

118TH CONGRESS
1ST SESSION

S. 2226

AN ACT

To authorize appropriations for fiscal year 2024 for military activities of the Department of Defense for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

1 Operational Test and Evaluation shall submit to the Elec-
2 tronic Warfare Executive Committee, the Committee on
3 Armed Services of the Senate, and the Committee on
4 Armed Services of the House of Representatives a com-
5 prehensive annual report aggregating reporting from the
6 military departments and combat support agencies that
7 describes—

8 (1) the implementation of the requirements of
9 this section;

10 (2) the systems subject to testing in the pre-
11 vious year and the results of such tests, including a
12 description of the requirements for electronic protec-
13 tion established for the tested systems; and

14 (3) each waiver issued in the previous year with
15 respect to such requirements, together with a de-
16 tailed rationale for the waiver and a plan for ad-
17 dressing the basis for the waiver request.

18 **SEC. 1646. FUNDING LIMITATION ON CERTAIN UNRE-**
19 **PORTED PROGRAMS.**

20 (a) **LIMITATION ON AVAILABILITY OF FUNDS.**—None
21 of the funds authorized to be appropriated by this Act for
22 fiscal year 2024 may be obligated or expended, directly
23 or indirectly, in part or in whole, for, on, in relation to,
24 or in support of activities involving unidentified anomalous
25 phenomena protected under any form of special access or

1 restricted access limitations that have not been formally,
2 officially, explicitly, and specifically described, explained,
3 and justified to the appropriate committees of Congress,
4 congressional leadership, and the Director, including for
5 any activities relating to the following:

6 (1) Recruiting, employing, training, equipping,
7 and operations of, and providing security for, Gov-
8 ernment or contractor personnel with a primary, sec-
9 ondary, or contingency mission of capturing, recov-
10 ering, and securing unidentified anomalous phe-
11 nomena craft or pieces and components of such
12 craft.

13 (2) Analyzing such craft or pieces or compo-
14 nents thereof, including for the purpose of deter-
15 mining properties, material composition, method of
16 manufacture, origin, characteristics, usage and ap-
17 plication, performance, operational modalities, or re-
18 verse engineering of such craft or component tech-
19 nology.

20 (3) Managing and providing security for pro-
21 tecting activities and information relating to uniden-
22 tified anomalous phenomena from disclosure or com-
23 promise.

24 (4) Actions relating to reverse engineering or
25 replicating unidentified anomalous phenomena tech-

1 nology or performance based on analysis of materials
2 or sensor and observational information associated
3 with unidentified anomalous phenomena.

4 (5) The development of propulsion technology,
5 or aerospace craft that uses propulsion technology,
6 systems, or subsystems that is based on or derived
7 from or inspired by inspection, analysis, or reverse
8 engineering of recovered unidentified anomalous phe-
9 nomena craft or materials.

10 (6) Any aerospace craft that uses propulsion
11 technology other than chemical propellants, solar
12 power, and electric ion thrust.

13 (b) NOTIFICATION AND REPORTING.—

14 (1) IN GENERAL.—Any person currently or for-
15 merly under contract with the Federal Government
16 that has in their possession material or information
17 provided by or derived from the Federal Government
18 relating to unidentified anomalous phenomena that
19 formerly or currently is protected by any form of
20 special access or restricted access shall—

21 (A) not later than 60 days after the date
22 of the enactment of this Act, notify the Director
23 of such possession; and

24 (B) not later than 180 days after the date
25 of the enactment of this Act, make available to

1 the Director for assessment, analysis, and in-
2 spection—

3 (i) all such material and information;

4 and

5 (ii) a comprehensive list of all non-

6 earth origin or exotic unidentified anoma-

7 lous phenomena materiel.

8 (2) PROTECTIONS.—The provision of notice and
9 the making available of material and information
10 under paragraph (1) shall be treated as an author-
11 ized disclosure under section 1673(b) of the James
12 M. Inhofe National Defense Authorization Act for
13 Fiscal Year 2023 (50 U.S.C. 3373b).

14 (c) LIMITATION REGARDING INDEPENDENT RE-
15 SEARCH AND DEVELOPMENT.—Consistent with Depart-
16 ment of Defense Instruction Number 3204.01 (dated Au-
17 gust 20, 2014, incorporating change 2, dated July 9,
18 2020; relating to Department policy for oversight of inde-
19 pendent research and development), independent research
20 and development funding relating to material or informa-
21 tion described in subsection (a) shall not be allowable as
22 indirect expenses for purposes of contracts covered by
23 such instruction, unless such material and information is
24 made available to the Director in accordance with sub-
25 section (b).

1 (d) NOTICE TO CONGRESS.—Not later than 30 days
2 after the date on which the Director has received a notifi-
3 cation under subparagraph (A) of subsection (b)(1) or in-
4 formation or material under paragraph (B) of such sub-
5 section, the Director shall provide a written notification
6 of such receipt to the appropriate committees of Congress
7 and congressional leadership.

8 (e) DEFINITIONS.—In this section:

9 (1) The term “appropriate committees of Con-
10 gress” means—

11 (A) the Select Committee on Intelligence,
12 the Committee on Armed Services, and the
13 Committee on Appropriations of the Senate;
14 and

15 (B) the Permanent Select Committee on
16 Intelligence, the Committee on Armed Services,
17 and the Committee on Appropriations of the
18 House of Representatives.

19 (2) The term “congressional leadership”
20 means—

21 (A) the majority leader of the Senate;

22 (B) the minority leader of the Senate;

23 (C) the Speaker of the House of Rep-
24 resentatives; and

1 (D) the minority leader of the House of
2 Representatives.

3 (3) The term “Director” means the Director of
4 the All-domain Anomaly Resolution Office.

5 (4) The term “unidentified anomalous phe-
6 nomena” has the meaning given such term in section
7 1683(n) of the National Defense Authorization Act
8 for Fiscal Year 2022 (50 U.S.C. 3373(n)), as
9 amended by section 6802(a) of the Intelligence Au-
10 thorization Act for Fiscal Year 2023 (Public Law
11 117–263).

12 **SEC. 1647. REVISION OF SECRETARY OF DEFENSE AUTHOR-**
13 **ITY TO ENGAGE IN COMMERCIAL ACTIVITIES**
14 **AS SECURITY FOR INTELLIGENCE COLLEC-**
15 **TION ACTIVITIES.**

16 (a) EXTENSION OF AUTHORITY.—Section 431(a) of
17 title 10, United States Code, is amended by striking “De-
18 cember 31, 2023” and inserting “December 31, 2025”.

19 (b) INTERAGENCY COORDINATION AND SUPPORT.—
20 Paragraph (1) of section 431(b) of such title is amended
21 to read as follows:

22 “(1) be pre-coordinated with the Director of the
23 Central Intelligence Agency using procedures mutu-
24 ally agreed upon by the Secretary of Defense and

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2024 Request	Senate Authorized
161	0605170D8Z	SUPPORT TO NETWORKS AND INFORMATION INTEGRATION.	10,504	10,504
162	0605200D8Z	GENERAL SUPPORT TO OUSD(INTELLIGENCE AND SECURITY).	2,980	2,980
163	0605384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	74,382	74,382
170	0605790D8Z	SMALL BUSINESS INNOVATION RESEARCH (SBIR)/ SMALL BUSINESS TECHNOLOGY TRANSFER.	3,831	3,831
171	0605797D8Z	MAINTAINING TECHNOLOGY ADVANTAGE	38,923	38,923
172	0605798D8Z	DEFENSE TECHNOLOGY ANALYSIS	60,404	60,404
173	0605801KA	DEFENSE TECHNICAL INFORMATION CENTER (DTIC) Information Analysis Centers reduction	65,715	60,715 [-5,000]
174	0605803SE	R&D IN SUPPORT OF DOD ENLISTMENT, TESTING AND EVALUATION.	26,037	26,037
175	0605804D8Z	DEVELOPMENT TEST AND EVALUATION	37,353	37,353
176	0605898E	MANAGEMENT HQ—R&D	14,833	14,833
177	0605998KA	MANAGEMENT HQ—DEFENSE TECHNICAL INFORMATION CENTER (DTIC).	3,752	3,752
178	0606005D8Z	SPECIAL ACTIVITIES	18,088	18,088
179	0606100D8Z	BUDGET AND PROGRAM ASSESSMENTS	14,427	14,427
180	0606114D8Z	ANALYSIS WORKING GROUP (AWG) SUPPORT	4,200	4,200
181	0606135D8Z	CHIEF DIGITAL AND ARTIFICIAL INTELLIGENCE OFFICER (CDAO) ACTIVITIES.	17,247	17,247
182	0606225D8Z	ODNA TECHNOLOGY AND RESOURCE ANALYSIS	3,386	3,386
183	0606300D8Z	DEFENSE SCIENCE BOARD	2,352	2,352
184	0606301D8Z	AVIATION SAFETY TECHNOLOGIES	213	213
186	0606771D8Z	CYBER RESILIENCY AND CYBERSECURITY POLICY	45,194	45,194
187	0606853BR	MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT ..	11,919	11,919
188	0203345D8Z	DEFENSE OPERATIONS SECURITY INITIATIVE (DOSI)	3,112	3,112
189	0204571J	JOINT STAFF ANALYTICAL SUPPORT	4,916	4,916
190	0208045K	C4I INTEROPERABILITY	66,152	66,152
195	0305172K	COMBINED ADVANCED APPLICATIONS	5,366	5,366
197	0305208K	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	3,069	3,069
199	0804768J	COCOM EXERCISE ENGAGEMENT AND TRAINING TRANSFORMATION (CE2T2)—NON-MHA.	101,319	101,319
200	0808709SE	DEFENSE EQUAL OPPORTUNITY MANAGEMENT INSTITUTE (DEOMI).	740	740
201	0901598C	MANAGEMENT HQ—MDA	28,363	28,363
202	0903235K	JOINT SERVICE PROVIDER (JSP)	5,177	5,177
9999	9999999999	CLASSIFIED PROGRAMS	36,315	63,315
		All Domain Anomaly Resolution Office		[27,000]
		SUBTOTAL MANAGEMENT SUPPORT	1,998,717	2,020,717
		OPERATIONAL SYSTEMS DEVELOPMENT		
203	0604130V	ENTERPRISE SECURITY SYSTEM (ESS)	42,482	42,482
205	0607210D8Z	INDUSTRIAL BASE ANALYSIS AND SUSTAINMENT SUPPORT. Domestic advanced microelectronics packaging	1,017,141	1,045,141 [5,000]
		Rapid Innovation Program		[20,000]
		Shipbuilding and ship repair workforce development		[3,000]
206	0607310D8Z	COUNTERPROLIFERATION SPECIAL PROJECTS: OPERATIONAL SYSTEMS DEVELOPMENT.	12,713	12,713
207	0607327T	GLOBAL THEATER SECURITY COOPERATION MANAGEMENT INFORMATION SYSTEMS (G-TSCMIS).	8,503	8,503
208	0607384BP	CHEMICAL AND BIOLOGICAL DEFENSE (OPERATIONAL SYSTEMS DEVELOPMENT).	80,495	80,495
209	0208097JCY	CYBER COMMAND AND CONTROL (CYBER C2)	95,733	95,733
210	0208099JCY	DATA AND UNIFIED PLATFORM (D&U)	138,558	138,558
214	0302019K	DEFENSE INFO INFRASTRUCTURE ENGINEERING AND INTEGRATION.	19,299	19,299
215	0303126K	LONG-HAUL COMMUNICATIONS—DCS	37,726	37,726
216	0303131K	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN).	5,037	5,037
218	0303140D8Z	INFORMATION SYSTEMS SECURITY PROGRAM	97,171	97,171
220	0303140K	INFORMATION SYSTEMS SECURITY PROGRAM	8,351	8,351
222	0303153K	DEFENSE SPECTRUM ORGANIZATION	35,995	35,995
223	0303171K	JOINT PLANNING AND EXECUTION SERVICES	5,677	5,677
224	0303228K	JOINT REGIONAL SECURITY STACKS (JRSS)	3,196	3,196
228	0305104D8Z	DEFENSE INDUSTRIAL BASE (DIB) CYBER SECURITY INITIATIVE.	25,655	25,655
232	0305133V	INDUSTRIAL SECURITY ACTIVITIES	2,134	2,134
235	0305146V	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES	2,295	2,295
236	0305172D8Z	COMBINED ADVANCED APPLICATIONS	52,736	52,736
239	0305186D8Z	POLICY R&D PROGRAMS	6,263	6,263
240	0305199D8Z	NET CENTRICITY	23,275	23,275
242	0305208BB	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	6,214	6,214
249	0305327V	INSIDER THREAT	2,971	2,971
250	0305387D8Z	HOMELAND DEFENSE TECHNOLOGY TRANSFER PROGRAM	1,879	1,879
257	0306250JCY	CYBER OPERATIONS TECHNOLOGY SUPPORT	469,385	480,385

- 1 (gg) Innovation.
- 2 (hh) Information sharing.
- 3 (II) An assessment of any new
- 4 lines of effort established.

5 **DIVISION G—UNIDENTIFIED**
6 **ANOMALOUS PHENOMENA**
7 **DISCLOSURE**

8 **SEC. 9001. SHORT TITLE.**

9 This division may be cited as the “Unidentified
10 Anomalous Phenomena Disclosure Act of 2023” or the
11 “UAP Disclosure Act of 2023”.

12 **SEC. 9002. FINDINGS, DECLARATIONS, AND PURPOSES.**

13 (a) **FINDINGS AND DECLARATIONS.**—Congress finds
14 and declares the following:

15 (1) All Federal Government records related to
16 unidentified anomalous phenomena should be pre-
17 served and centralized for historical and Federal
18 Government purposes.

