

AMENDMENT TO RULES COMMITTEE PRINT

119-33

OFFERED BY MR. BURLISON OF MISSOURI

Add at the end of title XVII, the following new subtitle:

1 **Subtitle C—Unidentified Anoma-**
2 **lous Phenomena Records Collec-**
3 **tion At the National Archives**
4 **and Records Administration**

5 **SEC. 1741. UNIDENTIFIED ANOMALOUS PHENOMENA**
6 **RECORDS COLLECTION AT THE NATIONAL**
7 **ARCHIVES AND RECORDS ADMINISTRATION.**

8 (a) ESTABLISHMENT.—

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

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

1 (C) The Collection shall consist of record copies
2 of all Government, Government-provided, or Govern-
3 ment-funded records relating to unidentified anoma-
4 lous phenomena, technologies of unknown origin,
5 and non-human intelligence (or equivalent subjects
6 by any other name with the specific and sole exclu-
7 sion of temporarily non-attributed objects), which
8 shall be transmitted to the National Archives in ac-
9 cordance with section 2107 of title 44, United States
10 Code.

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

13 (2) CONTENTS.—The Collection shall include
14 the following:

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

17 (i) that have been transmitted to the
18 National Archives or disclosed to the public
19 in an unredacted form prior to the date of
20 the enactment of this Act;

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

23 (iii) that the disclosure of which is
24 postponed under this subtitle.

1 (B) A central directory comprised of iden-
2 tification aids created for each record trans-
3 mitted to the Archivist under section 1742.

4 (C) All Review Board records as required
5 by this subtitle.

6 (b) DISCLOSURE OF RECORDS.—All unidentified
7 anomalous phenomena records transmitted to the National
8 Archives for disclosure to the public shall—

9 (1) be included in the Collection; and

10 (2) be available to the public—

11 (A) for inspection and copying at the Na-
12 tional Archives within 30 days after their trans-
13 mission to the National Archives; and

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

17 (c) SECURITY OF RECORDS.—The National Security
18 Program Office at the National Archives, in consultation
19 with the National Archives Information Security Oversight
20 Office, shall establish a program to ensure the security
21 of the postponed unidentified anomalous phenomena
22 records in the protected, and yet-to-be disclosed or classi-
23 fied portion of the Collection.

24 (d) OVERSIGHT.—

1 (1) SENATE.—The Committee on Homeland
2 Security and Governmental Affairs, the Committee
3 on Armed Services, and the Select Committee on In-
4 telligence of the Senate shall have continuing legisla-
5 tive oversight jurisdiction in the Senate with respect
6 to the Collection.

7 (2) HOUSE OF REPRESENTATIVES.—The Com-
8 mittee on Oversight and Government Reform, the
9 Committee on Armed Services, and the Permanent
10 Select Committee on Intelligence of the House of
11 Representatives of the House of Representatives
12 shall have continuing legislative oversight jurisdic-
13 tion in the House of Representatives with respect to
14 the Collection.

15 **SEC. 1742. REVIEW, IDENTIFICATION, TRANSMISSION TO**
16 **THE NATIONAL ARCHIVES, AND PUBLIC DIS-**
17 **CLOSURE OF UNIDENTIFIED ANOMALOUS**
18 **PHENOMENA RECORDS BY GOVERNMENT OF-**
19 **FICES.**

20 (a) IDENTIFICATION, ORGANIZATION, AND PREPARA-
21 TION FOR TRANSMISSION.—

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

1 (A) identify and organize records in the
2 possession of the Government office or under
3 the control of the Government office relating to
4 unidentified anomalous phenomena; and

5 (B) prepare such records for transmission
6 to the Archivist for inclusion in the Collection.

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

10 (B) No unidentified anomalous phenomena
11 record made available or disclosed to the public prior
12 to the date of enactment of this Act may be with-
13 held, redacted, postponed for public disclosure, or re-
14 classified.

15 (C) No unidentified anomalous phenomena
16 record created by a person or entity outside the Fed-
17 eral Government (excluding names or identities con-
18 sistent with the requirements of section 1743) shall
19 be withheld, redacted, postponed for public disclo-
20 sure, or reclassified.

21 (b) CUSTODY OF UNIDENTIFIED ANOMALOUS PHE-
22 NOMENA RECORDS PENDING REVIEW.—During the re-
23 view by the heads of Government offices under subsection
24 (c) and pending review activity by the Review Board, each
25 head of a Government office shall retain custody of the

1 unidentified anomalous phenomena records of the office
2 for purposes of preservation, security, and efficiency, un-
3 less—

4 (1) the Review Board requires the physical
5 transfer of the records for purposes of conducting an
6 independent and impartial review;

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

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

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

12 (1) IN GENERAL.—Not later than 300 days
13 after the date of enactment of this Act, each head
14 of a Government office shall review, identify, and or-
15 ganize each unidentified anomalous phenomena
16 record in the custody or possession of the office
17 for—

18 (A) disclosure to the public;

19 (B) review by the Review Board; and

20 (C) transmission to the Archivist.

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

23 (A) determine which of the records of the
24 office are unidentified anomalous phenomena
25 records;

1 (B) determine which of the unidentified
2 anomalous phenomena records of the office
3 have been officially disclosed or made publicly
4 available in a complete and unredacted form;

5 (C)(i) determine which of the unidentified
6 anomalous phenomena records of the office, or
7 particular information contained in such a
8 record, was created by a third agency or by an-
9 other Government office; and

10 (ii) transmit to a third agency or other
11 Government office those records, or particular
12 information contained in those records, or com-
13 plete and accurate copies thereof;

14 (D)(i) determine whether the unidentified
15 anomalous phenomena records of the office or
16 particular information in unidentified anoma-
17 lous phenomena records of the office are cov-
18 ered by the standards for postponement of pub-
19 lic disclosure under this subtitle and

20 (ii) specify on the identification aid re-
21 quired by subsection (d) the applicable post-
22 ponement provision contained in section 1743;

23 (E) organize and make available to the Re-
24 view Board all unidentified anomalous phe-
25 nomena records identified under subparagraph

1 (D) the public disclosure of, which in-whole or
2 in-part, may be postponed under this subtitle;

3 (F) organize and make available to the Re-
4 view Board any record concerning which the of-
5 fice has any uncertainty as to whether the
6 record is an unidentified anomalous phenomena
7 record governed by this subtitle;

8 (G) give precedence of work to—

9 (i) the identification, review, and
10 transmission of unidentified anomalous
11 phenomena records not already publicly
12 available or disclosed as of the date of en-
13 actment of this Act;

14 (ii) the identification, review, and
15 transmission of all records that most un-
16 ambiguously and definitively pertain to un-
17 identified anomalous phenomena, tech-
18 nologies of unknown origin, and non-
19 human intelligence;

20 (iii) the identification, review, and
21 transmission of unidentified anomalous
22 phenomena records that on the date of en-
23 actment of this Act are the subject of liti-
24 gation under section 552 of title 5, United
25 States Code; and

1 (iv) the identification, review, and
2 transmission of unidentified anomalous
3 phenomena records with earliest prove-
4 nance when not inconsistent with clauses
5 (i) through (iii) and otherwise feasible; and
6 (H) make available to the Review Board
7 any additional information and records that the
8 Review Board has reason to believe the Review
9 Board requires for conducting a review under
10 this subtitle.

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

13 The Director of each archival depository established
14 under section 2112 of title 44, United States Code,
15 shall have as a priority the expedited review for pub-
16 lic disclosure of unidentified anomalous phenomena
17 records in the possession and custody of the deposi-
18 tory, and shall make such records available to the
19 Review Board as required by this subtitle.

