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AMENDMENT NO. _____ Calendar No. _____

Purpose: To establish a process for safe airport travel for covered persons who are subject to threats.

IN THE SENATE OF THE UNITED STATES—118th Cong., 1st Sess.

S. 1939

To amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2024 through 2028, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. CRUZ

Viz:

1 At the end of title VI, add the following:

2 **SEC. 6 . APPLICABILITY OF SCREENING REQUIREMENTS.**

3 Section 44901 of title 49, United States Code, is
4 amended by adding at the end the following new sub-
5 section:

6 “(m) APPLICABILITY OF SCREENING REQUIRE-
7 MENTS.—

8 “(1) DEFINITIONS.—In this subsection:

9 “(A) ADMINISTRATION.—The term ‘Ad-
10 ministration’ means the Transportation Secu-
11 rity Administration.

1 “(B) ADMINISTRATOR.—The term ‘Admin-
2 istrator’ means the Administrator of the Trans-
3 portation Security Administration.

4 “(C) APPLICABLE FEDERAL PROTECTIVE
5 AGENCY.—The term ‘applicable Federal protec-
6 tive agency’ means—

7 “(i) in the case of a Cabinet Member,
8 the executive agency assigned to provide
9 protection to the Cabinet Member;

10 “(ii) in the case of a Member of Con-
11 gress, the United States Capitol Police;
12 and

13 “(iii) in the case of a Federal judge,
14 the United States Marshals Service.

15 “(D) CABINET MEMBER.—The term ‘Cabi-
16 net Member’ means an individual who is the
17 head (including an acting head) of the Depart-
18 ment of Agriculture, Department of Commerce,
19 Department of Defense, Department of Edu-
20 cation, Department of Energy, Department of
21 Health and Human Services, Department of
22 Homeland Security, Department of Housing
23 and Urban Development, Department of the In-
24 terior, Department of Justice, Department of
25 Labor, Department of State, Department of

1 Transportation, Department of the Treasury,
2 Department of Veterans Affairs, or any other
3 individual who occupies a position designated by
4 the President as a Cabinet-level position.

5 “(E) COMMERCIAL SERVICE AIRPORT.—
6 The term ‘commercial service airport’—

7 “(i) has the meaning given that term
8 in section 47102; and

9 “(ii) includes any airport at which the
10 Administration provides or contracts to
11 provide screening.

12 “(F) COVERED PERSON.—The term ‘cov-
13 ered person’ means a Federal judge, a Member
14 of Congress, or a Cabinet Member who, as de-
15 termined by an applicable Federal protective
16 agency, currently is or previously has been the
17 subject of a threat, as determined by such ap-
18 plicable Federal protective agency.

19 “(G) FAMILY MEMBERS.—The term ‘fam-
20 ily members’ means a covered person’s spouse
21 and children.

22 “(H) FEDERAL JUDGE.—The term ‘Fed-
23 eral judge’ means a justice of the United States
24 or a judge of the United States, as those terms
25 are defined in section 451 of title 28.

1 “(I) MEMBER OF CONGRESS.—The term
2 ‘Member of Congress’ means a member of the
3 Senate or the House of Representatives, a Dele-
4 gate to Congress, or the Resident Commissioner
5 from Puerto Rico.

6 “(J) PROHIBITED ITEM.—The term ‘pro-
7 hibited item’ means an item prohibited under
8 section 1540.111 of title 49, Code of Federal
9 Regulations.

10 “(K) STAFF MEMBERS.—The term ‘staff
11 members’ means up to 2 individuals who work
12 for a covered person.

13 “(L) STERILE AREA.—The term ‘sterile
14 area’ has the meaning given that term in sec-
15 tion 1540.5 of title 49, Code of Federal Regula-
16 tions, or any successor regulation.

17 “(2) APPLICATION OF PASSENGER AND BAG-
18 GAGE SCREENING REQUIREMENTS.—Except as pro-
19 vided in paragraph (3), Members of Congress, in-
20 cluding the congressional leadership, the heads of
21 Federal agencies and commissions, including the
22 Secretary of Homeland Security, the Deputy Sec-
23 retary, the Under Secretaries, and the Assistant
24 Secretaries of the Department of Homeland Secu-
25 rity, the Attorney General, the Deputy Attorney

1 General, the Assistant Attorneys General, and the
2 United States Attorneys, and senior members of the
3 Executive Office of the President, including the Di-
4 rector of the Office of Management and Budget,
5 shall not be exempt from Federal passenger and
6 baggage screening requirements at airports.

7 “(3) SAFE AIRPORT TRAVEL SPECIALIZED
8 SCREENING PROCESS.—

9 “(A) REQUEST.—A covered person who is
10 or will be traveling through a commercial serv-
11 ice airport, or the covered person’s designee,
12 may request that the applicable Federal protec-
13 tive agency make the notification described in
14 subparagraph (B). If a covered person or the
15 covered person’s designee makes a request de-
16 scribed in this paragraph, the applicable Fed-
17 eral protective agency shall make the notifica-
18 tion described in subparagraph (B) within 48
19 hours prior to travel or as soon as practicable
20 after the covered person or the covered person’s
21 designee makes the request, provided that the
22 requirements of this subsection shall apply re-
23 gardless of the timing of such notification.

