

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1579

To restrict the authorities of the President with respect to regulating the exchange of information with, travel to or from, and educational and cultural exchanges with, foreign countries.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 1, 1993

Mr. BERMAN (for himself, Mr. GEJDENSON, Mr. MILLER of California, Mr. GONZALEZ, Mr. CONYERS, Mr. McCLOSKEY, Mr. PAYNE of New Jersey, Mr. SAWYER, Mr. FRANK of Massachusetts, Ms. PELOSI, Mr. MINETA, Mr. KOPETSKI, Mr. WAXMAN, Mr. RANGEL, and Mr. STARK) introduced the following bill; which was referred to the Committee on Foreign Affairs

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## A BILL

To restrict the authorities of the President with respect to regulating the exchange of information with, travel to or from, and educational and cultural exchanges with, foreign countries.

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 “Free Trade in Ideas  
5 Act of 1993”.

1 **SEC. 2. EXCHANGE OF INFORMATION AND RELATED**  
2 **TRANSACTIONS.**

3 (a) INTERNATIONAL EMERGENCY ECONOMIC POW-  
4 ERS ACT.—Section 203(b)(3) of the International Emer-  
5 gency Economic Powers Act (50 U.S.C. 1702(b)) is  
6 amended to read as follows:

7 “(3)(A) the importation from or exportation to  
8 any country, or the communication or telecommuni-  
9 cation or other form of transmission to any country,  
10 of information or informational materials which—

11 “(i) include, but are not limited to—

12 “(I) publications, films, posters, pho-  
13 nograph records, photographs, microfilms,  
14 microfiche, audiotapes and videotapes,  
15 artworks, telephone conversations, other  
16 voice or data communications or tele-  
17 communications, telecasts, and news wire  
18 feeds,

19 “(II) other forms of telecommuni-  
20 cations, and

21 “(III) other materials the creation  
22 and circulation of which in the United  
23 States would be protected by the First  
24 Amendment to the United States Constitu-  
25 tion,

1           whether those materials are in existence at the  
2           time of or are to be created subsequent to or  
3           pursuant to a transaction or activity described  
4           in this paragraph; and

5                   “(ii) are information and informational  
6           materials that are not otherwise controlled for  
7           export under section 5 of the Export Adminis-  
8           tration Act of 1979 and with respect to which  
9           no acts are prohibited by chapter 37 of title 18,  
10          United States Code;

11                   “(B) travel related to any such importation, ex-  
12          portation, communication, telecommunication, or  
13          transmission;

14                   “(C) transactions for the creation or circulation  
15          of or otherwise concerning such information or infor-  
16          mational materials, or any rights in such informa-  
17          tion or informational materials, whether commercial  
18          or otherwise; or

19                   “(D) other transactions incidental to any activ-  
20          ity or transaction described in subparagraph (A),  
21          (B), or (C);”.

22          (b) EXPORT ADMINISTRATION ACT OF 1979.—Sec-  
23          tion 6 of the Export Administration Act of 1979 (22  
24          U.S.C. 2405) is amended by adding at the end the follow-  
25          ing new subsection:

1       “(t) INFORMATION AND INFORMATIONAL MATE-  
2 RIALS.—(1) This section does not authorize export con-  
3 trols on—

4           “(A) information or informational materials;

5           “(B) transactions for the creation or circulation  
6 of or otherwise concerning such information or infor-  
7 mational materials, or any rights in such informa-  
8 tion or informational materials, whether commercial  
9 or otherwise; or

10          “(C) other transactions incidental to the export  
11 of any information or informational materials or to  
12 any transaction described in subparagraph (B).

13       “(2) The information and informational materials re-  
14 ferred to in paragraph (1) include, but are not limited  
15 to—

16           “(A) publications, films, posters, phonograph  
17 records, photographs, microfilms, microfiche, audio-  
18 tapes and videotapes, artworks, telephone conversa-  
19 tions, other voice or data communications or tele-  
20 communications, telecasts, and news wire feeds;

21           “(B) other forms of telecommunications; and

22           “(C) other materials the creation and circula-  
23 tion of which in the United States are protected by  
24 the First Amendment to the United States Constitu-  
25 tion.”.

