

was referred to the Committee on Foreign Relations:

S. RES. 717

Whereas the revolution led by Fidel Castro in Cuba in 1959 started 63 years of an ongoing dictatorship that systematically violates the human rights of the Cuban people, including denying them the basic freedoms of press, religion, assembly, and association;

Whereas Oswaldo Payá Sardiñas was born in Havana, Cuba, in 1952 and became a non-violent critic of the communist regime as a teenager, resulting in 3 years of imprisonment in 1969 at a work camp, formerly known as “Isla de Pinos”, in Cuba;

Whereas Oswaldo Payá Sardiñas forewent a chance to escape Cuba in the 1980 Mariel boatlift, deciding instead to continue the fight for democracy in Cuba, saying, “This is what I am supposed to be, this is what I have to do.”;

Whereas, in 1988, Oswaldo Payá Sardiñas founded the Christian Liberation Movement that called for peaceful civil disobedience against the rule of the communist party of Cuba and advocated for civil liberties and human rights in Cuba;

Whereas, in 1992, Oswaldo Payá Sardiñas announced his intention to run for the National Assembly of Popular Power of Cuba and collected hundreds of signatures to support his candidacy, and 2 days before the election, was detained by police at his home and informed by communist party officials to be ineligible to run for office and threatened that “blood will run” if he ran;

Whereas, in 1998, Oswaldo Payá Sardiñas and other leaders of the Christian Liberation Movement initiated the Varela Project, the largest civil society-led petition in the history of Cuba, in order to circulate a legal proposal to advocate for democratic political change within Cuba, including “convert[ing] into law, the right of freedom of speech, the freedom of press and freedom of enterprise”;

Whereas, in May 2002, the Varela Project delivered 11,020 signatures from eligible citizens of Cuba to the National Assembly of Popular Power, calling for an end to 4 decades of one-party rule, to which the communist regime responded by beginning its own forced collection of signatures in violation of its own rules to make Cuba’s socialist system “irrevocable”, and an additional 14,000 signatures were added to the Varela Project petition in 2003, and 10,000 more signatures were added in 2016;

Whereas, in March 2003, the crackdown on Cuban dissidents by the communist regime in Cuba, referred to as the “Black Spring”, led to the imprisonment of 75 individuals, including 40 leaders of the Varela Project and 25 members of the Christian Liberation Movement, and the formation of the Ladies in White movement by the wives of the imprisoned activists;

Whereas, in 2003, Oswaldo Payá Sardiñas developed a Call for the National Dialogue, which collected the contributions of thousands of Cubans inside and outside of Cuba;

Whereas, in 2006, Oswaldo Payá Sardiñas published the “Todos Cubanos” program, produced as a result of the National Dialogue among Cubans, to achieve peaceful changes, to propose a referendum to institutionalize human rights, to ensure that the economic and social rights of the people of Cuba are respected, to ensure that the people of Cuba are not excluded in Cuba, and to establish a rule of law;

Whereas, in 2007, Oswaldo Payá Sardiñas called on the National Assembly of People’s Power to grant amnesty to nonviolent political prisoners and to allow the people of Cuba to travel freely without a government permit;

Whereas, in 2011, Oswaldo Payá Sardiñas denounced the communist regime of Cuba’s false liberalization for not recognizing human rights and proposed to directly carry out a Binding Plebiscite to change the system towards democracy and establish a rule of law;

Whereas, on July 22, 2012, Oswaldo Payá Sardiñas and Harold Cepero, a fellow pro-democracy activist, died in a troubling car crash in Granma Province, Cuba, after being followed by regime agents of Cuba;

Whereas the communist regime of Cuba has failed to conduct a credible investigation into the car crash that led to the death of Oswaldo Payá Sardiñas;

Whereas, according to a report published in 2015 by the Human Rights Foundation, the best available evidence strongly suggests that the communist regime of Cuba is directly responsible for the deaths of Oswaldo Payá Sardiñas and Harold Cepero, evidence that was deliberately ignored by the judiciary system of Cuba;

Whereas the trial and conviction of Angel Carromero, a youth leader of the People’s Party who was visiting Cuba and driving the car at the time of the crash, did not include testimony from key witnesses, and did not resolve questions about whether another car was involved or whether Mr. Carromero was coerced by the communist regime of Cuba into signing a false statement of guilt;

Whereas, in 2013, a number of United States Senators and the Department of State called for an impartial, third-party investigation by the Inter-American Commission on Human Rights of the Organization of American States into the circumstances surrounding the death of Oswaldo Payá Sardiñas;

