

117TH CONGRESS
2D SESSION

S. 5168

To amend the Immigration and Nationality Act to include aliens passing in transit through the United States to board a vessel on which the alien will perform ship-to-ship liquid cargo transfer operations within a class of nonimmigrant aliens, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 1, 2022

Mr. PADILLA (for himself and Mr. CORNYN) introduced the following bill;
which was read twice and referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to include aliens passing in transit through the United States to board a vessel on which the alien will perform ship-to-ship liquid cargo transfer operations within a class of nonimmigrant aliens, 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 “Energy Security and
5 Lightering Independence Act of 2022”.

1 **SEC. 2. CHANGES IN NONIMMIGRANT CATEGORIES.**

2 (a) TRANSIT THROUGH UNITED STATES.—Section
3 101(a)(15)(C) of the Immigration and Nationality Act (8
4 U.S.C. 1101(a)(15)(C)) is amended to read as follows:

5 “(C)(i) an alien in immediate and continuous
6 transit through the United States, for a period not
7 to exceed 29 days;

8 “(ii) an alien who qualifies as a person entitled
9 to pass in transit to and from the United Nations
10 Headquarters District (as defined in section 209A(e)
11 of the State Department Basic Authorities Act of
12 1956 (22 U.S.C. 4309a(e))) and foreign countries,
13 under the provisions of paragraphs (3), (4), and (5)
14 of section 11 of the Agreement regarding the Head-
15 quarters of the United Nations, done at Lake Suc-
16 cess June 26, 1947 (61 Stat. 758); or

17 “(iii) an alien passing in transit through the
18 United States to board a vessel on which the alien
19 will perform, or to disembark from a vessel on which
20 the alien performed, ship-to-ship liquid cargo trans-
21 fer operations to or from another vessel engaged in
22 foreign trade, for a period not to exceed 180 days;”.

23 (b) ALIEN CREWMEN.—Section 101(a)(15)(D) of
24 such Act (8 U.S.C. 1101(a)(15)(D)) is amended—

25 (1) in clause (ii), by adding “or” at the end;
26 and

1 (2) by adding at the end the following:

2 “(iii) an alien crewman performing ship-to-ship
3 liquid cargo transfer operations to or from another
4 vessel engaged in foreign trade, who intends to land
5 temporarily solely in pursuit of the alien’s respon-
6 sibilities as a crewman and to depart from the
7 United States on the vessel on which the alien ar-
8 rived or on another vessel or aircraft, for a period
9 not to exceed 180 days;”.

10 **SEC. 3. CONDITIONAL PERMITS TO LAND TEMPORARILY.**

11 Section 252(a) of the Immigration and Nationality
12 Act (8 U.S.C. 1282(a)) is amended—

13 (1) in paragraph (1), by striking “or” at the
14 end;

15 (2) in paragraph (2), by striking the period at
16 the end and inserting “; or”; and

17 (3) by adding at the end the following:

18 “(3) 180 days, if the immigration officer deter-
19 mines that the crewman—

20 “(A) intends to depart, within the period
21 for which the crewman is permitted to land, on
22 the same vessel or on a vessel or aircraft other
23 than the vessel on which the crewman arrived;
24 and

1 “(B) will perform ship-to-ship liquid cargo
2 transfer operations to or from any other vessel
3 engaged in foreign trade during such period.”.

4 **SEC. 4. RULE OF CONSTRUCTION.**

5 For purposes of this Act, and the amendments made
6 by this Act, the performance by a crewman of ship-to-ship
7 liquid cargo transfer operations to or from any other ves-
8 sel engaged in foreign trade shall not be considered, for
9 immigration purposes, to be services, work, labor or em-
10 ployment by the crewman within the United States.

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