1 (c) TRADING WITH THE ENEMY ACT.—

2 (1) EXCHANGE OF INFORMATION AND RELATED  
3 TRANSACTIONS.—Section 5(b)(4) of the Trading  
4 with the Enemy Act (50 U.S.C. App. section 5(b))  
5 is amended to read as follows:

6 “(4)(A) The authority granted to the President in  
7 this subsection does not include the authority to regulate  
8 or prohibit, directly or indirectly—

9 “(i) the importation from or exportation to any  
10 country, or the communication or telecommunication  
11 or other form of transmission to any country, of in-  
12 formation or informational materials;

13 “(ii) travel related to any such importation, ex-  
14 portation, communication, telecommunication, or  
15 transmission;

16 “(iii) transactions for the creation or circulation  
17 of or otherwise concerning such information or infor-  
18 mational materials, or any rights in such informa-  
19 tion or informational materials, whether commercial  
20 or otherwise, or

21 “(iv) other transactions incidental to any activ-  
22 ity or transaction described in clause (i), (ii), or (iii).

23 “(B) The information and informational materials re-  
24 ferred to in subparagraph (A)—

25 “(i) include, but are not limited to—

1           “(I) publications, films, posters, phono-  
2           graph records, photographs, microfilms, micro-  
3           fiche, audiotapes and videotapes, artworks, tele-  
4           phone conversations, other voice or data com-  
5           munications or telecommunications, telecasts,  
6           and news wire feeds,

7           “(II) other forms of telecommunications,  
8           and

9           “(III) other materials the creation and cir-  
10          culation of which in the United States would be  
11          protected by the First Amendment to the Unit-  
12          ed States Constitution,

13          whether those materials are in existence at the time  
14          of or are to be created subsequent to or pursuant to  
15          a transaction or activity described in subparagraph  
16          (A); and

17          “(ii) are information and informational mate-  
18          rials that are not otherwise controlled for export  
19          under section 5 of the Export Administration Act of  
20          1979 and with respect to which no acts are prohib-  
21          ited by chapter 37 of title 18, United States Code.”.

1 **SEC. 3. FREEDOM OF TRAVEL FOR UNITED STATES CITI-**  
2 **ZENS.**

3 (a) INTERNATIONAL EMERGENCY ECONOMIC POW-  
4 ERS ACT.—Section 203(b) of the International Emergency  
5 Economic Powers Act (50 U.S.C. 1702(b)) is amended—

6 (1) in paragraph (2) by striking “or” after the  
7 semicolon; and

8 (2) by adding at the end the following:

9 “(4) any of the following transactions incident  
10 to travel by individuals who are citizens or residents  
11 of the United States:

12 “(A) any transactions ordinarily incident  
13 to travel to or from any country, including im-  
14 portation into a country or the United States of  
15 accompanied baggage for personal use only;

16 “(B) any transactions ordinarily incident  
17 to travel or maintenance within any country, in-  
18 cluding the payment of living expenses and the  
19 acquisition of goods for personal consumption;

20 “(C) any transactions ordinarily incident  
21 to the arrangement, promotion, or facilitation  
22 of travel to, from, or within a country;

23 “(D) any transactions incident to non-  
24 scheduled flights of aircraft, or nonscheduled  
25 voyages of vessels to or from any country, ex-  
26 cept that this subparagraph does not authorize

1 the carriage of articles into a country except ac-  
2 companied baggage; or

3 “(E) normal banking transactions involv-  
4 ing foreign currency drafts, traveler’s checks, or  
5 other negotiable instruments incident to travel  
6 to or from any country;

7 except that this paragraph does not authorize the  
8 importation into the United States of any goods for  
9 personal consumption acquired in another country,  
10 other than those items described in paragraphs (1)  
11 and (3);”.

