

Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Lauren McGarity McFerran, of the District of Columbia, to be a Member of the National Labor Relations Board for the term of five years expiring December 16, 2024. (Reappointment)

Mitch McConnell, Joni Ernst, John Thune, Cindy Hyde-Smith, Roy Blunt, John Cornyn, Marsha Blackburn, Deb Fischer, John Barrasso, Shelley Moore Capito, Todd Young, John Boozman, Lamar Alexander, David Perdue, Kevin Cramer, Tim Scott, Michael B. Enzi.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Lauren McGarity McFerran, of the District of Columbia, to be a Member of the National Labor Relations Board for the term of five years expiring December 16, 2024, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from Texas (Mr. CRUZ), and the Senator from Kansas (Mr. MORAN).

The PRESIDING OFFICER (Mr. CRAMER). Are there any other Senators in the Chamber desiring to vote or to change their vote?

The yeas and nays resulted—yeas 56, nays 41, as follows:

[Rollcall Vote No. 150 Ex.]

YEAS—56

Alexander	Feinstein	Peters
Baldwin	Gillibrand	Reed
Bennet	Graham	Rosen
Blumenthal	Harris	Sanders
Blunt	Hassan	Schatz
Booker	Heinrich	Schumer
Brown	Hirono	Shaheen
Cantwell	Jones	Sinema
Cardin	Kaine	Sinema
Carper	King	Smith
Casey	Klobuchar	Stabenow
Collins	Leahy	Sullivan
Coons	Manchin	Tester
Cornyn	Markey	Udall
Cortez Masto	Menendez	Van Hollen
Daines	Merkley	Warner
Duckworth	Murkowski	Warren
Durbin	Murphy	Whitehouse
Ernst	Murray	Wyden

NAYS—41

Barrasso	Hoeven	Roberts
Blackburn	Hyde-Smith	Romney
Boozman	Inhofe	Rounds
Braun	Johnson	Rubio
Capito	Kennedy	Sasse
Cassidy	Lankford	Scott (FL)
Cotton	Lee	Scott (SC)
Cramer	Loeffler	Shelby
Crapo	McConnell	Thune
Enzi	McSally	Tillis
Fischer	Paul	Toomey
Gardner	Perdue	Wicker
Grassley	Portman	Young
Hawley	Risch	

NOT VOTING—3

Burr	Cruz	Moran
------	------	-------

The PRESIDING OFFICER. The yeas are 56, the nays are 41.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Lauren McGarity McFerran, of the District of Columbia, to be a Member of the National Labor Relations Board for the term of five years expiring December 16, 2024. (Reappointment)

The PRESIDING OFFICER. Under the previous order, all postcloture time is expired.

The question is, Will the Senate advise and consent to the McFerran nomination?

Mr. WHITEHOUSE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Missouri (Mr. BLUNT), the Senator from North Carolina (Mr. BURR), the Senator from Texas (Mr. CRUZ), and the Senator from Kansas (Mr. MORAN).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. MANCHIN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 42, as follows:

[Rollcall Vote No. 151 Ex.]

YEAS—53

Alexander	Gillibrand	Reed
Baldwin	Graham	Rosen
Bennet	Harris	Sanders
Blumenthal	Hassan	Schatz
Booker	Heinrich	Schumer
Brown	Hirono	Shaheen
Cantwell	Jones	Sinema
Cardin	Kaine	Smith
Carper	King	Stabenow
Casey	Klobuchar	Sullivan
Collins	Leahy	Tester
Coons	Markey	Udall
Cornyn	Menendez	Van Hollen
Cortez Masto	Merkley	Warner
Daines	Murkowski	Warren
Duckworth	Murphy	Whitehouse
Durbin	Murray	Wyden
Feinstein	Peters	

NAYS—42

Barrasso	Hawley	Risch
Blackburn	Hoeven	Roberts
Boozman	Hyde-Smith	Romney
Braun	Inhofe	Rounds
Capito	Johnson	Rubio
Cassidy	Kennedy	Sasse
Cotton	Lankford	Scott (FL)
Cramer	Lee	Scott (SC)
Crapo	Loeffler	Shelby
Enzi	McConnell	Thune
Ernst	McSally	Tillis
Fischer	Paul	Toomey
Gardner	Perdue	Wicker
Grassley	Portman	Young

NOT VOTING—5

Blunt	Cruz	Moran
Burr	Manchin	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

The PRESIDING OFFICER. The Senator from Ohio.

