

117TH CONGRESS
2D SESSION

H. RES. 1212

Affirming the constitutional right to travel freely and voluntarily within the United States, District of Columbia, Tribal lands, and the territories of the United States.

IN THE HOUSE OF REPRESENTATIVES

JUNE 28, 2022

Mr. RASKIN submitted the following resolution; which was referred to the Committee on the Judiciary

RESOLUTION

Affirming the constitutional right to travel freely and voluntarily within the United States, District of Columbia, Tribal lands, and the territories of the United States.

Whereas the right to travel freely and voluntarily among the several States is one of the chief privileges and immunities guaranteed to all citizens of the United States by the 14th Amendment and one of the fundamental rights guaranteed to all persons under the 14th Amendment's Equal Protection Clause;

Whereas section 5 of the 14th Amendment empowers Congress to enforce, by appropriate legislation, its provisions;

Whereas the Supreme Court has repeatedly held that “a citizen of one State who travels in other States, intending to return home at the end of his journey, is entitled to

enjoy the ‘Privileges and Immunities of Citizens in the several States’ that he visits” (Saenz v. Roe, 526 U.S. 489, 501 (1999) (citing Corfield v. Coryell, 6 F. Cas. 546 (No. 3,230) (C.C.E.D.Pa.1823); Edwards v. California, 314 U.S. 160 (1941); United States v. Guest, 383 U.S. 745 (1966))); and

Whereas the Supreme Court long ago decided that one of the privileges or immunities that the Constitution guarantees is the “fundamental” right to travel from one State to another to seek and obtain services lawful in the latter State, including medical services, on terms of substantial equality with the residents of that State (Toomer v. Witsell, 334 U.S. 385, 396 (1948); Hicklin v. Orbeck, 437 U.S. 518, 525 (1978); Doe v. Bolton, 410 U.S. 179, 200 (1973) (citing Ward v. Maryland, 79 U.S. 418 (1870)); Chalker v. Birmingham & N.W.R. Co., 249 U.S. 522, 527 (1919); Shaffer v. Carter, 252 U.S. 37, 52, 53 (1920)): Now, therefore, be it

1 *Resolved*, That it is the sense of the House of Rep-
2 resentatives that—

3 (1) every person has the right to travel freely
4 within the United States, the District of Columbia,
5 Tribal lands, and the territories of the United States
6 as a fundamental privilege and immunity of citizen-
7 ship in the United States;

8 (2) no person should be held criminally liable or
9 civilly liable in any way by any State or by the
10 United States Government for voluntarily traveling
11 within the United States, the District of Columbia,

1 Tribal lands, and the territories of the United States
2 for the purposes of seeking or obtaining health care
3 services in a destination jurisdiction, or for providing
4 or facilitating such travel, or providing health care
5 services in any jurisdiction to out-of-state patients,
6 where the health care services so obtained are lawful
7 in the jurisdiction where they are delivered; and

8 (3) any person whose constitutional right to
9 travel is violated under color of any statute, ordi-
10 nance, regulation, custom, or usage, of any State or
11 territory or the District of Columbia, may seek re-
12 dress under section 1979 of the Revised Statutes of
13 the United States (42 U.S.C. 1983).

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