

CRUZ #8, modified

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 SEN. CRUZ

Viz:

- 1 At the end of title VI, add the following:
- 2 **SEC. 642. SAFE AIRPORT TRAVEL.**
- 3 (a) DEFINITIONS.—In this section:
- 4 (1) APPLICABLE PROTECTIVE AGENCY.—The
- 5 term “applicable protective agency” means—
- 6 (A) in the case of a Cabinet Member, the
- 7 United States Secret Service;
- 8 (B) in the case of a Member of Congress,
- 9 the United States Capitol Police; and
- 10 (C) in the case of a Federal judge, the
- 11 United States Marshals Service.

1 (2) CABINET MEMBER.—The term “Cabinet
2 Member” means an individual who is the head (in-
3 cluding an acting head) of the Department of Agri-
4 culture, Department of Commerce, Department of
5 Defense, Department of Education, Department of
6 Energy, Department of Health and Human Services,
7 Department of Homeland Security, Department of
8 Housing and Urban Development, Department of
9 the Interior, Department of Justice, Department of
10 Labor, Department of State, Department of Trans-
11 portation, Department of the Treasury, Department
12 of Veterans Affairs, or any other individual who oc-
13 cupies a position designated by the President as a
14 Cabinet-level position.

15 (3) COMMERCIAL SERVICE AIRPORT.—The term
16 “commercial service airport” has the meaning given
17 that term in section 47102 of title 49, United States
18 Code.

19 (4) COVERED PERSON.—The term “covered
20 person” means a Member of Congress, a Federal
21 judge, or a Cabinet Member who, as determined by
22 an applicable protective agency, currently is or pre-
23 viously has been the subject of a threat, as defined
24 by such applicable protective agency.

1 (5) FAMILY MEMBERS.—The term “family
2 members” means a covered person’s spouse and chil-
3 dren.

4 (6) FEDERAL JUDGE.—The term “Federal
5 judge” means a justice of the United States or a
6 judge of the United States, as those terms are de-
7 fined in section 451 of title 28, United States Code.

8 (7) MEMBER OF CONGRESS.—The term “Mem-
9 ber of Congress” means a United States Senator, a
10 Representative in Congress, a Delegate to Congress,
11 or the Resident Commissioner from Puerto Rico.

12 (8) TSA.—The term “TSA” means the Trans-
13 portation Security Administration.

14 (9) STAFF MEMBERS.—The term “staff mem-
15 bers” means up to 2 individuals who work for a cov-
16 ered person.

17 (b) APPLICATION OF PASSENGER AND BAGGAGE
18 SCREENING REQUIREMENTS TO FEDERAL OFFICIALS.—
19 Except as provided in subsection (c), Members of Con-
20 gress, including the leadership, the heads of Federal agen-
21 cies and commissions, including the Secretary, Deputy
22 Secretary, Under Secretaries, and Assistant Secretaries of
23 the Department of Homeland Security, the United States
24 Attorney General, Deputy Attorney General, Assistant At-
25 torneys General, and the United States Attorneys, and

1 senior members of the Executive Office of the President,
2 including the Director of the Office of Management and
3 Budget, shall not be exempt from Federal passenger and
4 baggage screening requirements at airports.

5 (c) SAFE AIRPORT TRAVEL SPECIALIZED SCREENING
6 PROCESS.—

7 (1) REQUEST.—A covered person who is or will
8 be traveling through a commercial service airport, or
9 the covered person's designee, may request that the
10 applicable protective agency make the notification
11 described in paragraph (2). If a covered person or
12 the covered person's designee makes a request de-
13 scribed in this paragraph, the applicable protective
14 agency shall make the notification described in para-
15 graph (2).

16 (2) NOTIFICATION.—The notification described
17 in this paragraph is a notice to the TSA that a cov-
18 ered person is or will be traveling through a com-
19 mercial service airport. If a covered person's family
20 members, staff members, or both will be traveling
21 with the covered person, the notice shall include that
22 information. The TSA shall notify the appropriate
23 personnel at the commercial service airport, and if
24 necessary, personnel at the appropriate airline.

1 (3) SECURITY ESCORT.—When the TSA re-
2 ceives a notification described in paragraph (2), the
3 TSA shall provide, or shall arrange for the provision
4 of, a security escort at a commercial service airport
5 for a covered person, and if applicable, any family
6 members and staff members of the covered person
7 traveling with the covered person, for the entirety of
8 the time that the covered person and any such fam-
9 ily members and staff members are at a commercial
10 service airport. The covered person and any family
11 members and staff traveling with the covered person
12 shall be required to possess acceptable forms of iden-
13 tification for identity verification. The TSA may re-
14 quire the commercial service airport to provide the
15 security escort required by this paragraph. The es-
16 cort required by this paragraph shall be an indi-
17 vidual authorized by the TSA to escort an individual
18 eligible for the TSA's specialized screening proce-
19 dures.

20 (4) REQUIREMENTS.—The security escort re-
21 quired by paragraph (3) shall escort the covered per-
22 son and, if applicable, any family members and staff
23 members of the covered person traveling with the
24 covered person, through a commercial service airport
25 without delay and without the imposition of costs or

1 other fees on the covered person, or on any family
2 members and staff members traveling with the cov-
3 ered person. The covered person and, if applicable,
4 any family members and staff members of the cov-
5 ered person traveling with the covered person, shall
6 travel through the commercial service airport with
7 the security escort in accordance with the TSA's
8 specialized screening procedures for an individual
9 under protective escort, in effect as of June 14,
10 2023, in lieu of the procedures described under sec-
11 tion 44901 of title 49, United States Code, and the
12 airport security program described under part 1542
13 of title 49, Code of Federal Regulations.

14 (5) IMPLEMENTATION.—Not later than 60 days
15 after the date of enactment of this section, the Ad-
16 ministrator of the TSA shall conduct an assessment
17 on the impacts to the transportation security system,
18 including the staffing and resource needs, and up-
19 date or issue such guidance or advisory circulars as
20 are necessary to carry out this section.

21 (d) AUTHORIZATION OF APPROPRIATIONS.—There
22 are authorized to be appropriated for each fiscal year such
23 sums as may be necessary to carry out the provisions of
24 subsection (c), including for reimbursements to owners or
25 operators of commercial service airports, local law enforce-

1 ment, or other law enforcement officers for the provision
2 of security escorts.

3 (e) BRIEFINGS.—The Administrator of the TSA, in
4 coordination with each applicable protective agency and
5 the Administrator of the FAA, shall provide to the appro-
6 priate committees of Congress a briefing on the implemen-
7 tation and ongoing use of the provisions of subsection (c),
8 including staffing and resource needs, and the TSA's pro-
9 cedures for processing individuals under protective escort
10 upon the request of any such committee.

11 (f) COORDINATION.—The Administrator of the FAA
12 shall coordinate with the Administrator of the TSA and
13 the applicable protective agencies to implement the re-
14 quirements of this section, as appropriate.