

Congressional Oversight of Unacknowledged UAP Programs: Reporting Duties, Funding Limits, and Enforcement

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Key points

- No DoD special access program may begin until the defense committees are notified and 30 days pass (10 U.S.C. §119(f)); waiver narrows the audience to chairs and ranking members but does not eliminate notice.
 - Intelligence-funded activity requires specific congressional authorization (50 U.S.C. §3094), and for FY2024 UAP programs not reported to Congress could not be funded (§1687(a); IAA §7343(b)).
 - The alleged program sits between the defense and intelligence reporting regimes; direct requests to both sets of committees.
 - Congress can make classified information public itself, by committee vote under S. Res. 400 §8 or House Rule X cl. 11(g), subject to a presidential objection that the full chamber can override.
 - Appropriations riders enforceable by individual members (*Neguse v. ICE*) give members a judicial remedy that §119 does not.
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1. Summary

The central allegation in UAP oversight is that programs to retrieve and study non-human craft have operated without the notice to Congress that the law requires. The statutory framework makes that allegation concrete:

- **No special access program may begin until the defense committees are notified and 30 days pass.** 10 U.S.C. §119(f). Even when the Secretary waives reporting details for national security, the information and the justification must go to the chair and ranking minority member of each defense committee. §119(e). There is no statutory category of DoD SAP that may be hidden from Congress entirely.

- **Intelligence activities must be reported** so that the intelligence committees are “fully and currently informed.” 50 U.S.C. §3091. Covert action requires a finding and notification; the “Gang of Eight” limitation applies only to covert action findings; DoD SAPs are reported under §119. 50 U.S.C. §3093.
- **AARO must report** restricted access programs “not explicitly and clearly reported to Congress” in its historical record report (50 U.S.C. §3373(j)) and must notify the committees within 72 hours when an authorized disclosure concerns such a program (§3373b(a)(4)(B)).
- **Funding limits.** FY2024 NDAA §1687(a) barred FY2024 funds for UAP activities under special or restricted access unless reported; §1687(b) (codified as a note to §3373) bars treating UAP-related contractor IRAD as an allowable indirect cost unless the material is made available to Congress ([Issue A3](#)). The FY2024 Intelligence Authorization Act (div. G of the same law) imposed a parallel bar on intelligence funds: none of those funds could support a special-access or restricted-access UAP activity unless the DNI had given its details to the intelligence, armed services, and appropriations committees and congressional leadership (§7343(b), 137 Stat. 1064).
- **Declassification notice.** Before declassifying SAP information or making a public announcement about it, the Secretary must notify the defense committees at least 14 days in advance, absent exceptional circumstances. §119(c). A disclosure event involving DoD SAPs triggers this provision.

If insider accounts are accurate, UAP programs operated in violation of §119(f) or §3091, and funds were spent for unreported programs. The remedies are mostly political (oversight, appropriations, hearings), with criminal exposure for false statements and conspiracy to defraud ([Issue D3](#)) and administrative exposure under the Antideficiency Act for spending in violation of a funding prohibition.

2. Reporting statutes

2.1 10 U.S.C. §119 (DoD special access programs)

- (a) Annual report by March 1 to the defense committees on each SAP, with budget and program details.
- (b) Annual notice by February 1 of each new SAP, with justification, total cost estimate, and similar existing programs.
- (c) Report at least 14 days before any planned change in classification, declassification, or public announcement concerning a SAP; exceptional circumstances allow later reporting, but before the change.
- (d) Prompt notice of changes to SAP designation policy.
- (e) Case-by-case waiver of report content if inclusion “would adversely affect the national security,” with the information and justification provided jointly to the chair and ranking

minority member of each defense committee. This is the source of “waived” programs. Waiver narrows the audience; it does not eliminate notice.

- (f) “A special access program may not be initiated until (1) the defense committees are notified of the program; and (2) a period of 30 days elapses after such notification is received.”
- (g) “Defense committees” are the Armed Services and Appropriations committees (and defense subcommittees) of each House. The intelligence committees are not included; intelligence-funded programs are reported under Title 50.