20 (d) IDENTIFICATION AIDS.—

21 (1) IN GENERAL.—(A) Not later than 45 days
22 after the date of enactment of this Act, the Archi-
23 vist, in consultation with the heads of such Govern-
24 ment offices as the Archivist considers appropriate,
25 shall prepare and make available to all Government

1 offices a standard form of identification, or finding
2 aid, for use with each unidentified anomalous phe-
3 nomena record subject to review under this subtitle
4 whether in hardcopy (physical), softcopy (electronic),
5 or digitized data format as may be appropriate.

6 (B) The Archivist shall ensure that the identi-
7 fication aid program is established in such a manner
8 as to result in the creation of a uniform system for
9 cataloging and finding every unidentified anomalous
10 phenomena record subject to review under this sub-
11 title where ever and how ever stored in hardcopy
12 (physical), softcopy (electronic), or digitized data
13 format.

14 (2) REQUIREMENTS FOR GOVERNMENT OF-
15 FICES.—Upon completion of an identification aid
16 using the standard form of identification prepared
17 and made available under subparagraph (A) of para-
18 graph (1)) for the program established pursuant to
19 subparagraph (B) of such paragraph, the head of a
20 Government office shall—

21 (A) attach a printed copy to each physical
22 unidentified anomalous phenomena record, and
23 an electronic copy to each softcopy or digitized
24 data unidentified anomalous phenomena record,
25 the identification aid describes;

1 (B) transmit to the Review Board a print-
2 ed copy for each physical unidentified anoma-
3 lous phenomena record and an electronic copy
4 for each softcopy or digitized data unidentified
5 anomalous phenomena record the identification
6 aid describes; and

7 (C) attach a printed copy to each physical
8 unidentified anomalous phenomena record, and
9 an electronic copy to each softcopy or digitized
10 data unidentified anomalous phenomena record
11 the identification aid describes, when trans-
12 mitted to the Archivist.

13 (3) RECORDS OF THE NATIONAL ARCHIVES
14 THAT ARE PUBLICLY AVAILABLE.—Unidentified
15 anomalous phenomena records which are in the pos-
16 session of the National Archives on the date of en-
17 actment of this Act, and which have been publicly
18 available in their entirety without redaction, shall be
19 made available in the Collection without any addi-
20 tional review by the Review Board or another au-
21 thorized office under this subtitle, and shall not be
22 required to have such an identification aid unless re-
23 quired by the Archivist.

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

1 (1) transmit to the Archivist, and make imme-
2 diately available to the public, all unidentified anom-
3 alous phenomena records of the Government office
4 that can be publicly disclosed, including those that
5 are publicly available on the date of enactment of
6 this Act, without any redaction, adjustment, or with-
7 holding under the standards of this subtitle; and

8 (2) transmit to the Archivist upon approval for
9 postponement by the Review Board or upon comple-
10 tion of other action authorized by this subtitle, all
11 unidentified anomalous phenomena records of the
12 Government office the public disclosure of which has
13 been postponed, in whole or in part, under the
14 standards of this subtitle, to become part of the pro-
15 tected, yet-to-be disclosed, or classified portion of
16 the Collection.

17 (f) CUSTODY OF POSTPONED UNIDENTIFIED ANOMA-
18 LOUS PHENOMENA RECORDS.—An unidentified anoma-
19 lous phenomena record the public disclosure of which has
20 been postponed shall, pending transmission to the Archi-
21 vist, be held for reasons of security and preservation by
22 the originating body until such time as the information
23 security program has been established at the National Ar-
24 chives as required in section 1741(d)(2).

1 (g) PERIODIC REVIEW OF POSTPONED UNIDENTI-
2 FIED ANOMALOUS PHENOMENA RECORDS.—

3 (1) IN GENERAL.—All postponed or redacted
4 records shall be reviewed periodically by the origi-
5 nating agency and the Archivist consistent with the
6 recommendations of the Review Board in the Con-
7 trolled Disclosure Campaign Plan under section
8 1746(e)(3)(B).

9 (2) REQUIREMENTS.—(A) A periodic review
10 under paragraph (1) shall address the public disclo-
11 sure of additional unidentified anomalous phe-
12 nomena records in the Collection under the stand-
13 ards of this subtitle.

14 (B) All postponed unidentified anomalous phe-
15 nomena records determined to require continued
16 postponement shall require an unclassified written
17 description of the reason for such continued post-
18 ponement relevant to these specific records. Such de-
19 scription shall be provided to the Archivist and pub-
20 lished in the Federal Register upon determination.

21 (C) The time and release requirements specified
22 in the Controlled Disclosure Campaign Plan shall be
23 revised or amended only if the Review Board is still
24 in session and concurs with the rationale for post-

1 ponement, subject to the limitations in section
2 1746(d)(1).

3 (D) The periodic review of postponed unidenti-
4 fied anomalous phenomena records shall serve to
5 downgrade and declassify security classified informa-
6 tion.

7 (E) Each unidentified anomalous phenomena
8 record shall be publicly disclosed in full, and avail-
9 able in the Collection, not later than the date that
10 is 25 years after the date of the first creation of the
11 record by the originating body, unless the President
12 certifies, as required by this subtitle, that—

13 (i) continued postponement is made nec-
14 essary by an identifiable harm to the military
15 defense, intelligence operations, law enforce-
16 ment, or conduct of foreign relations; and

17 (ii) the identifiable harm is of such gravity
18 that it outweighs the public interest in disclo-
19 sure.

20 (h) REQUIREMENTS FOR EXECUTIVE AGENCIES.—

21 (1) IN GENERAL.—The heads of Executive
22 agencies shall—

23 (A) transmit digital records electronically
24 in accordance with section 2107 of title 44,
25 United States Code;

1 (B) charge fees for copying unidentified
2 anomalous phenomena records; and

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

6 (2) AMOUNT OF FEES.—The amount of a fee
7 charged by the head of an Executive agency pursu-
8 ant to paragraph (1)(B) for the copying of an un-
9 identified anomalous phenomena record shall be
10 such amount as the head determines appropriate to
11 cover the costs incurred by the Executive agency in
12 making and providing such copy, except that in no
13 case may the amount of the fee charged exceed the
14 actual expenses incurred by the Executive agency in
15 making and providing such copy.

16 **SEC. 1743. GROUNDS FOR POSTPONEMENT OF PUBLIC DIS-**
17 **CLOSURE OF UNIDENTIFIED ANOMALOUS**
18 **PHENOMENA RECORDS.**

19 Disclosure of unidentified anomalous phenomena
20 records or particular information in unidentified anoma-
21 lous phenomena records to the public may be postponed
22 subject to the limitations of this subtitle if there is clear
23 and convincing evidence that—

24 (1) the threat to the military defense, intel-
25 ligence operations, or conduct of foreign relations of

1 the United States posed by the public disclosure of
2 the unidentified anomalous phenomena record is of
3 such gravity that it outweighs the public interest in
4 disclosure, and such public disclosure would reveal—

5 (A) an intelligence agent whose identity
6 currently requires protection;

7 (B) an intelligence source or method which
8 is currently utilized, or reasonably expected to
9 be utilized, by the Federal Government and
10 which has not been officially disclosed, the dis-
11 closure of which would interfere with the con-
12 duct of intelligence activities; or

13 (C) any other matter currently relating to
14 the military defense, intelligence operations, or
15 conduct of foreign relations of the United
16 States, the disclosure of which would demon-
17 strably and substantially impair the national se-
18 curity of the United States;

19 (2) the public disclosure of the unidentified
20 anomalous phenomena record would reveal the name
21 or identity of a living person who provided confiden-
22 tial information to the Federal Government and
23 would pose a substantial risk of harm to that per-
24 son;

1 (3) the public disclosure of the unidentified
2 anomalous phenomena record could reasonably be
3 expected to constitute an unwarranted invasion of
4 personal privacy, and that invasion of privacy is so
5 substantial that it outweighs the public interest; or

6 (4) the public disclosure of the unidentified
7 anomalous phenomena record would compromise the
8 existence of an understanding of confidentiality cur-
9 rently requiring protection between a Federal Gov-
10 ernment agent and a cooperating individual or a for-
11 eign government, and public disclosure would be so
12 harmful that it outweighs the public interest.

