

A bill (S. 2793) to authorize the Administrator of General Services to establish an enhanced use lease pilot program, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Saving Money and Accelerating Repairs Through Leasing Act" or the "SMART Leasing Act".

SEC. 2. ENHANCED USE LEASE PILOT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of General Services.

(2) PILOT PROGRAM.—The term "pilot program" means the enhanced use lease pilot program established under subsection (b).

(3) RELEVANT CONGRESSIONAL COMMITTEES.—The term "relevant congressional committees" means—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

(B) the Committee on Environment and Public Works of the Senate;

(C) the Committee on Oversight and Reform of the House of Representatives; and

(D) the Committee on Transportation and Infrastructure of the House of Representatives.

(b) ESTABLISHMENT.—The Administrator may establish an enhanced use lease pilot program under which the Administrator may authorize Federal agencies to enter into a lease with any person or entity (including another department or agency of the Federal Government or an entity of a State or local government) with regard to any underutilized nonexcess real property and related personal property under the jurisdiction of the Administrator.

(c) MONETARY CONSIDERATION.—

(1) FAIR MARKET VALUE.—A person or entity entering into a lease under the pilot program shall provide monetary consideration for the lease at fair market value, as determined by the Administrator.

(2) UTILIZATION.—

(A) IN GENERAL.—The Administrator may use monetary consideration received under this subsection for a lease entered into under the pilot program to cover the full costs to the Administration in connection with the lease.

(B) CAPITAL REVITALIZATION AND IMPROVEMENTS.—Any amounts of monetary consideration received under this subsection that are not used in accordance with subparagraph (A) shall—

(i) be deposited in a working capital account to be established by the Federal agency engaged in the lease of the property; and

(ii) remain available until expended for maintenance, capital revitalization, and improvements of the real property assets and related personal property at the Federal agency, subject to the concurrence of the Administrator.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may require such terms and conditions in connection with a lease under the pilot program as the Administrator considers appropriate to protect the interests of the United States.

(e) RELATIONSHIP TO OTHER LEASE AUTHORITY.—The authority under the pilot program to lease property under the jurisdiction of the Administrator is in addition to any other authority under Federal law to lease property under the jurisdiction of the Administrator.

(f) WAIVER.—A property leased under the pilot program shall not be subject to section 501 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411) before leasing the property under such pilot program.

(g) LEASE RESTRICTIONS.—

(1) NO LEASEBACK OR GUARANTEED SERVICE CONTRACT.—The Administrator may not lease back property under the pilot program during the term of the lease or enter into guaranteed service or similar contracts with the lessee relating to the property.

(2) CERTIFICATION.—The Administrator may not enter into a lease under the pilot program unless the Administrator certifies that the lease will not have a negative impact on the mission of the Administrator or the applicable Federal agency.

(3) MAXIMUM NUMBER OF LEASES.—The Administrator may enter into not more than 6 leases under the pilot program during each fiscal year.

(4) DURATION OF LEASES.—The Administrator may not enter into a lease under the pilot program with a term of more than 15 years.

(h) REPORTING.—

(1) ANNUAL REPORTS.—Not later than January 31 of each year, the Administrator shall submit to the relevant congressional committees a report on the pilot program, including—

(A) a description of each lease entered into under the pilot program, including the value of the lease, the amount of consideration received, and the use of the consideration received; and

(B) the availability and use of the funds received under the pilot program for the Administrator or the Federal agency engaged in the lease of nonexcess real property and related personal property.

(2) FINAL REPORT.—Not later than September 30, 2024, the Administrator shall submit to the relevant congressional committees a final report on the pilot program, including a recommendation on whether the pilot program should be extended.

(i) DURATION.—

(1) IN GENERAL.—The authority to enter into leases under the pilot program shall expire on September 30, 2024.

(2) SAVINGS PROVISION.—The expiration under this subsection of authority to enter into leases under the pilot program shall not affect the validity or term of leases or the retention of proceeds by the Federal agency from leases entered into under the pilot program before the expiration of the authority.

Mr. KING. I ask unanimous consent that the committee-reported substitute amendment be agreed to; 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 committee-reported amendment in the nature of a substitute was agreed to.

The bill (S. 2793), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

COMMEMORATING THE 30TH ANNIVERSARY OF OPERATION PROVIDE COMFORT

Mr. KING. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 612, S. Con Res. 16.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The senior assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 16) commemorating the 30th anniversary of Operation Provide Comfort.

