

117TH CONGRESS
2D SESSION

S. 5168

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Energy Security and
3 Lightering Independence Act of 2022”.

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

5 (a) **TRANSIT THROUGH UNITED STATES.**—Section
6 101(a)(15)(C) of the Immigration and Nationality Act (8
7 U.S.C. 1101(a)(15)(C)) is amended to read as follows:

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

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

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

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

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

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

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

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

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

17 (1) in paragraph (1), by striking “or” at the
18 end;

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

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

22 “(3) 180 days, if the immigration officer deter-
23 mines that the crewman—

24 “(A) intends to depart, within the period
25 for which the crewman is permitted to land, on

1 the same vessel or on a vessel or aircraft other
2 than the vessel on which the crewman arrived;
3 and

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

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

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

 Passed the Senate December 15, 2022.

 Attest:

Secretary.

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