19 (2) All Federal Government records concerning
20 unidentified anomalous phenomena should carry a
21 presumption of immediate disclosure and all records
22 should be eventually disclosed to enable the public to
23 become fully informed about the history of the Fed-
24 eral Government’s knowledge and involvement sur-
25 rounding unidentified anomalous phenomena.

1 (3) Legislation is necessary to create an en-
2 forceable, independent, and accountable process for
3 the public disclosure of such records.

4 (4) Legislation is necessary because credible
5 evidence and testimony indicates that Federal Gov-
6 ernment unidentified anomalous phenomena records
7 exist that have not been declassified or subject to
8 mandatory declassification review as set forth in Ex-
9 ecutive Order 13526 (50 U.S.C. 3161 note; relating
10 to classified national security information) due in
11 part to exemptions under the Atomic Energy Act of
12 1954 (42 U.S.C. 2011 et seq.), as well as an over-
13 broad interpretation of “transclassified foreign nu-
14 clear information”, which is also exempt from man-
15 datory declassification, thereby preventing public
16 disclosure under existing provisions of law.

17 (5) Legislation is necessary because section 552
18 of title 5, United States Code (commonly referred to
19 as the “Freedom of Information Act”), as imple-
20 mented by the Executive branch of the Federal Gov-
21 ernment, has proven inadequate in achieving the
22 timely public disclosure of Government unidentified
23 anomalous phenomena records that are subject to
24 mandatory declassification review.

1 (6) Legislation is necessary to restore proper
2 oversight over unidentified anomalous phenomena
3 records by elected officials in both the executive and
4 legislative branches of the Federal Government that
5 has otherwise been lacking as of the enactment of
6 this Act.

7 (7) Legislation is necessary to afford complete
8 and timely access to all knowledge gained by the
9 Federal Government concerning unidentified anoma-
10 lous phenomena in furtherance of comprehensive
11 open scientific and technological research and devel-
12 opment essential to avoiding or mitigating potential
13 technological surprise in furtherance of urgent na-
14 tional security concerns and the public interest.

15 (b) PURPOSES.—The purposes of this division are—

16 (1) to provide for the creation of the unidenti-
17 fied anomalous phenomena Records Collection at the
18 National Archives and Records Administration; and

19 (2) to require the expeditious public trans-
20 mission to the Archivist and public disclosure of
21 such records.

22 **SEC. 9003. DEFINITIONS.**

23 In this division:

24 (1) ARCHIVIST.—The term “Archivist” means
25 the Archivist of the United States.

1 (2) CLOSE OBSERVER.—The term “close ob-
2 server” means anyone who has come into close prox-
3 imity to unidentified anomalous phenomena or non-
4 human intelligence.

5 (3) COLLECTION.—The term “Collection”
6 means the Unidentified Anomalous Phenomena
7 Records Collection established under section 9004.

8 (4) CONTROLLED DISCLOSURE CAMPAIGN
9 PLAN.—The term “Controlled Disclosure Campaign
10 Plan” means the Controlled Disclosure Campaign
11 Plan required by section 9009(c)(3).

12 (5) CONTROLLING AUTHORITY.—The term
13 “controlling authority” means any Federal, State, or
14 local government department, office, agency, com-
15 mittee, commission, commercial company, academic
16 institution, or private sector entity in physical pos-
17 session of technologies of unknown origin or biologi-
18 cal evidence of non-human intelligence.

19 (6) DIRECTOR.—The term “Director” means
20 the Director of the Office of Government Ethics.

21 (7) EXECUTIVE AGENCY.—The term “Executive
22 agency” means an Executive agency, as defined in
23 subsection 552(f) of title 5, United States Code.

24 (8) GOVERNMENT OFFICE.—The term “Govern-
25 ment office” means any department, office, agency,

1 committee, or commission of the Federal Govern-
2 ment and any independent office or agency without
3 exception that has possession or control, including
4 via contract or other agreement, of unidentified
5 anomalous phenomena records.

6 (9) IDENTIFICATION AID.—The term “identi-
7 fication aid” means the written description prepared
8 for each record, as required in section 9004.

9 (10) LEADERSHIP OF CONGRESS.—The term
10 “leadership of Congress” means—

11 (A) the majority leader of the Senate;

12 (B) the minority leader of the Senate;

13 (C) the Speaker of the House of Rep-
14 resentatives; and

15 (D) the minority leader of the House of
16 Representatives.

17 (11) LEGACY PROGRAM.—The term “legacy
18 program” means all Federal, State, and local gov-
19 ernment, commercial industry, academic, and private
20 sector endeavors to collect, exploit, or reverse engi-
21 neer technologies of unknown origin or examine bio-
22 logical evidence of living or deceased non-human in-
23 telligence that pre-dates the date of the enactment
24 of this Act.

1 (12) NATIONAL ARCHIVES.—The term “Na-
2 tional Archives” means the National Archives and
3 Records Administration and all components thereof,
4 including presidential archival depositories estab-
5 lished under section 2112 of title 44, United States
6 Code.

7 (13) NON-HUMAN INTELLIGENCE.—The term
8 “non-human intelligence” means any sentient intel-
9 ligent non-human lifeform regardless of nature or ul-
10 timate origin that may be presumed responsible for
11 unidentified anomalous phenomena or of which the
12 Federal Government has become aware.

13 (14) ORIGINATING BODY.—The term “origi-
14 nating body” means the Executive agency, Federal
15 Government commission, committee of Congress, or
16 other Governmental entity that created a record or
17 particular information within a record.

18 (15) PROSAIC ATTRIBUTION.—The term “pro-
19 saic attribution” means having a human (either for-
20 eign or domestic) origin and operating according to
21 current, proven, and generally understood scientific
22 and engineering principles and established laws-of-
23 nature and not attributable to non-human intel-
24 ligence.

1 (16) PUBLIC INTEREST.—The term “public in-
2 terest” means the compelling interest in the prompt
3 public disclosure of unidentified anomalous phe-
4 nomena records for historical and Governmental
5 purposes and for the purpose of fully informing the
6 people of the United States about the history of the
7 Federal Government’s knowledge and involvement
8 surrounding unidentified anomalous phenomena.

9 (17) RECORD.—The term “record” includes a
10 book, paper, report, memorandum, directive, email,
11 text, or other form of communication, or map, pho-
12 tograph, sound or video recording, machine-readable
13 material, computerized, digitized, or electronic infor-
14 mation, including intelligence, surveillance, recon-
15 naissance, and target acquisition sensor data, re-
16 gardless of the medium on which it is stored, or
17 other documentary material, regardless of its phys-
18 ical form or characteristics.

19 (18) REVIEW BOARD.—The term “Review
20 Board” means the Unidentified Anomalous Phe-
21 nomena Records Review Board established by sec-
22 tion 9007.

23 (19) TECHNOLOGIES OF UNKNOWN ORIGIN.—
24 The term “technologies of unknown origin” means
25 any materials or meta-materials, ejecta, crash de-

1 bris, mechanisms, machinery, equipment, assemblies
2 or sub-assemblies, engineering models or processes,
3 damaged or intact aerospace vehicles, and damaged
4 or intact ocean-surface and undersea craft associ-
5 ated with unidentified anomalous phenomena or in-
6 corporating science and technology that lacks prosaic
7 attribution or known means of human manufacture.

8 (20) TEMPORARILY NON-ATTRIBUTED OB-
9 JECTS.—

10 (A) IN GENERAL.—The term “temporarily
11 non-attributed objects” means the class of ob-
12 jects that temporarily resist prosaic attribution
13 by the initial observer as a result of environ-
14 mental or system limitations associated with the
15 observation process that nevertheless ultimately
16 have an accepted human origin or known phys-
17 ical cause. Although some unidentified anoma-
18 lous phenomena may at first be interpreted as
19 temporarily non-attributed objects, they are not
20 temporarily non-attributed objects, and the two
21 categories are mutually exclusive.

22 (B) INCLUSION.—The term “temporarily
23 non-attributed objects” includes—

24 (i) natural celestial, meteorological,
25 and undersea weather phenomena;

1 (ii) mundane human-made airborne
2 objects, clutter, and marine debris;

3 (iii) Federal, State, and local govern-
4 ment, commercial industry, academic, and
5 private sector aerospace platforms;

6 (iv) Federal, State, and local govern-
7 ment, commercial industry, academic, and
8 private sector ocean-surface and undersea
9 vehicles; and

10 (v) known foreign systems.

11 (21) THIRD AGENCY.—The term “third agen-
12 cy” means a Government agency that originated a
13 unidentified anomalous phenomena record that is in
14 the possession of another Government agency.

15 (22) UNIDENTIFIED ANOMALOUS PHE-
16 NOMENA.—

17 (A) IN GENERAL.—The term “unidentified
18 anomalous phenomena” means any object oper-
19 ating or judged capable of operating in outer-
20 space, the atmosphere, ocean surfaces, or un-
21 dersea lacking prosaic attribution due to per-
22 formance characteristics and properties not pre-
23 viously known to be achievable based upon com-
24 monly accepted physical principles. Unidentified
25 anomalous phenomena are differentiated from

1 both attributed and temporarily non-attributed
2 objects by one or more of the following
3 observables:

4 (i) Instantaneous acceleration absent
5 apparent inertia.

6 (ii) Hypersonic velocity absent a ther-
7 mal signature and sonic shockwave.

8 (iii) Transmedium (such as space-to-
9 ground and air-to-undersea) travel.

10 (iv) Positive lift contrary to known
11 aerodynamic principles.

12 (v) Multispectral signature control.

13 (vi) Physical or invasive biological ef-
14 fects to close observers and the environ-
15 ment.

16 (B) INCLUSIONS.—The term “unidentified
17 anomalous phenomena” includes what were pre-
18 viously described as—

19 (i) flying discs;

20 (ii) flying saucers;

21 (iii) unidentified aerial phenomena;

22 (iv) unidentified flying objects
23 (UFOs); and

24 (v) unidentified submerged objects
25 (USOs).

1 (23) UNIDENTIFIED ANOMALOUS PHENOMENA
2 RECORD.—The term “unidentified anomalous phe-
3 nomena record” means a record that is related to
4 unidentified anomalous phenomena, technologies of
5 unknown origin, or non-human intelligence (and all
6 equivalent subjects by any other name with the spe-
7 cific and sole exclusion of temporarily non-attributed
8 objects) that was created or made available for use
9 by, obtained by, or otherwise came into the posses-
10 sion of—

11 (A) the Executive Office of the President;

12 (B) the Department of Defense and its
13 progenitors, the Department of War and the
14 Department of the Navy;

15 (C) the Department of the Army;

16 (D) the Department of the Navy;

17 (E) the Department of the Air Force, spe-
18 cifically the Air Force Office of Special Inves-
19 tigations;

20 (F) the Department of Energy and its pro-
21 genitors, the Manhattan Project, the Atomic
22 Energy Commission, and the Energy Research
23 and Development Administration;

24 (G) the Office of the Director of National
25 Intelligence;

- 1 (H) the Central Intelligence Agency and
2 its progenitor, the Office of Strategic Services;
3 (I) the National Reconnaissance Office;
4 (J) the Defense Intelligence Agency;
5 (K) the National Security Agency;
6 (L) the National Geospatial-Intelligence
7 Agency;
8 (M) the National Aeronautics and Space
9 Administration:
10 (N) the Federal Bureau of Investigation;
11 (O) the Federal Aviation Administration;
12 (P) the National Oceanic and Atmospheric
13 Administration;
14 (Q) the Library of Congress;
15 (R) the National Archives and Records Ad-
16 ministration;
17 (S) any Presidential library;
18 (T) any Executive agency;
19 (U) any independent office or agency;
20 (V) any other department, office, agency,
21 committee, or commission of the Federal Gov-
22 ernment;
23 (W) any State or local government depart-
24 ment, office, agency, committee, or commission
25 that provided support or assistance or per-

1 formed work, in connection with a Federal in-
2 quiry into unidentified anomalous phenomena,
3 technologies of unknown origin, or non-human
4 intelligence; and

5 (X) any private sector person or entity for-
6 merly or currently under contract or some other
7 agreement with the Federal Government.

8 **SEC. 9004. UNIDENTIFIED ANOMALOUS PHENOMENA**
9 **RECORDS COLLECTION AT THE NATIONAL**
10 **ARCHIVES AND RECORDS ADMINISTRATION.**

11 (a) ESTABLISHMENT.—

12 (1) IN GENERAL.—(A) Not later than 60 days
13 after the date of the enactment of this Act, the Ar-
14 chivist shall commence establishment of a collection
15 of records in the National Archives to be known as
16 the “Unidentified Anomalous Phenomena Records
17 Collection”.

18 (B) In carrying out subparagraph (A), the Ar-
19 chivist shall ensure the physical integrity and origi-
20 nal provenance (or if indeterminate, the earliest his-
21 torical owner) of all records in the Collection.

22 (C) The Collection shall consist of record copies
23 of all Government, Government-provided, or Govern-
24 ment-funded records relating to unidentified anoma-
25 lous phenomena, technologies of unknown origin,

1 and non-human intelligence (or equivalent subjects
2 by any other name with the specific and sole exclu-
3 sion of temporarily non-attributed objects), which
4 shall be transmitted to the National Archives in ac-
5 cordance with section 2107 of title 44, United States
6 Code.

7 (D) The Archivist shall prepare and publish a
8 subject guidebook and index to the Collection.

