

Form A4-1. Model Statutory Provision: Affirmative Duty to Report on Non-Human Intelligence

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Purpose. Existing law requires release of records. It does not require the government to state what it knows. This model adds a reporting duty with a fixed date, an independent check, and judicial enforcement of the unclassified report.

When to use. Legislators, staff, and advocates drafting a statutory duty for the government to state what it knows about NHI. **Not for:** Records-release legislation alone ([Form B3-1](#) and the UAP Disclosure Act).

Deadlines. None.

[]TH CONGRESS
[] SESSION

H. R. []

To require the Federal Government to report to the public on non-human intelligence and technologies of unknown origin, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

[MONTH DAY], [YEAR]

[MR./MS.] (for [himself/herself and]) introduced the following bill; which was referred to the Committee on []

A BILL

To require the Federal Government to report to the public on non-human intelligence and technologies of unknown origin, and for other purposes.

1 Be it enacted by the Senate and House of Representatives of the
2 United States of America in Congress assembled,

3 **SEC. ____.** **REPORT TO THE PUBLIC ON NON-HUMAN**
4 **INTELLIGENCE AND TECHNOLOGIES OF UNKNOWN ORIGIN.**

5 (a) FINDINGS.—Congress finds that—

6 (1) the public has a compelling interest in knowing whether the
7 Federal Government possesses evidence of non-human intelligence or
8 of technologies of non-human origin;

9 (2) Congress has required the identification and transmission of
10 records relating to unidentified anomalous phenomena, technologies of
11 unknown origin, and non-human intelligence (section 1841 of the
12 National Defense Authorization Act for Fiscal Year 2024 (44 U.S.C.
13 2107 note)); and

14 (3) a records requirement alone does not ensure that the
15 Government states its conclusions.

16 (b) REPORT REQUIRED.—Not later than 180 days after the date of
17 enactment of this section, the President shall submit to Congress, and
18 publish in the Federal Register and on a public website, a report that states,
19 on the basis of all information available to any element of the Federal
20 Government and of any contractor of the Federal Government—

21 (1) whether the Federal Government possesses, or has at any
22 time possessed, physical material that it has assessed to be of non-
23 human origin;

24 (2) whether the Federal Government possesses, or has at any
25 time possessed, biological evidence that it has assessed to be evidence
26 of non-human intelligence;

1 (3) whether any element of the Federal Government has
2 assessed that non-human intelligence exists or has interacted with the
3 Earth;

4 (4) the dates on which each such assessment was first made, and
5 the departments, agencies, and contractors that participated; and

6 (5) the confidence level of each assessment and the categories of
7 evidence on which it rests.

8 (c) FORM.—The report shall be unclassified with respect to the
9 answers required by paragraphs (1) through (3) of subsection (b) and may
10 include a classified annex for the information required by paragraphs (4) and
11 (5).

12 (d) NO WITHHOLDING OF ANSWERS.—The answers required by
13 paragraphs (1) through (3) of subsection (b) may not be withheld, postponed,
14 or stated in a form that neither confirms nor denies, notwithstanding any
15 other provision of law, Executive order, or common law doctrine.

16 (e) CERTIFICATION AND INDEPENDENT REVIEW.—The report
17 shall be accompanied by—

18 (1) a certification by the Director of National Intelligence and
19 the Secretary of War that each element of the intelligence community
20 and each component of the Department of War has searched for and
21 reported all relevant information, including information held in special
22 access programs, controlled access programs, and by contractors; and

23 (2) a written assessment of the completeness and accuracy of the
24 report by [the Unidentified Anomalous Phenomena Records Review
25 Board / the Inspector General of the Intelligence Community], which
26 shall be submitted to Congress and published in unclassified form.

1 (f) UPDATES.—The President shall update the report not later than
2 30 days after any element of the Federal Government makes a new
3 assessment of a kind described in subsection (b).

4 (g) ENFORCEMENT.—Any person may bring a civil action in the
5 United States District Court for the District of Columbia to compel
6 publication of a report or update required by this section that has not been
7 published by the required date. The court shall have jurisdiction to order
8 publication and to award costs and reasonable attorney fees to a prevailing
9 plaintiff.

10 (h) PROTECTION OF WITNESSES.—Any individual who provides
11 information for purposes of this section to the official or body conducting the
12 review under subsection (e)(2) shall be afforded the protections of section
13 1673(b) of the James M. Inhofe National Defense Authorization Act for Fiscal
14 Year 2023 (50 U.S.C. 3373b(b)).

15 (i) INTERNATIONAL NOTIFICATION.—Not later than 30 days after
16 publication of a report that answers any question in subsection (b)(1) through
17 (3) in the affirmative, the Secretary of State shall transmit the unclassified
18 report to the Secretary-General of the United Nations, consistent with
19 articles V and XI of the Treaty on Principles Governing the Activities of
20 States in the Exploration and Use of Outer Space, including the Moon and
21 Other Celestial Bodies.

22 (j) DEFINITIONS.—In this section:

23 (1) The term “non-human intelligence” means any sentient
24 intelligent non-human lifeform regardless of nature or ultimate origin
25 that may be presumed responsible for unidentified anomalous
26 phenomena or of which the Federal Government has become aware.

1 (2) The term “technologies of unknown origin” means any
2 materials or meta-materials, ejecta, crash debris, mechanisms,
3 machinery, equipment, assemblies or sub-assemblies, engineering
4 models or processes, damaged or intact aerospace vehicles, and
5 damaged or intact ocean-surface and undersea craft associated with
6 unidentified anomalous phenomena or incorporating science and
7 technology that lacks prosaic attribution or known means of human
8 manufacture.

9 (3) The term “unidentified anomalous phenomena” has the
10 meaning given that term in section 3373(n) of title 50, United States
11 Code. (If the UAP Disclosure Act is enacted, substitute a cross-
12 reference to its definitions.)

13 (k) SEVERABILITY.—If any provision of this section, or its application
14 to any person or circumstance, is held invalid, the remainder of the section
15 and its application to other persons or circumstances shall not be affected. If
16 subsection (d) is held invalid as applied to particular information, the
17 President shall report the remaining information required by subsection (b)
18 and shall state in the unclassified report that information has been withheld
19 under a claim of constitutional authority.

Drafting notes

- Subsection (d) answers the expected Glomar posture by statute. Expect an Article II objection; the strongest support is Congress's power to legislate on information it has itself required agencies to collect and on appropriations ([Issue A2](#)).
- Subsection (g) creates a narrow cause of action that avoids the APA limits identified in the JFK Act litigation ([Issue A3](#)).
- Definitions (j)(1)-(2) are taken from section 1773 of H.R. 8800 (119th Cong.) as passed by the House.
- **State-law variant.** A state legislature could adapt subsections (b) through (g) for state agencies (state police, aviation, emergency management, National Guard in state status). Sample core provision:
 (a) Not later than [date], the head of each state agency shall report to the Legislature and publish on the agency's website a statement of whether the agency holds records of, or has information concerning, unidentified anomalous phenomena or non-human intelligence, with a description of each category of record.
 (b) A report under subsection (a) may omit information the agency is prohibited from disclosing by federal law, but shall identify the federal law relied on and the number of records affected.
 (c) Any resident of the State may bring an action in [superior court] to compel a report required by this section, and a prevailing plaintiff shall recover costs and reasonable attorney fees.
 Subsection (b) of the variant keeps the state statute clear of federal preemption and Supremacy Clause objections for information held under federal classification ([Issue A4](#) §4).