AMENDMENT TO RULES COMMITTEE PRINT 117–54

OFFERED BY MR. GALLAGHER OF WISCONSIN

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

SEC. 16. UNIDENTIFIED AERIAL PHENOMENA REPORTING PROCEDURES.

(a) Authorization for Reporting.—Notwithstanding the terms of any written or oral nondisclosure agreement, order, or other instrumentality or means, that could be interpreted as a legal constraint on reporting by a witness of an unidentified aerial phenomena, reporting in accordance with the system established under subsection (b) is hereby authorized and shall be deemed to comply with any regulation or order issued under the authority of Executive Order 13526 (50 U.S.C. 3161 note; relating to classified national security information) or chapter 18 of the Atomic Energy Act of 1954 (42 U.S.C. 2271 et seq.).

(b) System for Reporting.—

(1) Establishment.—The head of the Office, on behalf of the Secretary of Defense and the Direc-
tor of National Intelligence, shall establish a secure
system for receiving reports of—

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

(B) any Government or Government con-
tractor activity or program related to unidenti-
ified aerial phenomena.

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

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

(4) SHARING OF INFORMATION.—The system
established under paragraph (1) shall provide for the
immediate sharing with Office personnel and supporting analysts and scientists of information previously prohibited from reporting under any non-disclosure written or oral agreement, order, or other instrumentality or means, except in cases where the cleared Government personnel administering such system conclude that the preponderance of information available regarding the reporting indicates that the observed object and associated events and activities likely relate to a special access program or compartmented access program that, as of the date of the reporting, has been explicitly and clearly reported to the congressional defense committees and congressional intelligence committees, and is documented as meeting those criteria.

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

(A) submit to the congressional intelligence committees, the congressional defense committees, and congressional leadership a report detailing the system established under paragraph (1); and
(B) make available to the public on a website of the Department of Defense information about such system, including clear public guidance for accessing and using such system and providing feedback about the expected timeline to process a report.

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

(A) in subsection (h)—

(i) in paragraph (1), by inserting “and congressional leadership” after “appropriate congressional committees”; and

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

“(Q) A summary of the reports received using the system established under title XVI of the National Defense Authorization Act for Fiscal Year 2023.”; and

(B) in subsection (l)—

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

(ii) by inserting after paragraph (1) the following new paragraph (2):
“(2) The term ‘congressional leadership’ means—

“(A) the majority leader of the Senate;
“(B) the minority leader of the Senate;
“(C) the Speaker of the House of Representatives; and
“(D) the minority leader of the House of Representatives.”.

(c) Records of Nondisclosure Agreements.—

(1) Identification of Nondisclosure Agreements.—The Secretary of Defense, the Director of National Intelligence, the Secretary of Homeland Security, the heads of such other departments and agencies of the Federal Government that have supported investigations of the types of events covered by subparagraph (A) of subsection (b)(1) and activities and programs described subparagraph (B) of such subsection, and contractors of the Federal Government supporting such activities and programs shall conduct comprehensive searches of all records relating to nondisclosure orders or agreements or other obligations relating to the types of events described in subsection (a) and provide copies of all relevant documents to the Office.
(2) **SUBMITTAL TO CONGRESS.**—The head of the Office shall—

(A) make the records compiled under paragraph (1) accessible to the congressional intelligence committees, the congressional defense committees, and congressional leadership; and

(B) not later than September 30, 2023, and at least once each fiscal year thereafter through fiscal year 2026, provide to such committees and congressional leadership briefings and reports on such records.

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

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

(2) **PROHIBITION ON REPRISALS.**—An employee of a Federal agency and an employee of a contractor for the Federal Government who has authority to take, direct others to take, recommend, or approve
any personnel action, shall not, with respect to such
authority, take or fail to take, or threaten to take
or fail to take, a personnel action, including the rev-
ocation or suspension of security clearances, with re-
spect to any individual as a reprisal for any report-
ing as described in paragraph (1).

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

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

(1) conduct an assessment of the compliance
with the requirements of this section and the oper-
ation and efficacy of the system established under
subsection (b); and
(2) submit to the congressional intelligence committees, the congressional defense committees, and congressional leadership a report on their respective findings with respect to the assessments they conducted under paragraph (1).

(f) DEFINITIONS.—In this section:

(1) The term “congressional intelligence committees” has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

(2) The term “congressional leadership” means—

(A) the majority leader of the Senate;

(B) the minority leader of the Senate;

(C) the Speaker of the House of Representatives; and

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

(3) The term “intelligence community” has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

(4) The term “Office” means the office established under section 1683(a) of the National Defense Authorization Act for Fiscal Year 2022 (50 U.S.C. 3373(a)).
(5) The term “personnel action” has the meaning given such term in section 1104(a) of the National Security Act of 1947 (50 U.S.C. 3234(a)).

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