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(Original Signature of Member)

117TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

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

\_\_\_\_\_  
IN THE HOUSE OF REPRESENTATIVES

Mr. GOSAR introduced the following bill; which was referred to the Committee  
on \_\_\_\_\_  
\_\_\_\_\_

**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 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 “Freedom to Travel  
5 Act of 2021”.

6 **SEC. 2. RIGHT TO TRAVEL BY COMMON CARRIER.**

7 (a) IN GENERAL.—All persons shall have the right  
8 to travel by common carrier.

1 (b) REFUSAL OF TRANSPORTATION.—No person not  
2 under lawful arrest may be denied or refused transpor-  
3 tation by air, rail, road, or water by a common carrier,  
4 except on the basis of—

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

9 (2) failure or refusal to submit to an adminis-  
10 trative search, if required by applicable Federal law  
11 or regulations, which shall be limited to a search for  
12 weapons, explosives, or incendiary devices likely to  
13 pose a threat to the safety of the conveyance, pas-  
14 sengers, or crew; or

15 (3) an order from a court of competent jurisdic-  
16 tion.

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

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

24 (1) any actual damages sustained by an indi-  
25 vidual as a result of the denial or refusal of trans-

1 portation or damages of not less than \$1,000 and  
2 not more than \$10,000;

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

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

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

17 **SEC. 4. JUDICIAL REVIEW.**

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

20 (1) in subsection (a) by striking “or the Admin-  
21 istrator of the Transportation Security Administra-  
22 tion with respect to security duties and powers des-  
23 igned to be carried out by the Administrator of the  
24 Transportation Security Administration”; and

1           (2) by striking “, Administrator of the Trans-  
2           portation Security Administration,” each place it ap-  
3           pears.

4 **SEC. 5. REFUSAL TO TRANSPORT PASSENGERS AND PROP-**  
5 **ERTY.**

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

8           (1) by striking subsection (b); and

9           (2) by redesignating subsection (c) as sub-  
10          section (b).