

AMENDMENT TO RULES COMMITTEE PRINT
118–36
OFFERED BY MR. ROBERT GARCIA OF
CALIFORNIA

Add at the end of title XVII the following:

1 **Subtitle D—Unidentified**
2 **Anomalous Phenomena Disclosure**
3 **SEC. 1761. 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.

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

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

9 (3) CONSIDERATION OF RECOMMENDATIONS.—

10 (A) The President shall make nominations to the
11 Review Board after considering persons rec-
12 ommended by the following:

13 (i) The majority leader of the Senate.

14 (ii) The minority leader of the Senate.

15 (iii) The Speaker of the House of Rep-
16 resentatives.

17 (iv) The minority leader of the House of
18 Representatives.

19 (v) The Secretary of Defense.

20 (vi) The National Academy of Sciences.

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

24 (viii) The American Historical Association.

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

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

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

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

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

24 (B) shall be distinguished persons of high
25 national professional reputation in their respec-

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

12 (C) shall include at least—

13 (i) 1 current or former national secu-
14 rity official;

15 (ii) 1 current or former foreign service
16 official;

17 (iii) 1 scientist or engineer;

18 (iv) 1 economist;

19 (v) 1 professional historian; and

20 (vi) 1 sociologist.

21 (c) MANDATORY CONFLICTS OF INTEREST RE-
22 VIEW.—

23 (1) IN GENERAL.—The Director shall conduct a
24 review of each individual nominated and appointed
25 to the position of member of the Review Board to

1 ensure the member does not have any conflict of in-
2 terest during the term of the service of the member.

3 (2) REPORTS.—During the course of the review
4 under paragraph (1), if the Director becomes aware
5 that the member being reviewed possesses a conflict
6 of interest to the mission of the Review Board, the
7 Director shall, not later than 30 days after the date
8 on which the Director became aware of the conflict
9 of interest submit to the Committee on Homeland
10 Security and Governmental Affairs of the Senate
11 and the Committee on Oversight and Accountability
12 of the House of Representatives a report on the con-
13 flict of interest.

14 (3) SECURITY CLEARANCES.—

15 (A) IN GENERAL.—All Review Board
16 nominees shall be granted the necessary clear-
17 ances and accesses, including any and all rel-
18 evant Presidential, departmental, and agency
19 special access programs, in an accelerated man-
20 ner subject to the standard procedures for
21 granting such clearances.

22 (B) QUALIFICATION FOR NOMINEES.—All
23 nominees for appointment to the Review Board
24 under subsection (b) shall qualify for the nec-
25 essary security clearances and access prior to

1 being considered for confirmation by the Com-
2 mittee on Homeland Security and Govern-
3 mental Affairs of the Senates.

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

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

11 (f) REMOVAL OF REVIEW BOARD MEMBER.—

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

14 (A) by impeachment and conviction; or

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

20 (2) NOTICE OF REMOVAL.—(A) If a member of
21 the Review Board is removed from office, and that
22 removal is by the President, not later than 10 days
23 after the removal, the President shall submit to the
24 leadership of Congress, the Committee on Homeland
25 Security and Governmental Affairs of the Senate

1 and the Committee on Oversight and Reform of the
2 House of Representatives, or to alternative commit-
3 tees of jurisdiction as determined by the Senate and
4 the House of Representatives, a report specifying
5 the facts found and the grounds for the removal.

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

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

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

22 (g) COMPENSATION OF MEMBERS.—

23 (1) IN GENERAL.—A member of the Review
24 Board, other than the Executive Director under sec-
25 tion 1762(c)(1), shall be compensated at a rate

1 equal to the daily equivalent of the annual rate of
2 basic pay prescribed for level IV of the Executive
3 Schedule under section 5315 of title 5, United
4 States Code, for each day (including travel time)
5 during which the member is engaged in the perform-
6 ance of the duties of the Review Board.

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

15 (h) DUTIES OF THE REVIEW BOARD.—

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

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

23 (A) whether a record constitutes a uniden-
24 tified anomalous phenomena record; and

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

5 (i) POWERS.—

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

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

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

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

24 (ii) to direct a Government office to make
25 available to the Review Board, and if necessary

1 investigate the facts surrounding, additional in-
2 formation, records, or testimony from individ-
3 uals which the Review Board has reason to be-
4 lieve are required to fulfill its functions and re-
5 sponsibilities under this subtitle; and

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

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

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

18 (F) hold hearings, administer oaths, and
19 subpoena witnesses and documents;

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

23 (H) use the United States mails in the
24 same manner and under the same conditions as
25 other Executive agencies.

