for himself and Mr. MENENDEZ):

S. 3493. A bill to revise the boundaries of certain John H. Chafee Coastal Barrier Resources System units in New Jersey; to the Committee on Environment and Public Works.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ISAKSON (for himself and Ms. BALDWIN):

S. Res. 627. A resolution designating December 3, 2016, as "National Phenylketonuria Awareness Day"; considered and agreed to.

By Mr. BLUNT:

S. Res. 628. A resolution authorizing the printing of a revised edition of the Senate Rules and Manual; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 290

At the request of Mr. MORAN, the name of the Senator from Montana (Mr. DAINES) was added as a cosponsor of S. 290, a bill to amend title 38, United States Code, to improve the accountability of employees of the Department of Veterans Affairs, and for other purposes.

S. 497

At the request of Mrs. MURRAY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 497, a bill to allow Americans to earn paid sick time so that they can address their own health needs and the health needs of their families.

S. 1490

At the request of Ms. KLOBUCHAR, the name of the Senator from Montana (Mr. DAINES) was added as a cosponsor of S. 1490, a bill to establish an advisory office within the Bureau of Consumer Protection of the Federal Trade Commission to prevent fraud targeting seniors, and for other purposes.

S. 1794

At the request of Mr. MERKLEY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cospon-

sor of S. 1794, a bill to prohibit drilling in the Arctic Ocean.

S. 2208

At the request of Mrs. MURRAY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2208, a bill to promote the economic security and safety of survivors of domestic violence, dating violence, sexual assault, or stalking, and for other purposes.

S. 2577

At the request of Mr. LEAHY, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2577, a bill to protect crime victims' rights, to eliminate the substantial backlog of DNA and other forensic evidence samples to improve and expand the forensic science testing capacity of Federal, State, and local crime laboratories, to increase research and development of new testing technologies, to develop new training programs regarding the collection and use of forensic evidence, to provide post-conviction testing of DNA evidence to exonerate the innocent, to support accreditation efforts of forensic science laboratories and medical examiner offices, to address training and equipment needs, to improve the performance of counsel in State capital cases, and for other purposes.

S. 2645

At the request of Mrs. SHAHEEN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2645, a bill to impose sanctions with respect to foreign persons responsible for gross violations of internationally recognized human rights against lesbian, gay, bisexual, and transgender individuals, and for other purposes.

S. 2671

At the request of Mr. NELSON, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 2671, a bill to amend title XVIII of the Social Security Act to establish rules for payment for graduate medical education (GME) costs for hospitals that establish a new medical residency training program after hosting resident rotators for short durations.

S. 2868

At the request of Mr. SCOTT, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2868, a bill to amend the Internal Revenue Code of 1986 to provide for the deferral of inclusion in gross income for capital gains reinvested in economically distressed zones.

S. 2878

At the request of Mr. RUBIO, the name of the Senator from Nebraska (Mr. SASSE) was added as a cosponsor of S. 2878, a bill to amend the International Religious Freedom Act of 1998 to improve the ability of the United States to advance religious freedom globally through enhanced diplomacy, training, counterterrorism, and foreign assistance efforts, and through strong-

er and more flexible political responses to religious freedom violations and violent extremism worldwide, and for other purposes.

S. 2989

At the request of Ms. MURKOWSKI, the name of the Senator from Indiana (Mr. COATS) was added as a cosponsor of S. 2989, a bill to award a Congressional Gold Medal, collectively, to the United States merchant mariners of World War II, in recognition of their dedicated and vital service during World War II.

S. 3111

At the request of Mr. PORTMAN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 3111, a bill to amend the Internal Revenue Code of 1986 to extend the 7.5 percent threshold for the medical expense deduction for individuals age 65 or older.

S. 3164

At the request of Mrs. SHAHEEN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 3164, a bill to provide protection for survivors of domestic violence or sexual assault under the Fair Housing Act.

S. 3299

At the request of Mr. DAINES, his name was added as a cosponsor of S. 3299, a bill to direct the Secretary of Homeland Security to notify air carriers and security screening personnel of the Transportation Security Administration of the guidelines of the Administration regarding permitting baby formula, breast milk, and juice on aircraft, and for other purposes.

S. 3373

At the request of Mr. WARNER, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 3373, a bill to amend the Federal Deposit Insurance Act to ensure that the reciprocal deposits of an insured depository institution are not considered to be funds obtained by or through a deposit broker, and for other purposes.

S. 3391

At the request of Mr. REED, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 3391, a bill to reauthorize the Museum and Library Services Act.

S. 3447

At the request of Mr. SULLIVAN, the names of the Senator from South Dakota (Mr. ROUNDS) and the Senator from Maine (Mr. KING) were added as cosponsors of S. 3447, a bill to direct the Secretary of the Army to place in Arlington National Cemetery a memorial honoring the helicopter pilots and crew members of the Vietnam era, and for other purposes.

S. 3472

At the request of Mr. LEE, the names of the Senator from Kentucky (Mr. PAUL), the Senator from Florida (Mr. RUBIO) and the Senator from Texas (Mr. CRUZ) were added as cosponsors of S. 3472, a bill to require the Bureau of

the Census to conduct a survey to determine income and poverty levels in the United States in a manner that accounts for the receipt of Federal means-tested benefits, and for other purposes.

S. 3476

At the request of Mrs. FEINSTEIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 3476, a bill to waive recoupment by the United States of certain bonuses and similar benefits erroneously received by members of the Army National Guard, and for other purposes.

S. 3478

At the request of Mr. RUBIO, the name of the Senator from Georgia (Mr. PERDUE) was added as a cosponsor of S. 3478, a bill to require continued and enhanced annual reporting to Congress in the Annual Report on International Religious Freedom on anti-Semitic incidents in Europe, the safety and security of European Jewish communities, and the efforts of the United States to partner with European governments, the European Union, and civil society groups, to combat anti-Semitism, and for other purposes.