12 (b) TRADING WITH THE ENEMY ACT.—Section 5(b)  
13 of the Trading With the Enemy Act (50 U.S.C. App. 5(b))  
14 is amended by adding at the end the following new para-  
15 graph:

16 “(5) The authority granted to the President in this  
17 subsection does not include the authority to regulate or  
18 prohibit, directly or indirectly, any of the following trans-  
19 actions incident to travel by individuals who are citizens  
20 or residents of the United States:

21 “(A) Any transactions ordinarily incident to  
22 travel to or from any country, including importation  
23 into a country or the United States of accompanied  
24 baggage for personal use only.

1           “(B) Any transactions ordinarily incident to  
2 travel or maintenance within any country, including  
3 the payment of living expenses and the acquisition of  
4 goods for personal consumption.

5           “(C) Any transactions ordinarily incident to the  
6 arrangement, promotion, or facilitation of travel to,  
7 from, or within a country.

8           “(D) Any transactions incident to nonscheduled  
9 flights of aircraft, or nonscheduled voyages of vessels  
10 to or from any country, except that this subpara-  
11 graph does not authorize the carriage of articles into  
12 a country except accompanied baggage.

13           “(E) Normal banking transactions involving  
14 foreign currency drafts, traveler’s checks, or other  
15 negotiable instruments incident to travel to or from  
16 any country.

17 This paragraph does not authorize the importation into  
18 the United States of any goods for personal consumption  
19 acquired in another country, other than those items de-  
20 scribed in paragraph (4).”.

21 **SEC. 4. EDUCATIONAL, CULTURAL, AND SCIENTIFIC ACTIVI-**  
22 **TIES AND EXCHANGES.**

23           (a) INTERNATIONAL EMERGENCY ECONOMIC POW-  
24 ERS ACT.—Section 203(b) of the International Emergency

1 Economic Powers Act (50 U.S.C. 1702(b)) is amended by  
2 adding at the end thereof the following:

3 “(5) financial or other transactions, or travel,  
4 incident to—

5 “(A) activities of scholars,

6 “(B) other educational or academic activi-  
7 ties,

8 “(C) exchanges in furtherance of any such  
9 activities,

10 “(D) cultural activities and exchanges, or

11 “(E) public exhibitions or performances by  
12 the nationals of one country in another country,

13 to the extent that any such activities, exchanges, ex-  
14 hibitions, or performances are not otherwise con-  
15 trolled for export under section 5 of the Export Ad-  
16 ministration Act of 1979 and to the extent that,  
17 with respect to such activities, exchanges, exhibi-  
18 tions, or performances, no acts are prohibited by  
19 chapter 37 of title 18, United States Code; or”.

20 (b) TRADING WITH THE ENEMY ACT.—Section 5(b)  
21 of the Trading With the Enemy Act is amended by adding  
22 at the end thereof the following:

23 “(6) The authority granted to the President in this  
24 subsection does not include the authority to regulate or

1 prohibit, directly or indirectly, financial or other trans-  
2 actions, or travel, incident to—

3 “(A) activities of scholars,

4 “(B) other educational or academic activities,

5 “(C) exchanges in furtherance of any such ac-  
6 tivities,

7 “(D) cultural activities and exchanges, or

8 “(E) public exhibitions or performances by the  
9 nationals of one country in another country,

10 to the extent that any such activities, exchanges, exhibi-  
11 tions, or performances are not otherwise controlled for ex-  
12 port under section 5 of the Export Administration Act of  
13 1979 and to the extent that, with respect to such activi-  
14 ties, exchanges, exhibitions, or performances, no acts are  
15 prohibited by chapter 37 of title 18, United States Code.”.

16 **SEC. 5. ESTABLISHMENT OF NEWS BUREAUS.**

17 (a) INTERNATIONAL EMERGENCY ECONOMIC POW-  
18 ERS ACT.—Section 203(b) of the International Emergency  
19 Economic Powers Act (50 U.S.C. 1702(b)) is amended by  
20 adding at the end thereof the following:

21 “(6) financial or other transactions related to  
22 the establishment of bureaus by United States news  
23 organizations in foreign countries, or the establish-  
24 ment of news bureaus in the United States by for-  
25 eign news organizations.”.

