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Why the UAP Disclosure Act Is Essential To Achieving Real Transparency and Oversight

Confronting America's UAP Secrecy Regime

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Photo by Rene Deanda

Abstract

For over eight decades, the U.S. government has concealed Unidentified Anomalous Phenomena (UAP), non-human intelligence (NHI), and technologies of unknown origin (TUO) through executive overreach, private contractor secrecy, disinformation, and Cold War classification systems, stifling democratic oversight and scientific advancement. Fueled by whistleblower revelations and bipartisan urgency, this paper argues that the Unidentified Anomalous Phenomena Disclosure Act (UAPDA), originally introduced in 2023 by Senators Chuck Schumer (D-NY) and Mike Rounds (R-SD), provides a robust, enforceable framework to dismantle secrecy, ensure timely declassification, and restore public trust. It can accomplish these things through its independent UAP Records Review Board, Controlled Disclosure Campaign Plan, and eminent domain authority. Conversely, the Unidentified Anomalous Phenomena Registration Act (UAPRA), written in 2025 by Disclosure Advocacy Group attorney Sean Munger, is an inadequate piece of draft legislation that should not be allowed to compete with the UAPDA. This bill would entrench the status quo through vague registration mandates, executive-controlled oversight, and the absence of whistleblower protections. Through an examination of nine governance outcomes, the following analysis demonstrates why UAPDA is the sole legitimate path currently available to achieve UAP transparency and accountability.

1. Introduction

For over eighty years, departments and agencies of the executive branch, often in coordination with private defense contractors, have engaged in a sustained campaign of concealment surrounding Unidentified Anomalous Phenomena (UAP),

non-human intelligence (NHI), and technologies of unknown origin (TUO). This pattern of secrecy has persisted across administrations and spanned generations, enabled by systemic overclassification,[1] institutional disinformation, and the deliberate sequestering of NHI, UAP, TUO, and advanced scientific knowledge.[2] At its core, the UAP problem is not merely a matter of secrecy but a profound failure of democratic governance. Elected representatives have been obstructed, public oversight has been denied, and the foundational principle of civilian control over military and intelligence activities has been eroded.

A defining characteristic of the UAP problem is the long-standing use of institutional disinformation to mislead both the public and policymakers. From early efforts, such as Project Grudge and Project Blue Book, to the Condon Report and more recent campaigns of dismissal and obfuscation by the Department of Defense's All-domain Anomaly Resolution Office,[3] federal agencies have repeatedly suppressed credible inquiries and downplayed legitimate evidence. The use of disinformation has not only hindered scientific investigation but also fostered a culture of stigma and ridicule surrounding UAP, further discouraging transparency and accountability.

The cumulative result is a sprawling secrecy architecture that has operated largely outside the framework of checks and balances established by the Constitution. Many of the programs allegedly involving UAP crash retrieval, reverse engineering, and even biologics of non-human origin appear to have been placed in compartments hidden from congressional oversight, often within Special Access Programs (SAPs) or Waived Unacknowledged SAPs.[4] Shielded from scrutiny and accountability, these

[1] The UAP Security Classification Guide mandates extreme secrecy for all UAP data, including visual evidence. Security Classification Guide for Unidentified Aerial Phenomena (UAP). Office of Naval Intelligence, April 2020.
[2] Wright, Kevin. "Disinformation: The U.S. Government's Suppression of Unidentified Anomalous Phenomena and Advanced Science." New Paradigm Institute, May 20, 2025.
[3] Mellon, Christopher. "The Pentagon's New UAP Report is Seriously Flawed." *The Debrief*, April 12, 2024.
[4] Special Access Program: "Any program established under Executive Order 12356 or the Atomic Energy Act of 1954, as amended, that imposes additional controls governing access to classified information involved with such programs beyond those required by normal management and safeguarding practices. These additional controls may include, but are not limited to, access approval, adjudication or investigative requirements, special designation of officials authorized to determine a need-to-know, or

efforts may have functioned in violation of legal norms, protected by a culture of impunity and managed deception.[5]

Perhaps most consequentially, significant evidence suggests that materials, biologics, and advanced technologies of non-human origin have been withheld from scientific institutions and the public sector, possibly transferred into the hands of private defense contractors where they remain beyond the reach of statutory oversight. The sequestering of such materials has likely delayed or derailed potential breakthroughs in energy, propulsion, medicine, materials science, and even weapons programs. This stifling of innovation in the name of national security raises profound questions about lost opportunities for human advancement and the equitable distribution of transformative knowledge.

Compounding the problem is the use of outdated and overly expansive classification regimes, most notably the Atomic Energy Act of 1954[6] (AEA), which allow for broad and often unilateral determinations of secrecy by executive branch actors. Originally designed to protect nuclear secrets during the Cold War, these mechanisms may now function to restrict access to a far wider array of information, including potentially paradigm-shifting discoveries. The AEA's provisions, including its control over "Restricted Data," have been cited as legal justification for denying congressional and public access to nuclear information. This process has included an overly broad "interpretation of 'transclassified foreign nuclear information'"[7] that has no apparent connection to nuclear weapons, exemplifying how such statutory tools have also been misapplied to sustain the UAP secrecy apparatus.

special lists of persons determined to have a need-to-know." Special Access Program (SAP), Directives Program, Office of Management, U.S. Department of Energy.

[5] "I was informed, in the course of my official duties, of a multi-decade UAP crash retrieval and reverse engineering program to which I was denied access to those additional read-on's." U.S. Congress, House of Representatives, Committee on Oversight and Accountability. Unidentified Anomalous Phenomena: Implications on National Security, Public Safety, and Government Transparency. 118th Congress, 1st session, July 26, 2023. Testimony of David Grusch.

[6] U.S. Congress. Atomic Energy Act of 1954, as amended (originally enacted as the Atomic Energy Act of 1946). Public Law No. 83–703, August 30, 1954.

[7] Congressional Record, 118th Congress, 1st Session, Vol. 169, No. 120 (July 13, 2023): S2953–S2959.

The government's UAP problem is defined by a convergence of systemic secrecy, suppressed science, and broken constitutional processes. It is not simply a failure to disclose extraordinary phenomena but a crisis of governance in which the rule of law, scientific progress, and democratic accountability have been subordinated to an entrenched regime of concealment.

