

119<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. \_\_\_\_\_

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

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## IN THE HOUSE OF REPRESENTATIVES

Ms. TLAIB introduced the following bill; which was referred to the Committee on \_\_\_\_\_

## 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 2025”.

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.”.