25 June 45

Col Lordorman

Hereewith copy of S 805 as passed by Senate & referred to House Committee on Judiciary. Note new Section 5. Other changes very minor.

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79TH CONGRESS
1ST SESSION

S. 805

IN THE HOUSE OF REPRESENTATIVES
JUNE 22, 1945
Referred to the Committee on the Judiciary

AN ACT
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
10 any code, cipher, or cryptographic or cryptanalytical system
of the United States or any foreign government, or (2) any 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 cryptanalytic purpose, or (3) any material which has been, or purports to have been, prepared or transmitted in or by the use of any code, cipher, or cryptographic system of the United States or any foreign government, or (4) any information concerning the cryptographic or cryptanalytic activities of the United States or any foreign government, or (5) any information which has been or purports to have been derived from cryptanalysis of messages transmitted by the United States or any foreign government, shall willfully, without authorization by the head of the department or agency by which such person was employed or in which he performed services at the time when he had custody of or access to or obtained knowledge of the above-described information or material, communicate, furnish, or transmit to another or publish any such information or material, shall be fined not more than $10,000, or imprisoned not more than ten years, or both. Authorizations, as herein provided, shall be granted only in accordance with regulations prescribed by the President.

SEC. 2. Whoever, by virtue of his employment by or performance of services for any foreign government or by
virtue of his service in the armed forces of any foreign

government, having obtained, or having had custody of, access
to, or knowledge of (1) any information concerning the
nature, preparation, or use of any code, cipher, or crypto-
graphic or cryptanalytical system of the United States, or
(2) any 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 for cryptographic or cryptanalytic purpose, or (3)
any material which has been, or purports to have been, pre-
pared or transmitted in or by the use of any code, cipher, or
cryptographic system of the United States, or (4) any in-
formation concerning the cryptographic or cryptanalytic
activities of the United States, or (5) any information which
has been or purports to have been derived from cryptanalysis
of messages transmitted by the United States, shall willfully,
without joint authorization by the Secretary of State, the
Secretary of War, and the Secretary of the Navy communi-
cate, furnish, or transmit to another or publish any such in-
formation or material, shall be fined not more than $10,000,
or imprisoned not more than ten years, or both.

SEC. 3. The term "foreign government" as used herein
includes any person or persons acting or purporting to act
for or on behalf of any military or naval force, faction, party,
department, agency, or bureau 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. 4. (a) The terms "code", "cipher", and "cryptographic" as used herein include any secret writing, deception, mechanical or electrical device, or other method used for the purpose of disguising or concealing the meaning of any communication.

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

SEC. 5. 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.

Passed the Senate June 21, 1945.

Attest: LESLIE L. BIFFLE, Secretary.
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