9 (2) CONTENTS.—The Collection shall include
10 the following:

11 (A) All unidentified anomalous phenomena
12 records, regardless of age or date of creation—

13 (i) that have been transmitted to the
14 National Archives or disclosed to the public
15 in an unredacted form prior to the date of
16 the enactment of this Act;

17 (ii) that are required to be trans-
18 mitted to the National Archives; and

19 (iii) that the disclosure of which is
20 postponed under this Act.

21 (B) A central directory comprised of iden-
22 tification aids created for each record trans-
23 mitted to the Archivist under section 9005.

24 (C) All Review Board records as required
25 by this Act.

1 (b) DISCLOSURE OF RECORDS.—All unidentified
2 anomalous phenomena records transmitted to the National
3 Archives for disclosure to the public shall—

4 (1) be included in the Collection; and

5 (2) be available to the public—

6 (A) for inspection and copying at the Na-
7 tional Archives within 30 days after their trans-
8 mission to the National Archives; and

9 (B) digitally via the National Archives on-
10 line database within a reasonable amount of
11 time not to exceed 180 days thereafter.

12 (c) FEES FOR COPYING.—

13 (1) IN GENERAL.—The Archivist shall—

14 (A) charge fees for copying unidentified
15 anomalous phenomena records; and

16 (B) grant waivers of such fees pursuant to
17 the standards established by section 552(a)(4)
18 of title 5, United States Code.

19 (2) AMOUNT OF FEES.—The amount of a fee
20 charged by the Archivist pursuant to paragraph
21 (1)(A) for the copying of an unidentified anomalous
22 phenomena record shall be such amount as the Ar-
23 chivist determines appropriate to cover the costs in-
24 curred by the National Archives in making and pro-
25 viding such copy, except that in no case may the

1 amount of the fee charged exceed the actual ex-
2 penses incurred by the National Archives in making
3 and providing such copy.

4 (d) ADDITIONAL REQUIREMENTS.—

5 (1) USE OF FUNDS.—The Collection shall be
6 preserved, protected, archived, digitized, and made
7 available to the public at the National Archives and
8 via the official National Archives online database
9 using appropriations authorized, specified, and re-
10 stricted for use under the terms of this Act.

11 (2) SECURITY OF RECORDS.—The National Se-
12 curity Program Office at the National Archives, in
13 consultation with the National Archives Information
14 Security Oversight Office, shall establish a program
15 to ensure the security of the postponed unidentified
16 anomalous phenomena records in the protected, and
17 yet-to-be disclosed or classified portion of the Collec-
18 tion.

19 (e) OVERSIGHT.—

20 (1) SENATE.—The Committee on Homeland
21 Security and Governmental Affairs of the Senate
22 shall have continuing legislative oversight jurisdic-
23 tion in the Senate with respect to the Collection.

24 (2) HOUSE OF REPRESENTATIVES.—The Com-
25 mittee on Oversight and Accountability of the House

1 of Representatives shall have continuing legislative
2 oversight jurisdiction in the House of Representa-
3 tives with respect to the Collection.

4 **SEC. 9005. REVIEW, IDENTIFICATION, TRANSMISSION TO**
5 **THE NATIONAL ARCHIVES, AND PUBLIC DIS-**
6 **CLOSURE OF UNIDENTIFIED ANOMALOUS**
7 **PHENOMENA RECORDS BY GOVERNMENT OF-**
8 **FICES.**

9 (a) IDENTIFICATION, ORGANIZATION, AND PREPARA-
10 TION FOR TRANSMISSION.—

11 (1) IN GENERAL.—As soon as practicable after
12 the date of the enactment of this Act, each head of
13 a Government office shall—

14 (A) identify and organize records in the
15 possession of the Government office or under
16 the control of the Government office relating to
17 unidentified anomalous phenomena; and

18 (B) prepare such records for transmission
19 to the Archivist for inclusion in the Collection.

20 (2) PROHIBITIONS.—(A) No unidentified anom-
21 alous phenomena record shall be destroyed, altered,
22 or mutilated in any way.

23 (B) No unidentified anomalous phenomena
24 record made available or disclosed to the public prior
25 to the date of the enactment of this Act may be

1 withheld, redacted, postponed for public disclosure,
2 or reclassified.

3 (C) No unidentified anomalous phenomena
4 record created by a person or entity outside the Fed-
5 eral Government (excluding names or identities con-
6 sistent with the requirements of section 9006) shall
7 be withheld, redacted, postponed for public dislo-
8 sure, or reclassified.

9 (b) CUSTODY OF UNIDENTIFIED ANOMALOUS PHE-
10 NOMENA RECORDS PENDING REVIEW.—During the re-
11 view by the heads of Government offices under subsection
12 (c) and pending review activity by the Review Board, each
13 head of a Government office shall retain custody of the
14 unidentified anomalous phenomena records of the office
15 for purposes of preservation, security, and efficiency, un-
16 less—

17 (1) the Review Board requires the physical
18 transfer of the records for purposes of conducting an
19 independent and impartial review;

20 (2) transfer is necessary for an administrative
21 hearing or other Review Board function; or

22 (3) it is a third agency record described in sub-
23 section (c)(2)(C).

24 (c) REVIEW BY HEADS OF GOVERNMENT OFFICES.—

1 (1) IN GENERAL.—Not later than 300 days
2 after the date of the enactment of this Act, each
3 head of a Government office shall review, identify,
4 and organize each unidentified anomalous phe-
5 nomena record in the custody or possession of the
6 office for—

7 (A) disclosure to the public;

8 (B) review by the Review Board; and

9 (C) transmission to the Archivist.

10 (2) REQUIREMENTS.—In carrying out para-
11 graph (1), the head of a Government office shall—

12 (A) determine which of the records of the
13 office are unidentified anomalous phenomena
14 records;

15 (B) determine which of the unidentified
16 anomalous phenomena records of the office
17 have been officially disclosed or made publicly
18 available in a complete and unredacted form;

19 (C)(i) determine which of the unidentified
20 anomalous phenomena records of the office, or
21 particular information contained in such a
22 record, was created by a third agency or by an-
23 other Government office; and

24 (ii) transmit to a third agency or other
25 Government office those records, or particular

1 information contained in those records, or com-
2 plete and accurate copies thereof;

3 (D)(i) determine whether the unidentified
4 anomalous phenomena records of the office or
5 particular information in unidentified anoma-
6 lous phenomena records of the office are cov-
7 ered by the standards for postponement of pub-
8 lic disclosure under this division; and

9 (ii) specify on the identification aid re-
10 quired by subsection (d) the applicable post-
11 ponement provision contained in section 9006;

12 (E) organize and make available to the Re-
13 view Board all unidentified anomalous phe-
14 nomena records identified under subparagraph
15 (D) the public disclosure of, which in-whole or
16 in-part, may be postponed under this division;

17 (F) organize and make available to the Re-
18 view Board any record concerning which the of-
19 fice has any uncertainty as to whether the
20 record is an unidentified anomalous phenomena
21 record governed by this division;

22 (G) give precedence of work to—

23 (i) the identification, review, and
24 transmission of unidentified anomalous
25 phenomena records not already publicly

1 available or disclosed as of the date of the
2 enactment of this Act;

3 (ii) the identification, review, and
4 transmission of all records that most un-
5 ambiguously and definitively pertain to un-
6 identified anomalous phenomena, tech-
7 nologies of unknown origin, and non-
8 human intelligence;

9 (iii) the identification, review, and
10 transmission of unidentified anomalous
11 phenomena records that on the date of the
12 enactment of this Act are the subject of
13 litigation under section 552 of title 5,
14 United States Code; and

15 (iv) the identification, review, and
16 transmission of unidentified anomalous
17 phenomena records with earliest prove-
18 nance when not inconsistent with clauses
19 (i) through (iii) and otherwise feasible; and

20 (H) make available to the Review Board
21 any additional information and records that the
22 Review Board has reason to believe the Review
23 Board requires for conducting a review under
24 this division.

1 (3) PRIORITY OF EXPEDITED REVIEW FOR DI-
2 RECTORS OF CERTAIN ARCHIVAL DEPOSITORIES.—

3 The Director of each archival depository established
4 under section 2112 of title 44, United States Code,
5 shall have as a priority the expedited review for pub-
6 lic disclosure of unidentified anomalous phenomena
7 records in the possession and custody of the deposi-
8 tory, and shall make such records available to the
9 Review Board as required by this division.

10 (d) IDENTIFICATION AIDS.—

11 (1) IN GENERAL.—(A) Not later than 45 days
12 after the date of the enactment of this Act, the Ar-
13 chivist, in consultation with the heads of such Gov-
14 ernment offices as the Archivist considers appro-
15 priate, shall prepare and make available to all Gov-
16 ernment offices a standard form of identification, or
17 finding aid, for use with each unidentified anoma-
18 lous phenomena record subject to review under this
19 division whether in hardcopy (physical), softcopy
20 (electronic), or digitized data format as may be ap-
21 propriate.

22 (B) The Archivist shall ensure that the identi-
23 fication aid program is established in such a manner
24 as to result in the creation of a uniform system for
25 cataloging and finding every unidentified anomalous

1 phenomena record subject to review under this divi-
2 sion where ever and how ever stored in hardcopy
3 (physical), softcopy (electronic), or digitized data
4 format.

5 (2) REQUIREMENTS FOR GOVERNMENT OF-
6 FICES.—Upon completion of an identification aid
7 using the standard form of identification prepared
8 and made available under subparagraph (A) of para-
9 graph (1) for the program established pursuant to
10 subparagraph (B) of such paragraph, the head of a
11 Government office shall—

12 (A) attach a printed copy to each physical
13 unidentified anomalous phenomena record, and
14 an electronic copy to each softcopy or digitized
15 data unidentified anomalous phenomena record,
16 the identification aid describes;

17 (B) transmit to the Review Board a print-
18 ed copy for each physical unidentified anoma-
19 lous phenomena record and an electronic copy
20 for each softcopy or digitized data unidentified
21 anomalous phenomena record the identification
22 aid describes; and

23 (C) attach a printed copy to each physical
24 unidentified anomalous phenomena record, and
25 an electronic copy to each softcopy or digitized

1 data unidentified anomalous phenomena record
2 the identification aid describes, when trans-
3 mitted to the Archivist.

4 (3) RECORDS OF THE NATIONAL ARCHIVES
5 THAT ARE PUBLICLY AVAILABLE.—Unidentified
6 anomalous phenomena records which are in the pos-
7 session of the National Archives on the date of the
8 enactment of this Act, and which have been publicly
9 available in their entirety without redaction, shall be
10 made available in the Collection without any addi-
11 tional review by the Review Board or another au-
12 thorized office under this division, and shall not be
13 required to have such an identification aid unless re-
14 quired by the Archivist.

15 (e) TRANSMISSION TO THE NATIONAL ARCHIVES.—
16 Each head of a Government office shall—

17 (1) transmit to the Archivist, and make imme-
18 diately available to the public, all unidentified anom-
19 alous phenomena records of the Government office
20 that can be publicly disclosed, including those that
21 are publicly available on the date of the enactment
22 of this Act, without any redaction, adjustment, or
23 withholding under the standards of this division; and

24 (2) transmit to the Archivist upon approval for
25 postponement by the Review Board or upon comple-

1 tion of other action authorized by this division, all
2 unidentified anomalous phenomena records of the
3 Government office the public disclosure of which has
4 been postponed, in whole or in part, under the
5 standards of this division, to become part of the pro-
6 tected, yet-to-be disclosed, or classified portion of
7 the Collection.

8 (f) CUSTODY OF POSTPONED UNIDENTIFIED ANOMA-
9 LOUS PHENOMENA RECORDS.—An unidentified anoma-
10 lous phenomena record the public disclosure of which has
11 been postponed shall, pending transmission to the Archi-
12 vist, be held for reasons of security and preservation by
13 the originating body until such time as the information
14 security program has been established at the National Ar-
15 chives as required in section 9004(d)(2).

16 (g) PERIODIC REVIEW OF POSTPONED UNIDENTI-
17 FIED ANOMALOUS PHENOMENA RECORDS.—

18 (1) IN GENERAL.—All postponed or redacted
19 records shall be reviewed periodically by the origi-
20 nating agency and the Archivist consistent with the
21 recommendations of the Review Board in the Con-
22 trolled Disclosure Campaign Plan under section
23 9009(e)(3)(B).

24 (2) REQUIREMENTS.—(A) A periodic review
25 under paragraph (1) shall address the public disclo-

1 sure of additional unidentified anomalous phe-
2 nomena records in the Collection under the stand-
3 ards of this division.

4 (B) All postponed unidentified anomalous phe-
5 nomena records determined to require continued
6 postponement shall require an unclassified written
7 description of the reason for such continued post-
8 ponement relevant to these specific records. Such de-
9 scription shall be provided to the Archivist and pub-
10 lished in the Federal Register upon determination.

11 (C) The time and release requirements specified
12 in the Controlled Disclosure Campaign Plan shall be
13 revised or amended only if the Review Board is still
14 in session and concurs with the rationale for post-
15 ponement, subject to the limitations in section
16 9009(d)(1).

17 (D) The periodic review of postponed unidenti-
18 fied anomalous phenomena records shall serve to
19 downgrade and declassify security classified informa-
20 tion.

21 (E) Each unidentified anomalous phenomena
22 record shall be publicly disclosed in full, and avail-
23 able in the Collection, not later than the date that
24 is 25 years after the date of the first creation of the

1 record by the originating body, unless the President
2 certifies, as required by this division, that—

3 (i) continued postponement is made nec-
4 essary by an identifiable harm to the military
5 defense, intelligence operations, law enforce-
6 ment, or conduct of foreign relations; and

7 (ii) the identifiable harm is of such gravity
8 that it outweighs the public interest in disclo-
9 sure.

