118TH CONGRESS
1ST SESSION

S. _____

To prohibit a court from awarding damages based on race, ethnicity, gender, religion, or actual or perceived sexual orientation, and for other purposes.

_____

IN THE SENATE OF THE UNITED STATES

_____

_____ introduced the following bill; which was read twice
and referred to the Committee on _____

_____

A BILL

To prohibit a court from awarding damages based on race, ethnicity, gender, religion, or actual or perceived sexual orientation, and for other purposes.

1   *Be it enacted by the Senate and House of Representa-*

2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4   This Act may be cited as the "Fair Calculations in

5 Civil Damages Act of 2023".

6 **SEC. 2. DEFINITIONS.**

7   In this Act—

8   (1) the term "future earnings table" includes

9   any table or compilation of economic data used to

10   determine—

2

1   (A) how many years an individual would

2   have worked in the future; or

3   (B) the average wage an individual would

4   have earned in the future; and

5   (2) the term "protected class" means a group

6 of individuals sharing a common characteristic or

7 identity who are legally protected against discrimina-

8 tion.

9 **SEC. 3. CALCULATIONS OF DAMAGES.**

10   (a) IN GENERAL.—Notwithstanding any other provi-

11 sion of law, no court of the United States may award dam-

12 ages to a plaintiff in a civil action using a calculation for

13 the projected future earning potential of that plaintiff that

14 takes into account the race, ethnicity, gender, religion, or

15 actual or perceived sexual orientation of the plaintiff.

16   (b) RULE OF CONSTRUCTION.—Nothing in this sec-

17 tion shall be construed to deny a court from ordering dam-

18 ages based on the fact that the plaintiff is a member of

19 a protected class or for the purposes of Federal civil rights

20 laws.

21 **SEC. 4. INCLUSIVE FUTURE EARNINGS TABLES.**

22   Not later than 180 days after the date of enactment

23 of this Act—

24   (1) the Secretary of Labor shall develop guid-

25   ance for forensic economists to develop inclusive fu-

1 ture earnings tables that do not rely on race, eth-

2 nicity, gender, religion, or actual or perceived sexual

3 orientation; and

4 (2) the Secretary of Labor and the Attorney

5 General shall develop guidance for States on how to

6 make calculations of future earnings in State tort

7 proceedings free of bias on the basis of race, eth-

8 nicity, gender, religion, or actual or perceived sexual

9 orientation.

SEC. 5. STUDY AND REPORT.

11 (a) JUDICIAL CONFERENCE OF THE UNITED

12 STATES.—

13 (1) IN GENERAL.—Not later than 1 year after

14 the date of enactment of this Act, the Judicial Con-

15 ference of the United States shall conduct a study

16 on—

17 (A) damages awarded under Federal law

18 for personal injury; and

19 (B) the aggregate data described in para-

20 graph (1)—

21 (i) by case type, including employment

22 discrimination and tort damages;

23 (ii) by protected classes, including

24 race, ethnicity, gender, religion, and actual

25 or perceived sexual orientation; and

1   (iii) any other information that the

2   Judicial Conference of the United States

3   determines is relevant.

4   (2) REPORT.—Not later than 18 months after

5   the date of enactment of this Act, the Judicial Con-

6   ference of the United States shall submit to Con-

7   gress a report on the study conducted under para-

8   graph (1).

9   (b) ADMINISTRATIVE OFFICE OF THE UNITED

10 STATES COURTS.—Not later than 1 year after the date

11 of enactment of this Act, the Administrative Office of the

12 United States Courts shall conduct a study and submit

13 to Congress recommendations resulting from the study on

14 how to ensure that calculations of future earning potential

15 of plaintiffs that take into account age and disability with-

16 out conflicting with Federal equal protection laws.

17 **SEC. 6. TRAINING.**

18   The Federal Judicial Center shall conduct training

19 for Federal judges on how to implement this Act, includ-

20 ing instructions on how to use tables on future earnings

21 in evidence that comply with this Act.