

understanding and legislative intent behind this important legislation. It is available on the Joint Committee's website at [www.jct.gov](http://www.jct.gov).

By Mr. CORNYN:

S. 3507. A bill to extend the waiver of limitations with respect to excluding from gross income amounts received by wrongfully incarcerated individuals; to the Committee on Finance.

Mr. CORNYN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3507

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. EXTENSION OF WAIVER OF LIMITATIONS WITH RESPECT TO EXCLUDING FROM GROSS INCOME AMOUNTS RECEIVED BY WRONGFULLY INCARCERATED INDIVIDUALS.**

(a) IN GENERAL.—Section 304(d) of the Protecting Americans from Tax Hikes Act of 2015 is amended by striking “1-year” and inserting “2-year”.

(b) TECHNICAL CORRECTION.—Section 304(d) of such Act is amended by striking “application of this Act” and inserting “application of this section”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 304 of the Protecting Americans from Tax Hikes Act of 2015.

**SUBMITTED RESOLUTIONS**

**SENATE RESOLUTION 631—CELEBRATING THE HISTORY OF THE DETROIT RIVER WITH THE 15-YEAR COMMEMORATION OF THE INTERNATIONAL UNDERGROUND RAILROAD MEMORIAL MONUMENT, COMPRISED OF THE GATEWAY TO FREEDOM MONUMENT IN DETROIT, MICHIGAN, AND THE TOWER OF FREEDOM MONUMENT IN WINDSOR, ONTARIO, CANADA**

Mr. PETERS (for himself and Ms. STABENOW) submitted the following resolution; which was referred to the Committee on Energy and Natural Resources:

S. RES. 631

Whereas millions of Africans and their descendants were enslaved in the United States and the American colonies from 1619 through 1865;

Whereas Africans forced into slavery were torn from their families and loved ones and stripped of their names and heritage;

Whereas the faith and strength of character demonstrated by former slaves and the descendants of former slaves are an example for all people of the United States, regardless of background, religion, or race;

Whereas tens of thousands of people of African descent bravely and silently escaped their chains to follow the perilous Underground Railroad northward towards freedom in Canada;

Whereas the Detroit River played a central role for these passengers of the Underground Railroad on their way to freedom;

Whereas in October 2001, the City of Detroit, Michigan, joined with Windsor and Essex Counties in Ontario, Canada, to memorialize the courage of these freedom seekers

with an international memorial to the Underground Railroad, comprised of the Tower of Freedom Monument in Windsor, Ontario, and the Gateway to Freedom Monument in Detroit, Michigan;

Whereas the deep roots that slaves, refugees, and immigrants who reached Canada from the United States created in Canadian society are a tribute to the determination of the descendants of those slaves, refugees, and immigrants to safeguard the history of the struggles and endurance of their forebears;

Whereas the observance of the 15-year commemoration of the International Underground Railroad Memorial Monument was celebrated during the month of October 2016;

Whereas the International Underground Railroad Memorial Monument represents a cooperative international partnership dedicated to education and research with the goal of promoting cross-border understanding, economic development, and cultural heritage tourism;

Whereas over the course of history, the United States has become a symbol of democracy and freedom around the world; and

Whereas the legacy of African-Americans and their fight for freedom is interwoven with the fabric of democracy and freedom in the United States: Now, therefore, be it

*Resolved*, That the Senate—

(1) celebrates the history of the Detroit River with a 15-year commemoration of the International Underground Railroad Memorial Monument, comprised of the Gateway to Freedom Monument in Detroit, Michigan, and the Tower of Freedom Monument in Windsor, Ontario, Canada; and

(2) supports the official recognition, by national and international entities, of the Detroit River as an area of historic importance to the history of the Underground Railroad and the fight for freedom in North America.

**AMENDMENTS SUBMITTED AND PROPOSED**

SA 5138. Mr. SANDERS submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table.

**TEXT OF AMENDMENTS**

**SA 5138.** Mr. SANDERS submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table; as follows:

At the appropriate place in division A, insert the following:

**SEC. \_\_\_\_ . NEGOTIATION OF LOWER COVERED PART D DRUG PRICES ON BEHALF OF MEDICARE BENEFICIARIES.**

(a) NEGOTIATION BY SECRETARY.—Section 1860D–11 of the Social Security Act (42 U.S.C. 1395w–111) is amended by striking subsection (1) (relating to noninterference) and inserting the following:

“(i) NEGOTIATION OF LOWER DRUG PRICES.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall negotiate with pharmaceutical manufacturers the prices (including discounts, rebates, and other price concessions) that may be charged to PDP sponsors and MA organizations for covered part D drugs for part D eli-

gible individuals who are enrolled under a prescription drug plan or under an MA–PD plan.

“(2) NO CHANGE IN RULES FOR FORMULARIES.—

“(A) IN GENERAL.—Nothing in paragraph (1) shall be construed to authorize the Secretary to establish or require a particular formulary.