Whereas Oswaldo Payá Sardiñas has been formally recognized in the past for his dedication to the promotion of human rights and democracy, including by receiving the Homo Homini Award in 1999, the Sakharov Prize for Freedom of Thought in 2002, the W. Averell Harriman Democracy Award from the United States National Democratic Institute for International Affairs in 2003, and being nominated for the Nobel Peace Prize by Václav Havel, the former President of the Czech Republic, in 2005;

Whereas, in 2012, the United States Senate unanimously passed Senate Resolution 525, 112th Congress, agreed to July 31, 2012, honoring the life and legacy of Oswaldo Payá Sardiñas;

Whereas, in 2018, the United States Senate unanimously passed Senate Resolution 224, 115th Congress, agreed to April 11, 2018, recognizing the 6th anniversary of the death of Oswaldo Payá Sardiñas, and commemorating his legacy and commitment to democratic values and principles;

Whereas, in 2021, the United States Senate unanimously passed Senate bill 2045, 117th Congress, agreed to July 30, 2021, to designate the area between the intersections of 16th Street, Northwest and Fuller Street, Northwest and 16th Street, Northwest and Euclid Street, Northwest in Washington, District of Columbia, as “Oswaldo Payá Way”;

Whereas, on July 14, 2022, the City of Miami, Florida agreed to designate the area of LeJeune Avenue, between 11th and 14th streets, as “Oswaldo Payá Sardiñas Way” on the eve of the 10th anniversary of his death, July 22, 2022;

Whereas, throughout his life and since his death, Oswaldo Payá Sardiñas, his family, and friends endured years of harassment and intimidation from the communist regime of Cuba for his peaceful, political activism; and

Whereas, on July 11, 2021, thousands of people in Cuba raised their voices against the 63-year rule of the communist regime and

called for the same freedoms Oswaldo Payá Sardiñas dedicated his life to: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and honors the life and legacy of Oswaldo Payá Sardiñas on the 10th anniversary of his death on July 22, 2022;

(2) offers heartfelt condolences to the family, friends, and loved ones of Oswaldo Payá Sardiñas on this painful anniversary;

(3) in memory of Oswaldo Payá Sardiñas, calls on the United States to continue policies that promote respect for the fundamental principles of religious freedom, democracy, and human rights in Cuba, in a manner consistent with the aspirations of the people of Cuba;

(4) urges the Inter-American Commission on Human Rights of the Organization of American States to continue reporting on human rights issues in Cuba, and to issue a favorable decision in the case of Oswaldo Payá Sardiñas and Harold Cepero that recognizes evidence which establishes the culpability of the communist regime of Cuba in their deaths;

(5) calls on the communist regime in Cuba to allow an impartial, third-party investigation into the circumstances surrounding the death of Oswaldo Payá Sardiñas; and

(6) calls on the communist regime in Cuba to cease violating human rights and to begin providing democratic political freedoms to Cuban citizens, including freedom of association, freedom of speech, freedom of the press, free elections, freedom to start private businesses, and amnesty for political prisoners.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5144. Mr. HAGERTY (for himself, Mr. KING, Mr. CORNYN, Mr. WICKER, Mr. YOUNG, Ms. SINEMA, and Mr. KELLY) submitted an amendment intended to be proposed to amendment SA 5135 proposed by Mr. SCHUMER to the bill H.R. 4346, making appropriations for Legislative Branch for the fiscal year ending September 30, 2022, and for other purposes; which was ordered to lie on the table.

SA 5145. Mr. SANDERS (for himself and Ms. WARREN) submitted an amendment intended to be proposed to amendment SA 5135 proposed by Mr. SCHUMER to the bill H.R. 4346, supra; which was ordered to lie on the table.

SA 5146. Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill H.R. 4346, supra; which was ordered to lie on the table.

SA 5147. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 5135 proposed by Mr. SCHUMER to the bill H.R. 4346, supra; which was ordered to lie on the table.

SA 5148. Mr. SCHUMER proposed an amendment to the bill S. 3373, to improve the Iraq and Afghanistan Service Grant and the Children of Fallen Heroes Grant.

SA 5149. Mr. SCHUMER proposed an amendment to amendment SA 5148 proposed by Mr. SCHUMER to the bill S. 3373, supra.

SA 5150. Mr. SCHUMER proposed an amendment to the bill S. 3373, supra.