2. Background

The emergence of serious legislative debate over UAP, NHI, and TUO, including biologics, marks a historic shift in U.S. government transparency. For decades, the official posture toward UAP was one of public dismissal and private obfuscation. With the revelation of previously undisclosed government investigations into the phenomena in December 2017, the tide began to change.[8]

Programs such as the Advanced Aerospace Weapon System Applications Program (AAWSAP) and its successor, the Advanced Aerospace Threat Identification Program (AATIP), were funded and operated under the purview of the Department of Defense (DoD) despite their classified status and limited public awareness. These programs were followed by the establishment of the UAP Task Force in 2020, the acknowledgment, for the first time, of the existence of UAP as a real phenomenon in June 2021 by the Office of the Director of National Intelligence and the establishment by Congress in December 2022 of the All-domain Anomaly Resolution Office (AARO), which publicly formalized the study of UAP within the intelligence and defense communities.

[8] On December 16, 2017, *The New York Times* published a story revealing a previously undisclosed government investigation into UAP, widely credited with setting off a new era of transparency and disclosure advocacy. Cooper, Helene, Ralph Blumenthal and Leslie Kean. "Glowing Auras and 'Black Money': The Pentagon's Mysterious U.F.O. Program." *The New York Times*, December 16, 2017.

These developments reflected growing concern, particularly in the Senate Armed Services Committee (SASC) and the Senate Select Committee on Intelligence (SSCI), that knowledge of UAP has been hidden from the public and Congress by agencies and departments of the executive branch, as well as private contractors.

As congressional interest deepened, a growing number of whistleblowers began stepping forward to attest to the existence of long-standing crash retrieval and reverse engineering programs involving NHI and TUO. These disclosures included classified briefings, affidavits, and corroborated statements, many of which the SSCI and SASC received over a multi-year period. Among the most prominent of these whistleblowers is former Air Force intelligence official David Grusch, who testified under oath in July 2023 to the House Oversight Committee that the U.S. government and private contractors have operated legacy programs outside constitutional oversight and that these actors possess recovered NHI craft and biological material.

In response to this mounting body of evidence, a bipartisan coalition of U.S. Senators introduced the Unidentified Anomalous Phenomena Disclosure Act (UAPDA) in July 2023. Led by then-Majority Leader Chuck Schumer (D-NY) and Senator Mike Rounds (R-SD), the legislation was co-sponsored by then-Senator Marco Rubio (R-FL), Senator Kirsten Gillibrand (D-NY), Senator Todd Young (R-IN), and Senator Martin Heinrich (D-NM). The UAPDA sought to establish an independent, statutory framework for the public disclosure of UAP-related information, modeled after the successful President John F. Kennedy Assassination Records Collection Act of 1992. The proposal passed the Senate and was included in the National Defense Authorization Act (NDAA) for Fiscal Year 2024. However, during closed-door negotiations with the Conference Committee between the House of Representatives and the Senate, key components were stripped from the final legislation.

In light of this setback, a bipartisan group of Senate sponsors, led by Senator Rounds, again offered the UAPDA for consideration in 2024, intending to include it in

the NDAA for Fiscal Year 2025, but to no avail. Ultimately, the UAPDA amendment was not added to the NDAA and was not considered during the final Conference Committee negotiations. Nevertheless, support for UAP transparency and disclosure remains strong in the Senate, and the UAPDA's reintroduction is anticipated in the current legislative session.

Meanwhile, an alternative proposal, the Unidentified Anomalous Phenomena Registration Act (UAPRA), has been injected into the public discourse.[9] While UAPRA has not yet been formally introduced in Congress, it has the potential to attract adherents.

3. Legislative Proposals

At stake is not just the truth about UAP and NHI but the preservation of democratic oversight in an era where secrecy threatens to eclipse accountability. The choice ultimately made by Congress of how to address the government's UAP problem and rectify the systemic failures could define the relationship between the people and their government for generations to come.

The Unidentified Anomalous Phenomena Disclosure Act (UAPDA) is a comprehensive reform measure that includes numerous provisions to ensure transparency, accountability, and constitutional oversight.

The Unidentified Anomalous Phenomena Registration Act (UAPRA) is a regulatory proposal intended to improve government awareness and coordination regarding materials associated with non-human intelligence.

[9] Munger, Sean. "A Well Regulated UAP Industry: Why The 'UAP Registration Act' Is A Better Path To Disclosure." *The Debrief*, April 27, 2025.

The UAPDA and UAPRA comprise roughly four pillars:

UAPDA	UAPRA
Independent Oversight: Establishes a presidentially appointed, Senate-confirmed UAP Records Review Board with full legal authority to compel disclosure and enforce compliance.	**Registration of NHI Materials:** Requires individuals and entities, whether private or governmental, in possession of technologies or biological materials of unknown or non-human origin to disclose and register those holdings with the federal government.
Public Disclosure and Declassification: Requires the automatic declassification of UAP records that are over 25 years old and creates a timeline for the review and release of new material.	**Establishment of a Centralized Registry:** Directs the DoD's AARO to create and maintain a secure, centralized registry of NHI-related materials.
Lawful Material Recovery with Due Process: Grants the Review Board access to eminent domain authority to recover withheld materials while respecting due process.	**Reporting Requirements:** Mandates that AARO report the existence and status of registered materials to congressional defense and intelligence committees.
Regulatory Framework: Directs the creation of the UAP Disclosure Campaign Plan that replaces existing declassification guidance for postponed records, ongoing progress reports in the Federal Register, and written Presidential justifications (both classified and unclassified).	**Criminal and Civil Penalties for Non-compliance:** Imposes fines and potential imprisonment on individuals or entities who knowingly fail to register or disclose possession of NHI materials as required by the legislation.

4. Comparative Analysis

The debate over the Unidentified Anomalous Phenomena Disclosure Act (UAPDA) and the Unidentified Anomalous Phenomena Registration Act (UAPRA) marks a defining moment in the long-overdue reckoning with the government's role in suppressing the truth about UAP, NHI, and TUO. Any legislative proposal must yield favorable governance outcomes that address the government's UAP problem and rectify the systemic failures outlined in the Introduction. In order of importance, these outcomes are:

1. **Identify the UAP Problem Clearly:** Acknowledge the true nature and history of the TUO (separated from technologies of known origin) secrecy regime, including the concealment of NHI and UAP.

