

Calendar No. 159

79TH CONGRESS
1ST SESSION**S. 805**

[Report No. 161]

IN THE SENATE OF THE UNITED STATES

MARCH 30 (legislative day, MARCH 16), 1945

Mr. THOMAS of Utah introduced the following bill; which was read twice
and referred to the Committee on Military Affairs

APRIL 4 (legislative day, MARCH 16), 1945

Reported by Mr. THOMAS of Utah, with an amendment

[Insert the part printed in italic]

A BILL

To insure further the military security of the United States by preventing disclosures of information secured through official sources.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That whoever, by virtue of his employment by or perform-
- 4 ance of services for the United States or *by virtue of his*
- 5 *employment by any person, firm, or corporation perform-*
- 6 *ing services for the United States or by virtue of his service*
- 7 *in the armed forces of the United States, having obtained,*
- 8 *or having had custody of, access to, or knowledge of (1)*
- 9 *any information concerning the nature, preparation, or use of*

1 any code, cipher, or cryptographic or cryptanalytical system
2 of the United States or any foreign government, or (2)
3 any information concerning the design, construction, use,
4 maintenance, or repair of any device, apparatus, or appliance
5 used or prepared or planned for use by the United States
6 or any foreign government for cryptographic or cryptanalytic
7 purpose, or (3) any material which has been, or purports to
8 have been, prepared or transmitted in or by the use of any
9 code, cipher, or cryptographic system of the United States
10 or any foreign government, or (4) any information con-
11 cerning the cryptographic or cryptanalytic activities of the
12 United States or any foreign government, or (5) any infor-
13 mation which has been or purports to have been derived from
14 cryptanalysis of messages transmitted by the United States
15 or any foreign government, shall, without authorization by
16 the head of the department or agency by which such person
17 was employed or in which he performed services at the time
18 when he had custody of or access to or obtained knowledge
19 of the above-described information or material, communicate,
20 furnish, or transmit to another or publish any such infor-
21 mation or material, shall be fined not more than \$10,000,
22 or imprisoned not more than ten years, or both. Authoriza-
23 tions, as herein provided, shall be granted only in accordance
24 with regulations prescribed by the President.

25 SEC. 2. Whoever, by virtue of his employment by or

1 performance of services for any foreign government or by
2 virtue of his service in the armed forces of any foreign gov-
3 ernment, having obtained, or having had custody of, access
4 to, or knowledge of (1) any information concerning the
5 nature, preparation, or use of any code, cipher, or crypto-
6 graphic or cryptanalytical system of the United States, or
7 (2) any information concerning the design, construction,
8 use, maintenance, or repair of any device, apparatus, or
9 appliance used or prepared or planned for use by the United
10 States for cryptographic or cryptanalytic purpose, or (3)
11 any material which has been, or purports to have been, pre-
12 pared or transmitted in or by the use of any code, cipher, or
13 cryptographic system of the United States, or (4) any in-
14 formation concerning the cryptographic or cryptanalytic
15 activities of the United States, or (5) any information which
16 has been or purports to have been derived from cryptanalysis
17 of messages transmitted by the United States, shall, without
18 joint authorization by the Secretary of State, the Secretary
19 of War, and the Secretary of the Navy communicate, furnish,
20 or transmit to another or publish any such information or
21 material, shall be fined not more than \$10,000, or imprisoned
22 not more than ten years, or both.

23 SEC. 3. The term "foreign government" as used herein
24 includes any person or persons acting or purporting to act
25 for or on behalf of any military or naval force, faction, party,

1 department, agency, or bureau of or within a foreign country,
2 or for or on behalf of any government or any person or
3 persons purporting to act as a government within a foreign
4 country, whether or not such government is recognized by
5 the United States.

6 SEC. 4. (a) The term "cryptographic" as used herein
7 includes any code, cipher, secret writing, deception, mechan-
8 ical or electrical device, or other method used to disguise
9 or conceal the meaning of any communication.

10 (b) The term "cryptanalytic" as used herein includes
11 all methods of interception and all methods of obtaining
12 information of the contents of cryptographic communication.

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