

S. 2378 Moran Substitute (as modified)

Jerry Moran

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—119th Cong., 2d Sess.

S. 2378

To amend title 49, United States Code, to establish funds for investments in aviation security checkpoint technology, 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 IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. MORAN

Viz:

- 1 Strike all after the enacting clause and insert the fol-
- 2 lowing:
- 3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Spending Aviation
 5 Fees for Equipment, Guaranteeing Upgraded and Ad-
 6 vanced Risk Detection and Safety Act of 2026” or the
 7 “SAFEGUARDS Act of 2026”.

8 **SEC. 2. IMPROVING THE AVIATION SECURITY CAPITAL**
 9 **FUND.**

10 Section 44923(h) of title 49, United States Code, is
 11 amended to read as follows:

1 “(h) AVIATION SECURITY CAPITAL FUND.—

2 “(1) IN GENERAL.—There is established within
3 the Department of Homeland Security a fund to be
4 known as the Aviation Security Capital Fund (in
5 this subsection referred to as the ‘Fund’).

6 “(2) SOURCE OF FUNDING.—

7 “(A) FISCAL YEAR 2004 THROUGH 2025.—
8 In each of fiscal years 2004 through 2025, the
9 first \$250,000,000 derived from fees received
10 under section 44940(a)(1) shall be available to
11 be deposited in the Fund in paragraph (1). The
12 Administrator of the Transportation Security
13 Administration shall impose the fee authorized
14 by section 44940(a)(1) so as to collect at least
15 \$250,000,000 in each of such fiscal years for
16 deposit into the Fund.

17 “(B) FISCAL YEAR 2026 THROUGH FISCAL
18 YEAR 2036.—In each of fiscal years 2026
19 through 2036, the first \$400,000,000 derived
20 from fees received under section 44940(a)(1)
21 shall be available to be deposited in the Fund
22 under paragraph (1). The Administrator of the
23 Transportation Security Administration shall
24 impose the fee authorized by section
25 44940(a)(1) so as to collect at least

1 \$400,000,000 in each of such fiscal years for
2 deposit into the Fund.

3 “(3) GRANT AUTHORITY.—Amounts in the
4 Fund shall be available to the Administrator of the
5 Transportation Security Administration to make
6 grants for projects under subsection (a).”.

7 **SEC. 3. ESTABLISHMENT OF THE AVIATION SECURITY**
8 **CHECKPOINT TECHNOLOGY FUND.**

9 (a) IN GENERAL.—Section 44923 of title 49, United
10 States Code, is amended by—

11 (1) by redesignating subsection (i) as subsection
12 (j); and

13 (2) by inserting after subsection (h) the fol-
14 lowing new subsection (i):

15 “(i) AVIATION SECURITY CHECKPOINT TECHNOLOGY
16 FUND.—

17 “(1) IN GENERAL.—There is established within
18 the Department of Homeland Security a fund to be
19 known as the Aviation Security Checkpoint Tech-
20 nology Fund (in this subsection referred to as the
21 ‘ASCT Fund’).

22 “(2) FUNDING.—In each of fiscal years 2026
23 through 2036, after the first \$400,000,000 is depos-
24 ited into the Aviation Security Capital Fund pursu-
25 ant to subsection (h)(2)(B), the next \$250,000,000

1 from fees received under section 44940(a)(1) shall
2 be available to be deposited in the ASCT Fund. The
3 Administrator of the Transportation Security Ad-
4 ministration shall impose the fee authorized by sec-
5 tion 44940(a)(1) so as to collect not less than
6 \$250,000,000 in each of such fiscal years for deposit
7 into the ASCT Fund. Amounts in the ASCT Fund
8 shall be available until expended to the Adminis-
9 trator of the Transportation Security Administration
10 to fund the procurement, sustainment, and deploy-
11 ment of—

12 “(A) aviation security checkpoint tech-
13 nology, including computed tomography scan-
14 ners, explosives trace detection equipment, liq-
15 uid explosive detection systems, advanced imag-
16 ing technology, or credential authentication
17 technology machines; and

18 “(B) exit lane technology.

19 “(3) GRANT AUTHORITY.—Amounts in the
20 ASCT Fund shall be available to the Administrator
21 of the Transportation Security Administration to
22 make grants under this section.”.

23 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
24 Section 44940(i) of title 49, United States Code, is
25 amended—

1 (1) in paragraph (1), by striking “section
2 44923(h)” and inserting “subsections (h) and (i) of
3 section 44923”; and

4 (2) in paragraph (4), by redesignating subpara-
5 graphs (M) and (N) as subparagraphs (I) and (J),
6 respectively.

7 **SEC. 4. REPORTS TO CONGRESS.**

8 (a) INITIAL REPORT.—Prior to carrying out the use
9 of funds and disbursements for fiscal year 2026 under
10 subsections (h) and (i) of section 44923 of title 49, United
11 States Code, the Administrator of the Transportation Se-
12 curity Administration shall provide a briefing to the Com-
13 mittee on Commerce, Science, and Transportation of the
14 Senate and the Committee on Homeland Security of the
15 House of Representatives and submit to such committees
16 a report that includes—

17 (1) a detailed description of the use of funds
18 and disbursements authorized by section 44923(h)
19 of title 49, United States Code, for fiscal year 2004
20 through fiscal year 2025, including a detailed de-
21 scription of projects and capital needs addressed
22 through the Aviation Security Capital Fund for each
23 airport security category; and

1 (2) projected aviation security project and cap-
2 ital needs for each airport security category for fis-
3 cal year 2026 through fiscal year 2036.

4 (b) ANNUAL REPORT.—Not later than 1 year after
5 the date of the enactment of this Act, and each fiscal year
6 thereafter, the Administrator of the Transportation Secu-
7 rity Administration shall provide a briefing to the Com-
8 mittee on Commerce, Science, and Transportation of the
9 Senate and the Committee on Homeland Security of the
10 House of Representatives and submit to such committees
11 a report that includes—

12 (1) a detailed description of the projects and
13 capital needs addressed pursuant to subsections (h)
14 and (i) of section 44923 of title 49, United States
15 Code; and

16 (2) an identification of the most critical avia-
17 tion security capital needs for each airport security
18 category as determined by the Administrator.

19 **SEC. 5. BIENNIAL INSPECTOR GENERAL AUDITS.**

20 (a) IN GENERAL.—Not later than the date that is
21 two years after the date of the enactment of this Act, and
22 every 2 years thereafter through fiscal year 2036, the In-
23 spector General of the Department of Homeland Security
24 shall conduct an audit of the oversight by the Transpor-
25 tation Security Administration of any applicable grant and

1 disbursements made pursuant to subsections (h) and (i)
2 of section 44923 of title 49, United States Code.

3 (b) CONSIDERATIONS.—In conducting an audit under
4 subsection (a), the Inspector General shall assess the effi-
5 cacy of such oversight of grant and disbursements made
6 with respect to—

7 (1) satisfying the statutory direction in sub-
8 sections (h) and (i) of section 44923 of title 49,
9 United States Code;

10 (2) addressing aviation security capital needs at
11 airports representative of each airport security cat-
12 egory; and

13 (3) preventing fraud, waste, and abuse of funds
14 allocated for such purposes.

15 (c) BRIEFINGS TO CONGRESS.—Not later than 30
16 days after completing an audit pursuant to subsection (a),
17 the Inspector General shall provide to the Committee on
18 Commerce, Science, and Transportation of the Senate and
19 the Committee on Homeland Security of the House of
20 Representatives a briefing on the findings of such audit.