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

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

14 (k) OVERSIGHT.—

15 (1) SENATE.—Unless otherwise determined by
16 the Senate, the Committee on Homeland Security
17 and Governmental Affairs of the Senate shall have
18 continuing legislative oversight jurisdiction in the
19 Senate with respect to the official conduct of the Re-
20 view Board and the disposition of postponed records
21 after termination of the Review Board, and shall
22 have access to any records held or created by the
23 Review Board.

24 (2) HOUSE OF REPRESENTATIVES.—Unless
25 otherwise determined appropriate by the House of

1 Representatives, the Committee on Oversight and
2 Accountability of the House of Representatives shall
3 have continuing legislative oversight jurisdiction in
4 the House of Representatives with respect to the of-
5 ficial conduct of the Review Board and the dispo-
6 sition of postponed records after termination of the
7 Review Board, and shall have access to any records
8 held or created by the Review Board.

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

12 (4) SECURITY CLEARANCES.—The chairmen
13 and Ranking Members of the Committee on Home-
14 land Security and Governmental Affairs of the Sen-
15 ate and the Committee on Oversight and Account-
16 ability of the House of Representatives, and staff of
17 such committees designated by such Chairmen and
18 Ranking Members, shall be granted all security
19 clearances and access held by the review Board, in-
20 cluding to relevant Presidential and departmental or
21 agency special access and compartmented access
22 programs.

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

1 (m) INTERPRETIVE REGULATIONS.—The Review
2 Board may issue interpretive regulations.

3 (n) TERMINATION AND WINDING DOWN.—

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

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

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

18 **SEC. 1762. UNIDENTIFIED ANOMALOUS PHENOMENA**
19 **RECORDS REVIEW BOARD PERSONNEL.**

20 (a) EXECUTIVE DIRECTOR.—

21 (1) APPOINTMENT.—Not later than 45 days
22 after the date of the enactment of this Act, the
23 President shall appoint 1 citizen of the United
24 States, without regard to political affiliation, to the
25 position of Executive Director of the Review Board.

1 This position counts as 1 of the 9 Review Board
2 members under section 1761(b)(1).

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

6 (A) is a distinguished professional; and

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

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

16 (3) CONSULTATION WITH DIRECTOR OF THE
17 OFFICE OF GOVERNMENTAL ETHICS.—In their con-
18 sideration of persons to be appointed as staff of the
19 Review Board under paragraph (1), the review
20 Board shall consult with the Director—

21 (A) to determine criteria for possible con-
22 flicts of interest of staff of the Review Board,
23 consistent with ethics laws, statutes, and regu-
24 lations for employees of the executive branch of
25 the Federal Government; and

1 (B) ensure that no person selected for such
2 positions of staff of the Review Board possesses
3 a conflict on interest in accordance with the cri-
4 teria determined pursuant to clause (i).

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

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

15 (5) FUNCTIONS.—The Executive Director
16 shall—

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

19 (B) serve as Chairperson of the Review
20 Board;

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

1 (D) be responsible for the administration
2 of all official activities conducted by the Review
3 Board;

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

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

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

20 (b) STAFF.—

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

1 (2) QUALIFICATIONS.—Except as provided in
2 subparagraph (B), a person appointed to the staff of
3 the Review Board shall be a citizen of integrity and
4 impartiality who has had no previous or current in-
5 volvement with any legacy program or controlling
6 authority relating to the collection, exploitation, or
7 reverse engineering of technologies of unknown ori-
8 gin or the examination of biological evidence of liv-
9 ing or deceased non-human intelligence.

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

16 (B)(i) The Review Board may offer conditional
17 employment to a candidate for a staff position pend-
18 ing the completion of security clearance background
19 investigations. During the pendency of such inves-
20 tigations, the Review Board shall ensure that any
21 such employee does not have access to, or responsi-
22 bility involving, classified or otherwise restricted un-
23 identified anomalous phenomena record materials.

