

Form D6-1. Model Statutory Provision: Civilian Benefit Review and Release of UAP-Derived Technology

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When to use. Legislators drafting a review and release process for UAP-derived technology with civilian benefit. **Not for:** Patent questions about NHI-derived inventions ([Form E6-3](#)).

Deadlines. None.

[]TH CONGRESS
[] SESSION

H. R. []

To provide for a civilian benefit review of technologies derived from unidentified anomalous phenomena, 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 provide for a civilian benefit review of technologies derived from unidentified anomalous phenomena, 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. ____ . CIVILIAN BENEFIT REVIEW OF TECHNOLOGIES**
4 **DERIVED FROM UNIDENTIFIED ANOMALOUS PHENOMENA.**

5 (a) INVENTORY.—Not later than 180 days after enactment, the
6 Secretary of War, the Secretary of Energy, the Director of National
7 Intelligence, and the Administrator of the National Aeronautics and Space
8 Administration shall jointly submit to the appropriate congressional
9 committees an inventory of every technology, material, process, or body of
10 scientific knowledge derived in whole or in part from the study of unidentified
11 anomalous phenomena or technologies of unknown origin, whether held by
12 the Federal Government or by any contractor, including—

13 (1) a description of each item;

14 (2) its potential applications in energy generation, storage, or
15 transmission; medicine and health; materials; transportation; and
16 environmental protection;

17 (3) its current classification and export control status; and

18 (4) the identity of each holder. The inventory may include a
19 classified annex.

20 (b) CIVILIAN BENEFIT REVIEW BOARD.—There is established a
21 Civilian Benefit Review Board composed of [7] members appointed by the
22 President, including the Director of the National Institutes of Health or
23 designee, the Director of the Office of Science of the Department of Energy or
24 designee, two members recommended by the National Academies of Sciences,
25 Engineering, and Medicine, and [three] public members with relevant
26 expertise. Members shall be granted access to all items in the inventory.

1 (c) REVIEW.—The Board shall review each item in the inventory and
2 determine whether it has significant potential to prevent death, disease, or
3 serious harm, or to provide clean and affordable energy.

4 (d) PRESUMPTION OF RELEASE.—An item the Board determines
5 under subsection (c) to have significant civilian benefit shall be declassified
6 and made available for licensing not later than [2] years after the
7 determination, unless the Secretary of War or the Director of National
8 Intelligence certifies to the appropriate congressional committees, with clear
9 and convincing evidence, that release of specified elements would cause
10 identifiable and serious damage to national security that outweighs the
11 civilian benefit. A certification shall identify the specific elements withheld,
12 shall be reviewed annually, and shall expire after [3] years unless renewed.

13 (e) LICENSING.—(1) Released items shall be licensed through the
14 technology transfer authorities of section 12 of the Stevenson-Wydler
15 Technology Innovation Act of 1980 (15 U.S.C. 3710a) and chapter 18 of title
16 35, United States Code, on terms that ensure reasonable availability and
17 pricing, with march-in rights exercisable under section 203 of title 35 to
18 alleviate health or safety needs.

19 (2) PATENTS AFFECTED WITH THE PUBLIC INTEREST.—

20 The Board may declare any patent, or any right under a contract, held
21 by a contractor or other person in an item determined under subsection
22 (c) to have significant civilian benefit, to be affected with the public
23 interest if the Board finds that licensing it is of primary importance to
24 accomplishing the purposes of this section. After such a declaration,
25 any qualified applicant shall be entitled to a nonexclusive license on
26 terms the Board finds reasonable, including a reasonable royalty fixed
27 by the Board if the parties do not agree. The declaration and the

1 royalty determination are subject to review under chapter 7 of title 5,
2 United States Code.

3 (f) EXPORT CONTROLS.—Controls applied to released items shall be
4 limited to elements specifically identified as presenting national security
5 risks, and the Secretary of Commerce shall review any temporary control
6 within one year.

7 (g) COMPENSATION.—(1) Nothing in this section authorizes the
8 taking of private property without just compensation.

9 (2) A contractor or other person who claims a property interest
10 in an item that is declassified, licensed, or released under this section
11 may file a claim with the Secretary of War (or, for an item held by
12 another agency, the head of that agency) within 1 year after the
13 release. The claim shall identify the interest, its source (including any
14 contract, license, or patent), and the compensation sought.

15 (3) The Secretary shall decide the claim within 180 days. In
16 deciding the claim the Secretary shall take into account the
17 Government's funding of the development of the item, any rights of the
18 Government under the applicable contract (including rights under
19 section 202 of title 35, United States Code, and the data rights clauses
20 of the Defense Federal Acquisition Regulation Supplement), and any
21 royalties the claimant receives under subsection (e).

22 (4) A claimant dissatisfied with the decision, or who receives no
23 decision within 180 days, may bring an action in the United States
24 Court of Federal Claims under section 1491 of title 28, United States
25 Code. Section 1498 of that title applies to any use of a patented
26 invention under this section.

1 (5) A claim under this subsection does not stay the review,
2 release, or licensing of any item.

3 (h) REPORTS.—The Board shall report annually to Congress and the
4 public on its determinations, with a classified annex.

5 (i) DEFINITIONS.—In this section:

6 (1) The term “unidentified anomalous phenomena” has the
7 meaning given that term in section 3373(n) of title 50, United States
8 Code.

9 (2) The term “technologies of unknown origin” means any
10 materials or meta-materials, ejecta, crash debris, mechanisms,
11 machinery, equipment, assemblies or sub-assemblies, engineering
12 models or processes, damaged or intact aerospace vehicles, and
13 damaged or intact ocean-surface and undersea craft associated with
14 unidentified anomalous phenomena or incorporating science and
15 technology that lacks prosaic attribution or known means of human
16 manufacture.

17 (3) The term “contractor” includes a subcontractor at any tier
18 and any person performing work under an other transaction
19 agreement.