

AMENDMENT TO RULES COMMITTEE PRINT 117-

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OFFERED BY MR. GALLAGHER OF WISCONSIN

At the end of subtitle E of title XVI, add the following new section:

1 **SEC. 16__ . UNIDENTIFIED AERIAL PHENOMENA REPORT-**
2 **ING PROCEDURES.**

3 (a) **AUTHORIZATION FOR REPORTING.**—Notwith-
4 standing the terms of any written or oral nondisclosure
5 agreement, order, or other instrumentality or means, that
6 could be interpreted as a legal constraint on reporting by
7 a witness of an unidentified aerial phenomena, reporting
8 in accordance with the system established under sub-
9 section (b) is hereby authorized and shall be deemed to
10 comply with any regulation or order issued under the au-
11 thority of Executive Order 13526 (50 U.S.C. 3161 note;
12 relating to classified national security information) or
13 chapter 18 of the Atomic Energy Act of 1954 (42 U.S.C.
14 2271 et seq.).

15 (b) **SYSTEM FOR REPORTING.**—

16 (1) **ESTABLISHMENT.**—The head of the Office,
17 on behalf of the Secretary of Defense and the Direc-

1 tor of National Intelligence, shall establish a secure
2 system for receiving reports of—

3 (A) any event relating to unidentified aer-
4 ial phenomena; and

5 (B) any Government or Government con-
6 tractor activity or program related to unidenti-
7 fied aerial phenomena.

8 (2) PROTECTION OF SYSTEMS, PROGRAMS, AND
9 ACTIVITY.—The system established pursuant to
10 paragraph (1) shall serve as a mechanism to prevent
11 unauthorized public reporting or compromise of
12 properly classified military and intelligence systems,
13 programs, and related activity, including all cat-
14 egories and levels of special access and compart-
15 mented access programs, current, historical, and fu-
16 ture.

17 (3) ADMINISTRATION.—The system established
18 pursuant to paragraph (1) shall be administered by
19 designated and widely known, easily accessible, and
20 appropriately cleared Department of Defense and in-
21 telligence community employees or contractors as-
22 signed to the Unidentified Aerial Phenomena Task
23 Force or the Office.

24 (4) SHARING OF INFORMATION.—The system
25 established under paragraph (1) shall provide for the

1 immediate sharing with Office personnel and sup-
2 porting analysts and scientists of information pre-
3 viously prohibited from reporting under any non-
4 disclosure written or oral agreement, order, or other
5 instrumentality or means, except in cases where the
6 cleared Government personnel administering such
7 system conclude that the preponderance of informa-
8 tion available regarding the reporting indicates that
9 the observed object and associated events and activi-
10 ties likely relate to a special access program or com-
11 partmented access program that, as of the date of
12 the reporting, has been explicitly and clearly re-
13 ported to the congressional defense committees and
14 congressional intelligence committees, and is docu-
15 mented as meeting those criteria.

16 (5) INITIAL REPORT AND PUBLICATION.—Not
17 later than 180 days after the date of the enactment
18 of this Act, the head of the Office, on behalf of the
19 Secretary and the Director, shall—

20 (A) submit to the congressional intelligence
21 committees, the congressional defense commit-
22 tees, and congressional leadership a report de-
23 tailing the system established under paragraph
24 (1); and

1 (B) make available to the public on a
2 website of the Department of Defense informa-
3 tion about such system, including clear public
4 guidance for accessing and using such system
5 and providing feedback about the expected
6 timeline to process a report.

7 (6) ANNUAL REPORTS.—Section 1683 of the
8 National Defense Authorization Act for Fiscal Year
9 2022 (50 U.S.C. 3373) is amended—

10 (A) in subsection (h)—

11 (i) in paragraph (1), by inserting
12 “and congressional leadership” after “ap-
13 propriate congressional committees”; and

14 (ii) in paragraph (2), by adding at the
15 end the following new subparagraph:

16 “(Q) A summary of the reports received
17 using the system established under title XVI of
18 the National Defense Authorization Act for Fis-
19 cal Year 2023.”; and

20 (B) in subsection (l)—

21 (i) by redesignating paragraphs (2)
22 through (5) as paragraphs (3) through (6),
23 respectively; and

24 (ii) by inserting after paragraph (1)
25 the following new paragraph (2):

1 “(2) The term ‘congressional leadership’
2 means—

3 “(A) the majority leader of the Senate;

4 “(B) the minority leader of the Senate;

5 “(C) the Speaker of the House of Rep-
6 resentatives; and

7 “(D) the minority leader of the House of
8 Representatives.”.