24 (ii) If a person hired on a conditional basis
25 under clause (i) is denied or otherwise does not qual-

1 ify for all security clearances necessary to carry out
2 the responsibilities of the position for which condi-
3 tional employment has been offered, the Review
4 Board shall immediately terminate the person's em-
5 ployment.

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

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

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

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

1 (d) ADVISORY COMMITTEES.—

2 (1) AUTHORITY.—The Review Board may cre-
3 ate advisory committees to assist in fulfilling the re-
4 sponsibilities of the Review Board under this sub-
5 title.

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

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

16 **SEC. 1763. REVIEW OF RECORDS BY THE UNIDENTIFIED**
17 **ANOMALOUS PHENOMENA RECORDS REVIEW**
18 **BOARD.**

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

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

4 (2) such transfer is necessary for an adminis-
5 trative hearing or other official Review Board func-
6 tion.

7 (b) **STARTUP REQUIREMENTS.**—The Review Board
8 shall—

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

13 (2) not later than 180 days after the date of
14 the enactment of this Act, begin its review of un-
15 identified anomalous phenomena records under this
16 subtitle; and

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

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

23 (1) **IN GENERAL.**—The Review Board shall di-
24 rect that all unidentified anomalous phenomena
25 records be transmitted to the Archivist and disclosed

1 to the public in the Collection in the absence of clear
2 and convincing evidence that—

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

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

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

13 (A) provide for the disclosure of segregable
14 parts, substitutes, or summaries of such a
15 record; and

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

21 (i) Any reasonably segregable par-
22 ticular information in a unidentified anom-
23 alous phenomena record.

24 (ii) A substitute record for that infor-
25 mation which is postponed.

1 (iii) A summary of a unidentified
2 anomalous phenomena record.

3 (3) CONTROLLED DISCLOSURE CAMPAIGN
4 PLAN.—With respect to unidentified anomalous phe-
5 nomena records, particular information in unidenti-
6 fied anomalous phenomena records, recovered tech-
7 nologies of unknown origin, and biological evidence
8 for non-human intelligence the public disclosure of
9 which is postponed pursuant to section 1843 of sub-
10 title C of title XVIII of the National Defense Au-
11 thorization Act for Fiscal Year 2024, or for which
12 only substitutions or summaries have been disclosed
13 to the public, the Review Board shall create and
14 transmit to the President and to the Archivist a
15 Controlled Disclosure Campaign Plan, with classified
16 appendix, containing—

17 (A) a description of actions by the Review
18 Board, the originating body, the President, or
19 any Government office (including a justification
20 of any such action to postpone disclosure of any
21 record or part of any record) and of any official
22 proceedings conducted by the Review Board
23 with regard to specific unidentified anomalous
24 phenomena records; and

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

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

20 (B) Contemporaneous notice shall be made to
21 the President for Review Board determinations re-
22 garding unidentified anomalous phenomena records
23 of the executive branch of the Federal Government,
24 and to the oversight committees designated in this
25 subtitle in the case of records of the legislative

1 branch of the Federal Government. Such notice shall
2 contain a written unclassified justification for public
3 disclosure or postponement of disclosure, including
4 an explanation of the application of any standards
5 contained in section 1843 of subtitle C of title XVIII
6 of the National Defense Authorization Act for Fiscal
7 Year 2024.

8 (d) PRESIDENTIAL AUTHORITY OVER REVIEW
9 BOARD DETERMINATION.—

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

21 (A) have the sole and nondelegable author-
22 ity to require the disclosure or postponement of
23 such record or information under the standards
24 set forth in section 1843 of subtitle C of title

1 XVIII of the National Defense Authorization
2 Act for Fiscal Year 2024; and

3 (B) provide the Review Board with both an
4 unclassified and classified written certification
5 specifying the President's decision within 30
6 days after the Review Board's determination
7 and notice to the executive branch agency as re-
8 quired under this subtitle, stating the justifica-
9 tion for the President's decision, including the
10 applicable grounds for postponement under sec-
11 tion 1843 of subtitle C of title XVIII of the Na-
12 tional Defense Authorization Act for Fiscal
13 Year 2024, accompanied by a copy of the iden-
14 tification aid required under section 1842 of
15 subtitle C of title XVIII of the National De-
16 fense Authorization Act for Fiscal Year 2024

17 (2) PERIODIC REVIEW.—(A) Any unidentified
18 anomalous phenomena record postponed by the
19 President shall henceforth be subject to the require-
20 ments of periodic review, downgrading, declassifica-
21 tion, and public disclosure in accordance with the
22 recommended timeline and associated requirements
23 specified in the Controlled Disclosure Campaign
24 Plan unless these conflict with the standards set
25 forth in section 1843 of subtitle C of title XVIII of

1 the National Defense Authorization Act for Fiscal
2 Year 2024.