13 **SEC. 1744. ESTABLISHMENT AND POWERS OF THE UNIDEN-**
14 **TIFIED ANOMALOUS PHENOMENA RECORDS**
15 **REVIEW BOARD.**

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

19 (b) **APPOINTMENT.**—

20 (1) **IN GENERAL.**—The President, by and with
21 the advice and consent of the Senate, shall appoint,
22 without regard to political affiliation, 9 citizens of
23 the United States to serve as members of the Review
24 Board to ensure and facilitate the review, trans-
25 mission to the Archivist, and public disclosure of

1 government records relating to unidentified anomalous
2 phenomena.

3 (2) PERIOD FOR NOMINATIONS.—(A) The
4 President shall make nominations to the Review
5 Board not later than 90 calendar days after the date
6 of enactment of this Act.

7 (B) If the Senate votes not to confirm a nomi-
8 nation to the Review Board, the President shall
9 make an additional nomination not later than 30
10 days thereafter.

11 (3) CONSIDERATION OF RECOMMENDATIONS.—
12 (A) The President shall make nominations to the
13 Review Board after considering persons rec-
14 ommended by the following:

15 (i) The majority leader of the Senate.

16 (ii) The minority leader of the Senate.

17 (iii) The Speaker of the House of Rep-
18 resentatives.

19 (iv) The minority leader of the House of
20 Representatives.

21 (v) The Secretary of Defense.

22 (vi) The National Academy of Sciences.

23 (vii) Established nonprofit research organi-
24 zations relating to unidentified anomalous phe-
25 nomena.

1 (viii) The American Historical Association.

2 (ix) Such other persons and organizations
3 as the President considers appropriate.

4 (B) If an individual or organization described in
5 subparagraph (A) does not recommend at least 2
6 nominees meeting the qualifications stated in para-
7 graph (5) by the date that is 45 days after the date
8 of enactment of this Act, the President shall con-
9 sider for nomination the persons recommended by
10 the other individuals and organizations described in
11 such subparagraph.

12 (C) The President may request an individual or
13 organization described in subparagraph (A) to sub-
14 mit additional nominations.

15 (4) QUALIFICATIONS.—Persons nominated to
16 the Review Board—

17 (A) shall be impartial citizens, none of
18 whom shall have had any previous or current
19 involvement with any legacy program or con-
20 trolling authority relating to the collection, ex-
21 ploitation, or reverse engineering of technologies
22 of unknown origin or the examination of bio-
23 logical evidence of living or deceased non-
24 human intelligence;

1 (B) shall be distinguished persons of high
2 national professional reputation in their respec-
3 tive fields who are capable of exercising the
4 independent and objective judgment necessary
5 to the fulfillment of their role in ensuring and
6 facilitating the review, transmission to the pub-
7 lic, and public disclosure of records related to
8 the government's understanding of, and activi-
9 ties associated with unidentified anomalous phe-
10 nomena, technologies of unknown origin, and
11 non-human intelligence and who possess an ap-
12 preciation of the value of such material to the
13 public, scholars, and government; and

14 (C) shall include at least—

15 (i) 1 current or former national secu-
16 rity official;

17 (ii) 1 current or former foreign service
18 official;

19 (iii) 1 scientist or engineer;

20 (iv) 1 economist;

21 (v) 1 professional historian; and

22 (vi) 1 sociologist.

23 (5) MANDATORY CONFLICTS OF INTEREST RE-
24 VIEW.—

1 (A) IN GENERAL.—The Director shall con-
2 duct a review of each individual nominated and
3 appointed to the position of member of the Re-
4 view Board to ensure the member does not have
5 any conflict of interest during the term of the
6 service of the member.

7 (B) REPORTS.—During the course of the
8 review under subparagraph (A), if the Director
9 becomes aware that the member being reviewed
10 possesses a conflict of interest to the mission of
11 the Review Board, the Director shall, not later
12 than 30 days after the date on which the Direc-
13 tor became aware of the conflict of interest,
14 submit to the Committee on Homeland Security
15 and Governmental Affairs of the Senate and the
16 Committee on Oversight and Government Re-
17 form of the House of Representatives a report
18 on the conflict of interest.

19 (c) SECURITY CLEARANCES.—

20 (1) IN GENERAL.—All Review Board nominees
21 shall be granted the necessary security clearances
22 and accesses, including any and all relevant Presi-
23 dential, departmental, and agency special access pro-
24 grams, in an accelerated manner subject to the
25 standard procedures for granting such clearances.

1 (2) QUALIFICATION FOR NOMINEES.—All nomi-
2 nees for appointment to the Review Board under
3 subsection (b) shall qualify for the necessary security
4 clearances and accesses prior to being considered for
5 confirmation by the Committee on Homeland Secu-
6 rity and Governmental Affairs of the Senate.

7 (d) CONSIDERATION BY THE SENATE.—Nominations
8 for appointment under subsection (b) shall be referred to
9 the Committee on Homeland Security and Governmental
10 Affairs of the Senate for consideration.

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

14 (f) REMOVAL OF REVIEW BOARD MEMBER.—

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

17 (A) by impeachment and conviction; or

18 (B) by the action of the President for inef-
19 ficiency, neglect of duty, malfeasance in office,
20 physical disability, mental incapacity, or any
21 other condition that substantially impairs the
22 performance of the member's duties.

23 (2) NOTICE OF REMOVAL.—(A) If a member of
24 the Review Board is removed from office, and that
25 removal is by the President, not later than 10 days

1 after the removal, the President shall submit to the
2 leadership of Congress, the Committee on Homeland
3 Security and Governmental Affairs of the Senate
4 and the Committee on Oversight and Government
5 Reform of the House of Representatives a report
6 specifying the facts found and the grounds for the
7 removal.

8 (B) The President shall publish in the Federal
9 Register a report submitted under subparagraph
10 (A), except that the President may, if necessary to
11 protect the rights of a person named in the report
12 or to prevent undue interference with any pending
13 prosecution, postpone or refrain from publishing any
14 or all of the report until the completion of such
15 pending cases or pursuant to privacy protection re-
16 quirements in law.

17 (3) JUDICIAL REVIEW.—(A) A member of the
18 Review Board removed from office may obtain judi-
19 cial review of the removal in a civil action com-
20 menced in the United States District Court for the
21 District of Columbia.

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

24 (g) COMPENSATION OF MEMBERS.—

1 (1) IN GENERAL.—A member of the Review
2 Board, other than the Executive Director under sec-
3 tion 1745(c)(1), shall be compensated at a rate
4 equal to the daily equivalent of the annual rate of
5 basic pay prescribed for level IV of the Executive
6 Schedule under section 5315 of title 5, United
7 States Code, for each day (including travel time)
8 during which the member is engaged in the perform-
9 ance of the duties of the Review Board.

10 (2) TRAVEL EXPENSES.—A member of the Re-
11 view Board shall be allowed reasonable travel ex-
12 penses, including per diem in lieu of subsistence, at
13 rates for employees of agencies under subchapter I
14 of chapter 57 of title 5, United States Code, while
15 away from the member's home or regular place of
16 business in the performance of services for the Re-
17 view Board.

18 (h) DUTIES OF THE REVIEW BOARD.—

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

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

1 (A) whether a record constitutes a uniden-
2 tified anomalous phenomena record; and

3 (B) whether a unidentified anomalous phe-
4 nomena record or particular information in a
5 record qualifies for postponement of disclosure
6 under this subtitle.

