

A Commentary to the 2022 UAP Act

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Introduction

On December 7, 2021, the United States House of Representatives passed the National Defense Authorization Act (NDAA) for Fiscal Year 2022. This bill (S. 1605) included the provisions for the establishment of an office devoted to the study of UAP. On December 15, the US Senate approved it with no revisions, and the final version was published by the Government Printing Office on December 21. The final step has been the signature by President Joe Biden, which he did on December 27, 2021¹.

As defined, the NDAA authorizes fiscal year expenditures principally for the Department of Defense, for the Department of Energy national security programs, and for the Department of State, including critical authorities to support defense of the homeland.

Section 1683 of the Act carries this title: “Establishment of Office, Organizational Structure, and Authorities to Address Unidentified Aerial Phenomena,” and develops such provisions in fewer than six pages. This program replaces the existing DoD’s UAP Task Force.

The Act was approved with a strong amendment (SA 4281) attached on November 4, 2021, by Senator Kirsten Gillibrand (Democrat, New York) who requested that an “Anomaly Surveillance and Resolution Office” be established. Her text clearly reflected certain lobbyists’ plans that would include the creation of an advisory board where certain individuals, UFO coalitions or civilian projects close to the UFO-alien belief would be presented. The final bill is a watered down version of that amendment in a way acceptable to the DoD, which with good reason was not going to have members of the committee chasing after aliens.

Since the closure of the USAF’s Project Blue Book, announced December 17, 1969 and the publication of the Condon report², UFOs stopped being an official concern to the US Government, until the Unidentified Aerial Phenomena Task Force (UAPTF) was set up in 2018 by the Office of Naval Intelligence, later publicly assumed by the Department of Defense in August 2020. On June 2021, the DoD provided a preliminary assessment of the UAPTF³, placing the new US Government UFO study at the highest possible level in the chain of command. It reported that 144 UAP events had been collected between November 2004 and March 2021, reports amazingly declared “largely inconclusive.” Admittedly, the actual rate of case resolution was barely 0.7%!⁴ Finally, on November 23, 2021, the Department of Defense announced the creation of an Airborne Object Identification and Management Synchronization Group (AOIMSG). The fundamental object of study is to be “the identification of airborne objects⁵.”

For the benefit of an audience not willing to read the full raw text of the Act, in this article I am showing—and commenting on—the highlights and key elements of the planned “UAP Office” of the US Department of Defense.

In what follows next, any quotes from the approved bill⁶ are in italics; every reference to “Unidentified Aerial Phenomena” is hereafter UAP; “Secretary” refers to the Secretary of Defense,

and “Director” refers to the Director of National Intelligence; my own remarks on particulars of the Act will appear in brackets.

Inception

When?

The Office will be active *not later than 180 days after the date of the enactment of this Act*. This is, it must be in force before June 30, 2022. [No sharp urgency is observed, probably considering that a UAP Task Force has been in place in the US Navy since 2018 and that the Department of Defense announced the establishment of an Airborne Object Identification and Management Synchronization Group (AOIMSG) in November 2021.]

By Whom?

The Secretary of Defense, in coordination with the Director of National Intelligence.

Where?

** within a component of the Office of the Secretary of Defense, or*

** within a joint organization of the Department of Defense and the Office of the Director of National Intelligence.*

To Do What?

In addition to specifically *carry[ing] out the duties of the UAPTF*, this Office will have the following additional duties:

** Developing procedures to synchronize and standardize the collection, reporting, and analysis of incidents, including adverse physiological effects, regarding UAP across the Department of Defense and the intelligence community. [Here I start noticing terms borrowed from raw UFO literature and the long, dark hand of nuts-and-bolts ufologists.]*

**Developing processes and procedures to ensure that such incidents ... are reported and incorporated in a centralized repository.*

**Establishing procedures to require the timely and consistent reporting of such incidents. [Lots of procedures and protocols mean a lot of administrative work and bureaucracy. For sure this program will involve a huge amount of paperwork.]*

**Evaluating links between UAP and adversary foreign governments, other foreign governments, or nonstate actors. [In other words, air espionage from Russia or China, research balloons, or domestic drones, to name a few potential examples.]*

**Evaluating the threat that such incidents present to the United States. [Come on, UAP is nothing new, it was called flying saucers since 1947 and then UFOs. After 75 years, one of the most powerful countries in the world has still not learned if these phenomena represent a true threat to the nation or not? On second thought, this is a perfect proposition, one to be posed and categorically denied in a future report.]*

**Coordinating with other departments and agencies of the Federal Government...including the FAA, the NASA, the Department of Homeland Security, the NOAA, and the Department of Energy. [The inclusion of all-encompassing aviation, aeronautics, astronautics, atmospheric, marine, intelligence and advanced science know-how in the USA will finally allow the removal of this issue once and for all from the Government agenda and the satisfaction of public voracity as soon as nothing “out of this world” is found.]*