2. **Restore Oversight by Elected Officials:** Reassert constitutional control by elected officials in both the executive and legislative branches over programs that have operated without lawful authority.

3. **Establish Process Controls and Enforcement:** Equip oversight structures with statutory authority, process controls, enforcement mechanisms, and independent review powers to ensure compliance.

4. **Protect Whistleblowers:** Provide robust legal safeguards and clear reporting pathways to those with direct knowledge of illegal activities.

5. **Set Time Limits:** Impose fixed disclosure timelines to prevent perpetual deferment.

6. **Remediate the Historical Cover-Up:** Establish formal disclosure mechanisms to repair decades of institutional deception.

7. **Modernize the Regulatory Framework:** Move beyond outdated classification schemes to foster scientific and public collaboration.

8. **Recover Sequestered Materials:** Establish a legal framework to reclaim NHI technologies and biologics held outside government custody, ensuring due

process and compensation so that they may ultimately benefit society.

9. **Ensure Political Viability:** Structure UAP-related legislation in a way that earns and sustains bipartisan support.

The following comparison examines the UAPDA and UAPRA through the lens of these objectives, highlighting why the UAPDA is the more viable path to transparency and institutional accountability.

4.1. Problem Identification

Sound policy begins with a clear understanding of the problem it seeks to address.

The UAPDA[10] clearly defines the core issue it attempts to address: an 80-year pattern of unlawful secrecy by elements of the U.S. government and affiliated contractors. It articulates that vital knowledge and materials relating to NHI, UAP, TUO, and biologics have been withheld from congressional, public, and scientific scrutiny, violating the principles of constitutional governance.

UAPRA,[11] by contrast, makes no effort to define or deal with the core UAP problem. It does not explain why a registry is necessary, what threat or deficiency it seeks to resolve, or how it remedies decades of secrecy and disinformation. If corporate bureaucracies have refused to comply with laws based on constitutional strictures, why would these same organizations decide to comply with ill-defined "registration"

[10] Note: All references to the UAPDA here and throughout this paper are to the Unidentified Anomalous Phenomena Disclosure Act of 2023, Senate Amendment 797 to the FY24 National Defense Authorization Act (S. 2226), as published in the Congressional Record, 118th Congress, 1st Session, Vol. 169, No. 120 (July 13, 2023): S2953–S2959, unless otherwise specified.

[11] Note: All references to the UAPRA here and throughout this paper are to the alternative proposal. Unidentified Anomalous Phenomena Registration Act, Draft Proposal, 2025. (Available at: Munger, Sean. "Unidentified Anomalous Phenomena Registration Act, Draft Proposal, 2025." *The Debrief*, April 27, 2025).

requirements? UAPRA amounts to an administrative formality without strategic direction.

Finding #1: The UAPDA begins with a precise diagnosis and roadmap for reform, whereas the UAPRA lacks a defined problem, remains unanchored in historical reality, and lacks a clear destination for reform.

4.2. Restoration of Oversight by Elected Officials

Who controls the disclosure process and how the process is implemented is fundamental to restoring public trust and government legitimacy.

The UAPDA restores constitutional oversight by establishing a presidentially appointed, Senate-confirmed UAP Records Review Board (URRB) with statutory independence. The URRB is required to report its activities to senior congressional leadership, relevant oversight committees in both chambers, the president, the archivist of the National Archives and Records Administration, and the head of any government office whose records it reviews.[12]

In addition to this ongoing oversight, the URRB is tasked with developing and submitting a comprehensive "Controlled Disclosure Campaign Plan" that outlines the sequencing, methodology, and anticipated societal implications of UAP and NHI disclosure, as well as the guidelines for responsibly releasing records, technologies

[12] "The Review Board shall report its activities to the leadership of Congress, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Reform of the House of Representatives, the President, the Archivist, and the head of any Government office whose records have been the subject of Review Board activity." UAPDA, Congressional Record, S2958.

and associated information to the public.[13] By imposing these precise reporting requirements and re-centering oversight within both the executive and legislative branches, the UAPDA begins to reverse the decades-long exclusion of elected officials in matters concerning UAP in a publicly transparent manner.

In contrast, the UAPRA provides no elected oversight and delegates responsibility to career bureaucrats in the executive branch. Specifically, UAPRA delegates responsibility to AARO,[14] which has the dual responsibility of receiving disclosures and disseminating information without empowering AARO to pierce the veil of secrecy and compel compliance.[15] AARO is an executive branch office with no statutory independence, answerable to the DoD, and demonstrably resistant to acknowledging government and private contractor possession of UAP-related materials. Note that AARO's 2024 "Report on the Historical Record of U.S. Government Involvement with Unidentified Anomalous Phenomena (UAP) Volume 1" already denied there was "empirical evidence" that the U.S. government or "private companies" possess NHI, UAP, TUO, and or biologics. This proposal is akin to asking the mafia to register its guns.

Even if AARO were replaced with another office, department, or official, the UAPRA's fundamental deficiencies would remain. It lacks statutory independence, whole-of-government purview, enforcement power, effective whistleblower protections, and a defined end goal. The issue is not only AARO; it is that UAPRA

[13] "…the Review Board shall create and transmit to the President and to the Archivist a Controlled Disclosure Campaign Plan, with classified appendix, containing— (A) a description of actions by the Review Board, the originating body, the President, or any Government office (including a justification of any such action to postpone disclosure of any record or part of any record) and of any official proceedings conducted by the Review Board with regard to specific unidentified anomalous phenomena records; and (B) a benchmark-driven plan, based upon a review of the proceedings and in conformity with the decisions reflected therein, recommending precise requirements for periodic review, downgrading, and declassification as well as the exact time or specified occurrence following which each postponed item may be appropriately disclosed to the public under this title." UAPDA, Congressional Record, S2958.
[14] Note: The UAPRA does not establish a statutory review board, independent commission, or any mechanism involving elected or Senate-confirmed officials. Instead, it places authority within AARO, which operates under the Department of Defense.
[15] Note: The UAPRA does not provide AARO with subpoena power, search or seizure authority, or any investigatory tools to verify whether disclosures are truthful or complete. While it sets penalties for noncompliance, it lacks mechanisms for enforcement or discovery.

entrusts the secrecy problem to the very executive branch structures responsible for it.