7 (i) POWERS.—

8 (1) IN GENERAL.—The Review Board shall
9 have the authority to act in a manner prescribed
10 under this subtitle, including authority—

11 (A) to direct Government offices to com-
12 plete identification aids and organize unidenti-
13 fied anomalous phenomena records;

14 (B) to direct Government offices to trans-
15 mit to the Archivist unidentified anomalous
16 phenomena records as required under this sub-
17 title, including segregable portions of unidenti-
18 fied anomalous phenomena records and sub-
19 stitutes and summaries of unidentified anoma-
20 lous phenomena records that can be publicly
21 disclosed to the fullest extent;

22 (C)(i) to obtain access to unidentified
23 anomalous phenomena records that have been
24 identified and organized by a Government of-
25 fice;

1 (ii) to direct a Government office to make
2 available to the Review Board, and if necessary
3 investigate the facts surrounding, additional in-
4 formation, records, or testimony from individ-
5 uals which the Review Board has reason to be-
6 lieve are required to fulfill its functions and re-
7 sponsibilities under this subtitle; and

8 (iii) request the Attorney General to sub-
9 poena private persons to compel testimony,
10 records, and other information relevant to its
11 responsibilities under this subtitle;

12 (D) require any Government office to ac-
13 count in writing for the destruction of any
14 records relating to unidentified anomalous phe-
15 nomena, technologies of unknown origin, or
16 non-human intelligence;

17 (E) receive information from the public re-
18 garding the identification and public disclosure
19 of unidentified anomalous phenomena records;

20 (F) hold hearings, administer oaths, and
21 subpoena witnesses and documents;

22 (G) use the Federal Acquisition Service in
23 the same manner and under the same condi-
24 tions as other Executive agencies; and

1 (H) use the United States mails in the
2 same manner and under the same conditions as
3 other Executive agencies.

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

8 (j) WITNESS IMMUNITY.—The Review Board shall be
9 considered to be an agency of the United States for pur-
10 poses of section 6001 of title 18, United States Code. Wit-
11 nesses, close observers, and whistleblowers providing infor-
12 mation directly to the Review Board shall also be afforded
13 the protections provided to such persons specified under
14 section 1673(b) of the James M. Inhofe National Defense
15 Authorization Act for Fiscal Year 2023 (50 U.S.C.
16 3373b(b)).

17 (k) OVERSIGHT.—

18 (1) SENATE.—The Committee on Homeland
19 Security and Governmental Affairs of the Senate
20 shall have continuing legislative oversight jurisdic-
21 tion in the Senate with respect to the official con-
22 duct of the Review Board and the disposition of
23 postponed records after termination of the Review
24 Board, and shall have access to any records held or
25 created by the Review Board.

1 (2) HOUSE OF REPRESENTATIVES.—Unless
2 otherwise determined appropriate by the House of
3 Representatives, the Committee on Oversight and
4 Government Reform of the House of Representatives
5 shall have continuing legislative oversight jurisdic-
6 tion in the House of Representatives with respect to
7 the official conduct of the Review Board and the dis-
8 position of postponed records after termination of
9 the Review Board, and shall have access to any
10 records held or created by the Review Board.

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

14 (4) SECURITY CLEARANCES.—The Chairmen
15 and Ranking Members of the Committee on Home-
16 land Security and Governmental Affairs of the Sen-
17 ate and the Committee on Oversight and Govern-
18 ment Reform of the House of Representatives, and
19 staff of such committees designated by such Chair-
20 men and Ranking Members, shall be granted all se-
21 curity clearances and accesses held by the Review
22 Board, including to relevant Presidential and depart-
23 ment or agency special access and compartmented
24 access programs.

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

4 (m) INTERPRETIVE REGULATIONS.—The Review
5 Board may issue interpretive regulations.

6 (n) TERMINATION AND WINDING DOWN.—

7 (1) IN GENERAL.—The Review Board and the
8 terms of its members shall terminate on September
9 30, 2030.

10 (2) REPORTS.—Upon its termination, the Re-
11 view Board shall submit to the President and Con-
12 gress reports, including a complete and accurate ac-
13 counting of expenditures during its existence and
14 shall complete all other reporting requirements
15 under this subtitle.

16 (3) TRANSFER OF RECORDS.—Upon termi-
17 nation and winding down, the Review Board shall
18 transfer all of its records to the Archivist for inclu-
19 sion in the Collection, and no record of the Review
20 Board shall be destroyed.

21 **SEC. 1745. UNIDENTIFIED ANOMALOUS PHENOMENA**
22 **RECORDS REVIEW BOARD PERSONNEL.**

23 (a) EXECUTIVE DIRECTOR.—

24 (1) APPOINTMENT.—Not later than 45 days
25 after the date of enactment of this Act, the Presi-

1 dent shall appoint 1 citizen of the United States,
2 without regard to political affiliation, to the position
3 of Executive Director of the Review Board. This po-
4 sition counts as 1 of the 9 Review Board members
5 under section 1744(b)(1).

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

9 (A) is a distinguished professional; and

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

12 (C) has had no previous or current involve-
13 ment with any legacy program or controlling
14 authority relating to the collection, exploitation,
15 or reverse engineering of technologies of un-
16 known origin or the examination of biological
17 evidence of living or deceased non-human intel-
18 ligence.

19 (3) MANDATORY CONFLICTS OF INTEREST RE-
20 VIEW.—

21 (A) IN GENERAL.—The Director shall con-
22 duct a review of each individual appointed to
23 the position of Executive Director to ensure the
24 Executive Director does not have any conflict of

1 interest during the term of the service of the
2 Executive Director.

3 (B) REPORTS.—During the course of the
4 review under subparagraph (A), if the Director
5 becomes aware that the Executive Director pos-
6 sesses a conflict of interest to the mission of the
7 Review Board, the Director shall, not later than
8 30 days after the date on which the Director
9 became aware of the conflict of interest, submit
10 to the Committee on Homeland Security and
11 Governmental Affairs of the Senate and the
12 Committee on Oversight and Government Re-
13 form of the House of Representatives a report
14 on the conflict of interest.

15 (4) SECURITY CLEARANCES.—(A) A candidate
16 for Executive Director shall be granted all the nec-
17 essary security clearances and accesses, including to
18 relevant Presidential and department or agency spe-
19 cial access and compartmented access programs in
20 an accelerated manner subject to the standard pro-
21 cedures for granting such clearances.

22 (B) A candidate shall qualify for the necessary
23 security clearances and accesses prior to being ap-
24 pointed by the President.

1 (5) FUNCTIONS.—The Executive Director
2 shall—

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

5 (B) serve as Chairperson of the Review
6 Board;

7 (C) be responsible for the administration
8 and coordination of the Review Board’s review
9 of records;

10 (D) be responsible for the administration
11 of all official activities conducted by the Review
12 Board;

13 (E) exercise tie-breaking Review Board au-
14 thority to decide or determine whether any
15 record should be disclosed to the public or post-
16 poned for disclosure; and

17 (F) retain right-of-appeal directly to the
18 President for decisions pertaining to executive
19 branch unidentified anomalous phenomena
20 records for which the Executive Director and
21 Review Board members may disagree.

22 (6) REMOVAL.—The Executive Director shall
23 not be removed for reasons other for cause on the
24 grounds of inefficiency, neglect of duty, malfeasance
25 in office, physical disability, mental incapacity, or

1 any other condition that substantially impairs the
2 performance of the responsibilities of the Executive
3 Director or the staff of the Review Board.

4 (b) STAFF.—

5 (1) IN GENERAL.—The Review Board, without
6 regard to the civil service laws, may appoint and ter-
7minate additional personnel as are necessary to en-
8able the Review Board and its Executive Director to
9perform the duties of the Review Board.

10 (2) QUALIFICATIONS.—

11 (A) IN GENERAL.—Except as provided in
12 subparagraph (B), a person appointed to the
13 staff of the Review Board shall be a citizen of
14 integrity and impartiality who has had no pre-
15vious or current involvement with any legacy
16program or controlling authority relating to the
17collection, exploitation, or reverse engineering of
18technologies of unknown origin or the examina-
19tion of biological evidence of living or deceased
20non-human intelligence.

