AMENDMENT TO
RULES COMMITTEE PRINT 117–20
OFFERED BY MS. TLAIB OF MICHIGAN

Page 139, after line 10, insert the following:

SEC. 814. ESPIONAGE ACT REFORM.

(a) GATHERING, TRANSMITTING, OR LOSING DEFENSE INFORMATION.—Section 793 of title 18, United States Code, is amended—

(1) in subsection (a), by striking “with intent or reason to believe” and inserting “with specific intent”;

(2) in subsection (b)—

(A) by striking “or reason to believe”; and

(B) by inserting “that has been properly classified that is” after “of anything”;

(3) in subsection (c), by inserting “that has been properly classified that is” after “of anything”; 

(4) in subsection (d), by inserting after “willfully” each place it appears the following: “, and with specific intent to injure the United States or advantage any foreign nation,”; and

(5) in subsection (e), by inserting after “willfully” each place it appears the following: “, and
with specific intent to injure the United States or
advantage any foreign nation,”.

(b) Disclosure of Classified Information.—
Section 798(a) of title 18, United States Code, is amended
by inserting after “knowingly and willfully” the following:
“with specific intent to injure the United States or
advantage any foreign nation,”.

(c) Testimony of Purpose.—
(1) In General.—Chapter 37 of title 18,
United States Code, is amended by adding at the
end the following:

“§ 799A. Testimony of purpose
“A defendant charged with an offense under section
793 or 798 shall be permitted to testify about their pur-
pose for engaging in the prohibited conduct.

“§ 799B. Affirmative defense
“It is an affirmative defense to a charge under sec-
tion 793 or 798 that the defendant engaged in the prohib-
ited conduct for the purpose of disclosing to the public—
“(1) any violation of any law, rule, or regu-
lation; or
“(2) gross mismanagement, a gross waste of
funds, an abuse of authority, or a substantial and
specific danger to public health or safety.”.”
(2) CLERICAL AMENDMENT.—The table of sections for chapter 37 is amended by adding at the end the following:

“799A. Testimony of purpose.
“799B. Affirmative defense.”.