“(B) CONSTRUCTION.—Subparagraph (A) shall not be construed as affecting the Secretary's authority to ensure appropriate and adequate access to covered part D drugs under prescription drug plans and under MA–PD plans, including compliance of such plans with formulary requirements under section 1860D–4(b)(3).

“(3) CONSTRUCTION.—Nothing in this subsection shall be construed as preventing the sponsor of a prescription drug plan, or an organization offering an MA–PD plan, from obtaining a discount or reduction of the price for a covered part D drug below the price negotiated under paragraph (1).”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall first apply to negotiations and prices for plan years beginning on January 1, 2017.

**SEC. \_\_\_\_ . PRESCRIPTION DRUG IMPORTATION.**

(a) IMPORTATION BY PHARMACISTS AND WHOLESALERS.—Section 804(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 384(b)) is amended by striking “The Secretary,” and inserting “The Secretary, not later than January 1, 2017,”.

(b) IMPORTATION BY INDIVIDUALS.—

(1) IN GENERAL.—Section 804 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 384) is amended—

(A) in subsection (f), by striking “within Canada”;

(B) in subsection (j)—

(i) in paragraph (1), in the matter preceding subparagraph (A), by inserting “from countries other than Canada” after “devices”; and

(ii) in paragraph (3)—

(I) in the heading, by striking “FROM CANADA” and inserting “FROM COUNTRIES OTHER THAN CANADA”; and

(II) in subparagraph (C), by striking “from Canada,”; and

(C) by striking subsection (1) and inserting the following:

“(1) IMPORTATION OF PRESCRIPTION DRUGS FROM CANADA.—Individuals may import from Canada any prescription drug that meets the requirements of subparagraphs (A) through (F) of subsection (j)(3).”.

(2) REGULATIONS.—Not later than January 1, 2017, the Secretary of Health and Human Services shall promulgate regulations with respect to subsection (1) of section 804 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 384) (as amended by paragraph (1)(B)).

(3) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the effective date of the final regulations promulgated in accordance with paragraph (2).

(c) FDASIA AMENDMENT.—Subsection (c) of section 708 of the Food and Drug Administration Safety and Innovation Act (Public Law 112–144; 126 Stat. 1068) is amended by striking “The amendment made by” and all that follows through the period at the end and inserting “The amendment made by subsection (a) and the regulations promulgated under subsection (b) shall apply beginning on the effective date of the regulations promulgated under section 804(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 384(b)) and the amendments made by section 201(b) of the 21st Century Cures Act.”.

# AUTHORITY FOR COMMITTEES TO MEET

Mr. WICKER. Mr. President, I have four requests for committees to meet during today's session of the Senate. They have approval of the Majority and Minority leaders.

Pursuant to Rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

## COMMITTEE ON ARMED SERVICES

The Committee on Armed Services is authorized to meet during the session of the Senate on December 6, 2016, at 9:30 a.m.

## COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on December 6, 2016, at 2:30 p.m.

## SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on December 6, 2016, at 2:30 p.m. in room SH-219 of the Hart Senate Office Building.

## SUBCOMMITTEE ON CRIME AND TERRORISM

The Committee on the Judiciary, Subcommittee on Crime and Terrorism is authorized to meet during the session of the Senate on December 6, 2016, at 2:30 p.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Ensuring Independence: Are Additional Firewalls Needed to Protect Congressional Oversight Staff from Retaliatory Criminal Referrals?"

## PRIVILEGES OF THE FLOOR

Mrs. MURRAY. Mr. President, I ask unanimous consent that Megan Howard, a fellow with Senator MURRAY's HELP Committee staff, be granted floor privileges for the remainder of the 114th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MERKLEY. Mr. President, I ask unanimous consent that my intern, Emma Peterson, be granted privileges of the floor for the balance of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BLUNT. Mr. President, I ask unanimous consent that the military fellow from our office, MAJ Andy Anderson, be given floor privileges for the consideration of H.R. 34.

The PRESIDING OFFICER. Without objection, it is so ordered.

## APPOINTMENTS

The PRESIDING OFFICER. The Chair announces, on behalf of the majority leader, pursuant to the provisions of Public Law 106-398, as amended by Public Law 108-7, and in consultation with the chairmen of the Senate Committee on Armed Services and the Senate Committee on Finance, the reappointment of the following indi-

vidual to serve as a member of the United States-China Economic Security Review Commission: Robin Cleveland of Virginia, for a term beginning January 1, 2017, and expiring December 31, 2018.

The Chair announces, on behalf of the majority leader, pursuant to the provisions of Public Law 114-224, the appointment of the following individuals to serve as members of the Virgin Islands of the United States Centennial Commission: the Honorable LISA MURKOWSKI of Alaska and the Honorable MARCO RUBIO of Florida.