21 (B) CONSULTATION WITH DIRECTOR OF
22THE OFFICE OF GOVERNMENT ETHICS.—In
23their consideration of persons to be appointed
24as staff of the Review Board under paragraph

1 (1), the Review Board shall consult with the Di-
2 rector—

3 (i) to determine criteria for possible
4 conflicts of interest of staff of the Review
5 Board, consistent with ethics laws, stat-
6 utes, and regulations for employees of the
7 executive branch of the Federal Govern-
8 ment; and

9 (ii) ensure that no person selected for
10 such position of staff of the Review Board
11 possesses a conflict of interests in accord-
12 ance with the criteria determined pursuant
13 to clause (i).

14 (3) SECURITY CLEARANCES.—(A) A candidate
15 for staff shall be granted the necessary security
16 clearances (including all necessary special access
17 program clearances) in an accelerated manner sub-
18 ject to the standard procedures for granting such
19 clearances.

20 (B)(i) The Review Board may offer conditional
21 employment to a candidate for a staff position pend-
22 ing the completion of security clearance background
23 investigations. During the pendency of such inves-
24 tigations, the Review Board shall ensure that any
25 such employee does not have access to, or responsi-

1 bility involving, classified or otherwise restricted un-
2 identified anomalous phenomena record materials.

3 (ii) If a person hired on a conditional basis
4 under clause (i) is denied or otherwise does not qual-
5 ify for all security clearances necessary to carry out
6 the responsibilities of the position for which condi-
7 tional employment has been offered, the Review
8 Board shall immediately terminate the person's em-
9 ployment.

10 (4) SUPPORT FROM NATIONAL DECLASSIFICA-
11 TION CENTER.—The Archivist shall assign one rep-
12 resentative in full-time equivalent status from the
13 National Declassification Center to advise and sup-
14 port the Review Board disclosure postponement re-
15 view process in a non-voting staff capacity.

16 (c) COMPENSATION.—Subject to such rules as may
17 be adopted by the Review Board, without regard to the
18 provisions of title 5, United States Code, governing ap-
19 pointments in the competitive service and without regard
20 to the provisions of chapter 51 and subchapter III of chap-
21 ter 53 of that title relating to classification and General
22 Schedule pay rates—

23 (1) the Executive Director shall be compensated
24 at a rate not to exceed the rate of basic pay for level

1 II of the Executive Schedule and shall serve the en-
2 tire tenure as one full-time equivalent; and

3 (2) the Executive Director shall appoint and fix
4 compensation of such other personnel as may be
5 necessary to carry out this subtitle.

6 (d) ADVISORY COMMITTEES.—

7 (1) AUTHORITY.—The Review Board may cre-
8 ate advisory committees to assist in fulfilling the re-
9 sponsibilities of the Review Board under this sub-
10 title.

11 (2) FACCA.—Any advisory committee created by
12 the Review Board shall be subject to chapter 10 of
13 title 5, United States Code.

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

21 **SEC. 1746. REVIEW OF RECORDS BY THE UNIDENTIFIED**
22 **ANOMALOUS PHENOMENA RECORDS REVIEW**
23 **BOARD.**

24 (a) CUSTODY OF RECORDS REVIEWED BY REVIEW
25 BOARD.—Pending the outcome of a review of activity by

1 the Review Board, a Government office shall retain cus-
2 tody of its unidentified anomalous phenomena records for
3 purposes of preservation, security, and efficiency, unless—

4 (1) the Review Board requires the physical
5 transfer of records for reasons of conducting an
6 independent and impartial review; or

7 (2) such transfer is necessary for an adminis-
8 trative hearing or other official Review Board func-
9 tion.

10 (b) **STARTUP REQUIREMENTS.**—The Review Board
11 shall—

12 (1) not later than 90 days after the date of its
13 appointment, publish a schedule in the Federal Reg-
14 ister for review of all unidentified anomalous phe-
15 nomena records;

16 (2) not later than 180 days after the date of
17 enactment of this Act, begin its review of unidenti-
18 fied anomalous phenomena records under this sub-
19 title; and

20 (3) periodically thereafter as warranted, but not
21 less frequently than semiannually, publish a revised
22 schedule in the Federal Register addressing the re-
23 view and inclusion of any unidentified anomalous
24 phenomena records subsequently discovered.

25 (c) **DETERMINATIONS OF THE REVIEW BOARD.**—

1 (1) IN GENERAL.—The Review Board shall di-
2 rect that all unidentified anomalous phenomena
3 records be transmitted to the Archivist and disclosed
4 to the public in the Collection in the absence of clear
5 and convincing evidence that—

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

8 (B) a Government record, or particular in-
9 formation within an unidentified anomalous
10 phenomena record, qualifies for postponement
11 of public disclosure under this subtitle.

12 (2) REQUIREMENTS.—In approving postpone-
13 ment of public disclosure of a unidentified anoma-
14 lous phenomena record, the Review Board shall seek
15 to—

16 (A) provide for the disclosure of segregable
17 parts, substitutes, or summaries of such a
18 record; and

19 (B) determine, in consultation with the
20 originating body and consistent with the stand-
21 ards for postponement under this subtitle,
22 which of the following alternative forms of dis-
23 closure shall be made by the originating body:

1 (i) Any reasonably segregable par-
2 ticular information in a unidentified anom-
3 alous phenomena record.

4 (ii) A substitute record for that infor-
5 mation which is postponed.

6 (iii) A summary of a unidentified
7 anomalous phenomena record.

8 (3) CONTROLLED DISCLOSURE CAMPAIGN
9 PLAN.—With respect to unidentified anomalous phe-
10 nomena records, particular information in unidenti-
11 fied anomalous phenomena records, recovered tech-
12 nologies of unknown origin, and biological evidence
13 for non-human intelligence the public disclosure of
14 which is postponed pursuant to section 1743, or for
15 which only substitutions or summaries have been
16 disclosed to the public, the Review Board shall cre-
17 ate and transmit to the President, the Archivist, the
18 Committee on Homeland Security and Governmental
19 Affairs of the Senate, and the Committee on Over-
20 sight and Government Reform of the House of Rep-
21 resentatives a Controlled Disclosure Campaign Plan,
22 with classified appendix, containing—

23 (A) a description of actions by the Review
24 Board, the originating body, the President, or
25 any Government office (including a justification

1 of any such action to postpone disclosure of any
2 record or part of any record) and of any official
3 proceedings conducted by the Review Board
4 with regard to specific unidentified anomalous
5 phenomena records; and

6 (B) a benchmark-driven plan, based upon
7 a review of the proceedings and in conformity
8 with the decisions reflected therein, recom-
9 mending precise requirements for periodic re-
10 view, downgrading, and declassification as well
11 as the exact time or specified occurrence fol-
12 lowing which each postponed item may be ap-
13 propriately disclosed to the public under this
14 subtitle.

15 (4) NOTICE FOLLOWING REVIEW AND DETER-
16 MINATION.—(A) Following its review and a deter-
17 mination that a unidentified anomalous phenomena
18 record shall be publicly disclosed in the Collection or
19 postponed for disclosure and held in the protected
20 Collection, the Review Board shall notify the head of
21 the originating body of the determination of the Re-
22 view Board and publish a copy of the determination
23 in the Federal Register within 14 days after the de-
24 termination is made.

1 (B) Contemporaneous notice shall be made to
2 the President for Review Board determinations re-
3 garding unidentified anomalous phenomena records
4 of the executive branch of the Federal Government,
5 and to the oversight committees designated in this
6 subtitle in the case of records of the legislative
7 branch of the Federal Government. Such notice shall
8 contain a written unclassified justification for public
9 disclosure or postponement of disclosure, including
10 an explanation of the application of any standards
11 contained in section 1743.