10 (h) REQUIREMENTS FOR EXECUTIVE AGENCIES.—

11 (1) IN GENERAL.—Executive agencies shall—

12 (A) transmit digital records electronically
13 in accordance with section 2107 of title 44,
14 United States Code;

15 (B) charge fees for copying unidentified
16 anomalous phenomena records; and

17 (C) grant waivers of such fees pursuant to
18 the standards established by section 552(a)(4)
19 of title 5, United States Code.

20 (2) AMOUNT OF FEES.—The amount of a fee
21 charged by the head of an Executive agency pursu-
22 ant to paragraph (1)(B) for the copying of an un-
23 identified anomalous phenomena record shall be
24 such amount as the head determines appropriate to
25 cover the costs incurred by the Executive agency in

1 making and providing such copy, except that in no
2 case may the amount of the fee charged exceed the
3 actual expenses incurred by the Executive agency in
4 making and providing such copy.

5 **SEC. 9006. GROUNDS FOR POSTPONEMENT OF PUBLIC DIS-**
6 **CLOSURE OF UNIDENTIFIED ANOMALOUS**
7 **PHENOMENA RECORDS.**

8 Disclosure of unidentified anomalous phenomena
9 records or particular information in unidentified anoma-
10 lous phenomena records to the public may be postponed
11 subject to the limitations of this division if there is clear
12 and convincing evidence that—

13 (1) the threat to the military defense, intel-
14 ligence operations, or conduct of foreign relations of
15 the United States posed by the public disclosure of
16 the unidentified anomalous phenomena record is of
17 such gravity that it outweighs the public interest in
18 disclosure, and such public disclosure would reveal—

19 (A) an intelligence agent whose identity
20 currently requires protection;

21 (B) an intelligence source or method which
22 is currently utilized, or reasonably expected to
23 be utilized, by the Federal Government and
24 which has not been officially disclosed, the dis-

1 closure of which would interfere with the con-
2 duct of intelligence activities; or

3 (C) any other matter currently relating to
4 the military defense, intelligence operations, or
5 conduct of foreign relations of the United
6 States, the disclosure of which would demon-
7 strably and substantially impair the national se-
8 curity of the United States;

9 (2) the public disclosure of the unidentified
10 anomalous phenomena record would reveal the name
11 or identity of a living person who provided confiden-
12 tial information to the Federal Government and
13 would pose a substantial risk of harm to that per-
14 son;

15 (3) the public disclosure of the unidentified
16 anomalous phenomena record could reasonably be
17 expected to constitute an unwarranted invasion of
18 personal privacy, and that invasion of privacy is so
19 substantial that it outweighs the public interest; or

20 (4) the public disclosure of the unidentified
21 anomalous phenomena record would compromise the
22 existence of an understanding of confidentiality cur-
23 rently requiring protection between a Federal Gov-
24 ernment agent and a cooperating individual or a for-

1 eign government, and public disclosure would be so
2 harmful that it outweighs the public interest.

3 **SEC. 9007. ESTABLISHMENT AND POWERS OF THE UNIDEN-**
4 **TIFIED ANOMALOUS PHENOMENA RECORDS**
5 **REVIEW BOARD.**

6 (a) **ESTABLISHMENT.**—There is established as an
7 independent agency a board to be known as the “Unidenti-
8 fied Anomalous Phenomena Records Review Board”.

9 (b) **APPOINTMENT.**—

10 (1) **IN GENERAL.**—The President, by and with
11 the advice and consent of the Senate, shall appoint,
12 without regard to political affiliation, 9 citizens of
13 the United States to serve as members of the Review
14 Board to ensure and facilitate the review, trans-
15 mission to the Archivist, and public disclosure of
16 government records relating to unidentified anoma-
17 lous phenomena.

18 (2) **PERIOD FOR NOMINATIONS.**—(A) The
19 President shall make nominations to the Review
20 Board not later than 90 calendar days after the date
21 of the enactment of this Act.

22 (B) If the Senate votes not to confirm a nomi-
23 nation to the Review Board, the President shall
24 make an additional nomination not later than 30
25 days thereafter.

1 (3) CONSIDERATION OF RECOMMENDATIONS.—

2 (A) The President shall make nominations to the
3 Review Board after considering persons rec-
4 ommended by the following:

5 (i) The majority leader of the Senate.

6 (ii) The minority leader of the Senate.

7 (iii) The Speaker of the House of Rep-
8 resentatives.

9 (iv) The minority leader of the House of
10 Representatives.

11 (v) The Secretary of Defense.

12 (vi) The National Academy of Sciences.

13 (vii) Established nonprofit research organi-
14 zations relating to unidentified anomalous phe-
15 nomena.

16 (viii) The American Historical Association.

17 (ix) Such other persons and organizations
18 as the President considers appropriate.

19 (B) If an individual or organization described in
20 subparagraph (A) does not recommend at least 2
21 nominees meeting the qualifications stated in para-
22 graph (5) by the date that is 45 days after the date
23 of the enactment of this Act, the President shall
24 consider for nomination the persons recommended

1 by the other individuals and organizations described
2 in such subparagraph.

3 (C) The President may request an individual or
4 organization described in subparagraph (A) to sub-
5 mit additional nominations.

6 (4) QUALIFICATIONS.—Persons nominated to
7 the Review Board—

8 (A) shall be impartial citizens, none of
9 whom shall have had any previous or current
10 involvement with any legacy program or con-
11 trolling authority relating to the collection, ex-
12 ploitation, or reverse engineering of technologies
13 of unknown origin or the examination of bio-
14 logical evidence of living or deceased non-
15 human intelligence;

16 (B) shall be distinguished persons of high
17 national professional reputation in their respec-
18 tive fields who are capable of exercising the
19 independent and objective judgment necessary
20 to the fulfillment of their role in ensuring and
21 facilitating the review, transmission to the pub-
22 lic, and public disclosure of records related to
23 the government's understanding of, and activi-
24 ties associated with unidentified anomalous phe-
25 nomena, technologies of unknown origin, and

1 non-human intelligence and who possess an ap-
2 preciation of the value of such material to the
3 public, scholars, and government; and

4 (C) shall include at least—

5 (i) 1 current or former national secu-
6 rity official;

7 (ii) 1 current or former foreign service
8 official;

9 (iii) 1 scientist or engineer;

10 (iv) 1 economist;

11 (v) 1 professional historian; and

12 (vi) 1 sociologist.

13 (5) MANDATORY CONFLICTS OF INTEREST RE-
14 VIEW.—

15 (A) IN GENERAL.—The Director shall con-
16 duct a review of each individual nominated and
17 appointed to the position of member of the Re-
18 view Board to ensure the member does not have
19 any conflict of interest during the term of the
20 service of the member.

21 (B) REPORTS.—During the course of the
22 review under subparagraph (A), if the Director
23 becomes aware that the member being reviewed
24 possesses a conflict of interest to the mission of
25 the Review Board, the Director shall, not later

1 than 30 days after the date on which the Direc-
2 tor became aware of the conflict of interest,
3 submit to the Committee on Homeland Security
4 and Governmental Affairs of the Senate and the
5 Committee on Oversight and Accountability of
6 the House of Representatives a report on the
7 conflict of interest.

8 (c) SECURITY CLEARANCES.—

9 (1) IN GENERAL.—All Review Board nominees
10 shall be granted the necessary security clearances
11 and accesses, including any and all relevant Presi-
12 dential, departmental, and agency special access pro-
13 grams, in an accelerated manner subject to the
14 standard procedures for granting such clearances.

15 (2) QUALIFICATION FOR NOMINEES.—All nomi-
16 nees for appointment to the Review Board under
17 subsection (b) shall qualify for the necessary security
18 clearances and accesses prior to being considered for
19 confirmation by the Committee on Homeland Secu-
20 rity and Governmental Affairs of the Senate.

21 (d) CONSIDERATION BY THE SENATE.—Nominations
22 for appointment under subsection (b) shall be referred to
23 the Committee on Homeland Security and Governmental
24 Affairs of the Senate for consideration.

1 (e) VACANCY.—A vacancy on the Review Board shall
2 be filled in the same manner as specified for original ap-
3 pointment within 30 days of the occurrence of the vacancy.

4 (f) REMOVAL OF REVIEW BOARD MEMBER.—

5 (1) IN GENERAL.—No member of the Review
6 Board shall be removed from office, other than—

7 (A) by impeachment and conviction; or

8 (B) by the action of the President for inef-
9 ficiency, neglect of duty, malfeasance in office,
10 physical disability, mental incapacity, or any
11 other condition that substantially impairs the
12 performance of the member's duties.

13 (2) NOTICE OF REMOVAL.—(A) If a member of
14 the Review Board is removed from office, and that
15 removal is by the President, not later than 10 days
16 after the removal, the President shall submit to the
17 leadership of Congress, the Committee on Homeland
18 Security and Governmental Affairs of the Senate
19 and the Committee on Oversight and Reform of the
20 House of Representatives a report specifying the
21 facts found and the grounds for the removal.

22 (B) The President shall publish in the Federal
23 Register a report submitted under subparagraph
24 (A), except that the President may, if necessary to
25 protect the rights of a person named in the report

1 or to prevent undue interference with any pending
2 prosecution, postpone or refrain from publishing any
3 or all of the report until the completion of such
4 pending cases or pursuant to privacy protection re-
5 quirements in law.

6 (3) JUDICIAL REVIEW.—(A) A member of the
7 Review Board removed from office may obtain judi-
8 cial review of the removal in a civil action com-
9 menced in the United States District Court for the
10 District of Columbia.

11 (B) The member may be reinstated or granted
12 other appropriate relief by order of the court.

13 (g) COMPENSATION OF MEMBERS.—

14 (1) IN GENERAL.—A member of the Review
15 Board, other than the Executive Director under sec-
16 tion 9008(c)(1), shall be compensated at a rate
17 equal to the daily equivalent of the annual rate of
18 basic pay prescribed for level IV of the Executive
19 Schedule under section 5315 of title 5, United
20 States Code, for each day (including travel time)
21 during which the member is engaged in the perform-
22 ance of the duties of the Review Board.

23 (2) TRAVEL EXPENSES.—A member of the Re-
24 view Board shall be allowed reasonable travel ex-
25 penses, including per diem in lieu of subsistence, at

1 rates for employees of agencies under subchapter I
2 of chapter 57 of title 5, United States Code, while
3 away from the member's home or regular place of
4 business in the performance of services for the Re-
5 view Board.

6 (h) DUTIES OF THE REVIEW BOARD.—

7 (1) IN GENERAL.—The Review Board shall con-
8 sider and render decisions on a determination by a
9 Government office to seek to postpone the disclosure
10 of unidentified anomalous phenomena records.

11 (2) CONSIDERATIONS AND RENDERING OF DE-
12 CISIONS.—In carrying out paragraph (1), the Review
13 Board shall consider and render decisions—

14 (A) whether a record constitutes a uniden-
15 tified anomalous phenomena record; and

16 (B) whether a unidentified anomalous phe-
17 nomena record or particular information in a
18 record qualifies for postponement of disclosure
19 under this division.

20 (i) POWERS.—

21 (1) IN GENERAL.—The Review Board shall
22 have the authority to act in a manner prescribed
23 under this division, including authority—

1 (A) to direct Government offices to com-
2 plete identification aids and organize unidenti-
3 fied anomalous phenomena records;

4 (B) to direct Government offices to trans-
5 mit to the Archivist unidentified anomalous
6 phenomena records as required under this divi-
7 sion, including segregable portions of unidenti-
8 fied anomalous phenomena records and sub-
9 stitutes and summaries of unidentified anoma-
10 lous phenomena records that can be publicly
11 disclosed to the fullest extent;

12 (C)(i) to obtain access to unidentified
13 anomalous phenomena records that have been
14 identified and organized by a Government of-
15 fice;

16 (ii) to direct a Government office to make
17 available to the Review Board, and if necessary
18 investigate the facts surrounding, additional in-
19 formation, records, or testimony from individ-
20 uals which the Review Board has reason to be-
21 lieve are required to fulfill its functions and re-
22 sponsibilities under this division; and

23 (iii) request the Attorney General to sub-
24 poena private persons to compel testimony,

1 records, and other information relevant to its
2 responsibilities under this division;

3 (D) require any Government office to ac-
4 count in writing for the destruction of any
5 records relating to unidentified anomalous phe-
6 nomena, technologies of unknown origin, or
7 non-human intelligence;

8 (E) receive information from the public re-
9 garding the identification and public disclosure
10 of unidentified anomalous phenomena records;

11 (F) hold hearings, administer oaths, and
12 subpoena witnesses and documents;

13 (G) use the Federal Acquisition Service in
14 the same manner and under the same condi-
15 tions as other Executive agencies; and

16 (H) use the United States mails in the
17 same manner and under the same conditions as
18 other Executive agencies.

19 (2) ENFORCEMENT OF SUBPOENA.—A sub-
20 poena issued under paragraph (1)(C)(iii) may be en-
21 forced by any appropriate Federal court acting pur-
22 suant to a lawful request of the Review Board.

23 (j) WITNESS IMMUNITY.—The Review Board shall be
24 considered to be an agency of the United States for pur-
25 poses of section 6001 of title 18, United States Code. Wit-

1 nesses, close observers, and whistleblowers providing infor-
2 mation directly to the Review Board shall also be afforded
3 the protections provided to such persons specified under
4 section 1673(b) of the James M. Inhofe National Defense
5 Authorization Act for Fiscal Year 2023 (50 U.S.C.
6 3373b(b)).