**Coordinating with allies and partners of the United States ... to better assess the nature and extent of UAP. [Good. Be prepared to collect repeated statements and assessments from (at least) several European countries that have realized after 50 years of handling UFO reports that neither flying saucers, UFOs or UAP pose any threat to both national security and aviation safety.]*

Preparing reports for Congress, in both classified and unclassified form. [For the series of semiannual briefings and annual reports to be submitted to Congress, see the end of this article for the chronology I have prepared.] In a further segment of the text, it notes that *for each briefing period, the head of the Office established ... shall ... provide to the chairman and the ranking minority member or vice chairman of the congressional committees specified...an enumeration of any instances in which data relating to UAP was not provided to the Office because of the classification restrictions on that data [sic] or for any other reason.

Response to UAP and Resources

**There will be designated one or more line organizations...that possess appropriate expertise, authorities, accesses, data, systems, platforms, and capabilities to rapidly respond to, and conduct field investigations of, incidents involving UAP under the direction of the head of the Office established. [Evidently, this program dwarfs Project Blue Book in competence, resources and goals.]*

**The Secretary and the Director shall ensure that each line organization...has adequate personnel with the requisite expertise, equipment, transportation, and other resources necessary to respond rapidly to incidents or patterns of observations involving UAP. [Patterns? The search for patterns and constants and laws derived from UFO data has been a primary objective of scientific UFO research from the early beginning, without finding anything lasting or substantial other than the realization that UFO and IFO data are indistinguishable.]*

Analysis to Perform

The Secretary and the Director shall designate one or more line organizations that will be primarily responsible for scientific, technical, and operational analysis of data gathered by field investigations conducted and data from other sources, including with respect to the testing of materials, medical studies, and development of theoretical models, to better understand and explain UAP. [It echoes work of tycoon Robert Bigelow’s NIDS (1996-2004) and Bigelow-contractor to Pentagon’s AATIP (DIA-funded, 2008-2012; unofficial, loose group, 2012-2017). It is evident the heavy influence from theorists of an alleged reverse engineering from UFO materials, the proponents of fantastic novel propulsion models, those who believe that theoretical models are required to travel to other dimensions, and from hard-core UFO believers, be they military, intelligence people, politicians, scientists, or laypeople. They have partially won this battle because they have done an excellent lobbying job (not all their objectives have been

achieved, however), but they will lose the war, because this is, like it or not, a dispute with science and rationality.]

Authority

Another section of the legal text informs that directives will be issued to ensure that *each line organization designated...has authority to draw on the special expertise of persons outside the Federal Government with appropriate security clearances*. [The ambiguity of the language here worries me: what experts can they import or contract for advice and analysis? I sincerely hope that the big Department of Defense of the United States does not have to resort on those well-known names who have been within and around the UFO movement for decades, generating much more speculation than results, nor that it leans on any scientifically-sounding UFO group whose true impulse is the need to prove that UFOs come from the outer space.]

Methodology

Data Collection

The Director and the Secretary will ensure that:

**each element of the intelligence community with data relating to UAP makes such data available immediately to the Office established ... or to an entity designated ... to receive such data*. [There is no precedent to this inter-agency coordination concerning UFOs. From now on, it is compulsory that any available information on UFOs in the custody of any Government agency or center is immediately surfaced and brought to the attention of the UAP Office. The interesting consequence is that it will appease the extended rumor in the contaminated UFO atmosphere that information of extraordinary importance is hidden from the eyes of the public by certain areas of the US Government. When no information transfer finally occurs—for lack of that fantastic information—another myth will fall.]

**military and civilian personnel of the Department of Defense or an element of the intelligence community, and contractor personnel ... have access to procedures by which the personnel shall report incidents or information, including adverse physiological effects, involving or associated with UAP directly to the Office or to an entity designated*. [Again, the obsession with health effects is rather obvious, descending from featured UFO sightings like the Cash-Landrum incident of December 29, 1980. This is a true eccentricity, because physiological effects are but a tiny fraction of past UFO reports.]

**The head of the UAP Office shall supervise the development and execution of an intelligence collection and analysis plan to gain as much knowledge as possible regarding the technical and operational characteristics, origins and intentions of UAP, including with respect to the development, acquisition, deployment, and operation of technical collection capabilities necessary to detect, identify, and scientifically characterize UAP*. [The influencers who pushed for this section of the bill believe that there is a sole origin for UFOs, the extraterrestrial, only this may explain the above sentence. In reality, there is not a single cause for UFOs/UAP but a large series of conventional (some easy, some complex) explanations, where intentionality is the less frequent property in these occurrences.]