12 (d) PRESIDENTIAL AUTHORITY OVER REVIEW
13 BOARD DETERMINATION.—

14 (1) PUBLIC DISCLOSURE OR POSTPONEMENT
15 OF DISCLOSURE.—After the Review Board has made
16 a formal determination concerning the public disclo-
17 sure or postponement of disclosure of an unidenti-
18 fied anomalous phenomena record of the executive
19 branch of the Federal Government or information
20 within such a record, or of any information con-
21 tained in a unidentified anomalous phenomena
22 record, obtained or developed solely within the exec-
23 utive branch of the Federal Government, the Presi-
24 dent shall—

1 (A) have the sole and nondelegable author-
2 ity to require the disclosure or postponement of
3 such record or information under the standards
4 set forth in section 1743; and

5 (B) provide the Review Board with both an
6 unclassified and classified written certification
7 specifying the President's decision within 30
8 days after the Review Board's determination
9 and notice to the executive branch agency as re-
10 quired under this subtitle, stating the justifica-
11 tion for the President's decision, including the
12 applicable grounds for postponement under sec-
13 tion 1743, accompanied by a copy of the identi-
14 fication aid required under section 1741.

15 (2) PERIODIC REVIEW.—(A) Any unidentified
16 anomalous phenomena record postponed by the
17 President shall henceforth be subject to the require-
18 ments of periodic review, downgrading, declassifica-
19 tion, and public disclosure in accordance with the
20 recommended timeline and associated requirements
21 specified in the Controlled Disclosure Campaign
22 Plan unless these conflict with the standards set
23 forth in section 1743.

24 (B) This paragraph supersedes all prior declas-
25 sification review standards that may previously have

1 been deemed applicable to unidentified anomalous
2 phenomena records.

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

5 (A) publish in the Federal Register a copy
6 of any unclassified written certification, state-
7 ment, and other materials transmitted by or on
8 behalf of the President with regard to postpone-
9 ment of unidentified anomalous phenomena
10 records; and

11 (B) revise or amend recommendations in
12 the Controlled Disclosure Campaign Plan ac-
13 cordingly.

14 (e) NOTICE TO PUBLIC.—Every 30 calendar days, be-
15 ginning on the date that is 60 calendar days after the date
16 on which the Review Board first approves the postpone-
17 ment of disclosure of a unidentified anomalous phenomena
18 record, the Review Board shall publish in the Federal Reg-
19 ister a notice that summarizes the postponements ap-
20 proved by the Review Board or initiated by the President,
21 the Senate, or the House of Representatives, including a
22 description of the subject, originating agency, length or
23 other physical description, and each ground for postpone-
24 ment that is relied upon to the maximum extent classifica-
25 tion restrictions permitting.

1 (f) REPORTS BY THE REVIEW BOARD.—

2 (1) IN GENERAL.—The Review Board shall re-
3 port its activities to the leadership of Congress, the
4 Committee on Homeland Security and Governmental
5 Affairs of the Senate, the Committee on Oversight
6 and Government Reform of the House of Represent-
7 atives, the President, the Archivist, and the head of
8 any Government office whose records have been the
9 subject of Review Board activity.

10 (2) FIRST REPORT.—The first report shall be
11 issued on the date that is 1 year after the date of
12 enactment of this Act, and subsequent reports every
13 1 year thereafter until termination of the Review
14 Board.

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

17 (A) A financial report of the expenses for
18 all official activities and requirements of the
19 Review Board and its personnel.

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

23 (C) The estimated time and volume of un-
24 identified anomalous phenomena records in-

1 volved in the completion of the Review Board's
2 performance under this subtitle.

3 (D) Any special problems, including re-
4 quests and the level of cooperation of Govern-
5 ment offices, with regard to the ability of the
6 Review Board to operate as required by this
7 subtitle.

8 (E) A record of review activities, including
9 a record of postponement decisions by the Re-
10 view Board or other related actions authorized
11 by this subtitle, and a record of the volume of
12 records reviewed and postponed.

13 (F) Suggestions and requests to Congress
14 for additional legislative authority needs.

15 (4) COPIES AND BRIEFS.—Coincident with the
16 reporting requirements in paragraph (2), or more
17 frequently as warranted by new information, the Re-
18 view Board shall provide copies to, and fully brief,
19 at a minimum the President, the Archivist, leader-
20 ship of Congress, the Chairmen and Ranking Mem-
21 bers of the Committee on Homeland Security and
22 Governmental Affairs of the Senate and the Com-
23 mittee on Oversight and Government Reform of the
24 House of Representatives, and the Chairs and Chair-
25 men, as the case may be, and Ranking Members and

1 Vice Chairmen, as the case may be, of such other
2 committees as leadership of Congress determines ap-
3 propriate on the Controlled Disclosure Campaign
4 Plan, classified appendix, and postponed disclosures,
5 specifically addressing—

6 (A) recommendations for periodic review,
7 downgrading, and declassification as well as the
8 exact time or specified occurrence following
9 which specific unidentified anomalous phe-
10 nomena records and material may be appro-
11 priately disclosed;

12 (B) the rationale behind each postpone-
13 ment determination and the recommended
14 means to achieve disclosure of each postponed
15 item;

16 (C) any other findings that the Review
17 Board chooses to offer; and

18 (D) an addendum containing copies of re-
19 ports of postponed records to the Archivist re-
20 quired under subsection (c)(3) made since the
21 date of the preceding report under this sub-
22 section.

23 (5) NOTICE.—At least 90 calendar days before
24 completing its work, the Review Board shall provide
25 written notice to the President and Congress of its

1 intention to terminate its operations at a specified
2 date.

3 (6) BRIEFING THE ALL-DOMAIN ANOMALY RES-
4 OLUTION OFFICE.—Coincident with the provision in
5 paragraph (5), if not accomplished earlier under
6 paragraph (4), the Review Board shall brief the All-
7 domain Anomaly Resolution Office established pur-
8 suant to section 1683 of the National Defense Au-
9 thorization Act for Fiscal Year 2022 (50 U.S.C.
10 3373), or any successor Office established by law, on
11 the Controlled Disclosure Campaign Plan, classified
12 appendix, and postponed disclosures.

13 **SEC. 1747. DISCLOSURE OF RECOVERED TECHNOLOGIES**
14 **OF UNKNOWN ORIGIN AND BIOLOGICAL EVI-**
15 **DENCE OF NON-HUMAN INTELLIGENCE.**

16 (a) EXERCISE OF EMINENT DOMAIN.—The Federal
17 Government shall exercise eminent domain over any and
18 all recovered technologies of unknown origin and biological
19 evidence of non-human intelligence that may be controlled
20 by private persons or entities in the interests of the public
21 good.

22 (b) AVAILABILITY TO REVIEW BOARD.—Any and all
23 such material, should it exist, shall be made available to
24 the Review Board for personal examination and subse-
25 quent disclosure determination at a location suitable to the

1 controlling authority of said material and in a timely man-
2 ner conducive to the objectives of the Review Board in ac-
3 cordance with the requirements of this subtitle.

4 (c) ACTIONS OF REVIEW BOARD.—In carrying out
5 subsection (b), the Review Board shall consider and render
6 decisions—

7 (1) whether the material examined constitutes
8 technologies of unknown origin or biological evidence
9 of non-human intelligence beyond a reasonable
10 doubt;

11 (2) whether recovered technologies of unknown
12 origin, biological evidence of non-human intelligence,
13 or a particular subset of material qualifies for post-
14 ponement of disclosure under this subtitle; and

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

18 (d) REVIEW BOARD ACCESS TO TESTIMONY AND
19 WITNESSES.—The Review Board shall have access to all
20 testimony from unidentified anomalous phenomena wit-
21 nesses, close observers and legacy program personnel and
22 whistleblowers within the Federal Government's posses-
23 sion as of and after the date of enactment of this Act in
24 furtherance of Review Board disclosure determination re-

1 sponsibilities in section 1744(h) and subsection (c) of this
2 section.