SA 5151. Mr. SCHUMER proposed an amendment to amendment SA 5150 proposed by Mr. SCHUMER to the bill S. 3373, supra.

SA 5152. Mr. SCHUMER proposed an amendment to amendment SA 5151 proposed by Mr. SCHUMER to the amendment SA 5150 proposed by Mr. SCHUMER to the bill S. 3373, supra.

SA 5153. Mr. MANCHIN (for himself and Mrs. SHAHEEN) submitted an amendment intended to be proposed to amendment SA 5135 proposed by Mr. SCHUMER to the bill H.R.

4346, making appropriations for Legislative Branch for the fiscal year ending September 30, 2022, and for other purposes; which was ordered to lie on the table.

SA 5154. Mrs. CAPITO (for herself, Mr. WICKER, Mr. TILLIS, and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 5135 proposed by Mr. SCHUMER to the bill H.R. 4346, supra; which was ordered to lie on the table.

SA 5155. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 5135 proposed by Mr. SCHUMER to the bill H.R. 4346, supra; which was ordered to lie on the table.

SA 5156. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill H.R. 4346, supra; which was ordered to lie on the table.

SA 5157. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill H.R. 4346, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 5144. Mr. HAGERTY (for himself, Mr. KING, Mr. CORNYN, Mr. WICKER, Mr. YOUNG, Ms. SINEMA, and Mr. KELLY) submitted an amendment intended to be proposed to amendment SA 5135 proposed by Mr. SCHUMER to the bill H.R. 4346, making appropriations for Legislative Branch for the fiscal year ending September 30, 2022, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:
SEC. 10. FEDERAL PERMITTING IMPROVEMENT.

Section 41001(6)(A) of the FAST Act (42 U.S.C. 4370m(6)(A)) is amended, in the matter preceding clause (i), by inserting “semiconductors, artificial intelligence and machine learning, high-performance computing and advanced computer hardware and software, quantum information science and technology, data storage and data management, cybersecurity,” after “manufacturing.”

SA 5145. Mr. SANDERS (for himself and Ms. WARREN) submitted an amendment intended to be proposed to amendment SA 5135 proposed by Mr. SCHUMER to the bill H.R. 4346, making appropriations for Legislative Branch for the fiscal year ending September 30, 2022, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:
SEC. 108. TERMS AND CONDITIONS OF ASSISTANCE.

(a) CHIPS ASSISTANCE.—

(1) REQUIRED AGREEMENT.—A covered entity to which the Secretary of Commerce awards Federal financial assistance under section 9902 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (15 U.S.C. 4652) or section 102 or 103 of this Act with amounts appropriated under this Act shall enter into an agreement that specifies that, during the 5-year period immediately following the award of the Federal financial assistance—

(A) the covered entity will not—

(i) repurchase an equity security that is listed on a national securities exchange of the covered entity or any parent company of the covered entity, except to the extent required under a contractual obligation that is in effect as of the date of enactment of this Act;

(ii) outsource or offshore jobs to a location outside of the United States; or

(iii) abrogate existing collective bargaining agreements; and

(B) the covered entity will remain neutral in any union organizing effort.

(2) FINANCIAL PROTECTION OF GOVERNMENT.—

(A) IN GENERAL.—The Secretary of Commerce may not award Federal financial assistance to a covered entity under section 9902 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (15 U.S.C. 4652) or under section 102 or 103 of this Act with amounts appropriated under this Act, unless—

(i)(I) the covered entity has issued securities that are traded on a national securities exchange; and

(II) the Secretary of the Treasury receives a warrant or equity interest in the covered entity; or

(ii) in the case of any covered entity other than a covered entity described in clause (i), the Secretary of the Treasury receives, in the discretion of the Secretary of the Treasury—

(I) a warrant or equity interest in the covered entity; or

(II) a senior debt instrument issued by the covered entity.

(B) TERMS AND CONDITIONS.—The terms and conditions of any warrant, equity interest, or senior debt instrument received under subparagraph (A) shall be set by the Secretary of Commerce and shall meet the following requirements:

(i) PURPOSES.—Such terms and conditions shall be designed to provide for a reasonable participation by the Secretary of Commerce, for the benefit of taxpayers, in equity appreciation in the case of a warrant or other equity interest, or a reasonable interest rate premium, in the case of a debt instrument.

(ii) AUTHORITY TO SELL, EXERCISE, OR SURRENDER.—For the primary benefit of taxpayers, the Secretary of Commerce may sell, exercise, or surrender a warrant or any senior debt instrument received under this paragraph. The Secretary of Commerce shall not exercise voting power with respect to any shares of common stock acquired under this paragraph.

