

117TH CONGRESS
1ST SESSION

H. R. 6030

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

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 18, 2021

Mr. GOSAR introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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).

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