

118TH CONGRESS  
2D SESSION

# S. 4387

To prohibit transportation of any alien using certain methods of identification.

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IN THE SENATE OF THE UNITED STATES

MAY 22, 2024

Mr. LEE introduced the following bill; which was read twice and referred to  
the Committee on Commerce, Science, and Transportation

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## A BILL

To prohibit transportation of any alien using certain methods  
of identification.

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 “VALID Act”.

1 **SEC. 2. PERMANENT PROHIBITION ON OPERATIONS FOR**  
 2 **AIR CARRIERS THAT PROVIDE, OR FACILI-**  
 3 **TATE THE PROVISION OF, TRANSPORTATION**  
 4 **OF ANY ALIEN USING CERTAIN METHODS OF**  
 5 **IDENTIFICATION.**

6 (a) IN GENERAL.—Chapter 401 of title 49, United  
 7 States Code, is amended by inserting after section 40130  
 8 the following new section:

9 **“§ 40131. Permanent prohibition on operations for air**  
 10 **carriers that transport any alien using**  
 11 **certain methods of identification**

12 “An air carrier or foreign air carrier may not operate  
 13 an aircraft in foreign air transportation or land such air-  
 14 craft at any airport in the United States if the air carrier  
 15 or foreign air carrier actively provides, or actively facili-  
 16 tates the provision of, transportation of any alien using  
 17 any of the following for purposes of identification or travel  
 18 authorization:

19 “(1) The CBP One Mobile Application.

20 “(2) Department of Homeland Security Form  
 21 I-385, Notice to Report.

22 “(3) Department of Homeland Security Form  
 23 I-862, Notice to Appear.”.

24 (b) CLERICAL AMENDMENT.—The analysis for chap-  
 25 ter 401 of title 49, United States Code, is amended by

1 inserting after the item relating to section 40130 the fol-  
2 lowing:

“40131. Permanent prohibition on operations for air carriers that transport any  
alien using certain methods of identification.”.

3 **SEC. 3. PROHIBITION OF CERTAIN FORMS OF IDENTIFICA-**  
4 **TION FOR AIRLINE PASSENGERS.**

5 Section 7220 of the Intelligence Reform and Ter-  
6 rorism Prevention Act of 2004 (Public Law 108–458; 49  
7 U.S.C. 44901 note) is amended—

8 (1) in subsection (c)(1)(C), by inserting “except  
9 as provided in subsection (d),” before “any docu-  
10 ment”;

11 (2) by redesignating subsection (d) as sub-  
12 section (e); and

13 (3) by inserting after subsection (c) the fol-  
14 lowing new subsection (d):

15 “(d) PROHIBITION OF CERTAIN FORMS OF IDENTI-  
16 FICATION.—In carrying out this section, the Secretary of  
17 Homeland Security may not designate or permit any of  
18 the following as a valid identification or authorization doc-  
19 ument, or permit the following to be used to obtain such  
20 identification or travel document, for a domestic commer-  
21 cial airline passenger seeking to board an aircraft:

22 “(1) The CBP One Mobile Application.

23 “(2) Department of Homeland Security Form  
24 I–385, Notice to Report.

- 1           “(3) Department of Homeland Security Form
- 2           I-862, Notice to Appear.”.

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