

82^D CONGRESS
1ST SESSION

S. 537

IN THE SENATE OF THE UNITED STATES

JANUARY 17 (legislative day, JANUARY 8), 1951

Mr. JOHNSON of Colorado (by request) introduced the following bill; which was read twice and referred to the Committee on Interstate and Foreign Commerce

A BILL

To provide for the greater security and defense of the United States against attack, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That the purpose of this Act is to provide for the greater se-
4 curity and defense of the United States by controlling or
5 using electromagnetic radiation in such a manner as to mini-
6 mize or prevent navigational aid to any foreign country in an
7 attack upon the United States.

8 SEC. 2. (a) In time of war, national emergency, or
9 whenever the President deems it advisable in the interest of
10 national security, the President may control the use by any
11 person, and authorize the use by such departments or agen-

1 cies of the United States as he may direct, of any instrument,
2 device, apparatus, or other thing capable of emitting electro-
3 magnetic radiation between ten thousandths and one hundred
4 thousand megacycles per second to the extent that he deems
5 such use or control necessary to minimize or prevent naviga-
6 tional aid to any foreign country in an attack upon the United
7 States. To this end the President may make such regula-
8 tions and issue such orders as he considers necessary, which
9 regulations and orders shall, consistent with the requirements
10 of national security, be published in the Federal Register.

11 (b) The President may delegate to government depart-
12 ments, agencies, and officers such authority, duties, and func-
13 tions as he considers necessary to accomplish the purposes
14 of this Act.

15 SEC. 3. The owner of any instrument, device, apparatus,
16 or thing which is used by a department or agency of the
17 United States under the provisions of section 2 of this Act
18 shall be entitled to just compensation for such use.

19 The President shall determine the amount of such com-
20 pensation. Each determination of just compensation shall
21 be made, as of the time of the use, in accordance with the
22 provisions for just compensation in the fifth amendment
23 to the Constitution of the United States. If the person en-
24 titled to receive the amount determined by the President as
25 just compensation is unwilling to accept the same as full and

1 complete compensation for such use thereof, he shall promptly
2 be paid 75 per centum of such amount and shall be entitled
3 to sue the United States, in an action brought in the Court
4 of Claims or, without regard to whether the amount involved
5 exceeds \$10,000, in a district court of the United States,
6 within three years after the date of the President's determina-
7 tion, to recover such additional amount which, when added to
8 the amount so paid to him, shall be determined by the court
9 to constitute just compensation.

10 SEC. 4. Chapter 37 of title 18 of the United States Code
11 is amended by adding the following new caption at the end
12 of the table of contents:

“798. Electromagnetic radiation useable by an enemy”

13 This chapter is further amended by adding the following
14 new section after section 797:

15 “§ 798. Electromagnetic radiation usable by an enemy.

16 “Whoever, in violation of any regulation or order for
17 the security of the United States promulgated under the
18 Electromagnetic Radiation Control Act, knowingly has or
19 retains control, custody, or possession of any instrument,
20 device, apparatus, or other thing capable of emitting electro-
21 magnetic radiation between ten thousandths and one hundred
22 thousand megacycles per second which might assist any
23 foreign country in an attack upon the United States; or who-

1 ever, having control, custody, or possession of any instrument,
2 device, apparatus, or other thing capable of emitting electro-
3 magnetic radiation between ten thousandths and one hundred
4 thousand megacycles per second which might assist any
5 foreign country in an attack upon the United States, know-
6 ingly uses such instrument, device, apparatus, or other thing
7 in violation of any regulation or order for the security of the
8 United States promulgated under the Electromagnetic Radi-
9 ation Control Act, or knowingly suffers the same to be used
10 in violation of any such regulation or order, shall, if an
11 individual, be fined not more than \$10,000 or imprisoned
12 not more than five years, or both, and if a firm, partnership,
13 association, or corporation be fined not more than \$50,000.”

14 SEC. 5. When used in this Act—

15 (a) The term “United States” shall include the several
16 States, the District of Columbia, the Territories and pos-
17 sessions of the United States, and all other areas under the
18 control of the United States.

19 (b) The term “person” shall include any individual,
20 firm, partnership, association, or corporation as well as any
21 vessel or aircraft within the jurisdiction of the United States.

1 SEC. 6. There are hereby authorized to be appropriated
2 such sums as may be necessary to carry out the provisions of
3 this Act.

4 SEC. 7. This Act may be cited as the "Electromagnetic
5 Radiation Control Act".

6 SEC. 8. The Congress by concurrent resolution, or the
7 President by proclamation, may terminate the authority
8 granted under section 2 of this Act.

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