3 (B) This paragraph supersedes all prior declas-
4 sification review standards that may previously have
5 been deemed applicable to unidentified anomalous
6 phenomena records.

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

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

15 (B) revise or amend recommendations in
16 the Controlled Disclosure Campaign Plan ac-
17 cordingly.

18 (e) NOTICE TO PUBLIC.—Every 30 calendar days, be-
19 ginning on the date that is 60 calendar days after the date
20 on which the Review Board first approves the postpone-
21 ment of disclosure of a unidentified anomalous phenomena
22 record, the Review Board shall publish in the Federal Reg-
23 ister a notice that summarizes the postponements ap-
24 proved by the Review Board or initiated by the President,
25 the Senate, or the House of Representatives, including a

1 description of the subject, originating agency, length or
2 other physical description, and each ground for postpone-
3 ment that is relied upon to the maximum extent classifica-
4 tion restrictions permitting.

5 (f) REPORTS BY THE REVIEW BOARD.—

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

14 (2) FIRST REPORT.—The first report shall be
15 issued on the date that is 1 year after the date of
16 enactment of this Act, and subsequent reports every
17 1 year thereafter until termination of the Review
18 Board.

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

21 (A) A financial report of the expenses for
22 all official activities and requirements of the
23 Review Board and its personnel.

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

4 (C) The estimated time and volume of un-
5 identified anomalous phenomena records in-
6 volved in the completion of the Review Board's
7 performance under this subtitle.

8 (D) Any special problems, including re-
9 quests and the level of cooperation of Govern-
10 ment offices, with regard to the ability of the
11 Review Board to operate as required by this
12 subtitle.

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

18 (F) Suggestions and requests to Congress
19 for additional legislative authority needs.

20 (4) COPIES AND BRIEFS.—Coincident with the
21 reporting requirements in paragraph (2), or more
22 frequently as warranted by new information, the Re-
23 view Board shall provide copies to, and fully brief,
24 at a minimum the President, the Archivist, leader-
25 ship of Congress, and the Chairs and Chairmen, as

1 the case may be, and Ranking Members and Vice
2 Chairmen, as the case may be, of such other com-
3 mittees as leadership of Congress determines appro-
4 priate on the Controlled Disclosure Campaign Plan,
5 classified appendix, and postponed disclosures, spe-
6 cifically addressing—

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

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

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

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

24 (5) NOTICE.—At least 90 calendar days before
25 completing its work, the Review Board shall provide

1 written notice to the President and Congress of its
2 intention to terminate its operations at a specified
3 date.

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

15 **SEC. 1764. DISCLOSURE OF RECOVERED TECHNOLOGIES**
16 **OF UNKNOWN ORIGIN AND BIOLOGICAL EVI-**
17 **DENCE OF NON-HUMAN INTELLIGENCE.**

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

24 (b) AVAILABILITY TO REVIEW BOARD.—Any and all
25 such material, should it exist, shall be made available to

1 the Review Board for personal examination and subse-
2 quent disclosure determination at a location suitable to the
3 controlling authority of said material and in a timely man-
4 ner conducive to the objectives of the Review Board in ac-
5 cordance with the requirements of this subtitle.

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

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

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

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

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

1 in furtherance of Review Board disclosure determination
2 responsibilities in section 1761(h) and subsection (e) of
3 this section.

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

12 **SEC. 1765. DISCLOSURE OF OTHER MATERIALS AND ADDI-**
13 **TIONAL STUDY.**

14 (a) MATERIALS UNDER SEAL OF COURT.—

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

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

1 mation relevant to unidentified anomalous phe-
2 nomena, technologies of unknown origin, or non-
3 human intelligence that is held under the injunction
4 of secrecy of a grand jury.

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

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

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

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

23 (3) all heads of Executive agencies should co-
24 operate in full with the Review Board to seek the
25 disclosure of all material relevant to unidentified

1 anomalous phenomena, technologies of unknown ori-
2 gin, and non-human intelligence consistent with the
3 public interest.

