

119TH CONGRESS
2D SESSION

H. R. 7930

To amend title 18, United States Code, to increase the mens rea requirements for offenses under the Espionage Act.

IN THE HOUSE OF REPRESENTATIVES

MARCH 12, 2026

Ms. TLAIB (for herself, Mr. GARCÍA of Illinois, Ms. LEE of Pennsylvania, Ms. NORTON, Ms. OMAR, Mrs. RAMIREZ, and Mr. THANEDAR) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to increase the mens rea requirements for offenses under the Espionage Act.

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 “Daniel Ellsberg Press
5 Freedom and Whistleblower Protection Act of 2026”.

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”;

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

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

10 (3) in subsection (c)—

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

13 (B) by striking “Whoever” and inserting
14 “A foreign agent who”;

15 (4) in subsection (d)—

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

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

22 (5) in subsection (e)—

23 (A) by inserting after “willfully” each
24 place it appears the following: “, and with spe-

1 cific intent to injure the United States or ad-
2 vantage any foreign nation,”; and

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

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

7 “(i) DEFINITIONS.—In this section:

8 “(1) COVERED PERSON.—The term ‘covered
9 person’ means an individual 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 “(2) FOREIGN AGENT.—The term ‘foreign
4 agent’—

5 “(A) has the meaning given the term
6 ‘agent of a foreign power’ under section 101 of
7 the Foreign Intelligence Surveillance Act of
8 1978 (50 U.S.C. 1801); and

9 “(B) does not include a person who is an
10 agent of a foreign power (as so defined) with
11 respect to a foreign power described in section
12 101(a)(5) of the Foreign Intelligence Surveil-
13 lance Act of 1978 (50 U.S.C. 1801(a)(5)).”.

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

16 (1) in subsection (a)—

17 (A) by inserting after “knowingly and will-
18 fully” the following: “, and with specific intent
19 to injure the United States or advantage any
20 foreign nation,”; and

21 (B) by striking “Whoever” and inserting
22 “Any individual who, while a covered person,”;
23 and

24 (2) in subsection (b), by adding at the end the
25 following:

1 “The term ‘covered person’ means an individual
2 who—

3 “(A) receives official access to classified in-
4 formation granted by the United States Govern-
5 ment;

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

8 “(C) is authorized to receive documents,
9 writings, code books, signal books, sketches,
10 photographs, photographic negatives, blue
11 prints, plans, maps, models, instruments, appli-
12 ances, or notes of anything connected with the
13 national defense by—

14 “(i) the President; or

15 “(ii) the head of a department or agen-
16 cy of the United States Government which
17 is expressly designated by the President to
18 engage in activities relating to the national
19 defense.”.

20 (c) TESTIMONY OF PURPOSE.—

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

1 **“§ 799A. Testimony of purpose**

2 “A defendant charged with an offense under section
3 793 or 798 shall be permitted to testify about their pur-
4 pose for engaging in the prohibited conduct.

5 **“§ 799B. Affirmative defense**

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

9 “(1) any violation of any law, rule, or regula-
10 tion, including any obligation under the Constitu-
11 tion, a treaty or customary international law (includ-
12 ing international human rights law and international
13 humanitarian law); or

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

17 (2) CLERICAL AMENDMENT.—The table of sec-
18 tions for chapter 37 of title 18, United States Code,
19 is amended by adding at the end the following:

“799A. Testimony of purpose.

“799B. Affirmative defense.”.

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