1 (b) TRADING WITH THE ENEMY ACT.—Section 5(b)  
2 of the Trading With the Enemy Act (50 U.S.C. App. 5(b))  
3 is amended by adding at the end the following:

4 “(7) The authority granted to the President in this  
5 subsection does not include the authority to regulate or  
6 prohibit, directly or indirectly, financial or other trans-  
7 actions related to the establishment of bureaus by United  
8 States news organizations in foreign countries, or the es-  
9 tablishment of news bureaus in the United States by for-  
10 eign news organizations.”.

11 **SEC. 6. FOREIGN ASSISTANCE ACT OF 1961.**

12 Section 620(a) of the Foreign Assistance Act of 1961  
13 (22 U.S.C. 2370(a)) is amended by adding at the end  
14 thereof the following:

15 “(3) Notwithstanding paragraph (1), the authority  
16 granted to the President in such paragraph does not in-  
17 clude the authority to regulate or prohibit, directly or indi-  
18 rectly, any activities or transactions which may not be reg-  
19 ulated or prohibited under paragraphs (4), (5), (6), or (7)  
20 of section 5(b) of the Trading With the Enemy Act.”.

21 **SEC. 7. UNITED NATIONS PARTICIPATION ACT.**

22 Section 5(a) of the United Nations Participation Act  
23 of 1945 (22 U.S.C. 287c) is amended by adding after the  
24 first sentence the following: “The authority granted under  
25 this section does not include the authority to regulate or

1 prohibit any of the activities which may not be regulated  
2 or prohibited under paragraphs (3), (4), (5), and (6) of  
3 section 203(b) of the International Emergency Economic  
4 Powers Act.”.

5 **SEC. 8. APPLICABILITY.**

6 (a) INTERNATIONAL EMERGENCY ECONOMIC POW-  
7 ERS ACT.—The amendments made by sections 2(a), 3(a),  
8 4(a), and 5(a) apply to actions taken by the President  
9 under the International Emergency Economic Powers Act  
10 before the date of the enactment of this Act which are  
11 in effect on such date of enactment, and to actions taken  
12 under such section on or after such date of enactment.

13 (b) TRADING WITH THE ENEMY ACT.—(1) The au-  
14 thorities conferred upon the President by section 5(b) of  
15 the Trading With the Enemy Act, which were being exer-  
16 cised with respect to a country on July 1, 1977, as a result  
17 of a national emergency declared by the President before  
18 the date, and are being exercised on the date of the enact-  
19 ment of this Act, do not include the authority to regulate  
20 or prohibit, directly or indirectly, any activity which, under  
21 paragraph (4), (5), (6), or (7) of section 5(b) of the Trad-  
22 ing With the Enemy Act, as amended and added by this  
23 Act, may not be regulated or prohibited.

24 (2) The amendments made by sections 2(c), 3(b),  
25 4(b), and 5(b) apply to actions taken by the President

1 under section 5(b) of the Trading With the Enemy Act  
2 before the date of the enactment of this Act which are  
3 in effect on such date of enactment, and to actions taken  
4 under such section on or after such date of enactment.

5 (3) This subsection does not alter the status of assets  
6 blocked pursuant to the Trading With the Enemy Act be-  
7 fore the date of the enactment of this Act.

8 (c) EXPORT ADMINISTRATION ACT OF 1979.—The  
9 amendment made by section 2(b) shall apply to actions  
10 taken by the President under section 6 of the Export Ad-  
11 ministration Act of 1979 before the date of the enactment  
12 of this Act which are in effect on such date of enactment,  
13 and to actions taken under such section on or after such  
14 date of enactment.

15 (d) FOREIGN ASSISTANCE ACT.—(1) The amend-  
16 ment made by section 6 applies to actions taken by the  
17 President under section 620(a)(1) of the Foreign Assist-  
18 ance Act of 1961 before the date of the enactment of this  
19 Act which are in effect on such date of enactment, and  
20 to actions taken under such section on or after such date  
21 of enactment.

22 (2) Paragraph (1) does not alter the status of assets  
23 blocked pursuant to section 620(a)(1) of the Foreign As-  
24 sistance Act of 1961 before the date of the enactment of  
25 this Act.