24 “(B) NOTIFICATION.—The notification de-
25 scribed in this paragraph is a notice to the Ad-

1 administrator that a covered person is or will be
2 traveling through a commercial service airport.
3 If a covered person's family members, staff
4 members, or both will be traveling with the cov-
5 ered person, the notice shall include that infor-
6 mation. The Administrator shall notify the ap-
7 propriate personnel at the commercial service
8 airport. If necessary, the applicable Federal
9 protective agency shall notify personnel at the
10 appropriate air carrier.

11 “(C) SECURITY ESCORT.—Except as pro-
12 vided in subparagraph (D)(ii), when the Admin-
13 istrator receives a notification described in sub-
14 paragraph (B), the Administrator shall provide,
15 or shall arrange for the provision of, a security
16 escort at a commercial service airport for a cov-
17 ered person, and if applicable, any family mem-
18 bers and staff members of the covered person
19 traveling with the covered person, for the en-
20 tirety of the time that the covered person and
21 any such family members and staff members
22 are at a commercial service airport. The covered
23 person and any family members and staff trav-
24 eling with the covered person shall be required
25 to possess acceptable forms of identification for

1 identity verification, and shall refrain from pos-
2 sessing prohibited items in carry-on luggage or
3 in the sterile areas of the airport. The Adminis-
4 trator may require the commercial service air-
5 port to provide the security escort required by
6 this paragraph. The escort required by this
7 paragraph shall be an individual authorized by
8 the Administrator to escort an individual eligi-
9 ble for the specialized screening procedures
10 under this subsection.

11 “(D) REQUIREMENTS.—

12 “(i) IN GENERAL.—The security es-
13 cort required by subparagraph (C) shall es-
14 cort the covered person and, if applicable,
15 any family members and staff members of
16 the covered person traveling with the cov-
17 ered person, through a commercial service
18 airport without the imposition of costs or
19 other fees on the covered person, or on any
20 family members and staff members trav-
21 eling with the covered person. The covered
22 person and, if applicable, any family mem-
23 bers and staff members of the covered per-
24 son traveling with the covered person, shall
25 travel through the commercial service air-

1 port with the security escort in accordance
2 with the specialized screening procedures
3 for an individual under protective escort, in
4 effect as of January, 1, 2024, in lieu of the
5 screening procedures described in this sec-
6 tion, and the airport security program de-
7 scribed under part 1542 of title 49, Code
8 of Federal Regulations.

9 “(ii) LIMITED EXCEPTION.—If a cov-
10 ered person has a security escort that is
11 authorized by the Administrator to escort
12 the covered person and, if applicable, any
13 family members and staff members of the
14 covered person traveling with the covered
15 person, through the commercial service air-
16 port with the security escort in accordance
17 with the specialized screening procedures
18 for an individual under protective escort, in
19 effect as of January 1, 2024, in lieu of the
20 screening procedures described in this sec-
21 tion, and the airport security program de-
22 scribed under part 1542 of title 49, Code
23 of Federal Regulations, the Administrator
24 shall not be required to provide, or arrange
25 for the provision of, a security escort under

1 subparagraph (C) for the covered person
2 and, if applicable, any family members and
3 staff members of the covered person trav-
4 eling with the covered person, through the
5 commercial service airport.

6 “(E) IMPLEMENTATION.—Not later than
7 60 days after the date of enactment of this sub-
8 section, the Administrator shall conduct an as-
9 sessment on the impacts to the transportation
10 security system, including the staffing and re-
11 source needs, and update or issue such guid-
12 ance or advisory circulars as are necessary to
13 carry out this subsection.

14 “(4) AUTHORIZATION OF APPROPRIATIONS.—
15 There are authorized to be appropriated for each fis-
16 cal year such sums as may be necessary to carry out
17 the provisions of paragraph (3), including for reim-
18 bursements to owners or operators of commercial
19 service airports, local law enforcement, or other law
20 enforcement officers for the provision of security es-
21 corts.

22 “(5) BRIEFINGS.—The Administrator, in co-
23 ordination with the head of each applicable Federal
24 protective agency and the Administrator of the Fed-
25 eral Aviation Administration, shall provide to the ap-

1 appropriate committees of Congress a briefing on the
2 implementation and ongoing use of the provisions of
3 paragraph (3), including staffing and resource
4 needs, and the procedures of the Administration for
5 processing individuals under protective escort upon
6 the request of any such committee.

7 “(6) COORDINATION.—The Administrator of
8 the Federal Aviation Administration shall coordinate
9 with the Administrator and the heads of the applica-
10 ble Federal protective agencies to implement the re-
11 quirements of this subsection, as appropriate.

12 “(7) EXEMPTION REVOCATION.—If prohibited
13 items are discovered on the property of, or on a cov-
14 ered person, or the covered person’s family members
15 or staff members traveling with the covered person,
16 the Administrator may deny the covered person and
17 any family members and staff members of the cov-
18 ered person traveling with the covered person spe-
19 cialized screening under subsection (c).

20 “(8) ADDITIONAL SCREENING.—A covered per-
21 son, and the covered person’s family members and
22 staff members traveling with the covered person,
23 may be subject to a random screening protocol or be
24 required to undergo screening at a commercial serv-
25 ice airport if the Federal Security Director des-

1 ignated for that airport under section 44933 believes
2 that there is a risk to the aviation system associated
3 with the screening exemption of such individual.

4 “(9) CERTIFICATION FROM COVERED PER-
5 SONS.—A covered person shall certify to the Admin-
6 istration or the applicable Federal protective agency
7 that the covered person and the family members and
8 staff members traveling with the covered person do
9 not possess any prohibited items.”.