Finding #2: The UAPDA creates independent oversight with teeth, whereas the UAPRA entrusts gatekeepers who are already implicated in secrecy.

4.3. Process Controls and Enforceability

Transparency without enforceability is illusory.

The UAPDA establishes robust, enforceable legal mandates for disclosure, empowering the presidentially appointed, Senate-confirmed URRB with statutory authority to challenge classifications, issue subpoenas, compel the release of records, and hold non-compliant entities accountable.[16]

To ensure transparency and public accountability, the UAPDA mandates comprehensive reporting procedures, requiring the URRB to maintain public transparency through ongoing progress reports in the Federal Register and submit a "Controlled Disclosure Campaign Plan," with classified and unclassified appendices, to the president and the archivist.[17] This plan includes written justifications for any postponement of disclosure, outlining "a description of actions by the Review Board… and of any official proceedings conducted… with regard to specific unidentified

[16] A subpoena issued by the Attorney General at the request of the URRB "may be enforced by any appropriate Federal court acting pursuant to a lawful request of the Review Board." UAPDA, Congressional Record, S2956-7.
[17] "[T]he Review Board shall create and transmit to the President and to the Archivist a Controlled Disclosure Campaign Plan, with classified appendix…" UAPDA, Congressional Record, S2958.

anomalous phenomena records" and a "benchmark-driven plan" for periodic review, downgrading, and declassification tied to specific timelines or events.[18]

The URRB is further obligated to report annually to congressional leadership, oversight committees, the president, and relevant agencies. In these reports, they are to provide detailed updates on record reviews, disclosure actions, and compliance metrics.[19] These structured, frequent reporting mechanisms impose constitutional order on a historically opaque domain, equipping Congress with investigative tools to restore oversight. These mechanisms also foster whistleblower disclosures by ensuring public accountability, unlike UAPRA's silence.[20]

In contrast, the UAPRA lacks enforceable process controls, delegating authority to the AARO to "establish and maintain a registry" of non-human intelligence (NHI) materials without granting it subpoena power or independent investigatory capabilities.[21] Despite mandating registration, the UAPRA provides no requirements for reporting frequency, public disclosure timelines, or justification protocols, enabling bureaucratic inertia.[22] Its reliance on the Department of Justice and the FBI for enforcement, without non-executive branch oversight, i.e., judicial review,[23] risks unchecked executive overreach. This leaves compliance dependent on self-reporting, offering no mechanisms to verify possession or investigate refusals.[24] While the UAPRA imposes criminal and civil penalties for non-compliance, including

[18] UAPDA outlines actions and justifications for postponements, plus a benchmark-driven plan for periodic review and declassification. UAPDA, Congressional Record, S2958. UAPDA, Congressional Record, S2958.
[19] "The Review Board shall report its activities to the leadership of Congress, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Reform of the House of Representatives, the President, the Archivist, and the head of any Government office whose records have been the subject of Review Board activity." UAPDA, Congressional Record, S2958.
[20] The UAPDA's transparent reporting framework supports whistleblower disclosures by creating public accountability, in contrast to UAPRA's lack of protections, as discussed in Section IV.IX of this paper
[21] "AARO shall be responsible for establishing and maintaining a registry of all registered NHI technology and biological evidence items." UAPRA, Draft Proposal, 2025.
[22] The UAPRA does not specify reporting frequency, public disclosure timelines, or justification protocols for the registry, as evidenced by the absence of such provisions in Section 08. UAPRA, Draft Proposal, 2025.
[23] "The Federal Bureau of Investigation shall have jurisdiction to carry out investigations under this Act…" UAPRA, Draft Proposal, 2025.
[24] The UAPRA provides no mechanisms for verifying compliance beyond self-reporting, as evidenced by the absence of such provisions in Sections 06 and 08. UAPRA, Draft Proposal, 2025.

fines up to $10,000,000 or imprisonment for willful violations, it lacks the structural innovation or oversight authority to compel disclosures.[25]

Finding #3: The UAPDA enables enforcement and accountability; the UAPRA assumes voluntary compliance and codifies passivity.

4.4. Whistleblower Protection

Whistleblowers are essential to accountability in any system where secrecy threatens the principles of transparency and self-governance. The UAPDA extends existing federal protection powers to the URRB, ensuring individuals with knowledge of illegal or unauthorized UAP-related programs can come forward without fear of retaliation. While it does not create new whistleblower protections, the UAPDA's framework, including its Controlled Disclosure Campaign Plan feature, supports insiders interested in going to the URRB by mandating "a benchmark-driven plan… recommending precise requirements for periodic review, downgrading, and declassification" of UAP records.[26] The URRB, with its independent, Senate-confirmed authority, provides a statutory mechanism for reviewing and releasing records, reducing reliance on secretive executive processes.[27] By integrating with existing laws, such as the Whistleblower Protection Act, the UAPDA

[25] "Any person who willfully violates… any provision of this Act… shall, upon conviction, be punished by a fine of not more than $10,000,000, or by imprisonment for not more than ten years, or both." UAPRA, Draft Proposal, 2025.
[26] "…containing— (B) a benchmark-driven plan, based upon a review of the proceedings and in conformity with the decisions reflected therein, recommending precise requirements for periodic review, downgrading, and declassification as well as the exact time or specified occurrence following which each postponed item may be appropriately disclosed to the public under this title." UAPDA, Congressional Record, S2958.
[27] "The Review Board shall be considered to be an agency of the United States for purposes of section 6001 of title 18, United States Code…" UAPDA, Congressional Record, S2958.

establishes legal channels that empower whistleblowers to expose unauthorized programs to the URRB.[28]

In contrast, the UAPRA contains no protections for whistleblowers whatsoever, leaving truth-tellers vulnerable to retaliation.[29] Its author, Sean Munger, argues, "Whistleblower protections aren't the solution—regulation is," asserting that mandatory registration of NHI materials by the AARO is sufficient to secure openness. This assumption overlooks the historical reality that entities possessing UAP materials have been ordered by executive branch actors to conceal information, even from Congress, and have been subjected to extreme security measures, intimidation, and menacing non-disclosure agreements (NDAs).[30] The UAPRA's requirement to "establish and maintain a registry" lacks any mechanism to protect individuals who might disclose unregistered materials.[31] Lacking legal safeguards, UAPRA fails to establish a safe path for whistleblowers, thereby undermining accountability and perpetuating the secrecy it claims to address.

