

**AMENDMENT TO RULES COMMITTEE PRITN 117-**

**54**

**OFFERED BY MS. TLAIB OF MICHIGAN**

Add at the end of title LVIII of division E the following:

1 **SEC. \_\_\_\_ . 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”;

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

12 (C) by striking “Whoever” and inserting  
13 “An individual who, while a covered person”;

14 (3) in subsection (c)—

15 (A) by inserting “that has been properly  
16 classified that is” after “of anything”; and

17 (B) by striking “Whoever” and inserting  
18 “A foreign agent who”;

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

5           (5) in subsection (e)—

6           (A) by inserting after “willfully” each  
7           place it appears the following: “, and with spe-  
8           cific intent to injure the United States or ad-  
9           vantage any foreign nation,”; and

10          (B) by striking “Whoever” and inserting  
11          “An individual who, while a covered person,”;

12          (6) by adding at the end the following:

13          “(i) DEFINITIONS.—In this section:

14          “(1) COVERED PERSON.—The term ‘covered  
15          person’ means an individual who—

16                 “(A) receives official access to classified in-  
17                 formation granted by the United States Govern-  
18                 ment;

19                 “(B) signs a nondisclosure agreement with  
20                 regard to such classified information; and

21                 “(C) is authorized to receive documents,  
22                 writings, code books, signal books, sketches,  
23                 photographs, photographic negatives, blue  
24                 prints, plans, maps, models, instruments, appli-

1           ances, or notes of anything connected with the  
2           national defense by—

3                   “(i) the President; or

4                   “(ii) the head of a department or agen-  
5                   cy of the United States Government which  
6                   is expressly designated by the President to  
7                   engage in activities relating to the national  
8                   defense.

9           “(2) FOREIGN AGENT.—The term ‘foreign  
10       agent’—

11                   “(A) has the meaning given the term  
12                   ‘agent of a foreign power’ under section 101 of  
13                   the Foreign Intelligence Surveillance Act of  
14                   1978 (50 U.S.C. 1801); and

15                   “(B) does not include a person who is an  
16                   agent of a foreign power (as so defined) with  
17                   respect to a foreign power described in section  
18                   101(a)(5) of the Foreign Intelligence Surveil-  
19                   lance Act of 1978 (50 U.S.C. 1801(a)(5)).”.”.

20       (b) DISCLOSURE OF CLASSIFIED INFORMATION.—  
21       Section 798 of title 18, United States Code, is amended—

22                   (1) in subsection (a)—

23                   (A) by inserting after “knowingly and will-  
24                   fully” the following: “, and with specific intent

1 to injure the United States or advantage any  
2 foreign nation,”; and

3 (B) by striking “Whoever” and inserting  
4 “Any individual who, while a covered person,”;  
5 and

6 (2) in subsection (b), by adding at the end the  
7 following:

8 “The term ‘covered person’ means an individual  
9 who—

10 “(A) receives official access to classified in-  
11 formation granted by the United States Govern-  
12 ment;

13 “(B) signs a nondisclosure agreement with  
14 regard to such classified information; and

15 “(C) is authorized to receive documents,  
16 writings, code books, signal books, sketches,  
17 photographs, photographic negatives, blue  
18 prints, plans, maps, models, instruments, appli-  
19 ances, or notes of anything connected with the  
20 national defense by—

21 “(i) the President; or

22 “(ii) the head of a department or agen-  
23 cy of the United States Government which  
24 is expressly designated by the President to

1 engage in activities relating to the national  
2 defense.”.

3 (c) TESTIMONY OF PURPOSE.—

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

7 **“§ 799A. Testimony of purpose**

8 “A defendant charged with an offense under section  
9 793 or 798 shall be permitted to testify about their pur-  
10 pose for engaging in the prohibited conduct.

11 **“§ 799B. Affirmative defense**

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

15 “(1) any violation of any law, rule, or regula-  
16 tion; or

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

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

“799A. Testimony of purpose.

“799B. Affirmative defense.”.

