

Preventing Child Abduction in Air Travel Act of 2026

Cover memorandum

Discussion draft — Preventing Child Abduction in Air Travel Act of 2026.

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MEMORANDUM

TO [Name], [Title], Office of [Member / Committee]

FROM Collin B. George, CISSP, National Security Advisor, Sanctir LLC

DATE October 7, 2026

RE Discussion draft — Preventing Child Abduction in Air Travel Act of 2026

Purpose

The attached discussion draft would close a gap between the federal program that stops children from being taken out of the United States in violation of a court order and the absence of any comparable measure for flights within the United States. It does so by using passenger data that the Transportation Security Administration (TSA) already receives. It does not require identification from children who fly with an adult.

The gap

- Since 2014, U.S. Customs and Border Protection (CBP) has operated a program under 6 U.S.C. § 241 that seeks to stop a child from leaving the country when a parent presents a court order prohibiting removal. The State Department reports 317 children enrolled in calendar year 2024.
- Nothing comparable exists for domestic air travel. A child subject to an order barring removal from a State can be flown to another State without any federal check against that order.
- TSA's Secure Flight program already receives the full name, date of birth, and sex of every passenger, including children (49 CFR § 1560.101(a)(1)). It compares that data only against the terrorist watchlist. It is not compared against custody orders or against missing-child records in the National Crime Information Center (NCIC).
- TSA does not require passengers under 18 to show identification on domestic flights. That rule is agency policy; it appears in no statute or regulation.
- Current federal law on trafficking in air travel consists of staff training (49 U.S.C. §§ 44734(a)(4), 44738) and contractor reporting (§ 40118(h)). None of it involves a check of passenger records.

What the bill does

SECTION	EFFECT
Sec. 4	Creates a TSA child travel alert program. A parent, guardian, court, or law enforcement agency may enroll a child by submitting a certified court order that restricts the child's travel. TSA verifies the order with the issuing court, then compares Secure Flight data against enrolled children, the adults the order restrains, and NCIC missing-child records. On a confirmed match, the airline withholds the boarding pass and TSA notifies police. TSA staff may not take custody of a child or detain anyone.
Sec. 5	Requires written notice to the traveler, a 24-hour redress decision, and prompt effect for any later court order. Bars TSA and airlines from disclosing a child's or parent's location or itinerary to the person who enrolled the child. Sets retention limits and requires a Privacy Act notice and privacy impact assessment before launch.
Sec. 6	Requires the adult traveling with a minor to attest, electronically and without notarization, to the child's name and date of birth, to parental consent, and that no court order bars the trip. Airlines may not demand proof of relationship or deny travel based on how a family looks.
Sec. 7	Requires identity verification only for minors flying with no adult, with accepted documents including a birth certificate, school ID, or identification by a parent at the airport. No fee.
Sec. 8	Directs TSA to publish a voluntary model travel consent form.
Sec. 9	Adds child-abduction response to the existing airline staff training mandate in 49 U.S.C. § 44738.
Sec. 10	Optional. Aligns the age limit of the CBP international program (now under 16) with the Goldman Act definition of child (under 18 since December 2024).
Secs. 11–15	Civil penalties for airlines and for false enrollments or attestations; good-faith immunity for airlines that follow TSA instructions; annual reporting and a GAO evaluation; rules of construction protecting State custody law; authorization; severability.

What the bill does not do

- It does not require identification for children traveling with an adult, except where the adult is named in a court order.
- It does not require notarized consent letters.
- It does not let TSA or an airline decide custody, resolve conflicting orders, or detain a child or parent.
- It does not create a cause of action against airlines.

Why this design

The broader alternative, mandatory identification and notarized consent for every child on every domestic flight, was considered and rejected for three reasons.

No evidence base. No federal data measure how often commercial aviation is used in domestic parental abduction or child trafficking, how many minors fly, or how many hold identification. The Department of Transportation estimates roughly 73 million domestic passengers a year travel in adult–child pairs. A universal mandate would burden all of them on a record that cannot show a benefit.

Poor results elsewhere. South Africa imposed a birth-certificate requirement on child travelers in 2015 and withdrew it for foreign children in 2019 after reported tourism losses. Airline staff cannot authenticate notarized letters, and GAO has found that U.S. airlines lack authority to verify or enforce custody orders (GAO-11–602).

Targeting. A court order identifies the children actually at risk and the adults restrained from taking them. The restrained adult must show identification at the checkpoint, so matching on that adult works even if the child is booked under a false name. Section 12 builds the data needed to decide later whether broader measures are justified.

Committee jurisdiction

House Homeland Security (TSA), House Transportation and Infrastructure and Senate Commerce (title 49), and the Judiciary Committees (sec. 6(e)(1), which references 18 U.S.C. § 1001, and the interaction with 28 U.S.C. § 1738A). Deleting sec. 6(e)(1) would narrow the referral without weakening the bill; existing case law already applies § 1001 to false statements made to private parties under a federal regulatory requirement.

Open items

- Time limits, penalty amounts, and the authorization figure are bracketed placeholders.
- Sec. 5(b)(4) requires a policy choice on how TSA treats conflicting orders from different States.
- A companion adversarial legal review identifies the challenges the bill would face and recommends specific amendments, chiefly to exclude automatic orders that arise on the filing of any divorce or custody case in several States, to specify the court that reviews TSA actions, and to narrow the missing-child provision. A revised draft incorporating those amendments can follow.

Attachments

- Discussion draft, Preventing Child Abduction in Air Travel Act of 2026 (with drafter’s notes)
- Adversarial legal review, October 7, 2026

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ABOUT THE AUTHOR

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