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16 operate in full with the Review Board to seek the
17 disclosure of all material relevant to unidentified
18 anomalous phenomena, technologies of unknown ori-
19 gin, and non-human intelligence consistent with the
20 public interest.

21 **SEC. 1767. RULES OF CONSTRUCTION.**

22 (a) PRECEDENCE OVER OTHER LAW.—When this
23 subtitle requires transmission of a record to the Archivist
24 or public disclosure, it shall take precedence over any
25 other provision of law (except section 6103 of the Internal

1 Revenue Code of 1986 specifying confidentiality and dis-
2 closure of tax returns and tax return information), judicial
3 decision construing such provision of law, or common law
4 doctrine that would otherwise prohibit such transmission
5 or disclosure, with the exception of deeds governing access
6 to or transfer or release of gifts and donations of records
7 to the United States Government.

8 (b) FREEDOM OF INFORMATION ACT.—Nothing in
9 this subtitle shall be construed to eliminate or limit any
10 right to file requests with any executive agency or seek
11 judicial review of the decisions pursuant to section 552
12 of title 5, United States Code.

13 (c) JUDICIAL REVIEW.—Nothing in this subtitle shall
14 be construed to preclude judicial review, under chapter 7
15 of title 5, United States Code, of final actions taken or
16 required to be taken under this subtitle.

17 (d) EXISTING AUTHORITY.—Nothing in this subtitle
18 revokes or limits the existing authority of the President,
19 any executive agency, the Senate, or the House of Rep-
20 resentatives, or any other entity of the Federal Govern-
21 ment to publicly disclose records in its possession.

22 (e) RULES OF THE SENATE AND HOUSE OF REP-
23 RESENTATIVES.—To the extent that any provision of this
24 subtitle establishes a procedure to be followed in the Sen-

1 ate or the House of Representatives, such provision is
2 adopted—

3 (1) as an exercise of the rulemaking power of
4 the Senate and House of Representatives, respec-
5 tively, and is deemed to be part of the rules of each
6 House, respectively, but applicable only with respect
7 to the procedure to be followed in that House, and
8 it supersedes other rules only to the extent that it
9 is inconsistent with such rules; and

10 (2) with full recognition of the constitutional
11 right of either House to change the rules (so far as
12 they relate to the procedure of that House) at any
13 time, in the same manner, and to the same extent
14 as in the case of any other rule of that House.

15 **SEC. 1768. TERMINATION OF EFFECT OF TITLE.**

16 (a) PROVISIONS PERTAINING TO THE REVIEW
17 BOARD.—The provisions of this subtitle that pertain to
18 the appointment and operation of the Review Board shall
19 cease to be effective when the Review Board and the terms
20 of its members have terminated pursuant to section
21 1761(n).

22 (b) OTHER PROVISIONS.—(1) The remaining provi-
23 sions of this subtitle shall continue in effect until such
24 time as the Archivist certifies to the President and Con-
25 gress that all unidentified anomalous phenomena records

1 have been made available to the public in accordance with
2 this subtitle.

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

16 **SEC. 1769. AUTHORIZATION OF APPROPRIATIONS.**

17 (a) IN GENERAL.—There is authorized to be appro-
18 priated to carry out the provisions of this subtitle
19 \$20,000,000 for fiscal year 2025.

20 (b) INTERIM FUNDING.—Until such time as funds
21 are appropriated pursuant to subsection (a), the President
22 may use such sums as are available for discretionary use
23 to carry out this subtitle.

1 **SEC. 1769A. SEVERABILITY.**

2 If any provision of this subtitle or the application
3 thereof to any person or circumstance is held invalid, the
4 remainder of this subtitle and the application of that pro-
5 vision to other persons not similarly situated or to other
6 circumstances shall not be affected by the invalidation.

7 **SEC. 1769B. DEFINITIONS.**

8 In this subtitle:

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

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

15 (3) COLLECTION.—The term “Collection”
16 means the Unidentified Anomalous Phenomena
17 Records Collection established under section 1841 of
18 subtitle C of title XVIII of the National Defense Au-
19 thorization Act for Fiscal Year 2024.

20 (4) CONTROLLED DISCLOSURE CAMPAIGN
21 PLAN.—The term “Controlled Disclosure Campaign
22 Plan” means the Controlled Disclosure Campaign
23 Plan required by section 1765(c)(3).

