

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

provides for more transparency and record keeping. The first step to fixing a problem is understanding the extent of the problem you have, and this provision allows for Congress to track the extent of Federal judicial awards based on demographics. It also allows for more open government, which is important because transparency allows the American people to hold its government accountable.

Our Nation was founded on the idea that all people are created equal. Valuing one person's life more than another merely because of the color of their skin or sex belies this core value that makes our Nation great. The Fair Calculations Act would remedy this wrong and continue our country down the path towards fulfilling our Nation's promise of liberty and justice for all. I am proud to stand here today and introduce this critical bill and I urge its speedy passage.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 627—DESIGNATING DECEMBER 3, 2016, AS “NATIONAL PHENYLKETONURIA AWARENESS DAY”

Mr. ISAKSON (for himself and Ms. BALDWIN) submitted the following resolution; which was considered and agreed to:

S. RES. 627

Whereas phenylketonuria (in this preamble referred to as “PKU”) is a rare, inherited metabolic disorder that is characterized by the inability of the body to process the essential amino acid phenylalanine and which causes intellectual disability and other neurological problems, such as memory loss and mood disorders, when treatment is not started within the first few weeks of life;

Whereas PKU is also referred to as Phenylalanine Hydroxylase Deficiency;

Whereas newborn screening for PKU was initiated in the United States in 1963 and was recommended for inclusion in State newborn screening programs under the Newborn Screening Saves Lives Act of 2007 (Public Law 110-204);

Whereas approximately 1 out of every 15,000 infants in the United States is born with PKU;

Whereas PKU is treated with medical food;

Whereas the 2012 Phenylketonuria Scientific Review Conference affirmed the recommendation of lifelong dietary treatment for PKU made by the National Institutes of Health Consensus Development Conference Statement 2000;

Whereas, in 2014, the American College of Medical Genetics and Genomics and Genetic Metabolic Dieticians International published medical and dietary guidelines on the optimal treatment of PKU;

Whereas medical foods are medically necessary for children and adults living with PKU;

Whereas adults with PKU who discontinue treatment are at risk for serious medical issues, such as depression, impulse control disorder, phobias, tremors, and pareses;

Whereas women with PKU must maintain strict metabolic control before and during pregnancy to prevent fetal damage;

Whereas children born from untreated mothers with PKU may have a condition

known as “maternal phenylketonuria syndrome”, which can cause small brains, intellectual disabilities, birth defects of the heart, and low birth weights;

Whereas, although there is no cure for PKU, treatment involving medical foods, medications, and restriction of phenylalanine intake can prevent progressive, irreversible brain damage;

Whereas access to health insurance coverage for medical food varies across the United States and the long-term costs associated with caring for untreated children and adults with PKU far exceed the cost of providing medical food treatment;

Whereas gaps in medical foods coverage has a detrimental impact on individuals with PKU, their families, and society;

Whereas scientists and researchers are hopeful that breakthroughs in PKU research will be forthcoming;

Whereas researchers across the United States are conducting important research projects involving PKU; and

Whereas the Senate is an institution that can raise awareness of PKU among the general public and the medical community: Now, therefore, be it

Resolved, That the Senate—

(1) designates December 3, 2016, as “National Phenylketonuria Awareness Day”;

(2) encourages all people in the United States to become more informed about phenylketonuria and the role of medical foods in treating phenylketonuria; and

(3) respectfully requests that the Secretary of the Senate transmit an enrolled copy of this resolution to the National PKU Alliance, a nonprofit organization dedicated to improving the lives of individuals with phenylketonuria.

SENATE RESOLUTION 628—AUTHORIZING THE PRINTING OF A REVISED EDITION OF THE SENATE RULES AND MANUAL

Mr. BLUNT submitted the following resolution; which was considered and agreed to:

S. RES. 628

Resolved, That—

(1) the Committee on Rules and Administration shall prepare a revised edition of the Senate Rules and Manual for the use of the 114th Congress;

(2) the manual shall be printed as a Senate document; and

(3) in addition to the usual number of copies, 1,500 copies of the manual shall be bound, of which—

(A) 500 paperbound copies shall be for the use of the Senate; and

(B) 1,000 copies shall be bound (500 paperbound, 250 nontabbed black skiver, 200 tabbed black skiver) and delivered as may be directed by the Committee on Rules and Administration.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5117. Mr. McCONNELL proposed an amendment to the bill H.R. 34, to authorize and strengthen the tsunami detection, forecast, warning, research, and mitigation program of the National Oceanic and Atmospheric Administration, and for other purposes.

SA 5118. Mr. McCONNELL proposed an amendment to amendment SA 5117 proposed by Mr. McCONNELL to the bill H.R. 34, supra.

SA 5119. Mr. McCONNELL proposed an amendment to the bill H.R. 34, supra.

SA 5120. Mr. McCONNELL proposed an amendment to amendment SA 5119 proposed by Mr. McCONNELL to the bill H.R. 34, supra.

SA 5121. Mr. McCONNELL proposed an amendment to amendment SA 5120 proposed by Mr. McCONNELL to the amendment SA 5119 proposed by Mr. McCONNELL to the bill H.R. 34, supra.

SA 5122. Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill H.R. 34, supra; which was ordered to lie on the table.

SA 5123. Mr. SULLIVAN (for Mr. BURR (for himself and Ms. CANTWELL)) proposed an amendment to the bill S. 2058, to require the Secretary of Commerce to study the coverage gaps of the Next Generation Weather Radar of the National Weather Service and to develop a plan for improving radar coverage and hazardous weather detection and forecasting.

SA 5124. Mr. SULLIVAN (for Mr. BURR) proposed an amendment to the bill S. 2058, supra.

SA 5125. Mr. SULLIVAN (for Mr. THUNE (for himself and Mr. NELSON)) proposed an amendment to the bill H.R. 1561, to improve the National Oceanic and Atmospheric Administration's weather research through a focused program of investment on affordable and attainable advances in observational, computing, and modeling capabilities to support substantial improvement in weather forecasting and prediction of high impact weather events, to expand commercial opportunities for the provision of weather data, and for other purposes.

SA 5126. Mr. SULLIVAN (for Ms. CANTWELL) proposed an amendment to amendment SA 5125 proposed by Mr. SULLIVAN (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 1561, supra.

TEXT OF AMENDMENTS

SA 5117. Mr. McCONNELL proposed an amendment to the bill H.R. 34, to authorize and strengthen the tsunami detection, forecast, warning, research, and mitigation program of the National Oceanic and Atmospheric Administration, and for other purposes; as follows:

At the end add the following:

“This Act shall take effect 1 day after the date of enactment.”

SA 5118. Mr. McCONNELL proposed an amendment to amendment SA 5117 proposed by Mr. McCONNELL to the bill H.R. 34, to authorize and strengthen the tsunami detection, forecast, warning, research, and mitigation program of the National Oceanic and Atmospheric Administration, and for other purposes; as follows:

Strike “1 day” and insert “2 days”.

SA 5119. Mr. McCONNELL proposed an amendment to the bill H.R. 34, to authorize and strengthen the tsunami detection, forecast, warning, research, and mitigation program of the National Oceanic and Atmospheric Administration, and for other purposes; as follows:

At the end add the following:

“This Act shall take effect 3 days after the date of enactment.”

SA 5120. Mr. McCONNELL proposed an amendment to amendment SA 5119 proposed by Mr. McCONNELL to the bill H.R. 34, to authorize and strengthen the tsunami detection, forecast, warning, research, and mitigation program