(iii) SUFFICIENCY.—If the Secretary of Commerce determines that a covered entity cannot feasibly issue warrants or other equity interests as required by this paragraph, the Secretary of Commerce may accept a senior debt instrument in an amount and on such terms as the Secretary of Commerce determines appropriate.

(b) APPLICATION TO ADVANCED MANUFACTURING INVESTMENT CREDIT.—

(1) FINANCIAL PROTECTION OF GOVERNMENT.—Subsection (c) of section 48D of the Internal Revenue Code of 1986 (as added by this Act) is amended to read as follows:

“(c) ELIGIBLE TAXPAYER.—

“(1) IN GENERAL.—For purposes of this section, the term ‘eligible taxpayer’ means any taxpayer which—

“(A) is not a foreign entity of concern (as defined in section 9901(6) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021),

“(B) has not made an applicable transaction (as defined in section 50(a)) during the taxable year,

“(C) has not performed a prohibited activity (as defined in section 50(a)) for the portion of the taxable year after investment credit property has been placed in service, and

“(D) meets the requirements of paragraph (2).

“(2) FINANCIAL PROTECTION REQUIREMENTS.—

“(A) IN GENERAL.—A taxpayer meets the requirements of this paragraph if—

“(i)(I) the taxpayer has issued securities that are traded on a national securities exchange; and

“(II) the Secretary of the Treasury receives a warrant or equity interest in the covered entity; or

“(ii) in the case of taxpayer other than a taxpayer described in subparagraph (A), the Secretary receives, in the discretion of the Secretary—

“(I) a warrant or equity interest in the taxpayer; or

“(II) a senior debt instrument issued by the taxpayer.

“(B) TERMS AND CONDITIONS.—The terms and conditions of any warrant, equity interest, or senior debt instrument received under subparagraph (A) shall be set by the Secretary, in consultation with the Secretary of Commerce, and shall meet the following requirements:

“(i) PURPOSES.—Such terms and conditions shall be designed to provide for a reasonable participation by the Secretary, for the benefit of taxpayers, in equity appreciation in the case of a warrant or other equity interest, or a reasonable interest rate premium, in the case of a debt instrument.

“(ii) AUTHORITY TO SELL, EXERCISE, OR SURRENDER.—For the primary benefit of taxpayers, the Secretary may sell, exercise, or surrender a warrant or any senior debt instrument received under this clause. The Secretary shall not exercise voting power with respect to any shares of common stock acquired under this subparagraph.

“(iii) SUFFICIENCY.—If the Secretary determines that a taxpayer cannot feasibly issue warrants or other equity interests as required by this paragraph, the Secretary may accept a senior debt instrument in an amount and on such terms as the Secretary determines appropriate.”

(2) RECAPTURE OF CREDIT IN CERTAIN CASES.—

(A) IN GENERAL.—Section 50(a) of the Internal Revenue Code of 1986, as amended by this Act, is amended redesignating paragraphs (4) through (6) as paragraphs (5) through (7), respectively, and by inserting after paragraph (3) the following new paragraph:

“(4) CERTAIN REQUIREMENTS FOR ADVANCED MANUFACTURING FACILITIES.—If there is a prohibited activity by an applicable taxpayer before the close of the 5-year period beginning on the date such taxpayer placed in service investment credit property which is eligible for the advanced manufacturing investment credit under section 48D(a), then the tax under this chapter for the taxable year in which such transaction occurs shall be increased by 100 percent of the aggregate decrease in the credits allowed under section 38 for all prior taxable years which would have resulted solely from reducing to zero any credit determined under section 46 which is attributable to the advanced manufacturing investment credit under section 48D(a) with respect to such property.”

(B) PROHIBITED ACTIVITY.—Section 50(a)(7) of the Internal Revenue Code of 1986, as amended redesignated by the preceding provisions of this Act, is amended adding at the end the following new subparagraph:

“(E) PROHIBITED ACTIVITY.—For purposes of this subsection, the term ‘prohibited activity’ means, with respect to any applicable taxpayer, any of the following:

“(i) the repurchase an equity security that is listed on a national securities exchange of the taxpayer or any parent company of the taxpayer, except to the extent required under a contractual obligation that is in effect as of the date of enactment of this subparagraph;

“(ii) the outsourcing or offshoring of jobs to a location outside of the United States;