24 (5) CONTROLLING AUTHORITY.—The term
25 “controlling authority” means any Federal, State, or
26 local government department, office, agency, com-

1 mittee, commission, commercial company, academic
2 institution, or private sector entity in physical pos-
3 session of technologies of unknown origin or biologi-
4 cal evidence of non-human intelligence.

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

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

10 (8) GOVERNMENT OFFICE.—The term “Govern-
11 ment office” means any department, office, agency,
12 committee, or commission of the Federal Govern-
13 ment and any independent office or agency without
14 exception that has possession or control, including
15 via contract or other agreement, of unidentified
16 anomalous phenomena records.

17 (9) IDENTIFICATION AID.—The term “identi-
18 fication aid” means the written description prepared
19 for each record, as required in section 1841 of sub-
20 title C of title XVIII of the National Defense Au-
21 thorization Act for Fiscal Year 2024.

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

24 (A) the majority leader of the Senate;

25 (B) the minority leader of the Senate;

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

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

5 (11) LEGACY PROGRAM.—The term “legacy
6 program” means all Federal, State, and local gov-
7 ernment, commercial industry, academic, and private
8 sector endeavors to collect, exploit, or reverse engi-
9 neer technologies of unknown origin or examine bio-
10 logical evidence of living or deceased non-human in-
11 telligence that pre-dates the date of the enactment
12 of this Act.

13 (12) NATIONAL ARCHIVES.—The term “Na-
14 tional Archives” means the National Archives and
15 Records Administration and all components thereof,
16 including presidential archival depositories estab-
17 lished under section 2112 of title 44, United States
18 Code.

19 (13) NON-HUMAN INTELLIGENCE.—The term
20 “non-human intelligence” means any sentient intel-
21 ligent non-human lifeform regardless of nature or ul-
22 timate origin that may be presumed responsible for
23 unidentified anomalous phenomena or of which the
24 Federal Government has become aware.

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

6 (15) PROSAIC ATTRIBUTION.—The term “pro-
7 saic attribution” means having a human (either for-
8 eign or domestic) origin and operating according to
9 current, proven, and generally understood scientific
10 and engineering principles and established laws-of-
11 nature and not attributable to non-human intel-
12 ligence.

13 (16) PUBLIC INTEREST.—The term “public in-
14 terest” means the compelling interest in the prompt
15 public disclosure of unidentified anomalous phe-
16 nomena records for historical and Governmental
17 purposes and for the purpose of fully informing the
18 people of the United States about the history of the
19 Federal Government’s knowledge and involvement
20 surrounding unidentified anomalous phenomena.

21 (17) RECORD.—The term “record” includes a
22 book, paper, report, memorandum, directive, email,
23 text, or other form of communication, or map, pho-
24 tograph, sound or video recording, machine-readable
25 material, computerized, digitized, or electronic infor-

1 mation, including intelligence, surveillance, recon-
2 naissance, and target acquisition sensor data, re-
3 gardless of the medium on which it is stored, or
4 other documentary material, regardless of its phys-
5 ical form or characteristics.

6 (18) REVIEW BOARD.—The term “Review
7 Board” means the Unidentified Anomalous Phe-
8 nomena Records Review Board established by sec-
9 tion 1761.

10 (19) TECHNOLOGIES OF UNKNOWN ORIGIN.—
11 The term “technologies of unknown origin” means
12 any materials or meta-materials, ejecta, crash de-
13 bris, mechanisms, machinery, equipment, assemblies
14 or sub-assemblies, engineering models or processes,
15 damaged or intact aerospace vehicles, and damaged
16 or intact ocean-surface and undersea craft associ-
17 ated with unidentified anomalous phenomena or in-
18 corporating science and technology that lacks prosaic
19 attribution or known means of human manufacture.

20 (20) TEMPORARILY NON-ATTRIBUTED OB-
21 JECTS.—

22 (A) IN GENERAL.—The term “temporarily
23 non-attributed objects” means the class of ob-
24 jects that temporarily resist prosaic attribution
25 by the initial observer as a result of environ-

1 mental or system limitations associated with the
2 observation process that nevertheless ultimately
3 have an accepted human origin or known phys-
4 ical cause. Although some unidentified anoma-
5 lous phenomena may at first be interpreted as
6 temporarily non-attributed objects, they are not
7 temporarily non-attributed objects, and the two
8 categories are mutually exclusive.

