

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.

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 currently 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 currently 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 currently classified information concerning the communication intelligence activities of the United States; or (4) any currently classified information obtained from the communications of any foreign government by any communication intelligence authority of the United States, shall willfully communicate, furnish, transmit, publish, or otherwise make available to any person not entitled to have such information, shall (1) in the

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case of matter officially classified "restricted", be fined not more than \$1000 or imprisoned not more than two years or both; (ii) in the case of matter officially classified "confidential", be fined not more than \$5000 or imprisoned not more than five years or both; and (iii) in the case of matter officially classified "secret" or higher, 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 the intelligence resulting from operations in that 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. Regulations governing the classification, reclassification, declassification, and publication of material of the nature of that described in Sec. 1 of this Act shall be prescribed by the President.

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.