Department of Defense policy now appears in DoD Directive 5205.07, *Special Access Program Policy* (Sept. 12, 2024), which reissued the 2010 directive and sets up the oversight bodies (SAPOC, Senior Review Group, SAP Senior Working Group, and DoD SAPCO), and in DoD Instruction 5205.11, *Management, Administration, and Oversight of DoD Special Access Programs* (Sept. 12, 2024), which carries the categories. Under DoDI 5205.11 §1.2.f, “[t]he Secretary of Defense may designate select unacknowledged SAPs as ‘waived’ when it is determined that using standard procedures for reporting to Congress would adversely affect national security, pursuant to Section 119 of Title 10,” and “[w]aived SAPs remain subject to congressional oversight.” Program proposals must state whether the SAP is “acknowledged or unacknowledged.” Access to waived SAPs on the defense and intelligence committees is limited to “the chair, the ranking member, the staff directors, and one designated security manager,” and access for any other member or staffer needs the approval of the Secretary or Deputy Secretary of Defense (§7.2.a(3)). Members of those committees otherwise have access to all SAPs within their committee’s jurisdiction (§7.2.b). These access rules explain why most members of Congress, including members of the oversight committees, could truthfully say they had not been briefed on a waived program.

The SAP Security Manual adds a rule for congressional visits. When a visit to a SAP facility is proposed, the cognizant SAP Central Office gives guidance; if a congressional delegation arrives unannounced, employees “will contact the PSO [program security officer] for guidance”; and “[a]ll communications and information flow between the authorized congressional members or their staff will be coordinated through the DoD SAPCO and CA SAPCO.” DoDM 5205.07, vol. 1, encl. 10 §9 (June 18, 2015, incorporating Change 2, Sept. 30, 2020). The DoD SAPCO is also “the DoD single point of Congressional liaison concerning SAPs” (*id.* encl. 2 §3.b). A member who visits a contractor facility to ask about a UAP program should expect to be routed through the SAPCO, and an employee who speaks directly with the member outside that channel should first confirm that the communication is protected (50 U.S.C. §3373b; [Issue C1](#)).

2.2 Title 50

- §3091 (general duty to keep the intelligence committees fully and currently informed of intelligence activities, including significant anticipated activities and significant failures).
- §3092 (reporting of intelligence activities other than covert action).
- §3093 (covert action findings; Gang of Eight notice in extraordinary circumstances; no finding may authorize unlawful action).
- §3373 and §3373b (AARO historical record; notification of unreported programs).

- §3094(a) (appropriated funds available to an intelligence agency “may be obligated or expended for an intelligence or intelligence-related activity only if” the funds “were specifically authorized by Congress for use for such intelligence or intelligence-related activities,” or come from the CIA Reserve for Contingencies under stated conditions). An intelligence-funded UAP program that the intelligence committees never authorized was funded in violation of §3094 whatever its classification, which is also an Antideficiency Act question.

2.3 Appropriations

- **Appropriations Clause**, U.S. Const. art. I, §9, cl. 7: no money may be drawn from the Treasury except under appropriations made by law.
 - **Purpose statute**, 31 U.S.C. §1301(a): appropriations may be used only for their stated purposes.
 - **Antideficiency Act**, 31 U.S.C. §§1341, 1517: no obligation or expenditure in excess or advance of an appropriation or in violation of a statutory funding limitation; violations must be reported to the President, Congress, and the Comptroller General (§§1351, 1517(b)); knowing and willful violations are crimes (§§1350, 1519). GAO publishes annual compilations of ADA reports, including some involving intelligence funding (for example, an NGA purpose-statute and §1341 violation involving National Intelligence Program and Military Intelligence Program funds).
 - **Classified annexes** to authorization and appropriations acts specify funding for classified programs and are incorporated by reference in public law (Rudesill, *Coming to Terms with Secret Law*).
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3. Applying the framework to UAP programs

3.1 Programs never reported

A DoD SAP initiated without notice violated §119(f). Each year it continued without inclusion in the §119(a) report (or waiver reporting to the chairs and ranking members) was a further violation. The statute has no private remedy; it is enforced by Congress.

The allegation is specific. A former director of the Navy’s UAP Task Force writes that the crash-retrieval program he calls the Legacy Program “was never briefed to Congress,” that CIA held operational control while contracts ran through Air Force vehicles so the work looked like a DoD effort, and that senators who sought access to facilities he identified to Senate Armed Services staff were refused. Jay Stratton, *Out of the Shadows* chs. 8, 33 (2026). If those accounts are accurate, the program sits in the gap between the two reporting regimes: a CIA-controlled activity reported to neither the intelligence committees (50 U.S.C. §§3091, 3094) nor, as a DoD SAP, to the defense committees (10 U.S.C. §119). Oversight requests should therefore go to both sets of committees and ask each agency which regime it says applies ([Form D1-1](#)).

