

116TH CONGRESS
2D SESSION

H. R. 8452

To amend title 18, United States Code, to clarify certain offenses related to espionage, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 30, 2020

Ms. GABBARD introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to clarify certain offenses related to espionage, 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 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protect Brave Whistle-
5 blowers Act of 2020”.

6 **SEC. 2. ESPIONAGE ACT REFORM.**

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

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

4 (2) in subsection (b)—

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

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

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

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

14 (5) in subsection (e), 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,”.

18 (b) DISCLOSURE OF CLASSIFIED INFORMATION.—
19 Section 798(a) of title 18, United States Code, is amended
20 by inserting after “knowingly and willfully” the following:
21 “, and with specific intent to injure the United States or
22 advantage any foreign nation,”.

23 (c) AUTHORITY TO DISCLOSE INFORMATION.—Sec-
24 tion 798(c) of title 18, United States Code, is amended

1 by striking “furnishing,” and all that follows and inserting
2 the following: “furnishing of information to—

3 “(1) any Member of the Senate or the House
4 of Representatives;

5 “(2) a Federal court, in accordance with such
6 procedures as the court may establish;

7 “(3) the inspector general of an element of the
8 intelligence community (as defined in section 3 of
9 the National Security Act of 1947 (50 U.S.C.
10 3003)), including the Inspector General of the Intel-
11 ligence Community;

12 “(4) the Chairman or a member of the Privacy
13 and Civil Liberties Oversight Board or any employee
14 of the Board designated by the Board, in accordance
15 with such procedures as the Board may establish;

16 “(5) the Chairman or a commissioner of the
17 Federal Trade Commission or any employee of the
18 Commission designated by the Commission, in ac-
19 cordance with such procedures as the Commission
20 may establish;

21 “(6) the Chairman or a commissioner of the
22 Federal Communications Commission or any em-
23 ployee of the Commission designated by the Com-
24 mission, in accordance with such procedures as the
25 Commission may establish; or

1 “(7) any other person or entity authorized to
2 receive disclosures containing classified information
3 pursuant to any applicable law, regulation, or execu-
4 tive order regarding the protection of whistle-
5 blowers.”.

6 (d) TESTIMONY OF PURPOSE.—

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

10 **“§ 799A. Testimony of purpose**

11 “A defendant charged with an offense under section
12 793 or 798 shall be permitted to testify about their pur-
13 pose for engaging in the prohibited conduct.

14 **“§ 799B. Affirmative defense**

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

18 “(1) any violation of any law, rule, or regula-
19 tion; or

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

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

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