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

11 (i) natural celestial, meteorological,
12 and undersea weather phenomena;

13 (ii) mundane human-made airborne
14 objects, clutter, and marine debris;

15 (iii) Federal, State, and local govern-
16 ment, commercial industry, academic, and
17 private sector aerospace platforms;

18 (iv) Federal, State, and local govern-
19 ment, commercial industry, academic, and
20 private sector ocean-surface and undersea
21 vehicles; and

22 (v) known foreign systems.

23 (21) THIRD AGENCY.—The term “third agen-
24 cy” means a Government agency that originated a

1 unidentified anomalous phenomena record that is in
2 the possession of another Government agency.

3 (22) UNIDENTIFIED ANOMALOUS PHE-
4 NOMENA.—

5 (A) IN GENERAL.—The term “unidentified
6 anomalous phenomena” means any object oper-
7 ating or judged capable of operating in outer-
8 space, the atmosphere, ocean surfaces, or un-
9 dersea lacking prosaic attribution due to per-
10 formance characteristics and properties not pre-
11 viously known to be achievable based upon com-
12 monly accepted physical principles. Unidentified
13 anomalous phenomena are differentiated from
14 both attributed and temporarily non-attributed
15 objects by one or more of the following
16 observables:

17 (i) Instantaneous acceleration absent
18 apparent inertia.

19 (ii) Hypersonic velocity absent a ther-
20 mal signature and sonic shockwave.

21 (iii) Transmedium (such as space-to-
22 ground and air-to-undersea) travel.

23 (iv) Positive lift contrary to known
24 aerodynamic principles.

25 (v) Multispectral signature control.

1 (vi) Physical or invasive biological ef-
2 fects to close observers and the environ-
3 ment.

4 (B) INCLUSIONS.—The term “unidentified
5 anomalous phenomena” includes what were pre-
6 viously described as—

7 (i) flying discs;

8 (ii) flying saucers;

9 (iii) unidentified aerial phenomena;

10 (iv) unidentified flying objects
11 (UFOs); and

12 (v) unidentified submerged objects
13 (USOs).

14 (23) UNIDENTIFIED ANOMALOUS PHENOMENA
15 RECORD.—The term “unidentified anomalous phe-
16 nomena record” means a record that is related to
17 unidentified anomalous phenomena, technologies of
18 unknown origin, or non-human intelligence (and all
19 equivalent subjects by any other name with the spe-
20 cific and sole exclusion of temporarily non-attributed
21 objects) that was created or made available for use
22 by, obtained by, or otherwise came into the posses-
23 sion of—

24 (A) the Executive Office of the President;

1 (B) the Department of Defense and its
2 progenitors, the Department of War and the
3 Department of the Navy;

4 (C) the Department of the Army;

5 (D) the Department of the Navy;

6 (E) the Department of the Air Force, spe-
7 cifically the Air Force Office of Special Inves-
8 tigations;

9 (F) the Department of Energy and its pro-
10 genitors, the Manhattan Project, the Atomic
11 Energy Commission, and the Energy Research
12 and Development Administration;

13 (G) the Office of the Director of National
14 Intelligence;

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

17 (I) the National Reconnaissance Office;

18 (J) the Defense Intelligence Agency;

19 (K) the National Security Agency;

20 (L) the National Geospatial-Intelligence
21 Agency;

22 (M) the National Aeronautics and Space
23 Administration;

24 (N) the Federal Bureau of Investigation;

25 (O) the Federal Aviation Administration;

1 (P) the National Oceanic and Atmospheric
2 Administration;

3 (Q) the Library of Congress;

4 (R) the National Archives and Records Ad-
5 ministration;

6 (S) any Presidential library;

7 (T) any Executive agency;

8 (U) any independent office or agency;

9 (V) any other department, office, agency,
10 committee, or commission of the Federal Gov-
11 ernment;

12 (W) any State or local government depart-
13 ment, office, agency, committee, or commission
14 that provided support or assistance or per-
15 formed work, in connection with a Federal in-
16 quiry into unidentified anomalous phenomena,
17 technologies of unknown origin, or non-human
18 intelligence; and

19 (X) any private sector person or entity for-
20 merly or currently under contract or some other
21 agreement with the Federal Government.

