

Drafted 26 Aug 19
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Major Klam and
myself, J.

ASA Proposed amended version of

S.1019

A BILL

^{enhance}
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 ^{any information known by him to be classified,} ~~(1) any classified information concerning the~~ ^{concerning (1) 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 government; or (4) ^{the contents of any communication} ~~any classified information~~ ^{obtained from the communications of the United States or any foreign government by the processes of communication intelligence} ~~obtained from the communications of the United States or any foreign government by the processes of communication intelligence~~ ^{which have been obtained by any agency of the United States, shall} ~~shall~~ ^{publish} willfully communicate, furnish, transmit, or ~~in~~ otherwise make available ^{any} to ~~a~~ ^{or persons not entitled} person ~~not authorized~~ to receive

such information, ~~or publish~~ ^{if use in any manner/prejudice etc} any such classified information 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,~~ ^{which as the purpose of a violation of Sect-1 of this Act was} 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 ^{the intelligence resulting from operations in that} ~~a~~ field of endeavor which includes all ~~classified~~ ^{data,} procedures, ^{and mechanisms} 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 "^{any} ~~a~~ person ^{or persons not entitled} not authorized to receive such information" as used herein shall, ~~for the purposes of this Act,~~ be construed to mean any person ^{or persons not} ~~at an agency which is not 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.

within the United States Government or so