3.2 Funds spent on unreported programs

- If a program was funded through a general appropriation (for example, a classified line in a research and development account) for a purpose within the appropriation, the purpose statute is satisfied even if §119 was violated, unless the appropriations act itself conditions the funds on notice, as the DoD appropriations acts do. The FY2026 Act provides: “Funds appropriated by this Act may not be used to initiate, or materially modify the scope of, a special access program without prior notification 30 calendar days in advance to the congressional defense committees.” Department of Defense Appropriations Act, 2026, Pub. L. 119-75, div. A, §8009, 140 Stat. 198 (Feb. 3, 2026). Earlier DoD appropriations acts carry the same general provision; confirm the section number for each year at issue. Spending that year’s funds to start or materially expand an unreported UAP-related SAP is therefore an obligation the appropriation did not permit, which is an Antideficiency Act question (31 U.S.C. §1341(a)) and not merely a §119 reporting lapse.
- If Congress enacted a specific prohibition (as in FY2024 NDAA §1687(a) and IAA §7343(b)), obligations in violation are ADA violations requiring reports to Congress and GAO.
- If funds were transferred or reprogrammed without required notifications, or appropriated for one purpose and spent for another, purpose-statute and ADA issues arise.
- Contractor IRAD charged as indirect cost for UAP work without the disclosure required by §1687(b) is unallowable and, if certified, may support False Claims Act liability ([Issue D2](#)).

3.3 Programs held by contractors

Insider accounts describe UAP material held by contractors, possibly under independent research and development or under contracts not identified as UAP-related. Congress’s tools include §1687(b), the historical-record report, the Records Collection’s coverage of “Government-funded” records, and subpoenas to contractors. The House-passed UAP Disclosure Act would extend disclosure duties to “controlling authorities,” including private companies ([Issue A3](#)).

3.4 Declassification events

A disclosure that declassifies SAP information requires §119(c) notice at least 14 days before the change or public announcement, absent exceptional circumstances. Counsel for committees should request copies of any §119(c) reports; practitioners can cite the requirement in seeking schedules for declassification.

4. Congressional enforcement tools

- **Subpoenas** to agencies, officials, and contractors; enforcement through criminal contempt referral (2 U.S.C. §192, 194), civil suit (*Committee on the Judiciary v. McGahn*, 968 F.3d 755 (D.C. Cir. 2020) (en banc) (a House committee has Article III standing to enforce a subpoena)), or inherent contempt. On remand a panel held that the committee had no cause of action, 973 F.3d 121 (D.C. Cir. 2020), but that judgment was vacated when the full court granted rehearing en banc on October 15, 2020. Public reports state that the case ended in 2021 by an agreement under which McGahn testified, so the cause-of-action question

remains open in the D.C. Circuit. *Trump v. Mazars USA, LLP*, 591 U.S. 848 (2020), limits subpoenas for the President's personal information.

- **Appropriations riders and fencing:** withholding funds until reports are delivered (the model of §1687).
- **Access riders enforceable by individual members.** An appropriations rider that bars an agency from using funds to prevent members of Congress from entering its facilities can be enforced by the members themselves. In *Neguse v. U.S. Immigration & Customs Enforcement*, 813 F. Supp. 3d 45 (D.D.C. 2025), twelve House members challenged ICE policies requiring seven days' notice before oversight visits and excluding field offices from the rider (DHS appropriations §527). The court held that the rider gives each member an entitlement to access and information, so denial is a personal injury and *Raines v. Byrd* does not bar standing, *id.* at 73, 77-84; that the Antideficiency Act's administrative and criminal remedies do not preclude APA review, *id.* at 87-89; and that the notice requirement likely violated the rider, *id.* at 91-93. It stayed the policies. A UAP provision modeled on §527, barring the use of funds to deny members or cleared committee staff access to facilities where UAP material or SAP records are held, would give individual members a judicial remedy that §119 notice requirements do not. Check the appeal status before relying on *Neguse*.
- **Inherent contempt.** Each House has power to compel testimony and punish contempt on its own authority, recognized since *Anderson v. Dunn*, 19 U.S. (6 Wheat.) 204 (1821), and tied to the power of inquiry in *McGrain*

v. Daugherty, 273 U.S. 135, 174-75 (1927). *It has not been used against an executive official in modern times, but it remains available when civil enforcement is uncertain* (McGahn*, above).

