

Calendar No. 106

118TH CONGRESS
1ST SESSION

S. 2103

To authorize appropriations for fiscal year 2024 for intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 22, 2023

Mr. WARNER, from the Select Committee on Intelligence, reported the following original bill; which was read twice and placed on the calendar

A BILL

To authorize appropriations for fiscal year 2024 for intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Intelligence Authorization Act for Fiscal Year 2024”.

1 “(g) APPROPRIATE CONGRESSIONAL COMMITTEES
2 DEFINED.—In this section, the term ‘appropriate congress-
3 sional committees’ means—

4 “(1) the congressional defense committees;

5 “(2) the Select Committee on Intelligence of the
6 Senate; and

7 “(3) the Permanent Select Committee on Intel-
8 ligence of the House of Representatives.”.

9 **SEC. 1104. FUNDING LIMITATIONS RELATING TO UNIDENTI-
10 FIED ANOMALOUS PHENOMENA.**

11 (a) DEFINITIONS.—In this section:

12 (1) APPROPRIATE COMMITTEES OF CON-
13 GRESS.—The term “appropriate committees of Con-
14 gress” means—

15 (A) the Select Committee on Intelligence,
16 the Committee on Armed Services, and the
17 Committee on Appropriations of the Senate;
18 and

19 (B) the Permanent Select Committee on
20 Intelligence, the Committee on Armed Services,
21 and the Committee on Appropriations of the
22 House of Representatives.

23 (2) CONGRESSIONAL LEADERSHIP.—The term
24 “congressional leadership” means—

25 (A) the majority leader of the Senate;

1 (B) the minority leader of the Senate;

2 (C) the Speaker of the House of Rep-
3 resentatives; and

4 (D) the minority leader of the House of
5 Representatives.

6 (3) DIRECTOR.—The term “Director” means
7 the Director of the All-domain Anomaly Resolution
8 Office.

9 (4) UNIDENTIFIED ANOMALOUS PHENOMENA.—
10 The term “unidentified anomalous phenomena” has
11 the meaning given such term in section 1683(n) of
12 the National Defense Authorization Act for Fiscal
13 Year 2022 (50 U.S.C. 3373(n)), as amended by sec-
14 tion 6802(a) of the Intelligence Authorization Act
15 for Fiscal Year 2023 (Public Law 117–263).

16 (b) SENSE OF CONGRESS.—It is the sense of Con-
17 gress that, due to the increasing potential for technology
18 surprise from foreign adversaries and to ensure sufficient
19 integration across the United States industrial base and
20 avoid technology and security stovepipes—

21 (1) the United States industrial base must re-
22 tain its global lead in critical advanced technologies;
23 and

24 (2) the Federal Government must expand
25 awareness about any historical exotic technology

1 antecedents previously provided by the Federal Gov-
2 ernment for research and development purposes.

3 (c) LIMITATIONS.—

4 (1) IN GENERAL.—No amount authorized to be
5 appropriated or appropriated by this Act or any
6 other Act may be obligated or expended, directly or
7 indirectly, in part or in whole, for, on, in relation to,
8 or in support of activities involving unidentified
9 anomalous phenomena protected under any form of
10 special access or restricted access limitations that
11 have not been formally, officially, explicitly, and spe-
12 cifically described, explained, and justified to the ap-
13 propriate committees of Congress, congressional
14 leadership, and the Director, including for any ac-
15 tivities relating to the following:

16 (A) Recruiting, employing, training, equip-
17 ping, and operations of, and providing security
18 for, government or contractor personnel with a
19 primary, secondary, or contingency mission of
20 capturing, recovering, and securing unidentified
21 anomalous phenomena craft or pieces and com-
22 ponents of such craft.

23 (B) Analyzing such craft or pieces or com-
24 ponents thereof, including for the purpose of
25 determining properties, material composition,

1 method of manufacture, origin, characteristics,
2 usage and application, performance, operational
3 modalities, or reverse engineering of such craft
4 or component technology.

5 (C) Managing and providing security for
6 protecting activities and information relating to
7 unidentified anomalous phenomena from disclo-
8 sure or compromise.

9 (D) Actions relating to reverse engineering
10 or replicating unidentified anomalous phe-
11 nomena technology or performance based on
12 analysis of materials or sensor and observa-
13 tional information associated with unidentified
14 anomalous phenomena.

15 (E) The development of propulsion tech-
16 nology, or aerospace craft that uses propulsion
17 technology, systems, or subsystems, that is
18 based on or derived from or inspired by inspec-
19 tion, analysis, or reverse engineering of recov-
20 ered unidentified anomalous phenomena craft
21 or materials.

22 (F) Any aerospace craft that uses propul-
23 sion technology other than chemical propellants,
24 solar power, or electric ion thrust.

1 (2) FUTURE APPROPRIATIONS.—Paragraph (1)
2 shall apply with respect to an amount appropriated
3 after the date of the enactment of this Act, unless
4 such paragraph is specifically waived for such
5 amount, or such amount is specifically exempted
6 from such paragraph, by an Act enacted after the
7 date of the enactment of this Act.

8 (d) NOTIFICATION AND REPORTING.—Any person
9 currently or formerly under contract with the Federal
10 Government that has in their possession material or infor-
11 mation provided by or derived from the Federal Govern-
12 ment relating to unidentified anomalous phenomena that
13 formerly or currently is protected by any form of special
14 access or restricted access shall—

15 (1) not later than 60 days after the date of the
16 enactment of this Act, notify the Director of such
17 possession; and

18 (2) not later than 180 days after the date of
19 the enactment of this Act, make available to the Di-
20 rector for assessment, analysis, and inspection—

21 (A) all such material and information; and

22 (B) a comprehensive list of all non-earth
23 origin or exotic unidentified anomalous phe-
24 nomena material.

1 (e) LIABILITY.—No criminal or civil action may lie
2 or be maintained in any Federal or State court against
3 any person for receiving material or information described
4 in subsection (d) if that person complies with the notifica-
5 tion and reporting provisions described in such subsection.

6 (f) LIMITATION REGARDING INDEPENDENT RE-
7 SEARCH AND DEVELOPMENT.—

8 (1) IN GENERAL.—Consistent with Department
9 of Defense Instruction Number 3204.01 (dated Au-
10 gust 20, 2014, incorporating change 2, dated July
11 9, 2020; relating to Department policy for oversight
12 of independent research and development), inde-
13 pendent research and development funding relating
14 to material or information described in subsection
15 (c) shall not be allowable as indirect expenses for
16 purposes of contracts covered by such instruction,
17 unless such material and information is made avail-
18 able to the Director in accordance with subsection
19 (d).

20 (2) EFFECTIVE DATE AND APPLICABILITY.—
21 Paragraph (1) shall take effect on the date that is
22 60 days after the date of the enactment of this Act
23 and shall apply with respect to funding from
24 amounts appropriated before, on, or after such date.

1 (g) NOTICE TO CONGRESS.—Not later than 30 days
2 after the date on which the Director has received a notifi-
3 cation under paragraph (1) of subsection (d) or informa-
4 tion or material under paragraph (2) of such subsection,
5 the Director shall provide written notification of such re-
6 ceipt to the appropriate committees of Congress and con-
7 gressional leadership.