HEALS ACT

Mr. PORTMAN. Mr. President, I am here on the floor to talk about some of the steps that Congress should take in response to the coronavirus pandemic. I am going to start with talking about the legislation that the majority leader, Senator MITCH MCCONNELL, introduced yesterday.

One of the aspects of it that hasn't gotten much attention and that, I think, is very positive and a very effective way to get the economy moving in a safe way is with some tax legislation. These are tax credits and tax deductions that help to encourage the hiring of new workers but that also do so in a safe way. These are the kinds of things that make a lot of sense and that have a lot of bipartisan support and appeal, so I think it should be part of whatever final package we end up with.

The goal of these tax incentives is to say that we want people to reenter the workforce but to do it in a safe and sustainable way. For example, in the McConnell proposal is legislation I have introduced, called the Healthy Workplaces Tax Credit Act. It is very simple. It says there will be a credit on the employer's side of payroll taxes against qualified employee protection expenses and workplace reconfiguration expenses to ensure employers can afford additional safety measures.

As I travel around the State of Ohio, I see the Plexiglas dividers. You have probably seen those in offices where there are more open settings. You see it in a lot of retail places now. There is a cost to that, but there is also a cost to personal protective gear—the masks and the gowns and the gloves and the other things that people are needing in order to have a safe workplace. As I have been in some of the factories around Ohio, I have also seen that they have had to reconfigure the factory spaces in order to provide more social distancing. At one plant, in its floor plan, it had expanded the lunchroom in order to provide more social distancing, and that, of course, meant there was less space for manufacturing. These are costs, and these are the kinds of things that could be part of this credit.

So my hope is, whether it is a thermometer check or whether it is more testing or whether it is PPE or whether it is more hand sanitizer, that we could encourage people to use these things by having a tax credit. It would provide an immediate stimulus to the economy as well, which is a good thing because many businesses would be operating at a loss and not have taxable income, but they would have payroll tax liability, and this is a credit to the payroll tax.

It also applies, by the way, to non-profits, as it should, and to the 501(c)(3)s. I was at one of the alcohol and drug addiction entities in one of our counties the week before last, and it had Plexiglas up. Frankly, it is hurting in terms of its budget right now, but it felt like it had to have a safe place for people to work. We want everybody to have a safe place. We want

people to go back to work and to go back safely.

I commend Senator MCCONNELL for including that bill in the CARES 2.0 package that was released this week. This tax credit will support efforts to make the workplace safe and healthy and build consumer confidence in that all of the appropriate measures are being taken. It is important to get consumers back in the mix. Whether it is going back into a restaurant and feeling safe or going back to a retail establishment, if people feel safe, they are more likely to go back, and this economy can get going again. So I think it is something, again, both sides of the aisle should be able to support, and it will show we are doing everything we can to get people back to more normal lives.

Second, with the unemployment rate still at about 11 percent, we need to encourage hiring and employee retention as this virus continues to affect our economy. In the McConnell proposal, we have a way to create this incentive that builds on legislation we have already passed in the form of the work opportunity tax credit. This is an existing law that gives employers an incentive to hire individuals who might not otherwise be able to get a job.

Categories now include, as an example, our veterans. So, if you are a veteran and are having a tough time getting a job, you can go through the work opportunity tax credit, and the employer can get a credit for hiring you initially. By the way, almost everyone I talk to says these people end up being hired full time and being paid their full wages. In the meantime, they get a credit to bring them on during a first transition period, so it works.

Another category, as an example, is the folks who have been let out of prison. Second chance individuals have a chance under the work opportunity tax credit, WOTC, to get a job.

We have proposed adding a new category, which is qualified COVID-19 employees—those who are on unemployment insurance immediately prior to their hiring date. It increases the work opportunity tax credit amount for this new targeted group of individuals from 40 percent of the first \$6,000 in qualified wages to 50 percent of the first \$10,000 in qualified wages. Again, it encourages us to help get people off unemployment insurance and back to work. Let's say they work for a company that is not going back because of COVID-19. Let's say it is a movie theater or a bowling alley or, maybe, a bar. Those individuals would qualify.