3 (e) SOLICITATION OF ADDITIONAL WITNESSES.—

4 The Review Board shall solicit additional unidentified
5 anomalous phenomena witness and whistleblower testi-
6 mony and afford protections under section 1673(b) of the
7 James M. Inhofe National Defense Authorization Act for
8 Fiscal Year 2023 (50 U.S.C. 3373b(b)) if deemed bene-
9 ficial in fulfilling Review Board responsibilities under this
10 subtitle.

11 **SEC. 1748. DISCLOSURE OF OTHER MATERIALS AND ADDI-**
12 **TIONAL STUDY.**

13 (a) MATERIALS UNDER SEAL OF COURT.—

14 (1) INFORMATION HELD UNDER SEAL OF A
15 COURT.—The Review Board may request the Attor-
16 ney General to petition any court in the United
17 States or abroad to release any information relevant
18 to unidentified anomalous phenomena, technologies
19 of unknown origin, or non-human intelligence that is
20 held under seal of the court.

21 (2) INFORMATION HELD UNDER INJUNCTION
22 OF SECRETARY OF GRAND JURY.—(A) The Review
23 Board may request the Attorney General to petition
24 any court in the United States to release any infor-
25 mation relevant to unidentified anomalous phe-

1 nomena, technologies of unknown origin, or non-
2 human intelligence that is held under the injunction
3 of secrecy of a grand jury.

4 (B) A request for disclosure of unidentified
5 anomalous phenomena, technologies of unknown ori-
6 gin, and non-human intelligence materials under this
7 subtitle shall be deemed to constitute a showing of
8 particularized need under rule 6 of the Federal
9 Rules of Criminal Procedure.

10 (b) SENSE OF CONGRESS.—It is the sense of the
11 Congress that—

12 (1) the Attorney General should assist the Re-
13 view Board in good faith to unseal any records that
14 the Review Board determines to be relevant and held
15 under seal by a court or under the injunction of se-
16 crecy of a grand jury;

17 (2) the Secretary of State should contact any
18 foreign government that may hold material relevant
19 to unidentified anomalous phenomena, technologies
20 of unknown origin, or non-human intelligence and
21 seek disclosure of such material; and

22 (3) all heads of Executive agencies should co-
23 operate in full with the Review Board to seek the
24 disclosure of all material relevant to unidentified
25 anomalous phenomena, technologies of unknown ori-

1 gin, and non-human intelligence consistent with the
2 public interest.

3 **SEC. 1749. RULES OF CONSTRUCTION.**

4 (a) **PRECEDENCE OVER OTHER LAW.**—When this
5 subtitle requires transmission of a record to the Archivist
6 or public disclosure, it shall take precedence over any
7 other provision of law (except section 6103 of the Internal
8 Revenue Code of 1986 specifying confidentiality and dis-
9 closure of tax returns and tax return information), judicial
10 decision construing such provision of law, or common law
11 doctrine that would otherwise prohibit such transmission
12 or disclosure, with the exception of deeds governing access
13 to or transfer or release of gifts and donations of records
14 to the United States Government.

15 (b) **FREEDOM OF INFORMATION ACT.**—Nothing in
16 this subtitle shall be construed to eliminate or limit any
17 right to file requests with any executive agency or seek
18 judicial review of the decisions pursuant to section 552
19 of title 5, United States Code.

20 (c) **JUDICIAL REVIEW.**—Nothing in this subtitle shall
21 be construed to preclude judicial review, under chapter 7
22 of title 5, United States Code, of final actions taken or
23 required to be taken under this subtitle.

24 (d) **EXISTING AUTHORITY.**—Nothing in this subtitle
25 revokes or limits the existing authority of the President,

1 any executive agency, the Senate, or the House of Rep-
2 resentatives, or any other entity of the Federal Govern-
3 ment to publicly disclose records in its possession.

4 (e) RULES OF THE SENATE AND HOUSE OF REP-
5 RESENTATIVES.—To the extent that any provision of this
6 subtitle establishes a procedure to be followed in the Sen-
7 ate or the House of Representatives, such provision is
8 adopted—

9 (1) as an exercise of the rulemaking power of
10 the Senate and House of Representatives, respec-
11 tively, and is deemed to be part of the rules of each
12 House, respectively, but applicable only with respect
13 to the procedure to be followed in that House, and
14 it supersedes other rules only to the extent that it
15 is inconsistent with such rules; and

16 (2) with full recognition of the constitutional
17 right of either House to change the rules (so far as
18 they relate to the procedure of that House) at any
19 time, in the same manner, and to the same extent
20 as in the case of any other rule of that House.

21 **SEC. 1750. TERMINATION AND EFFECT OF ACT.**

22 (a) PROVISIONS PERTAINING TO THE REVIEW
23 BOARD.—The provisions of this subtitle that pertain to
24 the appointment and operation of the Review Board shall
25 cease to be effective when the Review Board and the terms

1 of its members have terminated pursuant to section
2 1744(n).

3 (b) OTHER PROVISIONS.—(1) The remaining provi-
4 sions of this subtitle shall continue in effect until such
5 time as the Archivist certifies to the President and Con-
6 gress that all unidentified anomalous phenomena records
7 have been made available to the public in accordance with
8 this subtitle.

9 (2) In facilitation of the provision in paragraph (1),
10 the All-domain Anomaly Resolution Office established pur-
11 suant to section 1683 of the National Defense Authoriza-
12 tion Act for Fiscal Year 2022 (50 U.S.C. 3373), or its
13 successor as subsequently designated by Act of Congress,
14 shall develop standardized unidentified anomalous phe-
15 nomena declassification guidance applicable to any and all
16 unidentified anomalous phenomena records generated by
17 originating bodies subsequent to termination of the Review
18 Board consistent with the requirements and intent of the
19 Controlled Disclosure Campaign Plan with respect to un-
20 identified anomalous phenomena records originated prior
21 to Review Board termination.

22 **SEC. 1751. AUTHORIZATION OF APPROPRIATIONS.**

23 There is authorized to be appropriated to carry out
24 the provisions of this subtitle \$20,000,000 for fiscal year
25 2027.

1 **SEC. 1752. CONFORMING REPEAL AND TRANSITIONAL PRO-**
2 **VISIONS.**

3 (a) REPEAL.—

4 (1) IN GENERAL.—Subtitle C of title XVIII of
5 the National Defense Authorization Act for Fiscal
6 Year 2024 (Public Law 118–31) is hereby repealed.

7 (2) CLERICAL AMENDMENT.—The table of con-
8 tents in section 2 of such Act is amended by striking
9 the items relating to subtitle C of title XVIII.

10 (b) AUTOMATIC INCLUSION AND TRANSFER OF CER-
11 TAIN RECORDS.—On the date of enactment of this Act—

12 (1) any record placed in, transmitted to, identi-
13 fied for inclusion in, cataloged for, or otherwise
14 processed for inclusion in the collection established
15 by subtitle C of title XVIII of the National Defense
16 Authorization Act for Fiscal Year 2024 (Public Law
17 118–31) shall be deemed an “Unidentified Anoma-
18 lous Phenomena record” for purposes of this sub-
19 title; and

20 (2) the Archivist shall transfer the custody and
21 administrative control of all such records (together
22 with all related metadata, indexes, finding aids,
23 processing notes, redaction logs, correspondence, and
24 unique identifiers) to such collection without any
25 further identification, certification, or action by the
26 originating agency.

1 (c) CONTINUATION OF PENDING ACTIONS.—Any
2 identification, search, review, segregation, or transmission
3 required under subtitle C of title XVIII of the National
4 Defense Authorization Act for Fiscal Year 2024 (Public
5 Law 118–31) that is pending on the date of enactment
6 shall continue without interruption and be completed in
7 accordance with this subtitle.

8 (d) DEADLINES.—All deadlines applicable to the
9 records described under subsection (b)(1) shall run from
10 the date of enactment of this Act unless an earlier date
11 would result in earlier public disclosure, in which case the
12 earlier date governs.