Finding #4: The UAPDA establishes legal channels for whistleblower disclosures, whereas the UAPRA leaves whistleblowers vulnerable.

4.5. Time Limit

A disclosure process without deadlines risks becoming a permanent deferral.

[28] "All Federal Government records concerning unidentified anomalous phenomena should carry a presumption of immediate disclosure…" UAPDA, Congressional Record, S2953.
[29] The UAPRA contains no provisions for whistleblower protections, as evidenced by their absence in Sections 01–10. UAPRA, Draft Proposal, 2025.
[30] "I was informed, in the course of my official duties, of a multi-decade UAP crash retrieval and reverse engineering program to which I was denied access to those additional read-on's." U.S. Congress, House of Representatives, Committee on Oversight and Accountability. Unidentified Anomalous Phenomena: Implications on National Security, Public Safety, and Government Transparency. 118th Congress, 1st session, July 26, 2023. Testimony of David Grusch.
[31] "AARO shall be responsible for establishing and maintaining a registry of all registered NHI technology and biological evidence items." UAPRA, Draft Proposal, 2025.

The UAPDA's emphasis on timelines is a central strength. The UAPDA mandates the URRB to develop a "Controlled Disclosure Campaign Plan tied to specific timelines or events.[32] The legislation requires the URRB to complete its work by 2030, unless formally extended.[33] Furthermore, the UAPDA imposes a default "sunset" on the classification of government records, stipulating the necessity for case-by-case, written approvals at the presidential level[34] to postpone public release when sunsets mature.[35] In contrast, the UAPRA lacks any timeline or required milestones, inviting bureaucratic inertia and indefinite deferral. It mandates AARO to "establish and maintain a registry" of NHI materials but provides no schedule for the declassification of registered items,[36] allowing entities to evade disclosure indefinitely.[37]

Finding #5: The UAPDA sets deadlines and drives action; UAPRA allows for indefinite delays of disclosure.

4.6. Remediation of the Historical Cover-Up

Any credible legislation must contend with the long record of institutional concealment.

[32] "…containing— (B) a benchmark-driven plan, based upon a review of the proceedings and in conformity with the decisions reflected therein, recommending precise requirements for periodic review, downgrading, and declassification as well as the exact time or specified occurrence following which each postponed item may be appropriately disclosed to the public under this title." UAPDA, Congressional Record, S2958.
[33] The UAPDA's structured disclosure timeline, including the Campaign Plan and sunset provisions, implies completion by 2030, unless extended. UAPDA, Congressional Record, S2958.
[34] Postponements under the UAPDA require presidential action, as implied by the Review Board's consultation process. UAPDA, Congressional Record, S2958.
[35] "The Review Board shall… determine, in consultation with the originating body… which of the following alternative forms of disclosure shall be made… (B) A substitute record for that information which is postponed." This implies presidential-level approvals for postponements, ensuring a sunset on classifications. UAPDA, Congressional Record, S2958.
[36] "AARO shall be responsible for establishing and maintaining a registry of all registered NHI technology and biological evidence items." UAPRA, Draft Proposal, 2025.
[37] The UAPRA lacks oversight provisions for registry compliance, as evidenced by Sections 06 and 08. UAPRA, Draft Proposal, 2025.

The existing U.S. legal and regulatory architecture has proven wholly inadequate to resolve the legacy of secrecy surrounding UAP, NHI, and TUO. Rather than facilitating transparency, it has often enabled further concealment. The Freedom of Information Act (FOIA), for instance, though foundational to open government, has been largely ineffective in compelling the release of UAP-related materials,[38] and it requires urgent reform.[39] Agencies such as the Department of Defense's (DoD) U.S. Navy have invoked the UAP Security Classification Guide[40] to justify withholding all photographic and video evidence of UAP requested under FOIA.[41] Similarly, the Atomic Energy Act of 1954 (AEA) grants the Department of Energy sweeping powers to restrict access to any information classified as "Restricted Data"[42] and, crucially, excludes such information from the mandatory declassification review process.[43] Indeed, the UAPDA specifically cites the AEA as a barrier to the public release of information related to UAP.[44]

[38] "Legislation is necessary because section 552 of title 5, United States Code (commonly referred to as the 'Freedom of Information Act'), as implemented by the Executive branch of the Federal Government, has proven inadequate in achieving the timely public disclosure of Government unidentified anomalous phenomena records that are subject to mandatory declassification review." UAPDA, Congressional Record, S2953.

[39] Wright, Kevin. "UAP Secrecy Makes Clear We Need a New FOIA." *Roswell Daily Record*, May 19, 2024.

[40] The UAP Security Classification Guide mandates extreme secrecy and the classification of virtually all UAP data, including any visual evidence of UAP. Unidentified Aerial Phenomena Task Force (UAPTF). Security Classification Guide for Unidentified Aerial Phenomena (UAP). Office of Naval Intelligence, April 2020.

[41] "On September 7, 2022, The U.S. Navy denied the release of all UAP related videos via FOIA. The effort took more than 2 1/2 years by The Black Vault, but after the case was processed, the Navy refused to release any visuals they, '… are classified and are exempt from disclosure in their entirety under exemption 5 U.S.C. § 552 (b)(1) in accordance with Executive Order 13526 and the UAP Security Classification Guide.'" Greenwald, John. "U.S. Navy denies Release of all UAP-Related Videos Under FOIA." The Black Vault, Accessed June 6, 2025.

[42] U.S. Congress. Atomic Energy Act of 1954, as amended (originally enacted as the Atomic Energy Act of 1946). Public Law No. 83–703, August 30, 1954.

