

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

Page 139, after line 10, insert the following:

1 **SEC. 814. ESPIONAGE ACT REFORM.**

2 (a) GATHERING, TRANSMITTING, OR LOSING DE-  
3 FENSE INFORMATION.—Section 793 of title 18, United  
4 States Code, is amended—

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

8 (2) in subsection (b)—

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

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

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

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

18 (5) in subsection (e), by inserting after “will-  
19 fully” each place it appears the following: “, and

1 with specific intent to injure the United States or  
2 advantage any foreign nation,”.

3 (b) DISCLOSURE OF CLASSIFIED INFORMATION.—

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

8 (c) TESTIMONY OF PURPOSE.—

9 (1) IN GENERAL.—Chapter 37 of title 18,  
10 United States Code, is amended by adding at the  
11 end the following:

12 **“§ 799A. Testimony of purpose**

13 “A defendant charged with an offense under section  
14 793 or 798 shall be permitted to testify about their pur-  
15 pose for engaging in the prohibited conduct.

16 **“§ 799B. Affirmative defense**

17 “It is an affirmative defense to a charge under sec-  
18 tion 793 or 798 that the defendant engaged in the prohib-  
19 ited conduct for the purpose of disclosing to the public—

20 “(1) any violation of any law, rule, or regula-  
21 tion; or

22 “(2) gross mismanagement, a gross waste of  
23 funds, an abuse of authority, or a substantial and  
24 specific danger to public health or safety.”.

1                   (2) CLERICAL AMENDMENT.—The table of sec-  
2                   tions for chapter 37 is amended by adding at the  
3                   end the following:

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

