

“(c) VERBAL BRIEFINGS.—Not later than 180 days after the date of the enactment of this Act, and semiannually thereafter until the date that is 180 days after the delivery of the final volume of the Historical Record Report, the Comptroller General of the United States shall verbally brief the congressional intelligence committees, the congressional defense committees, and congressional leadership on the progress of the Office with respect to the historical record report described in section 1683 of the National Defense Authorization Act for Fiscal Year 2022 (50 U.S.C. 3373), as amended by section 6802, and compliance with legislative requirements.

“(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to restrict access of a committee of Congress under section 719(f) of title 31, United States Code, to an audit under subsection (b).”

[For definition of “congressional intelligence committees” as used in section 6803 of Pub. L. 117–263, set out above, see section 6002 of Pub. L. 117–263, set out as a note under section 3003 of this title.]

§ 3373a. Support for and oversight of Unidentified Aerial Phenomena Task Force

(a) Availability of data on unidentified aerial phenomena

The Director of National Intelligence and the Secretary of Defense shall jointly require that each element of the intelligence community and component of the Department of Defense with data relating to unidentified aerial phenomena makes¹ such data available immediately to the Unidentified Aerial Phenomena Task Force, or successor entity, and to the National Air and Space Intelligence Center.

(b) Quarterly reports

(1) In general

Not later than 90 days after March 15, 2022, and not less frequently than quarterly thereafter, the Unidentified Aerial Phenomena Task Force, or successor entity, consistent with the protection of intelligence sources and methods, shall submit to the appropriate congressional committees a report on the findings of the Unidentified Aerial Phenomena Task Force, or successor entity.

(2) Contents

Each report submitted under paragraph (1) shall include, at a minimum, the following:

(A) All reported unidentified aerial phenomena-related events that occurred during the period covered by the report.

(B) All reported unidentified aerial phenomena-related events that occurred during a period other than the period covered by the report but were not included in an earlier report.

(3) Form

Each report submitted under paragraph (1) shall be submitted in classified form.

(c) Definitions

In this section:

(1) Appropriate congressional committees

The term “appropriate congressional committees” means the following:

(A) The congressional intelligence committees.

(B) The Committees on Armed Services of the House of Representatives and the Senate.

(2) Unidentified Aerial Phenomena Task Force

The term “Unidentified Aerial Phenomena Task Force” means the task force established by the Department of Defense on August 4, 2020, to be led by the Department of the Navy, under the Office of the Under Secretary of Defense for Intelligence and Security.

(Pub. L. 117–103, div. X, title IV, § 413, Mar. 15, 2022, 136 Stat. 977.)

Statutory Notes and Related Subsidiaries

DEFINITIONS

For definitions of “congressional intelligence committees” and “intelligence community” as used in this section, see section 2 of div. X of Pub. L. 117–103, set out as a note under section 3003 of this title.

§ 3373b. Unidentified anomalous phenomena reporting procedures

(a) Mechanism for authorized reporting

(1) Establishment

The Secretary of Defense, acting through the head of the Office and in consultation with the Director of National Intelligence, shall establish a secure mechanism for authorized reporting of—

(A) any event relating to unidentified anomalous phenomena; and

(B) any activity or program by a department or agency of the Federal Government or a contractor of such a department or agency relating to unidentified anomalous phenomena, including with respect to material retrieval, material analysis, reverse engineering, research and development, detection and tracking, developmental or operational testing, and security protections and enforcement.

(2) Protection of systems, programs, and activity

The Secretary shall ensure that the mechanism for authorized reporting established under paragraph (1) prevents the unauthorized public reporting or compromise of classified military and intelligence systems, programs, and related activity, including all categories and levels of special access and compartmented access programs.

(3) Administration

The Secretary shall ensure that the mechanism for authorized reporting established under paragraph (1) is administered by designated and appropriately cleared employees of the Department of Defense or elements of the intelligence community or contractors of the Department or such elements assigned to the Office.

(4) Sharing of information

(A) Prompt sharing within Office

The Secretary shall ensure that the mechanism for authorized reporting established under paragraph (1) provides for the sharing of an authorized disclosure to personnel and

¹ So in original. Probably should be “make”.

supporting analysts and scientists of the Office (regardless of the classification of information contained in the disclosure or any nondisclosure agreements), unless the employees or contractors administering the mechanism under paragraph (3) conclude that the preponderance of information available regarding the disclosure 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 disclosure, has been explicitly and clearly reported to the congressional defense committees or the congressional intelligence committees, and is documented as meeting those criteria.

(B) Congressional notification

Not later than 72 hours after determining that an authorized disclosure relates to a restricted access activity, a special access program, or a compartmented access program that has not been explicitly and clearly reported to the congressional defense committees or the congressional intelligence committees, the Secretary shall report such disclosure to such committees and the congressional leadership.

(5) Initial report and publication

Not later than 180 days after December 23, 2022, the Secretary, acting through the head of the Office and in consultation with the Director of National Intelligence, shall—

(A) submit to the congressional defense committees, the congressional intelligence committees, and the congressional leadership a report detailing the mechanism for authorized reporting established under paragraph (1); and

(B) issue clear public guidance for how to securely access the mechanism for authorized reporting.

(b) Protection for individuals making authorized disclosures

(1) Authorized disclosures

An authorized disclosure—

(A) shall not be subject to a nondisclosure agreement entered into by the individual who makes the disclosure;

(B) 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.); and

(C) is not a violation of section 798 of title 18 or other provision of law relating to the disclosure of information.

(2) Prohibition on reprisals

(A) Protection

An employee of a department or agency of the Federal Government, or of a contractor, subcontractor, grantee, subgrantee, or personal services contractor of such a department or agency, 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 revocation or suspension of security clearances, or termination of employment, with respect to any individual as a reprisal for any authorized disclosure.