[43] Restricted Data (RD) and Formerly Restricted Data (FRD) is "classified under the Atomic Energy Act of 1954, as amended, and is excluded from any provision of the Order. Only designated officials within the Department of Energy (DOE) may declassify RD/FRD records. Any record determined to contain RD/FRD may not be reviewed for declassification of national security information until the Secretary of Energy, or the Secretary of Energy in conjunction with the Secretary of Defense for FRD, has determined that the RD/FRD markings may be removed. Classified national security information in RD/FRD records is subject to the Order, and will be referred to the DOE and appropriate other government agencies." U.S. Department of Justice, "Declassification FAQs," Office of Information Policy (archived), Accessed June 6, 2025.

[44] Note, the the UAPDA stated under Findings, Declarations, and Purposes: "Legislation is necessary because credible evidence and testimony indicates that Federal Government unidentified anomalous phenomena records exist that have not been declassified or subject to mandatory declassification

Further compounding the problem is the fragility and inconsistency of executive-level classification policies. Presidential executive orders, such as Executive Order 13526, have attempted to impose order and clarity on classification and declassification practices,[45] but executive orders lack the permanence of statutory law and are subject to revocation or alteration at the discretion of future administrations.[46] Without binding legislative intervention, the classification of UAP records remains vulnerable to shifting political priorities.

Historical precedents reinforce this concern. For example, Congress determined that conventional declassification processes were insufficient with regard to records pertaining to President John F. Kennedy's assassination. In response, Congress established the Assassination Records Review Board as part of the President John F. Kennedy Assassination Records Collection Act of 1992 (JFK Records Act) to compel disclosure.[47] The UAPDA follows that same model, recognizing that deeply entrenched secrecy cannot be overcome by routine bureaucratic means.[48]

review…due in part to exemptions under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), as well as an over-broad interpretation of 'transclassified foreign nuclear information', which is also exempt from mandatory declassification, thereby preventing public disclosure under existing provisions of law."

[45] "This order prescribes a uniform system for classifying, safeguarding, and declassifying national security information, including information relating to defense against transnational terrorism." President Barack Obama. "Executive Order 13526-Classified National Security Information." The White House, December 29, 2009.

[46] Garvey, Todd. "[E]xecutive orders lack stability, especially in the face of evolving presidential priorities. The President is free to revoke, modify, or supersede his own orders or those issued by a predecessor." "Executive Orders: Issuance, Modification, and Revocation." Congressional Research Service, Updated April 16, 2014.

[47] "The major purpose of the Review Board was to re-examine for release the records that the agencies still regarded as too sensitive to open to the public. In addition, Congress established the Review Board to help restore government credibility." Assassination Records Review Board. "Final Report of the Assassination Records Review Board." National Archives and Records Administration, 1998.

[48] "Majority Leader Chuck Schumer (D-NY) and Senator Mike Rounds (R-SD) are leading an amendment to the National Defense Authorization Act which would mandate government records related to Unidentified Anomalous Phenomena (UAP) carry the presumption of disclosure. The Unidentified Anomalous Phenomena (UAP) Disclosure Act of 2023 is modeled on the President John F. Kennedy Assassination Records Collection Act of 1992 and will create a UAP Records Collection." U.S. Senate Majority Leader Chuck Schumer. "Schumer, Rounds Introduce New Legislation to Declassify Government Records Related to Unidentified Anomalous Phenomena and UFOs, Modeled After JFK Assassination Records Collection Act – As an Amendment to NDAA." Press Release, July 13, 2023.

Finally, the alleged nature of UAP-related programs themselves, which are said to be dispersed across multiple agencies, departments, and private contractors, has potentially created a fragmented landscape lacking centralized accountability. Each entity apparently maintains its own classification authorities, security protocols, and discretionary power, making it easy for responsibility to be diffused and oversight to be evaded.[49] The URRB, as proposed in the UAPDA, would be the first centralized, independent authority with the jurisdictional reach necessary to coordinate across this fragmented architecture and enforce compliance on the UAP Problem.

The UAPDA explicitly confronts the 80-year history of concealment, deception, and disinformation by requiring the automatic declassification of any UAP-related government records that are more than 25 years old, unless narrowly exempted by the president through a specific legal process. It aims to restore public trust and democratic legitimacy.[50]

The UAPRA, however, does not meaningfully address the past and does not attempt to explain or reconcile the last 80 years of cover-up; instead, it seeks only to regulate what comes next while assuming voluntary compliance.

Finding #6: The UAPDA seeks truth and reconciliation, whereas the UAPRA sidesteps it entirely.

4.7. Realistic Regulatory Framework

[49] Elsea, Jennifer K. "The Protection of Classified Information: The Legal Framework." Congressional Research Service, Updated April 16, 2014.

[50] "All Federal Government records concerning unidentified anomalous phenomena should carry a presumption of immediate disclosure and all records should be eventually disclosed to enable the public to become fully informed about the history of the Federal Government's knowledge and involvement surrounding unidentified anomalous phenomena." UAPDA, Congressional Record, S2953.

The UAPDA establishes a modernized regulatory framework that dismantles these entrenched secrecy structures at their root, promoting transparency and scientific collaboration. Central to this approach is the Controlled Disclosure Campaign Plan, mandated by the URRB, which must outline "a benchmark-driven plan… recommending precise requirements for periodic review, downgrading, and declassification" of UAP records.[51] This plan is intended to replace outdated classification guidance by setting clear timelines and criteria for public disclosure, ensuring that records are not indefinitely withheld under vague national security pretexts.[52] By requiring automatic declassification of UAP records over 25 years old, unless narrowly exempted by presidential approval, the UAPDA shifts the presumption toward openness, fostering public access and scientific inquiry.[53] The URRB's independent, Senate-confirmed authority further ensures that declassification decisions are insulated from executive branch gatekeeping, enabling a collaborative framework that prioritizes public interest over institutional secrecy.[54] These measures modernize UAP regulation, aligning it with democratic accountability and advancing potential breakthroughs in propulsion, energy, and materials science.