7 (k) OVERSIGHT.—

8 (1) SENATE.—The Committee on Homeland
9 Security and Governmental Affairs of the Senate
10 shall have continuing legislative oversight jurisdic-
11 tion in the Senate with respect to the official con-
12 duct of the Review Board and the disposition of
13 postponed records after termination of the Review
14 Board, and shall have access to any records held or
15 created by the Review Board.

16 (2) HOUSE OF REPRESENTATIVES.—Unless
17 otherwise determined appropriate by the House of
18 Representatives, the Committee on Oversight and
19 Accountability of the House of Representatives shall
20 have continuing legislative oversight jurisdiction in
21 the House of Representatives with respect to the of-
22 ficial conduct of the Review Board and the dispo-
23 sition of postponed records after termination of the
24 Review Board, and shall have access to any records
25 held or created by the Review Board.

1 (3) DUTY TO COOPERATE.—The Review Board
2 shall have the duty to cooperate with the exercise of
3 oversight jurisdiction described in this subsection.

4 (4) SECURITY CLEARANCES.—The Chairmen
5 and Ranking Members of the Committee on Home-
6 land Security and Governmental Affairs of the Sen-
7 ate and the Committee on Oversight and Account-
8 ability of the House of Representatives, and staff of
9 such committees designated by such Chairmen and
10 Ranking Members, shall be granted all security
11 clearances and accesses held by the Review Board,
12 including to relevant Presidential and department or
13 agency special access and compartmented access
14 programs.

15 (l) SUPPORT SERVICES.—The Administrator of the
16 General Services Administration shall provide administra-
17 tive services for the Review Board on a reimbursable basis.

18 (m) INTERPRETIVE REGULATIONS.—The Review
19 Board may issue interpretive regulations.

20 (n) TERMINATION AND WINDING DOWN.—

21 (1) IN GENERAL.—The Review Board and the
22 terms of its members shall terminate not later than
23 September 30, 2030, unless extended by Congress.

24 (2) REPORTS.—Upon its termination, the Re-
25 view Board shall submit to the President and Con-

1 gress reports, including a complete and accurate ac-
 2 counting of expenditures during its existence and
 3 shall complete all other reporting requirements
 4 under this division.

5 (3) TRANSFER OF RECORDS.—Upon termi-
 6 nation and winding down, the Review Board shall
 7 transfer all of its records to the Archivist for inclu-
 8 sion in the Collection, and no record of the Review
 9 Board shall be destroyed.

10 **SEC. 9008. UNIDENTIFIED ANOMALOUS PHENOMENA**
 11 **RECORDS REVIEW BOARD PERSONNEL.**

12 (a) EXECUTIVE DIRECTOR.—

13 (1) APPOINTMENT.—Not later than 45 days
 14 after the date of the enactment of this Act, the
 15 President shall appoint 1 citizen of the United
 16 States, without regard to political affiliation, to the
 17 position of Executive Director of the Review Board.
 18 This position counts as 1 of the 9 Review Board
 19 members under section 9007(b)(1).

20 (2) QUALIFICATIONS.—The person appointed as
 21 Executive Director shall be a private citizen of integ-
 22 rity and impartiality who—

23 (A) is a distinguished professional; and

24 (B) is not a present employee of the Fed-
 25 eral Government; and

1 (C) has had no previous or current involve-
2 ment with any legacy program or controlling
3 authority relating to the collection, exploitation,
4 or reverse engineering of technologies of un-
5 known origin or the examination of biological
6 evidence of living or deceased non-human intel-
7 ligence.

8 (3) MANDATORY CONFLICTS OF INTEREST RE-
9 VIEW.—

10 (A) IN GENERAL.—The Director shall con-
11 duct a review of each individual appointed to
12 the position of Executive Director to ensure the
13 Executive Director does not have any conflict of
14 interest during the term of the service of the
15 Executive Director.

16 (B) REPORTS.—During the course of the
17 review under subparagraph (A), if the Director
18 becomes aware that the Executive Director pos-
19 sesses a conflict of interest to the mission of the
20 Review Board, the Director shall, not later than
21 30 days after the date on which the Director
22 became aware of the conflict of interest, submit
23 to the Committee on Homeland Security and
24 Governmental Affairs of the Senate and the
25 Committee on Oversight and Accountability of

1 the House of Representatives a report on the
2 conflict of interest.

3 (4) SECURITY CLEARANCES.—(A) A candidate
4 for Executive Director shall be granted all the nec-
5 essary security clearances and accesses, including to
6 relevant Presidential and department or agency spe-
7 cial access and compartmented access programs in
8 an accelerated manner subject to the standard pro-
9 cedures for granting such clearances.

10 (B) A candidate shall qualify for the necessary
11 security clearances and accesses prior to being ap-
12 pointed by the President.

13 (5) FUNCTIONS.—The Executive Director
14 shall—

15 (A) serve as principal liaison to the Execu-
16 tive Office of the President and Congress;

17 (B) serve as Chairperson of the Review
18 Board;

19 (C) be responsible for the administration
20 and coordination of the Review Board's review
21 of records;

22 (D) be responsible for the administration
23 of all official activities conducted by the Review
24 Board;

1 (E) exercise tie-breaking Review Board au-
2 thority to decide or determine whether any
3 record should be disclosed to the public or post-
4 poned for disclosure; and

5 (F) retain right-of-appeal directly to the
6 President for decisions pertaining to executive
7 branch unidentified anomalous phenomena
8 records for which the Executive Director and
9 Review Board members may disagree.

10 (6) REMOVAL.—The Executive Director shall
11 not be removed for reasons other for cause on the
12 grounds of inefficiency, neglect of duty, malfeasance
13 in office, physical disability, mental incapacity, or
14 any other condition that substantially impairs the
15 performance of the responsibilities of the Executive
16 Director or the staff of the Review Board.

17 (b) STAFF.—

18 (1) IN GENERAL.—The Review Board, without
19 regard to the civil service laws, may appoint and ter-
20minate additional personnel as are necessary to en-
21able the Review Board and its Executive Director to
22perform the duties of the Review Board.

23 (2) QUALIFICATIONS.—

24 (A) IN GENERAL.—Except as provided in
25 subparagraph (B), a person appointed to the

1 staff of the Review Board shall be a citizen of
2 integrity and impartiality who has had no pre-
3 vious or current involvement with any legacy
4 program or controlling authority relating to the
5 collection, exploitation, or reverse engineering of
6 technologies of unknown origin or the examina-
7 tion of biological evidence of living or deceased
8 non-human intelligence.

9 (B) CONSULTATION WITH DIRECTOR OF
10 THE OFFICE OF GOVERNMENT ETHICS.—In
11 their consideration of persons to be appointed
12 as staff of the Review Board under paragraph
13 (1), the Review Board shall consult with the Di-
14 rector—

15 (i) to determine criteria for possible
16 conflicts of interest of staff of the Review
17 Board, consistent with ethics laws, stat-
18 utes, and regulations for employees of the
19 executive branch of the Federal Govern-
20 ment; and

21 (ii) ensure that no person selected for
22 such position of staff of the Review Board
23 possesses a conflict of interests in accord-
24 ance with the criteria determined pursuant
25 to clause (i).

1 (3) SECURITY CLEARANCES.—(A) A candidate
2 for staff shall be granted the necessary security
3 clearances (including all necessary special access
4 program clearances) in an accelerated manner sub-
5 ject to the standard procedures for granting such
6 clearances.

7 (B)(i) The Review Board may offer conditional
8 employment to a candidate for a staff position pend-
9 ing the completion of security clearance background
10 investigations. During the pendency of such inves-
11 tigations, the Review Board shall ensure that any
12 such employee does not have access to, or responsi-
13 bility involving, classified or otherwise restricted un-
14 identified anomalous phenomena record materials.

15 (ii) If a person hired on a conditional basis
16 under clause (i) is denied or otherwise does not qual-
17 ify for all security clearances necessary to carry out
18 the responsibilities of the position for which condi-
19 tional employment has been offered, the Review
20 Board shall immediately terminate the person's em-
21 ployment.

22 (4) SUPPORT FROM NATIONAL DECLASSIFICA-
23 TION CENTER.—The Archivist shall assign one rep-
24 resentative in full-time equivalent status from the
25 National Declassification Center to advise and sup-

1 port the Review Board disclosure postponement re-
2 view process in a non-voting staff capacity.

3 (c) COMPENSATION.—Subject to such rules as may
4 be adopted by the Review Board, without regard to the
5 provisions of title 5, United States Code, governing ap-
6 pointments in the competitive service and without regard
7 to the provisions of chapter 51 and subchapter III of chap-
8 ter 53 of that title relating to classification and General
9 Schedule pay rates—

10 (1) the Executive Director shall be compensated
11 at a rate not to exceed the rate of basic pay for level
12 II of the Executive Schedule and shall serve the en-
13 tire tenure as one full-time equivalent; and

14 (2) the Executive Director shall appoint and fix
15 compensation of such other personnel as may be
16 necessary to carry out this division.

17 (d) ADVISORY COMMITTEES.—

18 (1) AUTHORITY.—The Review Board may cre-
19 ate advisory committees to assist in fulfilling the re-
20 sponsibilities of the Review Board under this divi-
21 sion.

22 (2) FACA.—Any advisory committee created by
23 the Review Board shall be subject to chapter 10 of
24 title 5, United States Code.

1 (e) SECURITY CLEARANCE REQUIRED.—An indi-
2 vidual employed in any position by the Review Board (in-
3 cluding an individual appointed as Executive Director)
4 shall be required to qualify for any necessary security
5 clearance prior to taking office in that position, but may
6 be employed conditionally in accordance with subsection
7 (b)(3)(B) before qualifying for that clearance.

8 **SEC. 9009. REVIEW OF RECORDS BY THE UNIDENTIFIED**
9 **ANOMALOUS PHENOMENA RECORDS REVIEW**
10 **BOARD.**

11 (a) CUSTODY OF RECORDS REVIEWED BY REVIEW
12 BOARD.—Pending the outcome of a review of activity by
13 the Review Board, a Government office shall retain cus-
14 tody of its unidentified anomalous phenomena records for
15 purposes of preservation, security, and efficiency, unless—

16 (1) the Review Board requires the physical
17 transfer of records for reasons of conducting an
18 independent and impartial review; or

19 (2) such transfer is necessary for an adminis-
20 trative hearing or other official Review Board func-
21 tion.

22 (b) STARTUP REQUIREMENTS.—The Review Board
23 shall—

24 (1) not later than 90 days after the date of its
25 appointment, publish a schedule in the Federal Reg-

1 ister for review of all unidentified anomalous phe-
2 nomena records;

3 (2) not later than 180 days after the date of
4 the enactment of this Act, begin its review of un-
5 identified anomalous phenomena records under this
6 division; and

7 (3) periodically thereafter as warranted, but not
8 less frequently than semiannually, publish a revised
9 schedule in the Federal Register addressing the re-
10 view and inclusion of any unidentified anomalous
11 phenomena records subsequently discovered.

12 (c) DETERMINATIONS OF THE REVIEW BOARD.—

13 (1) IN GENERAL.—The Review Board shall di-
14 rect that all unidentified anomalous phenomena
15 records be transmitted to the Archivist and disclosed
16 to the public in the Collection in the absence of clear
17 and convincing evidence that—

18 (A) a Government record is not an uniden-
19 tified anomalous phenomena record; or

20 (B) a Government record, or particular in-
21 formation within an unidentified anomalous
22 phenomena record, qualifies for postponement
23 of public disclosure under this division.

24 (2) REQUIREMENTS.—In approving postpone-
25 ment of public disclosure of a unidentified anoma-

1 lous phenomena record, the Review Board shall seek
2 to—

3 (A) provide for the disclosure of segregable
4 parts, substitutes, or summaries of such a
5 record; and

6 (B) determine, in consultation with the
7 originating body and consistent with the stand-
8 ards for postponement under this division,
9 which of the following alternative forms of dis-
10 closure shall be made by the originating body:

11 (i) Any reasonably segregable par-
12 ticular information in a unidentified anom-
13 alous phenomena record.

14 (ii) A substitute record for that infor-
15 mation which is postponed.

16 (iii) A summary of a unidentified
17 anomalous phenomena record.

18 (3) CONTROLLED DISCLOSURE CAMPAIGN
19 PLAN.—With respect to unidentified anomalous phe-
20 nomena records, particular information in unidenti-
21 fied anomalous phenomena records, recovered tech-
22 nologies of unknown origin, and biological evidence
23 for non-human intelligence the public disclosure of
24 which is postponed pursuant to section 9006, or for
25 which only substitutions or summaries have been

1 disclosed to the public, the Review Board shall cre-
2 ate and transmit to the President, the Archivist, the
3 Committee on Homeland Security and Governmental
4 Affairs of the Senate, and the Committee on Over-
5 sight and Accountability of the House of Represent-
6 atives a Controlled Disclosure Campaign Plan, with
7 classified appendix, containing—

8 (A) a description of actions by the Review
9 Board, the originating body, the President, or
10 any Government office (including a justification
11 of any such action to postpone disclosure of any
12 record or part of any record) and of any official
13 proceedings conducted by the Review Board
14 with regard to specific unidentified anomalous
15 phenomena records; and

16 (B) a benchmark-driven plan, based upon
17 a review of the proceedings and in conformity
18 with the decisions reflected therein, recom-
19 mending precise requirements for periodic re-
20 view, downgrading, and declassification as well
21 as the exact time or specified occurrence fol-
22 lowing which each postponed item may be ap-
23 propriately disclosed to the public under this di-
24 vision.