9 (c) RECORDS OF NONDISCLOSURE AGREEMENTS.—

10 (1) IDENTIFICATION OF NONDISCLOSURE
11 AGREEMENTS.—The Secretary of Defense, the Di-
12 rector of National Intelligence, the Secretary of
13 Homeland Security, the heads of such other depart-
14 ments and agencies of the Federal Government that
15 have supported investigations of the types of events
16 covered by subparagraph (A) of subsection (b)(1)
17 and activities and programs described subparagraph
18 (B) of such subsection, and contractors of the Fed-
19 eral Government supporting such activities and pro-
20 grams shall conduct comprehensive searches of all
21 records relating to nondisclosure orders or agree-
22 ments or other obligations relating to the types of
23 events described in subsection (a) and provide copies
24 of all relevant documents to the Office.

1 (2) SUBMITTAL TO CONGRESS.—The head of
2 the Office shall—

3 (A) make the records compiled under para-
4 graph (1) accessible to the congressional intel-
5 ligence committees, the congressional defense
6 committees, and congressional leadership; and

7 (B) not later than September 30, 2023,
8 and at least once each fiscal year thereafter
9 through fiscal year 2026, provide to such com-
10 mittees and congressional leadership briefings
11 and reports on such records.

12 (d) PROTECTION FROM LIABILITY AND PRIVATE
13 RIGHT OF ACTION.—

14 (1) PROTECTION FROM LIABILITY.—It shall not
15 be a violation of section 798 of title 18, United
16 States Code, or any other provision of law, and no
17 cause of action shall lie or be maintained in any
18 court or other tribunal against any person, for re-
19 porting any information through, and in compliance
20 with, the system established pursuant to subsection
21 (b)(1).

22 (2) PROHIBITION ON REPRISALS.—An employee
23 of a Federal agency and an employee of a contractor
24 for the Federal Government who has authority to
25 take, direct others to take, recommend, or approve

1 any personnel action, shall not, with respect to such
2 authority, take or fail to take, or threaten to take
3 or fail to take, a personnel action, including the rev-
4 ocation or suspension of security clearances, with re-
5 spect to any individual as a reprisal for any report-
6 ing as described in paragraph (1).

7 (3) PRIVATE RIGHT OF ACTION.—In a case in
8 which an employee described in paragraph (2) takes
9 a personnel action against an individual in violation
10 of such paragraph, the individual may bring a pri-
11 vate civil action for all appropriate remedies, includ-
12 ing injunctive relief and compensatory and punitive
13 damages, against the Government or other employer
14 who took the personnel action, in the United States
15 Court of Federal Claims.

16 (e) REVIEW BY INSPECTORS GENERAL.—Not later
17 than one year after the date of the enactment of this Act,
18 the Inspector General of the Department of Defense and
19 the Inspector General of the Intelligence Community shall
20 each—

21 (1) conduct an assessment of the compliance
22 with the requirements of this section and the oper-
23 ation and efficacy of the system established under
24 subsection (b); and

1 (2) submit to the congressional intelligence
2 committees, the congressional defense committees,
3 and congressional leadership a report on their re-
4 spective findings with respect to the assessments
5 they conducted under paragraph (1).

6 (f) DEFINITIONS.—In this section:

7 (1) The term “congressional intelligence com-
8 mittees” has the meaning given such term in section
9 3 of the National Security Act of 1947 (50 U.S.C.
10 3003).

11 (2) The term “congressional leadership”
12 means—

13 (A) the majority leader of the Senate;

14 (B) the minority leader of the Senate;

15 (C) the Speaker of the House of Rep-
16 resentatives; and

17 (D) the minority leader of the House of
18 Representatives.

19 (3) The term “intelligence community” has the
20 meaning given such term in section 3 of the Na-
21 tional Security Act of 1947 (50 U.S.C. 3003).

22 (4) The term “Office” means the office estab-
23 lished under section 1683(a) of the National Defense
24 Authorization Act for Fiscal Year 2022 (50 U.S.C.
25 3373(a)).

1 (5) The term “personnel action” has the mean-
2 ing given such term in section 1104(a) of the Na-
3 tional Security Act of 1947 (50 U.S.C. 3234(a)).

4 (6) The term “unidentified aerial phenomena”
5 has the meaning given such term in section 1683(l)
6 of the National Defense Authorization Act for Fiscal
7 Year 2022 (50 U.S.C. 3373(l)).