- **Public disclosure by vote of the intelligence committees.** Congress can itself make classified information public. Under S. Res. 400 (94th Cong.) §8, the Senate Intelligence Committee may disclose information after determining "that the public interest would be served by such disclosure." If the executive branch classified the information and asked that it be kept secret, the committee must notify and consult the Majority and Minority Leaders and notify the President; it may disclose after five days unless the President, "personally in writing," objects and certifies that the threat to the national interest "is of such gravity that it outweighs any public interest in the disclosure." The Leaders or the committee may then refer the question to the Senate, which decides it in closed session (S. Res. 400 §8(a)-(b), as printed in the committee's rules, 169 Cong. Rec. S518 (daily ed. Feb. 28, 2023)). House Rule X, clause 11(g) gives the House Permanent Select Committee on Intelligence the same procedure, with referral to the House (Rules of the House, 119th Cong., §785). No chamber is known to have completed the procedure over a presidential objection, but it is the one route by which Congress could release UAP information without executive consent, and a committee member can force a vote within five days of a request.
- **Speech or Debate.** A member who reads classified material into the record in committee is protected from being questioned about it elsewhere, *Gravel v. United States*, 408 U.S. 606, 616-17 (1972), though *Gravel* did not protect private republication outside the legislative process.

- **Hearings and sworn testimony**; referrals to DOJ for false statements. Take testimony under oath: the open hearings with AARO's directors in 2023 and 2024 were not sworn ([Issue D3](#)).
- **GAO**: audits (FY2023 \$6803; FY2025 \$6801 review of AARO) and appropriations law decisions. GAO's statutory right of access to records does not let it compel records of activities the President designates as foreign intelligence or counterintelligence activities (31 U.S.C. §716(d)(1)(A)), so a GAO review of an intelligence-run program depends on the agency's cooperation or on a committee request with the committee's own access.
- **Inspectors general**: DoD IG and ICIG evaluations of SAP oversight.

4.1 Notice deadlines at a glance

Event	Requirement	Authority
New DoD SAP	Notice to defense committees, then 30 days before initiation	10 U.S.C. §119(f); FY2026 DoD Approps. §8009
Annual reporting	Report by March 1; notice of new SAPs by February 1	§119(a)-(b)
Declassification or public announcement of a SAP	Report at least 14 days before	§119(c)
Waived SAP	Notice to chair and ranking member of each defense committee	§119(e)
Authorized disclosure about an unreported program	AARO notice to committees within 72 hours	50 U.S.C. §3373b(a)(4)(B)
Intelligence activity	Keep committees "fully and currently informed"; funds only if specifically authorized	50 U.S.C. §§3091, 3094
Antideficiency Act violation	Report to the President, Congress, and the Comptroller General	31 U.S.C. §§1351, 1517(b)

4.2 What an Antideficiency Act report would contain

If an agency concluded that it spent FY2024 funds on an unreported UAP activity in violation of §1687(a), its report would identify the appropriation and amount, the officer responsible, the facts, the action taken against responsible officials, and the steps to prevent recurrence (31 U.S.C. §1351;

OMB Circular A-11 §145). Committee counsel can ask for any such report or for the agency's written determination that none was required ([Form D1-1](#), item 7).

5. Practice points

- For committee counsel: request every §119 report, waiver justification, §119(c) notice, §3091 notification, and ADA report touching UAP; ask AARO for its §3373b(a)(4)(B) 72-hour notifications. On the site's premise that AARO is part of the concealment, compare AARO's notifications with what whistleblowers say they disclosed, and ask the inspector general to audit the mechanism.
 - For members who want public release: request a vote under S. Res. 400 §8 or House Rule X cl. 11(g).
 - Further reading: Dillon Guthrie, *Flying Saucers and the Ivory Dome: Congressional Oversight Concerning Unidentified Anomalous Phenomena*, 16 Harv. Nat'l Sec. J. 194 (2025); Addison Yang, Note, *The UAP Disclosure Act: Implications for Congressional Oversight and Public Awareness of Unidentified Anomalous Phenomena*, 27 N.Y.U. J. Legis. & Pub. Pol'y 565 (2024-2025) (arguing that the bill shows senior members take the crash-retrieval testimony seriously).
 - For whistleblowers: allegations that a program was not reported to Congress are the core "urgent concern" category (50 U.S.C. §3033(k)(5)); use the ICIG and §3373b channels ([Issue C1](#)).
 - For contractors: review IRAD cost treatment for any UAP-related work under §1687(b); consider voluntary disclosure ([Issue D2](#)).
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