1 (4) NOTICE FOLLOWING REVIEW AND DETER-
2 MINATION.—(A) Following its review and a deter-
3 mination that a unidentified anomalous phenomena
4 record shall be publicly disclosed in the Collection or
5 postponed for disclosure and held in the protected
6 Collection, the Review Board shall notify the head of
7 the originating body of the determination of the Re-
8 view Board and publish a copy of the determination
9 in the Federal Register within 14 days after the de-
10 termination is made.

11 (B) Contemporaneous notice shall be made to
12 the President for Review Board determinations re-
13 garding unidentified anomalous phenomena records
14 of the executive branch of the Federal Government,
15 and to the oversight committees designated in this
16 division in the case of records of the legislative
17 branch of the Federal Government. Such notice shall
18 contain a written unclassified justification for public
19 disclosure or postponement of disclosure, including
20 an explanation of the application of any standards
21 contained in section 9006.

22 (d) PRESIDENTIAL AUTHORITY OVER REVIEW
23 BOARD DETERMINATION.—

24 (1) PUBLIC DISCLOSURE OR POSTPONEMENT
25 OF DISCLOSURE.—After the Review Board has made

1 a formal determination concerning the public disclo-
2 sure or postponement of disclosure of an unidenti-
3 fied anomalous phenomena record of the executive
4 branch of the Federal Government or information
5 within such a record, or of any information con-
6 tained in a unidentified anomalous phenomena
7 record, obtained or developed solely within the exec-
8 utive branch of the Federal Government, the Presi-
9 dent shall—

10 (A) have the sole and nondelegable author-
11 ity to require the disclosure or postponement of
12 such record or information under the standards
13 set forth in section 9006; and

14 (B) provide the Review Board with both an
15 unclassified and classified written certification
16 specifying the President's decision within 30
17 days after the Review Board's determination
18 and notice to the executive branch agency as re-
19 quired under this division, stating the justifica-
20 tion for the President's decision, including the
21 applicable grounds for postponement under sec-
22 tion 9006, accompanied by a copy of the identi-
23 fication aid required under section 9004.

24 (2) PERIODIC REVIEW.—(A) Any unidentified
25 anomalous phenomena record postponed by the

1 President shall henceforth be subject to the require-
2 ments of periodic review, downgrading, declassifica-
3 tion, and public disclosure in accordance with the
4 recommended timeline and associated requirements
5 specified in the Controlled Disclosure Campaign
6 Plan unless these conflict with the standards set
7 forth in section 9006.

8 (B) This paragraph supersedes all prior declas-
9 sification review standards that may previously have
10 been deemed applicable to unidentified anomalous
11 phenomena records.

12 (3) RECORD OF PRESIDENTIAL POSTPONE-
13 MENT.—The Review Board shall, upon its receipt—

14 (A) publish in the Federal Register a copy
15 of any unclassified written certification, state-
16 ment, and other materials transmitted by or on
17 behalf of the President with regard to postpone-
18 ment of unidentified anomalous phenomena
19 records; and

20 (B) revise or amend recommendations in
21 the Controlled Disclosure Campaign Plan ac-
22 cordingly.

23 (e) NOTICE TO PUBLIC.—Every 30 calendar days, be-
24 ginning on the date that is 60 calendar days after the date
25 on which the Review Board first approves the postpone-

1 ment of disclosure of a unidentified anomalous phenomena
2 record, the Review Board shall publish in the Federal Reg-
3 ister a notice that summarizes the postponements ap-
4 proved by the Review Board or initiated by the President,
5 the Senate, or the House of Representatives, including a
6 description of the subject, originating agency, length or
7 other physical description, and each ground for postpone-
8 ment that is relied upon to the maximum extent classifica-
9 tion restrictions permitting.

10 (f) REPORTS BY THE REVIEW BOARD.—

11 (1) IN GENERAL.—The Review Board shall re-
12 port its activities to the leadership of Congress, the
13 Committee on Homeland Security and Governmental
14 Affairs of the Senate, the Committee on Oversight
15 and Reform of the House of Representatives, the
16 President, the Archivist, and the head of any Gov-
17 ernment office whose records have been the subject
18 of Review Board activity.

19 (2) FIRST REPORT.—The first report shall be
20 issued on the date that is 1 year after the date of
21 enactment of this Act, and subsequent reports every
22 1 year thereafter until termination of the Review
23 Board.

24 (3) CONTENTS.—A report under paragraph (1)
25 shall include the following information:

1 (A) A financial report of the expenses for
2 all official activities and requirements of the
3 Review Board and its personnel.

4 (B) The progress made on review, trans-
5 mission to the Archivist, and public disclosure
6 of unidentified anomalous phenomena records.

7 (C) The estimated time and volume of un-
8 identified anomalous phenomena records in-
9 volved in the completion of the Review Board's
10 performance under this division.

11 (D) Any special problems, including re-
12 quests and the level of cooperation of Govern-
13 ment offices, with regard to the ability of the
14 Review Board to operate as required by this di-
15 vision.

16 (E) A record of review activities, including
17 a record of postponement decisions by the Re-
18 view Board or other related actions authorized
19 by this division, and a record of the volume of
20 records reviewed and postponed.

21 (F) Suggestions and requests to Congress
22 for additional legislative authority needs.

23 (4) COPIES AND BRIEFS.—Coincident with the
24 reporting requirements in paragraph (2), or more
25 frequently as warranted by new information, the Re-

1 view Board shall provide copies to, and fully brief,
2 at a minimum the President, the Archivist, leader-
3 ship of Congress, the Chairmen and Ranking Mem-
4 bers of the Committee on Homeland Security and
5 Governmental Affairs of the Senate and the Com-
6 mittee on Oversight and Accountability of the House
7 of Representatives, and the Chairs and Chairmen, as
8 the case may be, and Ranking Members and Vice
9 Chairmen, as the case may be, of such other com-
10 mittees as leadership of Congress determines appro-
11 priate on the Controlled Disclosure Campaign Plan,
12 classified appendix, and postponed disclosures, spe-
13 cifically addressing—

14 (A) recommendations for periodic review,
15 downgrading, and declassification as well as the
16 exact time or specified occurrence following
17 which specific unidentified anomalous phe-
18 nomena records and material may be appro-
19 priately disclosed;

20 (B) the rationale behind each postpone-
21 ment determination and the recommended
22 means to achieve disclosure of each postponed
23 item;

24 (C) any other findings that the Review
25 Board chooses to offer; and

1 (D) an addendum containing copies of re-
2 ports of postponed records to the Archivist re-
3 quired under subsection (c)(3) made since the
4 date of the preceding report under this sub-
5 section.

6 (5) NOTICE.—At least 90 calendar days before
7 completing its work, the Review Board shall provide
8 written notice to the President and Congress of its
9 intention to terminate its operations at a specified
10 date.

11 (6) BRIEFING THE ALL-DOMAIN ANOMALY RES-
12 OLUTION OFFICE.—Coincident with the provision in
13 paragraph (5), if not accomplished earlier under
14 paragraph (4), the Review Board shall brief the All-
15 domain Anomaly Resolution Office established pur-
16 suant to section 1683 of the National Defense Au-
17 thorization Act for Fiscal Year 2022 (50 U.S.C.
18 3373), or its successor, as subsequently designated
19 by Act of Congress, on the Controlled Disclosure
20 Campaign Plan, classified appendix, and postponed
21 disclosures.

1 **SEC. 9010. DISCLOSURE OF RECOVERED TECHNOLOGIES**
2 **OF UNKNOWN ORIGIN AND BIOLOGICAL EVI-**
3 **DENCE OF NON-HUMAN INTELLIGENCE.**

4 (a) **EXERCISE OF EMINENT DOMAIN.**—The Federal
5 Government shall exercise eminent domain over any and
6 all recovered technologies of unknown origin and biological
7 evidence of non-human intelligence that may be controlled
8 by private persons or entities in the interests of the public
9 good.

10 (b) **AVAILABILITY TO REVIEW BOARD.**—Any and all
11 such material, should it exist, shall be made available to
12 the Review Board for personal examination and subse-
13 quent disclosure determination at a location suitable to the
14 controlling authority of said material and in a timely man-
15 ner conducive to the objectives of the Review Board in ac-
16 cordance with the requirements of this division.

17 (c) **ACTIONS OF REVIEW BOARD.**—In carrying out
18 subsection (b), the Review Board shall consider and render
19 decisions—

20 (1) whether the material examined constitutes
21 technologies of unknown origin or biological evidence
22 of non-human intelligence beyond a reasonable
23 doubt;

24 (2) whether recovered technologies of unknown
25 origin, biological evidence of non-human intelligence,

1 or a particular subset of material qualifies for post-
2 ponement of disclosure under this division; and

3 (3) what changes, if any, to the current disposi-
4 tion of said material should the Federal Government
5 make to facilitate full disclosure.

6 (d) REVIEW BOARD ACCESS TO TESTIMONY AND
7 WITNESSES.—The Review Board shall have access to all
8 testimony from unidentified anomalous phenomena wit-
9 nesses, close observers and legacy program personnel and
10 whistleblowers within the Federal Government’s posses-
11 sion as of and after the date of the enactment of this Act
12 in furtherance of Review Board disclosure determination
13 responsibilities in section 9007(h) and subsection (c) of
14 this section.

15 (e) SOLICITATION OF ADDITIONAL WITNESSES.—
16 The Review Board shall solicit additional unidentified
17 anomalous phenomena witness and whistleblower testi-
18 mony and afford protections under section 1673(b) of the
19 James M. Inhofe National Defense Authorization Act for
20 Fiscal Year 2023 (50 U.S.C. 3373b(b)) if deemed bene-
21 ficial in fulfilling Review Board responsibilities under this
22 division.

23 **SEC. 9011. DISCLOSURE OF OTHER MATERIALS AND ADDI-**
24 **TIONAL STUDY.**

25 (a) MATERIALS UNDER SEAL OF COURT.—

1 (1) INFORMATION HELD UNDER SEAL OF A
2 COURT.—The Review Board may request the Attor-
3 ney General to petition any court in the United
4 States or abroad to release any information relevant
5 to unidentified anomalous phenomena, technologies
6 of unknown origin, or non-human intelligence that is
7 held under seal of the court.

8 (2) INFORMATION HELD UNDER INJUNCTION
9 OF SECRETARY OF GRAND JURY.—(A) The Review
10 Board may request the Attorney General to petition
11 any court in the United States to release any infor-
12 mation relevant to unidentified anomalous phe-
13 nomena, technologies of unknown origin, or non-
14 human intelligence that is held under the injunction
15 of secrecy of a grand jury.

16 (B) A request for disclosure of unidentified
17 anomalous phenomena, technologies of unknown ori-
18 gin, and non-human intelligence materials under this
19 division shall be deemed to constitute a showing of
20 particularized need under rule 6 of the Federal
21 Rules of Criminal Procedure.

22 (b) SENSE OF CONGRESS.—It is the sense of the
23 Congress that—

24 (1) the Attorney General should assist the Re-
25 view Board in good faith to unseal any records that

1 the Review Board determines to be relevant and held
2 under seal by a court or under the injunction of se-
3 crecy of a grand jury;

4 (2) the Secretary of State should contact any
5 foreign government that may hold material relevant
6 to unidentified anomalous phenomena, technologies
7 of unknown origin, or non-human intelligence and
8 seek disclosure of such material; and

9 (3) all heads of Executive agencies should co-
10 operate in full with the Review Board to seek the
11 disclosure of all material relevant to unidentified
12 anomalous phenomena, technologies of unknown ori-
13 gin, and non-human intelligence consistent with the
14 public interest.

15 **SEC. 9012. RULES OF CONSTRUCTION.**

16 (a) PRECEDENCE OVER OTHER LAW.—When this di-
17 vision requires transmission of a record to the Archivist
18 or public disclosure, it shall take precedence over any
19 other provision of law (except section 6103 of the Internal
20 Revenue Code of 1986 specifying confidentiality and dis-
21 closure of tax returns and tax return information), judicial
22 decision construing such provision of law, or common law
23 doctrine that would otherwise prohibit such transmission
24 or disclosure, with the exception of deeds governing access

1 to or transfer or release of gifts and donations of records
2 to the United States Government.

3 (b) FREEDOM OF INFORMATION ACT.—Nothing in
4 this division shall be construed to eliminate or limit any
5 right to file requests with any executive agency or seek
6 judicial review of the decisions pursuant to section 552
7 of title 5, United States Code.

8 (c) JUDICIAL REVIEW.—Nothing in this division shall
9 be construed to preclude judicial review, under chapter 7
10 of title 5, United States Code, of final actions taken or
11 required to be taken under this division.

12 (d) EXISTING AUTHORITY.—Nothing in this division
13 revokes or limits the existing authority of the President,
14 any executive agency, the Senate, or the House of Rep-
15 resentatives, or any other entity of the Federal Govern-
16 ment to publicly disclose records in its possession.

17 (e) RULES OF THE SENATE AND HOUSE OF REP-
18 RESENTATIVES.—To the extent that any provision of this
19 division establishes a procedure to be followed in the Sen-
20 ate or the House of Representatives, such provision is
21 adopted—

22 (1) as an exercise of the rulemaking power of
23 the Senate and House of Representatives, respec-
24 tively, and is deemed to be part of the rules of each
25 House, respectively, but applicable only with respect

1 to the procedure to be followed in that House, and
2 it supersedes other rules only to the extent that it
3 is inconsistent with such rules; and

4 (2) with full recognition of the constitutional
5 right of either House to change the rules (so far as
6 they relate to the procedure of that House) at any
7 time, in the same manner, and to the same extent
8 as in the case of any other rule of that House.