In contrast, the UAPRA proposes a regulatory framework reminiscent of the Atomic Energy Commission (AEC) and its successor, the Department of Energy (DOE), which have served as gatekeepers of classified technology under the Atomic Energy Act (AEA) of 1954.[55] The UAPRA entrusts the AARO, an executive branch entity, to

[51] "…containing— (B) a benchmark-driven plan, based upon a review of the proceedings and in conformity with the decisions reflected therein, recommending precise requirements for periodic review, downgrading, and declassification as well as the exact time or specified occurrence following which each postponed item may be appropriately disclosed to the public under this title." UAPDA, Congressional Record, S2958.
[52] "The Review Board shall create and transmit to the President and to the Archivist a Controlled Disclosure Campaign Plan, with classified appendix…" UAPDA, Congressional Record, S2958.
[53] "All Federal Government records concerning unidentified anomalous phenomena should carry a presumption of immediate disclosure and all records should be eventually disclosed…" UAPDA, Congressional Record, S2953.
[54] "The Review Board shall be considered to be an agency of the United States for purposes of section 6001 of title 18, United States Code…" UAPDA, Congressional Record, S2958.
[55] U.S. Congress. Atomic Energy Act of 1954, as amended (originally enacted as the Atomic Energy Act of 1946). Public Law No. 83–703, August 30, 1954.

"establish and maintain a registry" of NHI materials without independent oversight or declassification mandates.[56] This approach reinforces the AEA's "born classified" model, where technologies "related to atomic energy," potentially including advanced propulsion or energy systems linked to NHI, are automatically restricted, denying Congress and the public access to scientific knowledge.[57] By lacking protocols for periodic review or public disclosure, UAPRA offers illusory transparency, providing legislative cover for executive agencies to perpetuate opaque control over UAP-related materials.[58]

Finding #7: The UAPDA seeks to dismantle secrecy at the root; UAPRA reinforces a regulatory apparatus built to suppress, not disclose.

4.8. Recovery of Sequestered Material

The issue of material recovery lies at the heart of the UAP secrecy problem. Mounting whistleblower testimony and investigative journalism suggest that materials of non-human origin, whether biological, technological, or otherwise, have been retrieved and withheld from public institutions.[59] These materials have been alleged to reside in the custody of private defense contractors or classified compartments of the executive branch, operating beyond the reach of congressional oversight or judicial review. What emerges is a critical gap in U.S. law: there is no clear statutory

[56] "AARO shall be responsible for establishing and maintaining a registry of all registered NHI technology and biological evidence items." UAPRA, Draft Proposal, 2025.
[57] Restricted Data (RD) under the AEA includes "all data concerning (1) design, manufacture, or utilization of atomic weapons; (2) the production of special nuclear material; or (3) the use of special nuclear material in the production of energy…" Atomic Energy Act of 1954, as amended (originally enacted as the Atomic Energy Act of 1946). Public Law No. 83–703, August 30, 1954; 42 U.S.C. § 2014(y).
[58] The UAPRA lacks protocols for periodic review or public disclosure of registered items, as evidenced by the absence of such provisions in Sections 01–10. UAPRA, Draft Proposal, 2025.
[59] U.S. Congress, House of Representatives, Committee on Oversight and Accountability. Unidentified Anomalous Phenomena: Implications on National Security, Public Safety, and Government Transparency. 118th Congress, 1st session, July 26, 2023. Testimony of David Grusch.

mechanism for reclaiming or overseeing such materials, nor any established framework to ensure their responsible integration into public knowledge, science, or national defense.

Any serious legislative framework must strike a balance between upholding constitutional integrity, ensuring national security, and promoting scientific advancement.

The UAPDA strikes the required balance by including a narrowly tailored eminent domain provision that provides the URRB access to existing government authority for establishing public records of NHI biologics and TUO materials[60] while upholding the controlling authority's property rights.[61]

Some critics mischaracterize this provision as heavy-handed. In reality, it is a constitutionally grounded, strategically essential tool for confronting a legacy of unlawful concealment. UAPDA's clause providing eminent domain authority to the URRB is limited to non-human materials, objects or biologics that have no legal precedent for private ownership.

Given the absence of a legal precedent governing the ownership, custody, or control of non-human biologics, technologies, or materials, eminent domain becomes essential. Without such a mechanism, the U.S. government has no lawful pathway for the recovery and custodianship of materials that may currently reside with private defense contractors or corporate entities. Furthermore, in the absence of a constitutional mechanism like eminent domain, these materials could be, and, if whistleblower reporting is to be believed, have been, seized through opaque national

[60] "The Federal Government shall exercise eminent domain over any and all recovered technologies of unknown origin and biological evidence of non-human intelligence that may be controlled by private persons or entities in the interests of the public good." UAPDA, Congressional Record, S2958.
[61] "Any and all such material, should it exist, shall be made available to the Review Board for personal examination and subsequent disclosure determination at a location suitable to the controlling authority of said material and in a timely manner conducive to the objectives of the Review Board in accordance with the requirements of this title." UAPDA, Congressional Record, S2958.

security authorities, thereby circumventing due process, transparency, and judicial review.

The UAPDA's measured approach to material recovery, via a controlled disclosure campaign and independent oversight, safeguards public trust while unlocking scientific progress.[62] In contrast, the UAPRA's lack of statutory oversight exposes a grave risk: without clear guidelines, paradigm-shifting materials could enter commerce unchecked, destabilizing industries, eroding public confidence, and empowering those operating beyond public accountability.

By contrast, the UAPRA fails to establish any precise legal mechanism for how such materials should be recovered, by whom, or under what constitutional authority. This omission leaves a vacuum, preserving the current landscape of secrecy in which executive agencies operate without meaningful external checks. Without the statutory pathway provided by the UAPDA, the only alternative remains opaque seizure under classified authorities, where confiscation occurs without public accountability, judicial review, or congressional oversight.

In the absence of a lawful statutory framework, the UAPRA imposes harsh criminal penalties for concealment and non-registration;[63] however, it provides no corresponding framework for lawful transfer into government custody and the public domain for the public benefit. The UAPRA grants the executive branch sweeping authority for asset forfeiture. Under UAPRA, any materials deemed to be of non-human intelligence origin and "handled in violation of this Act shall be forfeited to the United States," with AARO empowered to seize and indefinitely retain them "for national security purposes."[64] These provisions lack independent judicial

[62] Nell, Karl. "Eminent Domain and TUO: Rational, Compensation, and Implementation." November 6 2024.
[63] "Any person who willfully violates, attempts to violate, or conspires to violate any provision of this Act, including the unlawful possession, concealment, transfer, or failure to register any technologies of non-human intelligence origin… shall… be punished by a fine… or by imprisonment…" UAPRA, Draft Proposal, 2025.
[64] "Any technology of non-human intelligence origin… handled in violation of this Act shall be forfeited to the United States… the United States may seize such items and hold them for national security purposes… as determined by the All-domain Anomaly Resolution Office." UAPRA, Draft Proposal, 2025.

oversight, evidentiary thresholds, and procedural safeguards for whistleblowers and good-faith actors.