13 (e) PUBLIC RELEASE.—Any record released, whether
14 unredacted or redacted, to the public under subtitle C of
15 title XVIII of the National Defense Authorization Act for
16 Fiscal Year 2024 (Public Law 118–31) shall remain pub-
17 licly available. Nothing in this subtitle authorizes re-impo-
18 sition of redactions or restrictions on records already made
19 public.

20 (f) REFERENCES.—Any reference in law, regulation,
21 directive, or other document to the collection established
22 under subtitle C of title XVIII of the National Defense
23 Authorization Act for Fiscal Year 2024 (Public Law 118–
24 31) shall be deemed a reference to the Collection.

1 (g) INVENTORY AND MAPPING.—Not later than 30
2 days of after the date of enactment of this Act, the Archi-
3 vist shall publish an inventory mapping prior collection
4 identifiers to the new Collection identifiers, and shall
5 maintain continuity of public access links.

6 **SEC. 1753. DEFINITIONS.**

7 In this subtitle:

8 (1) The term “Archivist” means the Archivist
9 of the United States.

10 (2) The term “close observer” means anyone
11 who has come into close proximity to unidentified
12 anomalous phenomena or non-human intelligence.

13 (3) The term “Collection” means the Unidenti-
14 fied Anomalous Phenomena Records Collection es-
15 tablished under section 1741.

16 (4) The term “Controlled Disclosure Campaign
17 Plan” means the Controlled Disclosure Campaign
18 Plan required by section 1746(c)(3).

19 (5) The term “controlling authority” means any
20 Federal, State, or local government department, of-
21 fice, agency, committee, commission, commercial
22 company, academic institution, or private sector en-
23 tity in physical possession of technologies of un-
24 known origin or biological evidence of non-human in-
25 telligence.

1 (6) The term “Director” means the Director of
2 the Office of Government Ethics.

3 (7) The term “Executive agency” has the
4 meaning given that term in section 552(f) of title 5,
5 United States Code.

6 (8) The term “Government office” means any
7 department, office, agency, committee, or commis-
8 sion of the Federal Government and any inde-
9 pendent office or agency without exception that has
10 possession or control, including via contract or other
11 agreement, of unidentified anomalous phenomena
12 records.

13 (9) The term “identification aid” means the
14 written description prepared for each record, as re-
15 quired in section 1741.

16 (10) The term “leadership of Congress”
17 means—

18 (A) the majority leader of the Senate;

19 (B) the minority leader of the Senate;

20 (C) the Speaker of the House of Rep-
21 resentatives; and

22 (D) the minority leader of the House of
23 Representatives.

24 (11) The term “legacy program” means all
25 Federal, State, and local government, commercial in-

1 industry, academic, and private sector endeavors to
2 collect, exploit, or reverse engineer technologies of
3 unknown origin or examine biological evidence of liv-
4 ing or deceased non-human intelligence that pre-
5 dates the date of the enactment of this Act.

6 (12) The term “National Archives” means the
7 National Archives and Records Administration and
8 all components thereof, including presidential archi-
9 val depositories established under section 2112 of
10 title 44, United States Code.

11 (13) The term “non-human intelligence” means
12 any sentient intelligent non-human lifeform regard-
13 less of nature or ultimate origin that may be pre-
14 sumed responsible for unidentified anomalous phe-
15 nomena or of which the Federal Government has be-
16 come aware.

17 (14) The term “originating body” means the
18 Executive agency, Federal Government commission,
19 committee of Congress, or other Governmental entity
20 that created a record or particular information with-
21 in a record.

22 (15) The term “prosaic attribution” means hav-
23 ing a human (either foreign or domestic) origin and
24 operating according to current, proven, and gen-
25 erally understood scientific and engineering prin-

1 principles and established laws-of-nature and not attrib-
2 utable to non-human intelligence.

3 (16) The term “public interest” means the
4 compelling interest in the prompt public disclosure
5 of unidentified anomalous phenomena records for
6 historical and Governmental purposes and for the
7 purpose of fully informing the people of the United
8 States about the history of the Federal Govern-
9 ment’s knowledge and involvement surrounding un-
10 identified anomalous phenomena.

11 (17) The term “record” includes a book, paper,
12 report, memorandum, directive, email, text, or other
13 form of communication, or map, photograph, sound
14 or video recording, machine-readable material, com-
15 puterized, digitized, or electronic information, in-
16 cluding intelligence, surveillance, reconnaissance,
17 and target acquisition sensor data, regardless of the
18 medium on which it is stored, or other documentary
19 material, regardless of its physical form or charac-
20 teristics.

21 (18) The term “Review Board” means the Un-
22 identified Anomalous Phenomena Records Review
23 Board established by section 1744.

24 (19) The term “technologies of unknown ori-
25 gin” means any materials or meta-materials, ejecta,

1 crash debris, mechanisms, machinery, equipment, as-
2 semblies or sub-assemblies, engineering models or
3 processes, damaged or intact aerospace vehicles, and
4 damaged or intact ocean-surface and undersea craft
5 associated with unidentified anomalous phenomena
6 or incorporating science and technology that lacks
7 prosaic attribution or known means of human manu-
8 facture.

9 (20) The term “temporarily non-attributed ob-
10 jects” means—

11 (A) the class of objects that temporarily
12 resist prosaic attribution by the initial observer
13 as a result of environmental or system limita-
14 tions associated with the observation process
15 that nevertheless ultimately have an accepted
16 human origin or known physical cause. Al-
17 though some unidentified anomalous phe-
18 nomena may at first be interpreted as tempo-
19 rarily non-attributed objects, they are not tem-
20 porarily non-attributed objects, and the two cat-
21 egories are mutually exclusive; and

22 (i) includes—

23 (I) natural celestial, meteorological,
24 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) The term “third agency” means a Govern-
12 ment agency that originated a unidentified anoma-
13 lous phenomena record that is in the possession of
14 another Government agency.

15 (22) The term “unidentified anomalous phe-
16 nomena” means—

17 (A) any object operating or judged capable
18 of operating in outer-space, the atmosphere,
19 ocean surfaces, or undersea lacking prosaic at-
20 tribution due to performance characteristics
21 and properties not previously known to be
22 achievable based upon commonly accepted phys-
23 ical principles. Unidentified anomalous phe-
24 nomena are differentiated from both attributed

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

3 (i) Instantaneous acceleration absent
4 apparent inertia.

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

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

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

11 (v) Multispectral signature control.

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

15 (vii) includes what were previously de-
16 scribed as—

17 (I) flying discs;

18 (II) flying saucers;

19 (III) unidentified aerial phenomena;

20 (IV) unidentified flying objects
21 (UFOs); and

22 (V) unidentified submerged objects
23 (USOs).

24 (23) The term “unidentified anomalous phe-
25 nomena record” means a record that is related to

1 unidentified anomalous phenomena, technologies of
2 unknown origin, or non-human intelligence (and all
3 equivalent subjects by any other name with the spe-
4 cific and sole exclusion of temporarily non-attributed
5 objects) that was created or made available for use
6 by, obtained by, or otherwise came into the posses-
7 sion of—

8 (A) the Executive Office of the President;

9 (B) the Department of Defense and its
10 progenitors, the Department of War and the
11 Department of the Navy;

12 (C) the Department of the Army;

13 (D) the Department of the Navy;

14 (E) the Department of the Air Force, spe-
15 cifically the Air Force Office of Special Inves-
16 tigation;

17 (F) the Department of Energy and its pro-
18 genitors, the Manhattan Project, the Atomic
19 Energy Commission, and the Energy Research
20 and Development Administration;

21 (G) the Office of the Director of National
22 Intelligence;

23 (H) the Central Intelligence Agency and
24 its progenitor, the Office of Strategic Services;

25 (I) the National Reconnaissance Office;

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

1 technologies of unknown origin, or non-human
2 intelligence; and
3 (X) any private sector person or entity for-
4 merly or currently under contract or some other
5 agreement with the Federal Government.