9 **SEC. 9013. TERMINATION OF EFFECT OF DIVISION.**

10 (a) PROVISIONS PERTAINING TO THE REVIEW
11 BOARD.—The provisions of this division that pertain to
12 the appointment and operation of the Review Board shall
13 cease to be effective when the Review Board and the terms
14 of its members have terminated pursuant to section
15 9007(n).

16 (b) OTHER PROVISIONS.—(1) The remaining provi-
17 sions of this division shall continue in effect until such
18 time as the Archivist certifies to the President and Con-
19 gress that all unidentified anomalous phenomena records
20 have been made available to the public in accordance with
21 this division.

22 (2) In facilitation of the provision in paragraph (1),
23 the All-domain Anomaly Resolution Office established pur-
24 suant to section 1683 of the National Defense Authoriza-
25 tion Act for Fiscal Year 2022 (50 U.S.C. 3373), or its

1 successor as subsequently designated by Act of Congress,
2 shall develop standardized unidentified anomalous phe-
3 nomena declassification guidance applicable to any and all
4 unidentified anomalous phenomena records generated by
5 originating bodies subsequent to termination of the Review
6 Board consistent with the requirements and intent of the
7 Controlled Disclosure Campaign Plan with respect to un-
8 identified anomalous phenomena records originated prior
9 to Review Board termination.

10 **SEC. 9014. AUTHORIZATION OF APPROPRIATIONS.**

11 There is authorized to be appropriated to carry out
12 the provisions of this division \$20,000,000 for fiscal year
13 2024.

14 **SEC. 9015. SEVERABILITY.**

15 If any provision of this division or the application
16 thereof to any person or circumstance is held invalid, the
17 remainder of this division and the application of that pro-
18 vision to other persons not similarly situated or to other
19 circumstances shall not be affected by the invalidation.

20 **DIVISION H—ARCHITECT OF**
21 **THE CAPITOL APPOINTMENT**
22 **ACT OF 2023**

23 **SEC. 10001. SHORT TITLE.**

24 This division may be cited as the “Architect of the
25 Capitol Appointment Act of 2023”.

1 **TITLE VI—WHISTLEBLOWER**
2 **MATTERS**

3 **SEC. 601. SUBMITTAL TO CONGRESS OF COMPLAINTS AND**
4 **INFORMATION BY WHISTLEBLOWERS IN THE**
5 **INTELLIGENCE COMMUNITY.**

6 (a) AMENDMENTS TO CHAPTER 4 OF TITLE 5.—

7 (1) APPOINTMENT OF SECURITY OFFICERS.—

8 Section 416 of title 5, United States Code, is
9 amended by adding at the end the following:

10 “(i) APPOINTMENT OF SECURITY OFFICERS.—Each
11 Inspector General under this section, including the des-
12 ignees of the Inspector General of the Department of De-
13 fense pursuant to subsection (b)(3), shall appoint within
14 their offices security officers to provide, on a permanent
15 basis, confidential, security-related guidance and direction
16 to employees and contractors described in subsection
17 (b)(1) who intend to report to Congress complaints or in-
18 formation, so that such employees and contractors can ob-
19 tain direction on how to report to Congress in accordance
20 with appropriate security practices.”.

21 (2) PROCEDURES.—Subsection (e) of such sec-
22 tion is amended—

23 (A) in paragraph (1), by inserting “or any
24 other committee of jurisdiction of the Senate or

1 the House of Representatives” after “either or
2 both of the intelligence committees”;

3 (B) by amending paragraph (2) to read as
4 follows:

5 “(2) LIMITATION.—

6 “(A) IN GENERAL.—Except as provided in
7 subparagraph (B), the employee may contact an
8 intelligence committee or another committee of
9 jurisdiction directly as described in paragraph
10 (1) of this subsection or in subsection (b)(4)
11 only if the employee—

12 “(i) before making such a contact,
13 furnishes to the head of the establishment,
14 through the Inspector General (or des-
15 ignee), a statement of the employee’s com-
16 plaint or information and notice of the em-
17 ployee’s intent to contact an intelligence
18 committee or another committee of juris-
19 diction of the Senate or the House of Rep-
20 resentatives directly; and

21 “(ii)(I) obtains and follows, from the
22 head of the establishment, through the In-
23 spector General (or designee), procedural
24 direction on how to contact an intelligence
25 committee or another committee of juris-

1 diction of the Senate or the House of Rep-
2 resentatives in accordance with appropriate
3 security practices; or

4 “(II) obtains and follows such proce-
5 dural direction from the applicable security
6 officer appointed under subsection (i).

7 “(B) LACK OF PROCEDURAL DIRECTION.—

8 If an employee seeks procedural direction under
9 subparagraph (A)(ii) and does not receive such
10 procedural direction within 30 days, or receives
11 insufficient direction to report to Congress a
12 complaint or information, the employee may
13 contact an intelligence committee or any other
14 committee of jurisdiction of the Senate or the
15 House of Representatives directly without ob-
16 taining or following the procedural direction
17 otherwise required under such subparagraph.”;
18 and

19 (C) by redesignating paragraph (3) as
20 paragraph (4); and

21 (D) by inserting after paragraph (2) the
22 following:

23 “(3) COMMITTEE MEMBERS AND STAFF.—An
24 employee of an element of the intelligence commu-
25 nity who intends to report to Congress a complaint

1 or information may report such complaint or infor-
2 mation to the Chairman and Vice Chairman or
3 Ranking Member, as the case may be, of an intel-
4 ligence committee or another committee of jurisdic-
5 tion of the Senate or the House of Representatives,
6 a nonpartisan member of the committee staff des-
7 ignated for purposes of receiving complaints or in-
8 formation under this section, or a member of the
9 majority staff and a member of the minority staff of
10 the committee.”.

11 (3) CLARIFICATION OF RIGHT TO REPORT DI-
12 RECTLY TO CONGRESS.—Subsection (b) of such sec-
13 tion is amended by adding at the end the following:

14 “(4) CLARIFICATION OF RIGHT TO REPORT DI-
15 RECTLY TO CONGRESS.—Subject to paragraphs (2)
16 and (3) of subsection (e), an employee of an element
17 of the intelligence community who intends to report
18 to Congress a complaint or information may report
19 such complaint or information directly to Con-
20 gress.”.

21 (b) AMENDMENTS TO NATIONAL SECURITY ACT OF
22 1947.—

23 (1) APPOINTMENT OF SECURITY OFFICERS.—
24 Section 103H(j) of the National Security Act of

1 1947 (50 U.S.C. 3033(j)) is amended by adding at
2 the end the following:

3 “(5) The Inspector General shall appoint within
4 the Office of the Inspector General security officers
5 as required by section 416(i) of title 5, United
6 States Code.”.

7 (2) PROCEDURES.—Subparagraph (D) of sec-
8 tion 103H(k)(5) of such Act (50 U.S.C. 3033(k)(5))
9 is amended—

10 (A) in clause (i), by inserting “or any
11 other committee of jurisdiction of the Senate or
12 the House of Representatives” after “either or
13 both of the congressional intelligence commit-
14 tees”;

15 (B) by amending clause (ii) to read as fol-
16 lows:

17 “(ii)(I) Except as provided in subclause (II), an
18 employee may contact a congressional intelligence
19 committee or another committee of jurisdiction di-
20 rectly as described in clause (i) only if the em-
21 ployee—

22 “(aa) before making such a contact, fur-
23 nishes to the Director, through the Inspector
24 General, a statement of the employee’s com-
25 plaint or information and notice of the employ-

1 ee’s intent to contact a congressional intel-
2 ligence committee or another committee of ju-
3 risdiction of the Senate or the House of Rep-
4 resentatives directly; and

5 “(bb)(AA) obtains and follows, from the
6 Director, through the Inspector General, proce-
7 dural direction on how to contact a congress-
8 sional intelligence committee or another com-
9 mittee of jurisdiction of the Senate or the
10 House of Representatives in accordance with
11 appropriate security practices; or

12 “(BB) obtains and follows such procedural
13 direction from the applicable security officer ap-
14 pointed under section 416(i) of title 5, United
15 States Code.

16 “(II) If an employee seeks procedural di-
17 rection under subclause (I)(bb) and does not re-
18 ceive such procedural direction within 30 days,
19 or receives insufficient direction to report to
20 Congress a complaint or information, the em-
21 ployee may contact a congressional intelligence
22 committee or any other committee of jurisdic-
23 tion of the Senate or the House of Representa-
24 tives directly without obtaining or following the

1 procedural direction otherwise required under
2 such subclause.”;

3 (C) by redesignating clause (iii) as clause
4 (iv); and

5 (D) by inserting after clause (ii) the fol-
6 lowing:

7 “(iii) An employee of an element of the intel-
8 ligence community who intends to report to Con-
9 gress a complaint or information may report such
10 complaint or information to the Chairman and Vice
11 Chairman or Ranking Member, as the case may be,
12 of a congressional intelligence committee or another
13 committee of jurisdiction of the Senate or the House
14 of Representatives, a nonpartisan member of the
15 committee staff designated for purposes of receiving
16 complaints or information under this section, or a
17 member of the majority staff and a member of the
18 minority staff of the committee.”.

19 (3) CLARIFICATION OF RIGHT TO REPORT DI-
20 RECTLY TO CONGRESS.—Subparagraph (A) of such
21 section is amended—

22 (A) by inserting “(i)” before “An employee
23 of”; and

24 (B) by adding at the end the following:

1 “(ii) Subject to clauses (ii) and (iii) of subpara-
2 graph (D), an employee of an element of the intel-
3 ligence community who intends to report to Con-
4 gress a complaint or information may report such
5 complaint or information directly to Congress, re-
6 gardless of whether the complaint or information is
7 with respect to an urgent concern—

8 “(I) in lieu of reporting such complaint or
9 information under clause (i); or

10 “(II) in addition to reporting such com-
11 plaint or information under clause (i).”.

12 (c) AMENDMENTS TO THE CENTRAL INTELLIGENCE
13 AGENCY ACT OF 1949.—

14 (1) APPOINTMENT OF SECURITY OFFICERS.—

15 Section 17(d)(5) of the Central Intelligence Agency
16 Act of 1949 (50 U.S.C. 3517(d)(5)) is amended by
17 adding at the end the following:

18 “(I) The Inspector General shall appoint within the
19 Office of the Inspector General security officers as re-
20 quired by section 416(i) of title 5, United States Code.”.

21 (2) PROCEDURES.—Subparagraph (D) of such
22 section is amended—

23 (A) in clause (i), by inserting “or any
24 other committee of jurisdiction of the Senate or

1 the House of Representatives” after “either or
2 both of the intelligence committees”;

3 (B) by amending clause (ii) to read as fol-
4 lows:

5 “(ii)(I) Except as provided in subclause (II), an em-
6 ployee may contact an intelligence committee or another
7 committee of jurisdiction directly as described in clause
8 (i) only if the employee—

9 “(aa) before making such a contact, furnishes
10 to the Director, through the Inspector General, a
11 statement of the employee’s complaint or informa-
12 tion and notice of the employee’s intent to contact
13 an intelligence committee or another committee of
14 jurisdiction of the Senate or the House of Rep-
15 resentatives directly; and

16 “(bb)(AA) obtains and follows, from the Direc-
17 tor, through the Inspector General, procedural direc-
18 tion on how to contact an intelligence committee or
19 another committee of jurisdiction of the Senate or
20 the House of Representatives in accordance with ap-
21 propriate security practices; or

22 “(BB) obtains and follows such procedural di-
23 rection from the applicable security officer appointed
24 under section 416(i) of title 5, United States Code.

1 “(II) If an employee seeks procedural direction
2 under subclause (I)(bb) and does not receive such
3 procedural direction within 30 days, or receives in-
4 sufficient direction to report to Congress a complaint
5 or information, the employee may contact an intel-
6 ligence committee or another committee of jurisdic-
7 tion of the Senate or the House of Representatives
8 directly without obtaining or following the proce-
9 dural direction otherwise required under such sub-
10 clause.”;

11 (C) by redesignating clause (iii) as clause
12 (iv); and

13 (D) by inserting after clause (ii) the fol-
14 lowing:

15 “(iii) An employee of the Agency who intends to re-
16 port to Congress a complaint or information may report
17 such complaint or information to the Chairman and Vice
18 Chairman or Ranking Member, as the case may be, of an
19 intelligence committee or another committee of jurisdic-
20 tion of the Senate or the House of Representatives, a non-
21 partisan member of the committee staff designated for
22 purposes of receiving complaints or information under this
23 section, or a member of the majority staff and a member
24 of the minority staff of the committee.”.

1 (3) CLARIFICATION OF RIGHT TO REPORT DI-
2 RECTLY TO CONGRESS.—Subparagraph (A) of such
3 section is amended—

4 (A) by inserting “(i)” before “An employee
5 of”; and

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

7 “(ii) Subject to clauses (ii) and (iii) of subparagraph
8 (D), an employee of the Agency who intends to report to
9 Congress a complaint or information may report such
10 complaint or information directly to Congress, regardless
11 of whether the complaint or information is with respect
12 to an urgent concern—

13 “(I) in lieu of reporting such complaint or in-
14 formation under clause (i); or

15 “(II) in addition to reporting such complaint or
16 information under clause (i).”.

17 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
18 tion or an amendment made by this section shall be con-
19 strued to revoke or diminish any right of an individual
20 provided by section 2303 of title 5, United States Code.

