

104TH CONGRESS
1ST SESSION

S. 766

To protect the constitutional right to travel to foreign countries.

IN THE SENATE OF THE UNITED STATES

MAY 9 (legislative day, MAY 1), 1995

Mr. SIMON introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To protect the constitutional right to travel to 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 “Freedom to Travel
5 Act of 1995”.

6 **SEC. 2. TRAVEL TO FOREIGN COUNTRIES.**

7 (a) FREEDOM OF TRAVEL FOR UNITED STATES CITI-
8 ZENS AND LEGAL RESIDENTS.—The President shall not
9 restrict travel abroad by United States citizens or legal
10 residents, except to countries with which the United States
11 is at war, where armed hostilities are in progress, or where

1 there is imminent danger to the public health or the phys-
2 ical safety of United States travelers.

3 (b) 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) by striking “or” at the end of paragraphs
7 (2) and (3); and

8 (2) by amending paragraph (4) to read as fol-
9 lows:

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

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

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

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

24 “(D) any transactions incident to non-
25 scheduled air, sea, or land voyages, except that

1 this subparagraph does not authorize the car-
2 riage of articles into a country except accom-
3 panied baggage; and

4 “(E) normal banking transactions incident
5 to the activities described in the preceding pro-
6 visions of this paragraph, including the issu-
7 ance, clearing, processing, or payment of
8 checks, drafts, travelers checks, credit or debit
9 card instruments, or similar instruments;

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

15 (c) AMENDMENTS TO TRADING WITH THE ENEMY
16 ACT.—Section 5(b) of the Trading With the Enemy Act
17 (50 U.S.C. App. 5(b)) is amended by adding at the end
18 the following new paragraph:

19 “(5) The authority granted by the President in this
20 section does not include the authority to regulate or pro-
21 hibit, directly or indirectly, any of the following trans-
22 actions incident to travel by individuals who are citizens
23 or residents of the United States:

24 “(A) Any transactions ordinarily incident to
25 travel to or from any country, including importation

1 into a country or the United States of accompanied
2 baggage for personal use only.

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

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

10 “(D) Any transactions incident to nonscheduled
11 air, sea, or land voyages, except that this subpara-
12 graph does not authorize the carriage of articles into
13 a country except accompanied baggage.

14 “(E) Normal banking transactions incident to
15 the activities described in the preceding provisions of
16 this paragraph, including the issuance, clearing,
17 processing, or payment of checks, drafts, travelers
18 checks, credit or debit card instruments, negotiable
19 instruments, or similar instruments.

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

1 **SEC. 3. EDUCATIONAL, CULTURAL, AND SCIENTIFIC ACTIVI-**
2 **TIES AND EXCHANGES.**

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 by
6 adding after paragraph (4) the following new paragraph:

7 “(5) financial or other transactions, or travel,
8 incident to—

9 “(A) activities of scholars;

10 “(B) other educational or academic activi-
11 ties;

12 “(C) exchanges in furtherance of any such
13 activities;

14 “(D) cultural activities and exchanges; or

15 “(E) public exhibitions or performances by
16 the nationals of one country in another country,
17 to the extent that any such activities, exchanges, ex-
18 hibitions, or performances are not otherwise con-
19 trolled for export under section 5 of the Export Ad-
20 ministration Act of 1979 and to the extent that,
21 with respect to such activities, exchanges, exhibi-
22 tions, or performances, no acts are prohibited by
23 chapter 37 of title 18, United States Code.”.

24 (b) TRADING WITH THE ENEMY ACT.—Section 5(b)
25 of the Trading With the Enemy Act (50 U.S.C. App. 5(b))

1 is amended by adding at the end the following new para-
2 graph:

3 “(6) The authority granted to the President in this
4 subsection does not include the authority to regulate or
5 prohibit, directly or indirectly, financial or other trans-
6 actions, or travel, incident to—

7 “(A) activities of scholars;

8 “(B) other educational or academic activities;

9 “(C) exchanges in furtherance of any such ac-
10 tivities;

11 “(D) cultural activities and exchanges; or

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

14 to the extent that any such activities, exchanges, exhibi-
15 tions, or performances are not otherwise controlled for ex-
16 port under section 5 of the Export Administration Act of
17 1979 and to the extent that, with respect to such activi-
18 ties, exchanges, exhibitions, or performances, no acts are
19 prohibited by chapter 37 of title 18, United States Code.”.

20 **SEC. 4. FOREIGN ASSISTANCE ACT OF 1961.**

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

24 “(3) Notwithstanding paragraph (1), the authority
25 granted to the President in such paragraph does not in-

1 clude the authority to regulate or prohibit, directly or indi-
2 rectly, any activities or transactions which may not be reg-
3 ulated or prohibited under paragraph (5) or (6) of section
4 5(b) of the Trading With the Enemy Act.”.

5 **SEC. 5. APPLICABILITY.**

6 (a) INTERNATIONAL ECONOMIC EMERGENCY POW-
7 ERS ACT.—The amendments made by sections 2(a) and
8 3(a) apply to actions taken by the President under section
9 203 of 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.

13 (b) TRADING WITH THE ENEMY ACT.—The authori-
14 ties conferred upon the President by section 5(b) of the
15 Trading With the Enemy Act, which were being exercised
16 with respect to a country on July 1, 1977, as a result
17 of a national emergency declared by the President before
18 such date, and are being exercised on the date of the en-
19 actment of this Act, do not include the authority to regu-
20 late or prohibit, directly or indirectly, any activity which
21 under section 5(b)(5) or (6) of the Trading With the
22 Enemy Act (as added by this Act) may not be regulated
23 or prohibited.

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