A BILL

To protect the right to travel by common carrier, and for other purposes.

1 Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

2 SECTION 1. SHORT TITLE.

3 This Act may be cited as the “Freedom to Travel Act of 2021”.

4 SEC. 2. RIGHT TO TRAVEL BY COMMON CARRIER.

5 (a) IN GENERAL.—All persons shall have the right

6 to travel by common carrier.
(b) REFUSAL OF TRANSPORTATION.—No person not under lawful arrest may be denied or refused transportation by air, rail, road, or water by a common carrier, except on the basis of—

(1) failure or refusal to pay the fare or comply with the rules of the fare and the general conditions of carriage specified in the published tariff of the carrier;

(2) failure or refusal to submit to an administrative search, if required by applicable Federal law or regulations, which shall be limited to a search for weapons, explosives, or incendiary devices likely to pose a threat to the safety of the conveyance, passengers, or crew; or

(3) an order from a court of competent jurisdiction.

SEC. 3. CIVIL ACTION FOR DEPRIVATION OF THE RIGHT TO TRAVEL BY COMMON CARRIER.

(a) IN GENERAL.—A common carrier, person, or Federal agency that denies or refuses transportation by common carrier to an individual, except as provided by section 2(b) of this Act, shall be liable to such individual in an amount equal to the sum of—

(1) any actual damages sustained by an individual as a result of the denial or refusal of trans-
portation or damages of not less than $1,000 and
not more than $10,000;

(2) such amount of punitive damages as the
court may allow; and

(3) in the case of any successful action to en-
force any liability under this section, the costs of the
action together with reasonable attorney’s fees as de-
termined by the court.

(b) WAIVER OF SOVEREIGN IMMUNITY.—The United
States, all agencies and instrumentalities thereof, and all
individuals, firms, corporations, other persons acting for
the United States and with the authorization and consent
of the United States, shall not be immune from suit in
Federal or State court by any person, including any gov-
ernmental or nongovernmental entity, for any violation
under this section.

SEC. 4. JUDICIAL REVIEW.

Section 46110 of title 49, United States Code, is
amended—

(1) in subsection (a) by striking “or the Admin-
istrator of the Transportation Security Administra-
tion with respect to security duties and powers des-
ignated to be carried out by the Administrator of the
Transportation Security Administration”; and
(2) by striking “, Administrator of the Transportation Security Administration,” each place it appears.

SEC. 5. REFUSAL TO TRANSPORT PASSENGERS AND PROPERTY.

Section 44902 of title 49, United States Code, is amended—

(1) by striking subsection (b); and

(2) by redesignating subsection (c) as subsection (b).