1 **SEC. 602. PROHIBITION AGAINST DISCLOSURE OF WHIS-**
2 **TLBLOWER IDENTITY AS REPRISAL**
3 **AGAINST WHISTLEBLOWER DISCLOSURE BY**
4 **EMPLOYEES AND CONTRACTORS IN INTEL-**
5 **LIGENCE COMMUNITY.**

6 (a) IN GENERAL.—Section 1104 of the National Se-
7 curity Act of 1947 (50 U.S.C. 3234) is amended—

8 (1) in subsection (a)(3) of such section—

9 (A) in subparagraph (I), by striking “; or”
10 and inserting a semicolon;

11 (B) by redesignating subparagraph (J) as
12 subparagraph (K); and

13 (C) by inserting after subparagraph (I) the
14 following:

15 “(J) a knowing and willful disclosure re-
16 vealing the identity or other personally identifi-
17 able information of an employee or contractor
18 employee so as to identify the employee or con-
19 tractor employee as an employee or contractor
20 employee who has made a lawful disclosure de-
21 scribed in subsection (b) or (c); or”;

22 (2) by redesignating subsections (f) and (g) as
23 subsections (g) and (h), respectively; and

24 (3) by inserting after subsection (e) the fol-
25 lowing:

1 “(f) PERSONNEL ACTIONS INVOLVING DISCLOSURE
2 OF WHISTLEBLOWER IDENTITY.—A personnel action de-
3 scribed in subsection (a)(3)(J) shall not be considered to
4 be in violation of subsection (b) or (c) under the following
5 circumstances:

6 “(1) The personnel action was taken with the
7 express consent of the employee or contractor em-
8 ployee.

9 “(2) An Inspector General with oversight re-
10 sponsibility for a covered intelligence community ele-
11 ment determines that—

12 “(A) the personnel action was unavoidable
13 under section 103H(g)(3)(A) of this Act (50
14 U.S.C. 3033(g)(3)(A)), section 17(e)(3)(A) of
15 the Central Intelligence Agency Act of 1949 (50
16 U.S.C. 3517(e)(3)(A)), section 407(b) of title 5,
17 United States Code, or section 420(b)(2)(B) of
18 such title;

19 “(B) the personnel action was made to an
20 official of the Department of Justice responsible
21 for determining whether a prosecution should
22 be undertaken; or

23 “(C) the personnel action was required by
24 statute or an order from a court of competent
25 jurisdiction.”.

1 (b) APPLICABILITY TO DETAILEES.—Subsection (a)
2 of section 1104 of such Act (50 U.S.C. 3234) is amended
3 by adding at the end the following:

4 “(5) EMPLOYEE.—The term ‘employee’, with
5 respect to an agency or a covered intelligence com-
6 munity element, includes an individual who has been
7 detailed to such agency or covered intelligence com-
8 munity element.”.

9 (c) HARMONIZATION OF ENFORCEMENT.—Sub-
10 section (g) of such section, as redesignated by subsection
11 (a)(2) of this section, is amended to read as follows:

12 “(g) ENFORCEMENT.—

13 “(1) IN GENERAL.—Except as otherwise pro-
14 vided in this subsection, the President shall provide
15 for the enforcement of this section.

16 “(2) HARMONIZATION WITH OTHER ENFORCE-
17 MENT.—To the fullest extent possible, the President
18 shall provide for enforcement of this section in a
19 manner that is consistent with the enforcement of
20 section 2302(b)(8) of title 5, United States Code, es-
21 pecially with respect to policies and procedures used
22 to adjudicate alleged violations of such section.”.

1 **SEC. 603. ESTABLISHING PROCESS PARITY FOR ADVERSE**
2 **SECURITY CLEARANCE AND ACCESS DETER-**
3 **MINATIONS.**

4 Subparagraph (C) of section 3001(j)(4) of the Intel-
5 ligence Reform and Terrorism Prevention Act of 2004 (50
6 U.S.C. 3341(j)(4)) is amended to read as follows:

7 “(C) CONTRIBUTING FACTOR.—

8 “(i) IN GENERAL.—Subject to clause
9 (iii), in determining whether the adverse
10 security clearance or access determination
11 violated paragraph (1), the agency shall
12 find that paragraph (1) was violated if the
13 individual has demonstrated that a disclo-
14 sure described in paragraph (1) was a con-
15 tributing factor in the adverse security
16 clearance or access determination taken
17 against the individual.

18 “(ii) CIRCUMSTANTIAL EVIDENCE.—
19 An individual under clause (i) may dem-
20 onstrate that the disclosure was a contrib-
21 uting factor in the adverse security clear-
22 ance or access determination taken against
23 the individual through circumstantial evi-
24 dence, such as evidence that—

1 “(I) the official making the de-
2 termination knew of the disclosure;
3 and

4 “(II) the determination occurred
5 within a period such that a reasonable
6 person could conclude that the dislo-
7 sure was a contributing factor in the
8 determination.

9 “(iii) DEFENSE.—In determining
10 whether the adverse security clearance or
11 access determination violated paragraph
12 (1), the agency shall not find that para-
13 graph (1) was violated if, after a finding
14 that a disclosure was a contributing factor,
15 the agency demonstrates by clear and con-
16 vincing evidence that it would have made
17 the same security clearance or access de-
18 termination in the absence of such dislo-
19 sure.”.

20 **SEC. 604. ELIMINATION OF CAP ON COMPENSATORY DAM-**
21 **AGES FOR RETALIATORY REVOCATION OF SE-**
22 **CURITY CLEARANCES AND ACCESS DETER-**
23 **MINATIONS.**

24 Section 3001(j)(4)(B) of the Intelligence Reform and
25 Terrorism Prevention Act of 2004 (50 U.S.C.

1 3341(j)(4)(B)) is amended, in the second sentence, by
2 striking “not to exceed \$300,000”.

3 **SEC. 605. MODIFICATION AND REPEAL OF REPORTING RE-**
4 **QUIREMENTS.**

5 (a) MODIFICATION OF FREQUENCY OF WHISTLE-
6 BLOWER NOTIFICATIONS TO INSPECTOR GENERAL OF
7 THE INTELLIGENCE COMMUNITY.—Section 5334(a) of the
8 Damon Paul Nelson and Matthew Young Pollard Intel-
9 ligence Authorization Act for Fiscal Years 2018, 2019,
10 and 2020 (Public Law 116–92; 50 U.S.C. 3033 note) is
11 amended by striking “in real time” and inserting “month-
12 ly”.

13 (b) REPEAL OF REQUIREMENT FOR INSPECTORS
14 GENERAL REVIEWS OF ENHANCED PERSONNEL SECU-
15 RITY PROGRAMS.—

16 (1) IN GENERAL.—Section 11001 of title 5,
17 United States Code, is amended—

18 (A) by striking subsection (d); and

19 (B) by redesignating subsection (e) as sub-
20 section (d).

21 (2) TECHNICAL CORRECTIONS.—Subsection (d)
22 of section 11001 of such title, as redesignated by
23 paragraph (1)(B), is amended—

24 (A) in paragraph (3), by adding “and”
25 after the semicolon at the end; and

1 (B) in paragraph (4), by striking “; and”
2 and inserting a period.

3 **TITLE VII—CLASSIFICATION**
4 **REFORM**
5 **Subtitle A—Classification Reform**
6 **Act of 2023**

7 **SEC. 701. SHORT TITLE.**

8 This subtitle may be cited as the “Classification Re-
9 form Act of 2023”.

10 **SEC. 702. DEFINITIONS.**

11 In this subtitle:

12 (1) **AGENCY.**—The term “agency” means any
13 Executive agency as defined in section 105 of title
14 5, United States Code, any military department as
15 defined in section 102 of such title, and any other
16 entity in the executive branch of the Federal Gov-
17 ernment that comes into the possession of classified
18 information.

19 (2) **CLASSIFY, CLASSIFIED, CLASSIFICATION.**—
20 The terms “classify”, “classified”, and “classifica-
21 tion” refer to the process by which information is
22 determined to require protection from unauthorized
23 disclosure pursuant to Executive Order 13526 (50
24 U.S.C. 3161 note; relating to classified national se-
25 curity information), or previous and successor execu-

TITLE XI—OTHER MATTERS**SEC. 1101. MODIFICATION OF REPORTING REQUIREMENT
FOR ALL-DOMAIN ANOMALY RESOLUTION OFFICE.**

Section 1683(k)(1) of the National Defense Authorization Act for Fiscal Year 2022 (50 U.S.C. 3373(k)(1)), as amended by section 6802(a) of the Intelligence Authorization Act for Fiscal Year 2023 (Public Law 117–263), is amended—

(1) in the heading, by striking “DIRECTOR OF NATIONAL INTELLIGENCE AND SECRETARY OF DEFENSE” and inserting “ALL-DOMAIN ANOMALY RESOLUTION OFFICE”; and

(2) in subparagraph (A), by striking “Director of National Intelligence and the Secretary of Defense shall jointly” and inserting “Director of the Office shall”.

SEC. 1102. FUNDING LIMITATIONS RELATING TO UNIDENTIFIED ANOMALOUS PHENOMENA.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the Select Committee on Intelligence, the Committee on Armed Services, and the

1 Committee on Appropriations of the Senate;
2 and

3 (B) the Permanent Select Committee on
4 Intelligence, the Committee on Armed Services,
5 and the Committee on Appropriations of the
6 House of Representatives.

7 (2) CONGRESSIONAL LEADERSHIP.—The term
8 “congressional leadership” means—

9 (A) the majority leader of the Senate;

10 (B) the minority leader of the Senate;

11 (C) the Speaker of the House of Rep-
12 resentatives; and

13 (D) the minority leader of the House of
14 Representatives.

15 (3) DIRECTOR.—The term “Director” means
16 the Director of the All-domain Anomaly Resolution
17 Office.

18 (4) UNIDENTIFIED ANOMALOUS PHENOMENA.—
19 The term “unidentified anomalous phenomena” has
20 the meaning given such term in section 1683(n) of
21 the National Defense Authorization Act for Fiscal
22 Year 2022 (50 U.S.C. 3373(n)), as amended by sec-
23 tion 6802(a) of the Intelligence Authorization Act
24 for Fiscal Year 2023 (Public Law 117–263).

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

6 (1) the United States industrial base must re-
7 tain its global lead in critical advanced technologies;
8 and

9 (2) the Federal Government must expand
10 awareness about any historical exotic technology
11 antecedents previously provided by the Federal Gov-
12 ernment for research and development purposes.

13 (c) LIMITATIONS.—No amount authorized to be ap-
14 propriated by this Act may be obligated or expended, di-
15 rectly or indirectly, in part or in whole, for, on, in relation
16 to, or in support of activities involving unidentified anoma-
17 lous phenomena protected under any form of special ac-
18 cess or restricted access limitations that have not been for-
19 mally, officially, explicitly, and specifically described, ex-
20 plained, and justified to the appropriate committees of
21 Congress, congressional leadership, and the Director, in-
22 cluding for any activities relating to the following:

23 (1) Recruiting, employing, training, equipping,
24 and operations of, and providing security for, gov-
25 ernment or contractor personnel with a primary, sec-

1 ondary, or contingency mission of capturing, recov-
2 ering, and securing unidentified anomalous phe-
3 nomena craft or pieces and components of such
4 craft.

5 (2) Analyzing such craft or pieces or compo-
6 nents thereof, including for the purpose of deter-
7 mining properties, material composition, method of
8 manufacture, origin, characteristics, usage and ap-
9 plication, performance, operational modalities, or re-
10 verse engineering of such craft or component tech-
11 nology.

12 (3) Managing and providing security for pro-
13 tecting activities and information relating to uniden-
14 tified anomalous phenomena from disclosure or com-
15 promise.

16 (4) Actions relating to reverse engineering or
17 replicating unidentified anomalous phenomena tech-
18 nology or performance based on analysis of materials
19 or sensor and observational information associated
20 with unidentified anomalous phenomena.

21 (5) The development of propulsion technology,
22 or aerospace craft that uses propulsion technology,
23 systems, or subsystems, that is based on or derived
24 from or inspired by inspection, analysis, or reverse

1 engineering of recovered unidentified anomalous phe-
2 nomena craft or materials.

3 (6) Any aerospace craft that uses propulsion
4 technology other than chemical propellants, solar
5 power, or electric ion thrust.

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

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

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

19 (A) all such material and information; and

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

23 (e) LIABILITY.—No criminal or civil action may lie
24 or be maintained in any Federal or State court against
25 any person for receiving material or information described

1 in subsection (d) if that person complies with the notifica-
2 tion and reporting provisions described in such subsection.

3 (f) LIMITATION REGARDING INDEPENDENT RE-
4 SEARCH AND DEVELOPMENT.—

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

17 (2) EFFECTIVE DATE AND APPLICABILITY.—
18 Paragraph (1) shall take effect on the date that is
19 60 days after the date of the enactment of this Act
20 and shall apply with respect to funding from
21 amounts appropriated before, on, or after such date.

22 (g) NOTICE TO CONGRESS.—Not later than 30 days
23 after the date on which the Director has received a notifi-
24 cation under paragraph (1) of subsection (d) or informa-
25 tion or material under paragraph (2) of such subsection,

1 the Director shall provide written notification of such re-
2 ceipt to the appropriate committees of Congress, the Com-
3 mittee on Homeland Security and Governmental Affairs
4 of the Senate, the Committee on Oversight and Account-
5 ability of the House of Representatives, and congressional
6 leadership.

Passed the Senate July 27, 2023.

Attest:

Secretary.