

1529370

25 June 45

Col Cordorman

Herewith 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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79<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 805

*File*

Final as

passed after  
reconsideration

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IN THE HOUSE OF REPRESENTATIVES

JUNE 22, 1945

Referred to the Committee on the Judiciary

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## 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

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

24 SEC. 2. Whoever, by virtue of his employment by or  
25 performance of services for any foreign government or by

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

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

4

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

5 SEC. 4. (a) The terms "code", "cipher", and "cryp-  
6 tographic" as used herein include any secret writing, decep-  
7 tion, mechanical or electrical device, or other method used  
8 for the purpose of disguising or concealing the meaning of  
9 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.

13 SEC. 5. Nothing in this Act shall prohibit the furnishing,  
14 upon lawful demand, of information to any regularly con-  
15 stituted committee of the Senate or House of Representatives  
16 of the United States of America.

Passed the Senate June 21, 1945.

Attest:

LESLIE L. BIFFLE,

*Secretary.*

79TH CONGRESS  
1ST SESSION

**S. 805**

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