(B) Procedures

The Secretary of Defense and the Director of National Intelligence shall establish procedures for the enforcement of subparagraph (A) consistent with, as appropriate, section 1034 of title 10, section 3234 of title 50, or other similar provisions of law regarding prohibited personnel actions.

(3) Nondisclosure agreements

(A) Identification

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 (a)(1) and activities and programs described in subparagraph (B) of such subsection, and contractors of the Federal Government that have supported or are supporting such activities and programs, shall conduct comprehensive searches of all records relating to nondisclosure orders relating to the types of events described in subsection (a) and provide copies of such orders, agreements, or obligations to the Office.

(B) Submission to Congress

The head of the Office shall—

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

(ii) 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.

(c) Omitted

(d) Definitions

In this section:

(1) The term “authorized disclosure” means a report of any information through, and in compliance with, the mechanism for authorized reporting established pursuant to subsection (a)(1).

(2) The term “congressional intelligence committees” has the meaning given such term in section 3003 of this title.

(3) 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.

(4) The term “intelligence community” has the meaning given such term in section 3003 of this title.

(5) The term “nondisclosure agreement” means any written or oral nondisclosure

agreement, order, or other instrumentality or means entered into by an individual that could be interpreted as a legal constraint on the individual making an authorized disclosure.

(6) The term “Office” means the All-domain Anomaly Resolution Office established pursuant to section 3373(a) of this title.

(7) The term “personnel action” has the meaning given such term in section 3234(a) of this title.

(8) The term “unidentified anomalous phenomena” has the meaning given such term in section 3373(n) of this title.

(Pub. L. 117–263, div. A, title XVI, §1673, Dec. 23, 2022, 136 Stat. 2959.)

Editorial Notes

REFERENCES IN TEXT

Executive Order 13526, referred to in subsec. (b)(1)(B), is Ex. Ord. No. 13526, Dec. 29, 2009, 75 F.R. 707, 1013, which is set out as a note under section 3161 of this title.

The Atomic Energy Act of 1954, referred to in subsec. (b)(1)(B), is act Aug. 1, 1946, ch. 724, as added by act Aug. 30, 1954, ch. 1073, §1, 68 Stat. 919. Chapter 18 of the Act is classified generally to subchapter XVII (§2271 et seq.) of chapter 23 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 2011 of Title 42 and Tables.

CODIFICATION

Section is comprised of section 1673 of Pub. L. 117–263. Subsec. (c) of section 1673 of Pub. L. 117–263 amended section 3373 of this title.

Statutory Notes and Related Subsidiaries

DEFINITIONS

For definition of “congressional defense committees” as the Committees on Armed Services and Appropriations of the Senate and the House of Representatives, see section 101 of Title 10, Armed Forces, as made applicable by section 3 of of Pub. L. 117–263, which is listed in a table under section 101 of Title 10.

SUBCHAPTER V—MANAGEMENT OF COUNTERINTELLIGENCE ACTIVITIES

§ 3381. Coordination of counterintelligence activities

(a) Establishment of Counterintelligence Policy Board

There is established within the executive branch of Government a National Counterintelligence Policy Board (in this section referred to as the “Board”). The Board shall report to the President through the National Security Council.

(b) Chairperson

The Director of the National Counterintelligence and Security Center appointed under section 902 of the Counterintelligence Enhancement Act of 2002 (50 U.S.C. 3382) shall serve as the chairperson of the Board.

(c) Membership

The membership of the National Counterintelligence Policy Board shall consist of the following:

(1) The Director of the National Counterintelligence and Security Center.

(2) Senior personnel of departments and elements of the United States Government, appointed by the head of the department or element concerned, as follows:

(A) The Department of Justice, including the Federal Bureau of Investigation.

(B) The Department of Defense, including the Joint Chiefs of Staff.

(C) The Department of State.

(D) The Department of Energy.

(E) The Central Intelligence Agency.

(F) Any other department, agency, or element of the United States Government specified by the President.

(d) Functions and discharge of functions

(1) The Board shall—

(A) serve as the principal mechanism for—

(i) developing policies and procedures for the approval of the President to govern the conduct of counterintelligence activities; and

(ii) upon the direction of the President, resolving conflicts that arise between elements of the Government conducting such activities; and

(B) act as an interagency working group to—

(i) ensure the discussion and review of matters relating to the implementation of the Counterintelligence Enhancement Act of 2002; and

(ii) provide advice to the Director of the National Counterintelligence and Security Center on priorities in the implementation of the National Counterintelligence Strategy produced pursuant to section 904(e)(2) of that Act (50 U.S.C. 3383(e)(2)).

(2) The Board may, for purposes of carrying out its functions under this section, establish such interagency boards and working groups as the Board considers appropriate.

(e) Coordination of counterintelligence matters with Federal Bureau of Investigation

(1) Except as provided in paragraph (5), the head of each department or agency within the executive branch shall ensure that—

(A) the Federal Bureau of Investigation is advised immediately of any information, regardless of its origin, which indicates that classified information is being, or may have been, disclosed in an unauthorized manner to a foreign power or an agent of a foreign power;

(B) following a report made pursuant to subparagraph (A), the Federal Bureau of Investigation is consulted with respect to all subsequent actions which may be undertaken by the department or agency concerned to determine the source of such loss or compromise; and

(C) where, after appropriate consultation with the department or agency concerned, the Federal Bureau of Investigation undertakes investigative activities to determine the source of the loss or compromise, the Federal Bureau of Investigation is given complete and timely access to the employees and records of the department or agency concerned for purposes of such investigative activities.

(2) Except as provided in paragraph (5), the Director of the Federal Bureau of Investigation