

**S. 537**

[Report No. 549]

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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

JULY 17 (legislative day, JUNE 27), 1951

Reported by Mr. JOHNSON of Colorado with amendments

[Strike out all after the enacting clause and insert the part printed in italic]

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**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 eies 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 usable 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-  
24 ever, having control, custody, or possession of any instrument,

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

13 SEC. 5. When used in this Act—

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

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

21 SEC. 6. There are hereby authorized to be appropriated  
22 such sums as may be necessary to carry out the provisions of  
23 this Act.

24 SEC. 7. This Act may be cited as the "Electromagnetic  
25 Radiation Control Act".

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

4        That section 606 (c) of the Communications Act of 1934,  
5 as amended, is amended to read as follows:

6        “(c) Upon proclamation by the President that there  
7 exists war or a threat of war, or a state of public peril or  
8 disaster or other national emergency, or in order to preserve  
9 the neutrality of the United States, the President, if he deems  
10 it necessary in the interest of national security or defense, may  
11 suspend or amend, for such time as he may see fit, the rules  
12 and regulations applicable to any or all stations or devices  
13 capable of emitting electromagnetic radiations within the  
14 jurisdiction of the United States as prescribed by the Com-  
15 mission, and may cause the closing of any station for radio  
16 communication, or any device capable of emitting electro-  
17 magnetic radiations between 10 kilocycles and 100,000 mega-  
18 cycles, which is suitable for use as a navigational aid beyond  
19 five miles, and the removal therefrom of its apparatus and  
20 equipment, or he may authorize the use or control of any  
21 such station or device and/or its apparatus and equipment,  
22 by any department of the Government under such regula-  
23 tions as he may prescribe upon just compensation to the  
24 owners.”

1        *SEC. 2. Section 606 of such Act is further amended*  
2 *by adding at the end thereof a new subsection as follows:*

3        *“(h) Any person who willfully and knowingly does or*  
4 *causes or suffers to be done any act, matter, or thing pro-*  
5 *hibited or declared to be unlawful pursuant to the exercise*  
6 *of the President’s powers and authority under this section,*  
7 *or who willfully and knowingly omits or fails to do any act,*  
8 *matter, or thing which he is required to do pursuant to exer-*  
9 *cise of the President’s powers and authority under this*  
10 *section, or who willfully and knowingly causes or suffers*  
11 *such omission or failure shall, upon conviction thereof, be*  
12 *punished for such offense by a fine of not more than \$1,000*  
13 *or by imprisonment for a term of not more than one year,*  
14 *or both, and, if a firm, partnership, association, or corpora-*  
15 *tion, be fined not more than \$5,000.”*

Amend the title so as to read: “A bill to further amend  
the Communications Act of 1934.”

Calendar No. 522

82<sup>d</sup> CONGRESS  
1<sup>ST</sup> SESSION

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