There being no objection, the Senate proceeded to consider the concurrent resolution, which had been reported from the Committee on Foreign Relations, with an amendment to strike all after the resolving clause and insert the part printed in italic, and with an amendment to the preamble to insert the part printed in italic, as follows:

Whereas, in March 1991, Saddam Hussein responded to an uprising in Iraqi Kurdistan with a violent military campaign that included the use of chemical weapons against the citizens of Iraqi Kurdistan, most of whom were unarmed civilians;

Whereas Saddam Hussein's forces killed approximately 200,000 Iraqi Kurds, destroyed approximately 4,500 Iraqi Kurdish villages, and displaced hundreds of thousands of Iraqi Kurds who fled to the northern and eastern borders of Iraq, fearing that the regime would use chemical weapons against them, as it did during Saddam Hussein's Anfal campaign, including the Halabja chemical weapon attack only 3 years before;

Whereas, at one point in the early days of the 1991 crisis, the daily death toll of fleeing Iraqi Kurds exceeded 1,000, with victims succumbing to exposure, malnutrition, and disease;

Whereas, the United States, in response to the unfolding humanitarian catastrophe, led Operation Provide Comfort, delivering humanitarian relief and enforcing a no-fly zone, saving the lives of countless thousands of Iraqi Kurds from near certain death on the freezing and rugged border mountains of Iraqi Kurdistan;

Whereas Operation Provide Comfort provided security and stability in Iraqi Kurdistan; and

Whereas the Kurdistan regional government and the Kurdish Peshmerga remain steadfast partners of the United States in the fight against extremism and terrorism: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

That Congress—

(1) commemorates the 30th anniversary of Operation Provide Comfort;

(2) recognizes and honors the soldiers, diplomats, political leaders, and coalition partners of the United States who implemented Operation Provide Comfort;

(3) recognizes and honors the nearly 2,000,000 Iraqis, mostly Kurds, who were displaced by the Hussein regime and who survived starvation and exposure, and for whom Operation Provide Comfort offered assistance, security, and a chance for a new life;

(4) encourages Iraqi Kurdish leaders to continue to uphold the values of democracy, human rights, and freedom; and

(5) reaffirms—

(A) the strong partnership between the United States and the Iraqi Kurds, which exists in complementarity with the United States strong partnership with the Government of Iraq; and

(B) the enduring respect and support of Congress for Iraqi Kurds, who continue to stand with the United States in shared opposition to extremism and terrorism.

Mr. KING. I further ask that the committee-reported substitute amendment be agreed to; the resolution, as amended, be agreed to; the committee-reported substitute amendment to the preamble be agreed to; the preamble, as amended, be agreed to; and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The committee-reported amendment in the nature of a substitute was agreed to.

The resolution (S. Con. Res. 16), as amended, was agreed to.

The committee-reported amendment to the preamble in the nature of a substitute was agreed to.

The preamble, as amended, was agreed to.

FOR THE RELIEF OF REBECCA TRIMBLE

Mr. KING. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 681, which was received from the House.

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. 681) for the relief of Rebecca Trimble.

There being no objection, the Senate proceeded to consider the bill.

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

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

The bill (H.R. 681) was ordered to a third reading, was read the third time, and passed.

ENERGY SECURITY AND LIGHTERING INDEPENDENCE ACT OF 2022

Mr. KING. Madam President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. 5168 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. 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.

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

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

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

The bill (S. 5168) was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S. 5168

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 “Energy Security and Lightering Independence Act of 2022”.

SEC. 2. CHANGES IN NONIMMIGRANT CATEGORIES.

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

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

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

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

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

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

(2) by adding at the end the following:

“(iii) an alien crewman performing ship-to-ship liquid cargo transfer operations to or from another vessel engaged in foreign trade, who intends to land temporarily solely in pursuit of the alien’s responsibilities as a crewman and to depart from the United States on the vessel on which the alien arrived or on another vessel or aircraft, for a period not to exceed 180 days;”.

SEC. 3. CONDITIONAL PERMITS TO LAND TEMPORARILY.

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

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

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

(3) by adding at the end the following:

“(3) 180 days, if the immigration officer determines that the crewman—

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

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

SEC. 4. RULE OF CONSTRUCTION.

For purposes of this Act, and the amendments made by this Act, the performance by a crewman of ship-to-ship liquid cargo transfer operations to or from any other vessel engaged in foreign trade shall not be considered, for immigration purposes, to be services, work, labor or employment by the crewman within the United States.

COMMENDING AND CONGRATULATING THE NORTHERN ARIZONA UNIVERSITY LUMBERJACKS MEN’S CROSS COUNTRY TEAM FOR WINNING THE 2022 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION CROSS COUNTRY NATIONAL CHAMPIONSHIP

Mr. KING. Madam President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be discharged from further consideration of S. Res. 865 and

the Senate proceed to its immediate consideration.

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

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 865) commending and congratulating the Northern Arizona University Lumberjacks Men’s Cross Country Team for winning the 2022 National Collegiate Athletic Association Cross Country National Championship.

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

Mr. KING. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 865) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of December 8, 2022, under “Submitted Resolutions.”)

WAR CRIMES REWARDS EXPANSION ACT

Mr. KING. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 416, H.R. 4250.

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. 4250) to amend the State Department Basic Authorities Act of 1956 to provide for rewards for the arrest or conviction of certain foreign nationals who have committed genocide or war crimes, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations.

Mr. KING. 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 (H.R. 4250) was ordered to a third reading, was read the third time, and passed.

HUMAN TRAFFICKING PREVENTION ACT OF 2022

Mr. KING. Madam President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be discharged from further consideration of H.R. 7181, 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.