Third, I support a proposal in this McConnell draft that builds on what is called the employee retention tax credit. That is already in law. We put it in law in the first CARES Act. The credit was a good start, but it needs to be updated and expanded given the course of our economy since March and what has happened with the coronavirus. This credit applies to employers who have operations partially or fully suspended

due to COVID-19 and any related government order saying that one has to shut down but has chosen to retain one's affected employees. It is a credit that increases from the CARES 1 from 50 to 65 percent per employee—from \$10,000 under current law for the whole year and \$10,000 per quarter. It also helps businesses that have had a 25-percent decline in revenues, not a 50-percent decline in revenues.

It is for the group of companies that may not have qualified for a PPP credit or a PPP loan—they may not have gotten one—but is having a tough time keeping their workers. This would encourage them to keep those workers and to bring on new workers. Again, it is the kind of support that our workforce needs as the economy reopens and companies resume ramping up operations. It helps to bring people off the unemployment rolls. It is a pull into the workforce, and that is a good thing.

These are commonsense proposals. What is more, historically, they have been policies that have had bipartisan support. I worked with my friend Senator BEN CARDIN, on the other side, in designing the employee retention tax credit back in March, and expanding the work opportunity tax credit has always had bipartisan support.

On the healthy workplace credit, Senator SINEMA, of Arizona, has a similar bill that goes a little further, but it is very similar. I see no reason we can't take what we all agree on works and make it even better in this new package.

Again, these tax incentives are the kind of bipartisan consensus-builders that we ought to be looking at right now to get into a new package, hopefully, by the end of this week. We have to ensure—I think all of us agree—the safe reopening of our economy, and these tax provisions do that.

CHINA

Mr. President, another aspect of the COVID-19 legislation is a part of the bill that focuses on how we deal with bringing back our personal protective gear production from overseas, particularly from China, and how to deal with the concern we have that other countries are taking the research we are doing on therapies and cures. By the way, there are substantial, more resources, billions of dollars that go into that in this bill. Right now, in labs all around America, some of the best and brightest minds are at work on therapies, cures, and vaccines for COVID-19. It has changed all of our lives in the past few months, and we stand to benefit from these medical breakthroughs, and we want them to have them. So, again, Congress has already appropriated billions of dollars. In the McConnell proposal, there are billions more for this purpose, and that is appropriate.

Yet, as we work to find a cure, there are troubling reports emerging that China, in particular, is actively trying to take this research for itself. As the

FBI and the Cybersecurity and Infrastructure Security Agency warned in May, there has been a pattern of "targeting and compromise of U.S. organizations conducting COVID-19-related research by PRC-affiliated cyber actors and non-traditional collectors."

FBI Director Wray was even more pointed about this threat earlier this month, stating on July 7: "At this very moment, China is working to compromise American health care organizations, pharmaceutical companies, and academic institutions conducting essential COVID-19 research."

Just last week, the Justice Department filed charges against a Chinese researcher who failed to disclose her ties to the People's Liberation Army while conducting medical research at Stanford University. While she was not accused of stealing the research in this case, this kind of arrangement, wherein scholars are essentially agents of the Chinese Government in order to gain access to our cutting-edge labs around the country to find research to sneak back into China, is all too common.

That China would attempt to steal our research for its own benefit is, unfortunately, not surprising. As we have all seen over the past few months, China's failure to live up to its international commitments on critical issues like transparency and human rights have led to some of the issues we have had, particularly with regard to the lack of transparency on the unchecked spread of the coronavirus from Wuhan.

Frankly, relations with China are not good right now, in part, because of that. Unfortunately, our problems with China extend to our labs and our universities. As chair of the Senate Permanent Subcommittee on Investigations, I led a bipartisan investigation last year into this issue. Over the course of a year, we learned how the Chinese Communist Party has used so-called talent recruitment programs—notably, its Thousand Talents Plan—to systematically target the most promising U.S.-based research and researchers and pay them to take their American taxpayer-funded research back to Chinese universities.

While stealing this research is bad enough, what is worse is that it is not taken for academic purposes. Instead, according to the State Department witness at our hearing last November, "the Chinese Communist Party has declared the Chinese university system to be on the front line of military-civilian fusion efforts for technology acquisition." That means there is a clear link between the research being taken from American labs and the latest advancement in China's military and its economy.

There has been more recent attention to this topic of research theft, which is a good thing. We need to talk about it and we need to expose it and we need to deal with it. Recently, both FBI Director Wray and Attorney General Barr