

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Telework for U.S. Innovation Act".

**SEC. 2. TELEWORK TRAVEL EXPENSES PROGRAM OF THE UNITED STATES PATENT AND TRADEMARK OFFICE.**

(a) IN GENERAL.—Section 5711 of title 5, United States Code, is amended—

(1) in the section heading, by striking "test";

(2) in subsection (f)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking "committee" and inserting "committees"; and

(ii) in subparagraph (B), by striking "Government";

(B) in paragraph (2)—

(i) by striking "test"; and

(ii) by striking "section , including the provision of reports in accordance with subsection (d)(1)" and inserting "subsection";

(C) in paragraph (4)(B), in the matter preceding clause (i), by inserting "and maintain" after "develop"; and

(D) in paragraph (5)—

(i) in subparagraph (A), by striking "test"; and

(ii) by striking subparagraph (B) and inserting the following:

"(B) The Director of the Patent and Trademark Office shall prepare and submit to the appropriate committees of Congress an annual report on the operation of the program under this subsection, which shall include—

"(i) the costs and benefits of the program; and

"(ii) an analysis of the effectiveness of the program, as determined under criteria developed by the Director."; and

(3) in subsection (g), by striking "this section" and inserting "subsection (b)".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for subchapter I of chapter 57 of title 5, United States Code, is amended by striking the item relating to section 5711 and inserting the following:

"5711. Authority for telework travel expenses programs."

**STATE VETERANS HOMES DOMICILIARY CARE FLEXIBILITY ACT**

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be discharged from further consideration of S. 4460 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 4460) to authorize the Secretary of Veterans Affairs to waive certain eligibility requirements for a veteran to receive per diem payments for domiciliary care at a State home, and for other purposes.

There being no objection, the committee was discharged and the Senate proceeded to consider the bill.

Mr. PORTMAN. I ask unanimous consent that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

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

The bill (S. 4460) was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S. 4460

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "State Veterans Homes Domiciliary Care Flexibility Act".

**SEC. 2. WAIVER OF REQUIREMENTS OF DEPARTMENT OF VETERANS AFFAIRS FOR RECEIPT OF PER DIEM PAYMENTS FOR DOMICILIARY CARE AT STATE HOMES AND MODIFICATION OF ELIGIBILITY FOR SUCH PAYMENTS.**

(a) WAIVER OF REQUIREMENTS.—Notwithstanding section 1741 of title 38, United States Code (as amended by subsection (b)), the Secretary of Veterans Affairs shall modify section 51.51(b) of title 38, Code of Federal Regulations (or successor regulations), to provide the Secretary the authority to waive the requirements under such section 51.51(b) for a veteran to be eligible for per diem payments for domiciliary care at a State home if—

(1) the veteran has met not fewer than four of the requirements set forth in such section; or

(2) such waiver would be in the best interest of the veteran.

(b) MODIFICATION OF ELIGIBILITY.—Section 1741(a)(1) of title 38, United States Code, is amended, in the flush text following subparagraph (B), by striking "in a Department facility" and inserting "under the laws administered by the Secretary".

(c) STATE HOME DEFINED.—In this section, the term "State home" has the meaning given that term in section 101(19) of title 38, United States Code.

**SAFEGUARDING THERAPEUTICS ACT**

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be discharged from further consideration of H.R. 5663 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 5663) to amend the Federal Food, Drug, and Cosmetic Act to give authority to the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, to destroy counterfeit devices.

There being no objection, the committee was discharged and the Senate proceeded to consider the bill.

Mr. PORTMAN. I ask unanimous consent that the Alexander amendment at the desk be agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

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

The amendment (No. 2694) in the nature of a substitute was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Safeguarding Therapeutics Act".

**SEC. 2. AUTHORITY TO DESTROY COUNTERFEIT DEVICES.**

(a) IN GENERAL.—Section 801(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(a)) is amended—

(1) in the fourth sentence, by inserting "or counterfeit device" after "counterfeit drug"; and

(2) by striking "The Secretary of the Treasury shall cause the destruction of" and all that follows through "liable for costs pursuant to subsection (c)." and inserting the following: "The Secretary of the Treasury shall cause the destruction of any such article refused admission unless such article is exported, under regulations prescribed by the Secretary of the Treasury, within 90 days of the date of notice of such refusal or within such additional time as may be permitted pursuant to such regulations, except that the Secretary of Health and Human Services may destroy, without the opportunity for export, any drug or device refused admission under this section, if such drug or device is valued at an amount that is \$2,500 or less (or such higher amount as the Secretary of the Treasury may set by regulation pursuant to section 498(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1498(a)(1))) and was not brought into compliance as described under subsection (b). The Secretary of Health and Human Services shall issue regulations providing for notice and an opportunity to appear before the Secretary of Health and Human Services and introduce testimony, as described in the first sentence of this subsection, on destruction of a drug or device under the seventh sentence of this subsection. The regulations shall provide that prior to destruction, appropriate due process is available to the owner or consignee seeking to challenge the decision to destroy the drug or device. Where the Secretary of Health and Human Services provides notice and an opportunity to appear and introduce testimony on the destruction of a drug or device, the Secretary of Health and Human Services shall store and, as applicable, dispose of the drug or device after the issuance of the notice, except that the owner and consignee shall remain liable for costs pursuant to subsection (c)."

(b) DEFINITION.—Section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h)) is amended—

(1) by redesignating subparagraphs (1), (2), and (3) as clauses (A), (B), and (C), respectively; and

(2) after making such redesignations—

(A) by striking "(h) The term" and inserting "(h)(1) The term"; and

(B) by adding at the end the following:

"(2) The term 'counterfeit device' means a device which, or the container, packaging, or labeling of which, without authorization, bears a trademark, trade name, or other identifying mark or imprint, or any likeness thereof, or is manufactured using a design, of a device manufacturer, processor, packer, or distributor other than the person or persons who in fact manufactured, processed, packed, or distributed such device and which thereby falsely purports or is represented to be the product of, or to have been packed or distributed by, such other device manufacturer, processor, packer, or distributor."

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The bill (H.R. 5663), as amended, was passed.

**PROVIDING ADEQUATE RESOURCES TO ENHANCE NEEDED TIME WITH SONS AND DAUGHTERS ACT OF 2020**

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Committee on Finance be discharged from further consideration of S. 3325 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 3325) to amend part D of title IV of the Social Security Act to allow States to use incentive payments available under the child support enforcement program to improve parent-child relationships, increase child support collections, and improve outcomes for children by supporting parenting time agreements for noncustodial parents in uncontested agreements, and for other purposes.

The PRESIDING OFFICER. Is there objection to proceeding to the measure?

There being no objection, the committee was discharged, and the Senate proceeded to consider the bill.

Mr. PORTMAN. I ask unanimous consent that the bill be considered read a third time.

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

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. PORTMAN. I know of no further debate on this bill.

The PRESIDING OFFICER. If there is no further debate, the bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 3325) was passed, as follows:

S. 3325

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Providing Adequate Resources to Enhance Needed Time with Sons and Daughters Act of 2020" or the "PARENTS Act of 2020".

**SEC. 2. EXPANDING PERMITTED USES OF INCENTIVE PAYMENTS.**

Section 458 of the Social Security Act (42 U.S.C. 658a) is amended—

(1) in subsection (f)—

(A) in paragraph (1), by striking "or" and inserting a semicolon;

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following new paragraph:

"(2) to develop, implement, and evaluate procedures for establishing a parenting time agreement when establishing an initial or modified child support order or a medical support order (including procedures for carrying out a parenting time agreement made prior to the establishment or modification of any such order); or"; and

(2) by adding at the end the following new subsection:

"(g) DEFINITIONS OF PARENTING TIME AGREEMENT AND NONCUSTODIAL PARENT.—

"(1) PARENTING TIME AGREEMENT.—For purposes of subsection (f)(2), the term 'parenting time agreement' means an agreement governing how much time a child spends with the child's custodial parent and the child's noncustodial parent that is mutually agreed to by the parents and is not contested by either parent in any forum.

"(2) NONCUSTODIAL PARENT.—For purposes of paragraph (1), the term 'noncustodial parent' means the parent of a child that the child does not live with for the majority of the child's time."

Mr. PORTMAN. I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

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

**UNANIMOUS CONSENT AGREEMENT—TRIBUTE TO RETIRING MEMBERS OF THE 116TH CONGRESS**

Mr. PORTMAN. Mr. President, I ask unanimous consent that there be printed as a Senate document a compilation of materials from the CONGRESSIONAL RECORD in tribute to retiring Members of the 116th Congress and that Members have until Friday, December 18, to submit such tributes.

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

Mr. PORTMAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PORTMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

**ORDER OF PROCEDURE**

Mr. PORTMAN. Mr. President, I ask unanimous consent that the cloture motions with respect to Executive Calendar Nos. 912, 913, and 914 be withdrawn. I further ask that at 11 a.m. tomorrow morning, the Senate vote on confirmation of the nominations in the order on which cloture was filed; further, that if confirmed, the motions to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action; further, that following disposition of the Cooksey nomination, the Senate resume legislative session and it be in order for Senator MENENDEZ or his designee to make motions to discharge S.J. Res. 77 and S.J. Res. 78; and if either motion is made, that there be 4 hours of debate concurrently on the

motions, equally divided between the proponents and opponents of the joint resolutions, with Senator MENENDEZ controlling 15 minutes of the proponents' time immediately prior to the first vote; finally, that upon the use or yielding back of that time, the Senate vote on the motions to discharge S.J. Res. 77 and S.J. Res. 78 in the order listed.

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

**ORDERS FOR WEDNESDAY,  
DECEMBER 9, 2020**

Mr. PORTMAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Wednesday, December 9; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; finally, that following leader remarks, the Senate proceed to executive session and resume consideration of the Dickerson nomination.

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

**ADJOURNMENT UNTIL 10 A.M.  
TOMORROW**

Mr. PORTMAN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the provisions of S. Res. 797 as further mark of respect for the late Paul Spyros Sarbanes, former Senator for the State of Maryland.

There being no objection, the Senate, at 7:46 p.m., adjourned until Wednesday, December 9, 2020, at 10 a.m.

**NOMINATIONS**

Executive nomination received by the Senate:

UNITED STATES INTERNATIONAL DEVELOPMENT FINANCE CORPORATION

IRVING BAILEY, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INTERNATIONAL DEVELOPMENT FINANCE CORPORATION FOR A TERM OF THREE YEARS. (NEW POSITION)

**CONFIRMATIONS**

Executive nominations confirmed by the Senate December 8, 2020:

**THE JUDICIARY**

STEPHEN SIDNEY SCHWARTZ, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS.

**FEDERAL COMMUNICATIONS COMMISSION**

NATHAN A. SIMINGTON, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 2019.