S. CON. RES. 51

At the request of Mr. GRASSLEY, the name of the Senator from South Dakota (Mr. ROUNDS) was added as a cosponsor of S. Con. Res. 51, a concurrent resolution expressing the sense of Congress that those who served in the bays, harbors, and territorial seas of the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975, should be presumed to have been exposed to the toxin Agent Orange and should be eligible for all related Federal benefits that come with such presumption under the Agent Orange Act of 1991.

S. CON. RES. 56

At the request of Mr. CARDIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. Con. Res. 56, a concurrent resolution clarifying any potential misunderstanding as to whether actions taken by President-elect Donald Trump constitute a violation of the Emoluments Clause, and calling on President-elect Trump to divest his interest in, and sever his relationship to, the Trump Organization.

S. RES. 580

At the request of Mr. BOOKER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. Res. 580, a resolution supporting the establishment of a President's Youth Council.

S. RES. 616

At the request of Mrs. SHAHEEN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. Res. 616, a resolution supporting the goals and ideals of American Diabetes Month.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BROWN (for himself, Mr. LEAHY, Mr. FRANKEN, Mr. DURBIN, Mr. TESTER, Mrs. MURRAY, Mr. MERKLEY, Ms. WARREN, Ms. HIRONO, Mr. CASEY, Mr. WARNER, Mr. MENENDEZ, Mr. BLUMENTHAL, Ms. HEITKAMP, and Mr. REED):

S. 3491. A bill to amend the Truth in Lending Act and the Electronic Fund Transfer Act to provide justice to victims of fraud; to the Committee on Banking, Housing, and Urban Affairs.

Mr. BOOKER. Mr. President, I rise to introduce the Fair Calculations in Civil Damages Act of 2016, also known as the Fair Calculations Act. This critical civil rights legislation would ensure that Federal judicial awards of civil damages do not value women and minorities less than other Americans. By combating discrimination in the award of civil damages, the Fair Calculations Act would help bring our nation one step closer to fulfilling the promise of equal justice under law. I thank Senator GILLIBRAND for her support, and I am proud she is an original cosponsor of this bill. I also thank Rep. KENNEDY, who is introducing the House companion to this bill, for his leadership.

A basic tenet of the American legal system is our shared belief that "all men are created equal," an idea so critical to who we are and what we believe that it is explicitly reflected in our Declaration of Independence. Even our national charter reflects the idea that everyone must be given equal protection under the laws. Out of this constitutional foundation lays a simple truth: to be equal under the law means, at a minimum, that neither our government nor the rule of the law should discriminate against anyone by virtue of his or her membership in a group.

Sadly, our Nation fails to live up to those promises when courts award damages in civil cases. Far too often, Federal and State judges use race or gender as factors to weigh when deciding how much money to award a plaintiff in a civil case. As a result, individuals of a certain race or gender often receive larger awards than people of a different race or gender, even in similar cases. This damages awards gap derives from estimates of how much money an individual would have earned over their lifetimes had they not been injured and, far too often, that estimate considers earnings and job levels by race and gender.

Consider the case of James McMillan, an African-American man who was injured during the 2003 Staten Island ferry crash. As a result of the crash, Mr. McMillan suffered a severe spinal cord injury that caused him to need medical care for the remainder of his life. He sued the City of New York. In response to his suit, the City of New York argued that he should receive less money for his injury because data demonstrated that African-American vic-

tims of spinal cord injuries lived fewer years than white victims and, therefore, he would incur fewer medical costs. Fortunately, the judge in that case rejected the city's argument. But no American should have to endure the indignity of having the value of their life determined by their race or gender.

The use of race and gender to project future earnings in courts is a widespread problem. According to a 2009 survey by the National Association of Forensic Economics, 44 percent of forensic economists reported considering race and 92 percent reported considering gender when estimating future earning rates for injured children.

Even leading scholars have been critical of this practice. Martha Chamallas, a law professor at the Ohio State University Law School, called the practice reminiscent of something "civil rights advocates [fought] in the 1960s." Jennifer Wiggins, a law professor at the University of Maine Law School, has emphasized that the practice "reinforces past discrimination and pushes it out into the future and endorses." I could not agree more.

The Fair Calculations Act, which I introduce today, would bar Federal courts from awarding damages based on race, ethnicity, gender, religion, or actual or perceived sexual orientation. Justice in an American court should not turn on race or gender, and the time has come to put an end to this discriminatory practice in Federal courts. I also believe this bill would serve as a road map for States who I hope will end this discriminatory practice in their courts.

The legislation would require the Department of Justice and the Department of Labor to develop guidance to the States on how calculations of future earnings for a violation of State tort law could violate Federal equal protection laws. That is yet another example of how this bill aims to persuade states to follow our lead. By issuing guidance to the states on this issue, the impact of this bill has the potential to be even more far-reaching.

The bill would require the Department of Labor to issue guidance to forensic economists on how to create inclusive future earnings tables that do not rely on race, ethnicity, gender, religion, or actual or perceived sexual orientation. Forensic economists are often used as experts in both Federal and State courts to advise lawyers and judges on the proper amounts to award for damages. Instructing these experts on the benefits of more representative future earnings tables and the legal hurdles of using less inclusive earning tables is yet another way to ensure that future earnings in State courts do not harm women or minorities.

Finally, the Fair Calculations Act would direct the Judicial Conference of the United States to conduct a study and report to Congress on the use of race, ethnicity, gender, age, disability, or actual or perceived sexual orientation in the calculation of future earnings in civil court cases. This provision