## ORDER OF PROCEDURE

Mr. GARDNER. Mr. President, I ask unanimous consent that notwithstanding rule XXII, postcloture time with respect to the motion to concur in the House amendment to the Senate amendment to H.R. 34 expire at 2 p.m. on Wednesday, December 7; further, I ask that if cloture is invoked on the conference report to accompany S. 2943, that the postcloture time be counted as if cloture had been invoked at 1 a.m. on Wednesday, December 7.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDERS FOR WEDNESDAY, DECEMBER 7, 2016

Mr. GARDNER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, December 7; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; further, that following leader remarks, the Senate resume consideration of the House message to accompany H.R. 34 postcloture; finally, that the time from 3 p.m. until 4 p.m. tomorrow be reserved for tributes to the President of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. GARDNER. Mr. President, Senators should expect votes in relation to the 21st Century Cures legislation as well as the conference report to accompany the National Defense Authorization Act beginning at 2 p.m. tomorrow.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. GARDNER. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:54 p.m., adjourned until Wednesday, December 7, 2016, at 9:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate:

## METROPOLITAN WASHINGTON AIRPORTS AUTHORITY

RICHARD A. KENNEDY, OF PENNSYLVANIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE METROPOLITAN WASHINGTON AIRPORTS AUTHORITY FOR A TERM EXPIRING MAY 30, 2022. (REAPPOINTMENT)

## LEGAL SERVICES CORPORATION

REBECCA EMILY RAPP, OF WISCONSIN, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2019. VICE SHARON L. BROWNE, RESIGNED.

## DEPARTMENT OF VETERANS AFFAIRS

THOMAS J. MURPHY, OF COLORADO, TO BE UNDER SECRETARY FOR BENEFITS OF THE DEPARTMENT OF VETERANS AFFAIRS, VICE ALLISON A. HICKEY, RESIGNED.

## IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

### To be brigadier general

COL. JEFFERY D. AEBISCHER  
COL. NATHAN B. ALHOLINNA  
COL. BORIS R. ARMSTRONG  
COL. KIMBERLY A. BAUMANN  
COL. ROBERT L. BELL  
COL. DONALD R. BEVIS, JR.  
COL. SHAWN N. BRATTON  
COL. JEFFREY L. BUTLER  
COL. MICHAEL E. CALLAHAN  
COL. KEVIN J. CAMPBELL  
COL. THOMAS S. CAUTHEN  
COL. LAWRENCE L. CHRISTENSEN  
COL. SHAWN A. CLOUTIER  
COL. DARWIN L. CRAIG  
COL. ROBERT C. DESKO  
COL. JOHN R. DIDONNA, JR.  
COL. KEVIN M. DONOVAN  
COL. BOBBI J. DOORENBOS  
COL. DAVID M. DZIOBKOWSKI  
COL. RANDAL K. EPPERSON  
COL. HOWARD L. ESSLER III  
COL. SHAWN D. FORD  
COL. JED J. FRENCH  
COL. DANIEL E. GABRIELLI  
COL. MARK P. GAUL  
COL. RAINER G. GOMEZ  
COL. PATRICK M. GUINEE  
COL. PENNY C. HODGES-GOETZ  
COL. JEREMY C. HORN  
COL. CASSANDRA D. HOWARD  
COL. PAUL D. JOHNSON  
COL. EDWARD S. JONES  
COL. GARY W. KIRK  
COL. HEIDI L. KJOS  
COL. MEAGHAN Q. LECLERC  
COL. GREGOR J. LEIST  
COL. SUZANNE B. LIPCAMAN  
COL. PAUL S. LYMAN  
COL. KEITH G. MACDONALD  
COL. ROLF E. MAMMEN  
COL. GERALD E. MCDONALD  
COL. CHRISTOPHER G. MCGRAW  
COL. MICHAEL R. MORGAN  
COL. REBECCA L. O'CONNOR  
COL. JEFFREY L. RYAN  
COL. JON S. SAFSTROM  
COL. WILLIAM L. SPARROW  
COL. JAMES R. STEVENSON, JR.  
COL. JEFFREY D. STOREY  
COL. BRYAN J. TEFF  
COL. EDWARD L. VAUGHAN IV  
COL. APRIL D. VOGEL  
COL. CHARLES M. WALKER  
COL. CHRISTOPHER S. WALKER  
COL. DAVID B. WALKER  
COL. DAVID A. WEISHAAR  
COL. WENDY B. WENKE  
COL. GREGORY T. WHITE  
COL. JEFFREY J. WIEGAND  
COL. BRENT W. WRIGHT  
COL. WILLIAM T. YATES  
COL. DANIEL S. YENCHESKY

### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

### To be major

CHRISTOPHER K. BERTHOLD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

### To be major

SETH C. LYDEM

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

### To be major

JAMES ROBINSON, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C. SECTION 624: