

119TH CONGRESS
2D SESSION

H. R. 8701

To transfer to the Secretary of Transportation the functions of the Administrator of the Transportation Security Administration, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 7, 2026

Mr. MOSKOWITZ (for himself and Mr. BURCHETT) introduced the following bill; which was referred to the Committee on Homeland Security

A BILL

To transfer to the Secretary of Transportation the functions of the Administrator of the Transportation Security Administration, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Transportation Secu-
5 rity Administration Transfer Act of 2026”.

1 **SEC. 2. TRANSFERRING THE TRANSPORTATION SECURITY**
2 **ADMINISTRATION.**

3 (a) IN GENERAL.—There is transferred to the Sec-
4 retary of Transportation the functions of the Adminis-
5 trator of the Transportation Security Administration.

6 (b) REFERENCES.—Any reference in any other Fed-
7 eral law, Executive order, rule, regulation, or delegation
8 of authority, or any document of or pertaining to a depart-
9 ment or office from which a function is transferred by this
10 section—

11 (1) to the head of such department or office is
12 deemed to refer to the head of the department or of-
13 fice to which such function is transferred; or

14 (2) to such department or office is deemed to
15 refer to the department or office to which such func-
16 tion is transferred.

17 (c) EXERCISE OF AUTHORITIES.—Except as other-
18 wise provided by law, a Federal official to whom a function
19 is transferred by this section may, for purposes of per-
20 forming the function, exercise all authorities under any
21 other provision of law that were available with respect to
22 the performance of that function to the official responsible
23 for the performance of the function immediately before the
24 effective date of the transfer of the function under this
25 section.

26 (d) SAVINGS PROVISIONS.—

1 (1) LEGAL DOCUMENTS.—All orders, deter-
2 minations, rules, regulations, permits, grants, loans,
3 contracts, agreements, certificates, licenses, and
4 privileges—

5 (A) that have been issued, made, granted,
6 or allowed to become effective by the President,
7 any officer or employee of any office transferred
8 by this section, or any other Government offi-
9 cial, or by a court of competent jurisdiction, in
10 the performance of any function that is trans-
11 ferred by this section, and

12 (B) that are in effect on the effective date
13 of such transfer (or become effective after such
14 date pursuant to their terms as in effect on
15 such effective date),

16 shall continue in effect according to their terms until
17 modified, terminated, superseded, set aside, or re-
18 voked in accordance with law by the President, any
19 other authorized official, a court of competent juris-
20 diction, or operation of law.

21 (2) PROCEEDINGS.—This section shall not af-
22 fect any proceedings or any application for any bene-
23 fits, service, license, permit, certificate, or financial
24 assistance pending on the date of the enactment of
25 this section before an office transferred by this sec-

1 tion, but such proceedings and applications shall be
2 continued. Orders shall be issued in such pro-
3 ceedings, appeals shall be taken therefrom, and pay-
4 ments shall be made pursuant to such orders, as if
5 this section had not been enacted, and orders issued
6 in any such proceeding shall continue in effect until
7 modified, terminated, superseded, or revoked by a
8 duly authorized official, by a court of competent ju-
9 risdiction, or by operation of law. Nothing in this
10 paragraph shall be considered to prohibit the dis-
11 continuance or modification of any such proceeding
12 under the same terms and conditions and to the
13 same extent that such proceeding could have been
14 discontinued or modified if this section had not been
15 enacted.

16 (3) SUITS.—This section shall not affect suits
17 commenced before the date of the enactment of this
18 section, and in all such suits, proceedings shall be
19 had, appeals taken, and judgments rendered in the
20 same manner and with the same effect as if this sec-
21 tion had not been enacted.

22 (4) NONABATEMENT OF ACTIONS.—No suit, ac-
23 tion, or other proceeding commenced by or against
24 the Transportation Security Administration, or by or
25 against any individual in the official capacity of such

1 individual as an officer or employee of an office
2 transferred by this section, shall abate by reason of
3 the enactment of this section.

4 (5) CONTINUANCE OF SUITS.—If any Govern-
5 ment officer in the official capacity of such officer
6 is party to a suit with respect to a function of the
7 officer, and under this section such function is
8 transferred to any other officer or office, then such
9 suit shall be continued with the other officer or the
10 head of such other office, as applicable, substituted
11 or added as a party.

12 (6) ADMINISTRATIVE PROCEDURE AND JUDI-
13 CIAL REVIEW.—Except as otherwise provided by this
14 section, any statutory requirements relating to no-
15 tice, hearings, action upon the record, or administra-
16 tive or judicial review that apply to any function
17 transferred by this section shall apply to the exercise
18 of such function by the head of the Federal agency,
19 and other officers of the agency, to which such func-
20 tion is transferred by this section.

21 (e) TRANSFER OF ASSETS.—Except as otherwise pro-
22 vided in this section, so much of the personnel, property,
23 records, and unexpended balance of appropriations, alloca-
24 tions, and other funds employed, used, held, available, or
25 to be made available in connection with a function trans-

1 ferred to an official or agency by this section shall be avail-
2 able to the official or the head of that agency, respectively,
3 at such time or times as the Director of the Office of Man-
4 agement and Budget directs for use in connection with
5 the functions transferred.

6 (f) DELEGATION AND ASSIGNMENT.—Except as oth-
7 erwise expressly prohibited by law or otherwise provided
8 in this section, an official to whom functions are trans-
9 ferred under this section (including the head of any office
10 to which functions are transferred under this section) may
11 delegate any of the functions so transferred to such offi-
12 cers and employees of the office of the official as the offi-
13 cial may designate, and may authorize successive redelega-
14 tions of such functions as may be necessary or appro-
15 priate. No delegation of functions under this subsection
16 or under any other provision of this section shall relieve
17 the official to whom a function is transferred under this
18 section of responsibility for the administration of the func-
19 tion.

20 (g) AUTHORITY OF DIRECTOR OF THE OFFICE OF
21 MANAGEMENT AND BUDGET WITH RESPECT TO FUNC-
22 TIONS TRANSFERRED.—

23 (1) DETERMINATIONS.—If necessary, the Di-
24 rector of the Office of Management and Budget

1 shall make any determination of the functions that
2 are transferred under this section.

3 (2) INCIDENTAL TRANSFERS.—The Director of
4 the Office of Management and Budget, at such time
5 or times as the Director shall provide, may make
6 such determinations as may be necessary with re-
7 gard to the functions transferred by this section, and
8 to make such additional incidental dispositions of
9 personnel, assets, liabilities, grants, contracts, prop-
10 erty, records, and unexpended balances of appropria-
11 tions, authorizations, allocations, and other funds
12 held, used, arising from, available to, or to be made
13 available in connection with such functions, as may
14 be necessary to carry out the provisions of this sec-
15 tion. The Director shall provide for the termination
16 of the affairs of all entities terminated by this sec-
17 tion and for such further measures and dispositions
18 as may be necessary to effectuate the purposes of
19 this section.

20 (h) CERTAIN VESTING OF FUNCTIONS CONSIDERED
21 TRANSFERS.—For purposes of this section, the vesting of
22 a function in a department or office pursuant to reestab-
23 lishment of an office shall be considered to be the transfer
24 of the function.

1 (i) AVAILABILITY OF EXISTING FUNDS.—Existing
2 appropriations and funds available for the performance of
3 functions, programs, and activities terminated pursuant to
4 this section shall remain available, for the duration of
5 their period of availability, for necessary expenses in con-
6 nection with the termination and resolution of such func-
7 tions, programs, and activities.

8 (j) CONFORMING AMENDMENTS.—

9 (1) HOMELAND SECURITY ACT OF 2002.—Sec-
10 tion 424 of the Homeland Security Act of 2002 (6
11 U.S.C. 234) and the item relating to such section in
12 the table of contents under such Act are repealed.

13 (2) TITLE 49, UNITED STATES CODE.—Sub-
14 section (a) of section 114 of title 49, United States
15 Code, is amended to read as follows:

16 “(a) IN GENERAL.—There is in the Department of
17 Transportation the Transportation Security Administra-
18 tion, which shall be maintained as a distinct entity in the
19 Department.”.

20 (k) DEFINITIONS.—In this section:

21 (1) FUNCTION.—The term “function” includes
22 any duty, obligation, power, authority, responsibility,
23 right, privilege, activity, or program.

24 (2) OFFICE.—The term “office” includes any
25 office, administration, agency, bureau, institute,

- 1 council, unit, organizational entity, or component
- 2 thereof.

