The enclosed draft of S.1019 is being forwarded to you for (1) general comments, and (2) legal comments. It is desired that comments, if any, be returned to this office (WDGAS-95, Attention Major M. H. Klein) on or before 28 August 1947.
Proposed amended version of
S.1019
A BILL

To insure further the security of the United States by preventing
disclosures of information concerning the cryptographic systems
and the communication intelligence activities of the United States
and of foreign governments.

Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,
That whoever having obtained or having had custody of, access to,
or knowledge of (1) any classified information concerning the
nature, preparation, or use of any code, cipher, or cryptographic
system of the United States or any foreign government; or (2) any
classified information concerning the design, construction, use,
maintenance, or repair of any device, apparatus, or appliance used
or prepared or planned for use by the United States or any foreign
government for cryptographic or communication intelligence purposes,
or (3) any classified information concerning the communication
intelligence activities of the United States or any foreign govern-
ment; or (4) any classified information obtained from the communications
of the United States or any foreign government by the processes of
communication intelligence, shall willfully communicate, furnish,
transmit, or otherwise make available to a person not authorized
to receive such information, or publish, any such classified informa-
tion shall be fined not more than $10,000 or imprisoned not more than
ten years or both
Sec. 2. The term "classified information" as used herein shall, for the purposes of this Act, be construed to mean information segregated, and limited or restricted in dissemination or distribution for purposes of national security, by a United States government agency, and marked with or designated by a marking or designation signifying such segregation, limitation, and restriction. The term "classified procedures and methods" as used herein shall be construed accordingly.

Sec. 3. The terms "code", "cipher", and "cryptographic system" as used herein shall, for the purposes of this Act, be construed to include in their meaning any method of secret writing and any mechanical or electrical device or method used for the purpose of disguising or concealing the contents or the meaning of communications. The term "cryptographic purposes" as used herein is correspondingly extended in the scope of its meaning.

Sec. 4. The term "foreign government" as used herein shall, for the purposes of this Act, be construed to include in its meaning any person or persons acting or purporting to act for or on behalf of any faction, party, department, agency, bureau, or military force of or within a foreign country, or for or on behalf of any government or any person or persons purporting to act as a government within a foreign country, whether or not such government is recognized by the United States.

Sec. 5. The term "communication intelligence" as used herein shall, for the purposes of this Act, be construed to mean a field of endeavor which includes all classified procedures and methods used
in the interception of communications, and the obtaining of information from such communications, by other than the intended recipients. The terms "communication intelligence activities" and "communication intelligence purposes" as used herein shall be construed accordingly.

Sec. 6. The phrase "a person not authorized to receive such information" as used herein shall, for the purposes of this Act, be construed to mean any person or agency which is not so authorized by the head of a department or agency of the United States Government which is expressly designated by the President to engage in communication intelligence activities for the United States.

Sec. 7. Nothing in this Act shall prohibit the furnishing, upon lawful demand, of information to any regularly constituted committee of the Senate or House of Representatives of the United States of America, or joint committee thereof.