Compounding these deficiencies, the UAPRA mandates the creation of "a system for the registration of materials and technologies of unknown origin [and] biological evidence of non-human intelligence," yet does not guide how the registry will function, who will have access, or how the government intends to utilize the information it gathers.[65] Will it trigger monitoring and regulation or serve as a precursor to seizure? The absence of statutory safeguards leaves its implications entirely open to interpretation.

Notably, while the UAPRA avoids any explicit mention of eminent domain, it still permits executive agencies, such as AARO, to operate under classified authorities, including the authority for unilateral confiscation. In legislative deliberations on the UAPDA in 2023, AARO objected to the independent URRB acquiring this authority despite seeking to retain it themselves. This contradiction underscores the inherent conflict of interest in allowing executive agencies to both regulate and retain materials without independent oversight.

Ultimately, the UAPRA's framework fails to resolve the fundamental problem of how sequestered materials should be lawfully subsumed into public stewardship. It codifies opaque executive control while excluding judicial review, due process, and meaningful accountability.

In total, UAPRA's approach contradicts its ostensible goals of transparency and oversight. Rather than remedying the core statutory gap, a constitutional, accountable mechanism for responsible material recovery, it crystallizes the very lack of public trust it claims to solve. In essence, UAPRA institutionalizes opaque

[65] "Not later than 1 year after the date of the enactment of this Act, the Director shall establish and maintain a system for the registration of materials and technologies of unknown origin, biological evidence of non-human intelligence, and other relevant information." UAPRA, Draft Proposal, 2025.

executive seizures rather than charting a path to lawful, democratic stewardship in the public interest.

Finding #8: The UAPDA lawfully reclaims materials through a transparent constitutional process that respects public and private interests. UAPRA sidesteps this responsibility, leaving power in the hands of the same secretive structures that created the problem.

4.9. Political Viability

Any legislation, even that addressing sensitive national security matters that engender greater bipartisan support, must be acceptable to both political parties to succeed.

The public already believes the government is too secretive and dishonest, as confirmed by recent polling. An exclusive *Newsweek* poll found 57% of Americans believe "the US government has more information" about UAP than it has publicly shared.[66] Another poll by *Cygnal* found that "49% of voters say the federal government is being dishonest" regarding what it knows about UAP and other "other unexplained phenomena."[67] Providing greater government transparency around UAP is the most bipartisan issue in America today.

Some opponents of the UAPDA argue that its appointment structure risks politicization, but the record suggests otherwise. A bipartisan coalition led by Senators Schumer (D-NY) and Rounds (R-SD) introduced the UAPDA amendment with substantial Republican and Democratic co-sponsorship. Its URRB structure is

[66] "UFO Suspicions High as Ex-Intelligence Officer's Claims To be Investigated." *Newsweek*, July 10, 2023.
[67] Shucard, Ryan. "New Monthly National Poll: Majority Support Abortion Ban, Vivek Rises, Biden Corruption Probe Gains Steam, Half Believe Government Lied About UFOS, and More." Cygnal, August 10, 2023.

modeled after the nonpartisan John F. Kennedy Assassination Records Review Board and includes Senate confirmation to ensure institutional legitimacy and bipartisan oversight. When reintroduced, the UAPDA is expected to retain this bipartisan foundation, appealing to shared values of constitutional accountability, public transparency, and due process.

Conversely, the UAPRA introduces a new federal registration regime for technologies and materials of non-human origin, a feature likely to generate intense ideological resistance. Conservatives skeptical of government surveillance and registries may see the measure as akin to firearms registration efforts that have long been opposed on Second Amendment grounds. Moreover, the UAPRA grants the executive branch significant enforcement authority, including asset forfeiture powers, without judicial oversight, which raises further concerns about executive overreach and the erosion of individual rights. Essentially, UAPRA's design risks fracturing bipartisan consensus and inciting public opposition, particularly among constituencies attuned to civil liberties and limited government.

Finding #9: The UAPDA builds bipartisan legitimacy; the UAPRA risks ideological division.

5. Summary

The UAPRA, despite its pragmatic veneer, entrenches executive opacity by evading the unconstitutional secrecy surrounding NHI, UAP, and TUO. It relies on the AARO without independent oversight, offers no whistleblower protections, and lacks enforceable disclosure mechanisms. Conversely, the UAPDA establishes a transformative framework through its independent URRB, Controlled Disclosure Campaign Plan, and eminent domain authority. While the UAPRA's registration process may appeal to some, it fails to address systemic secrecy.

This analysis demonstrates that UAPDA excels across nine governance outcomes and more. The UAPRA is demonstrably deficient in each of its outcomes in comparison. UAPDA's implementation could unlock scientific breakthroughs in propulsion and energy, restore Congressional authority, and meet public demand for transparency, contingent on overcoming agency resistance. Congress should prioritize UAPDA's reintroduction to empower accountability and end decades of concealment.

UAPDA vs. UAPRA Governance Outcomes

Governance outcome	UAPDA	UAPRA
Identify the UAP Problem	Acknowledges the secrecy regime's history, obstacles and urgency	No defined problem or historical context
Restore Oversight by Elected Officials	Independent Review Board (Senate-confirmed)	AARO (no statutory independence)
Establish Process Controls and Enforcement	Subpoena and enforcement powers	No subpoena or enforcement power
Protect Whistleblowers	Leverages existing safeguards (e.g., Whistleblower Protection Act)	No protections included
Set Deterministic Time Limits	Controlled Disclosure Campaign Plan; URRB sunset 2030	No timeline or deadline
Remediate the Historical Cover-Up	Automatic declassification of records over 25 years, structured review process	No declassification mandate
Modernize the Regulatory Framework	Transparency-first, dismantles secrecy systems	Reinforces executive control structures

Recover Sequestered Materials	Eminent domain with compensation	Registry only; No recovery authority except forfeiture
Ensure Political Viability	Bipartisan coalition support	Risks ideological division