*The head of the UAP Office *shall consider and propose ... the use of any resource, capability, asset, or process of the Department and the intelligence community.*

Science Plan

The head of the UAP Office *shall supervise the development and execution of a science plan to develop and test, as practicable, scientific theories to (1) account for characteristics and performance of UAP that exceed the known state of the art in science or technology, including in the areas of propulsion, aerodynamic control, signatures, structures, materials, sensors, countermeasures, weapons, electronics, and power generation; and (2) provide the foundation for potential future investments to replicate any such advanced characteristics and performance.* [This is one of the concepts incorporated in the legislation through the efforts of politicians heavily biased by members of the most credulous UFO community. Not bad in itself, research is always outstanding in science debates, but it has no sense in this case. As soon as investigators realize that events are solved as spontaneous, natural, biological, or artificial (earthly) motives, no structural or aerodynamical work is needed. Perhaps, however, it is *sensu contrario*, i.e., for the improvement of aircraft sensor equipment to better discriminate a bird or a balloon from distant airplanes, for example, in order to minimize false UAP footage. The need to devise “scientific theories” to account for sightings of flying objects defying present-day technology is a science fiction idea only in the head of UFO fanatics, who seem to act like religious fanatics. This part of the bill’s text clearly shows how the writers believe that there is an “advanced” technology behind UAP. They surely have aliens in mind, as everyone can suspect that no country would test their advanced aircraft over enemy or foreign territory.]

Priority

The Director, *with the recommendation of the Secretary, shall assign an appropriate level of priority within the National Intelligence Priorities Framework to the requirement to understand, characterize, and respond to UAP.* [The ideology behind the official text is blatant. What do the proponents and their writers behind have in mind when postulating that the nature of the UAP requires to be understood? Reentries of space junk, research balloons, missiles and rockets, birds, fireballs, drones, aircraft, and a myriad more of actual, historical explanations do not need to be understood, just verified.]

Reporting

Annual Report

The bill requires that *not later than October 31, 2022, and annually thereafter until October 31, 2026*, an annual report will be submitted to Congress. [What is the significance of this 5-year period? Is it a permanent office with reporting requirements only established for its five first years of operation? Or does Defense have a short-term program in mind to solve the UAP problem once all planned resources are in place? For the sake of clarity and our own follow-up control, I refer the reader to a tabulated chronology I have drafted at the end of this article.

This annual report will contain (1) *all reported UAP-related events that occurred during the one-year period*, and others *not included in an earlier report*, (2) *an analysis of data and intelligence received through each reported UAP-related event*, including data collected through (i) *geospatial intelligence*; (ii) *signals intelligence*; (iii) *human intelligence*; and (iv) *measurement and signature intelligence*, (3) *the number—and analysis—of reported incidents of UAP over restricted air space*

of the United States during the one-year period, (4) identification of potential aerospace or other threats posed by UAP to the national security of the United States [At this point in time, are not all the threats to the United States of America already known by this country? Will flying saucers (sorry, UAP) once again matter, after 75 years of “existence”? Shame on you!], (5) an assessment of any activity regarding UAP that can be attributed to one or more adversarial foreign governments, (6) identification of any incidents or patterns regarding UAP that indicate a potential adversarial foreign government may have achieved a break-through aerospace capability [This legislation, partly influenced by UFO believers, partly by common-sense writers, leave the door open to ultra-sophisticated Chinese or Russian aircraft eavesdropping and practicing surveillance on US military exercises, just in case the recently-known US Navy pilot reports truly correspond to airborne flying platforms. But you do not need to launch aircraft to spy up-close when you can do it with high-altitude satellites], (7) an update of the coordination by the United States with allies and partners on efforts to track, understand, and address UAP, (8) an update of any efforts under way on the ability to capture or exploit discovered UAP [Again, we enter into science fiction scenarios. No verified residue of any UAP has been found, and less so in the process of being exploited. The few examples of collected materials associated with UFO sightings have been very controversial in the literature. Once again, the influence of individuals closely related to past AATIP and even previous civilian precedents is clear in this legislation], (9) an assessment of any health-related effects for individuals that have encountered UAP [The medical issue refrain unjustifiably emerges once more, reflecting incidents like Cash-Landrum, or even older, probably fraudulent, episodes like that at Falcon Lake, Canada, on May 20, 1967], (10) The number of reported incidents, and descriptions thereof, of UAP associated with military nuclear assets, including strategic nuclear weapons and nuclear-powered ships and submarines ... (and) ... facilities or assets associated with the production, transportation, or storage of nuclear weapons or components thereof... (and) ... UAP or drone of unknown origin associated with nuclear power generating stations, nuclear fuel storage sites, or other sites or facilities regulated by the Nuclear Regulatory Commission [Chinese and Russians must be having a big laugh at the expense of US gullibility. This verbiage proceeds from some ufologists’ assertion of a relationship between UFO sightings and nukes, as well as UFO visitations to ballistic missile silos, never solidly certified], and (11) the names of the line organizations that have been designated to perform the specific functions ... each such line organization has been assigned primary responsibility.

The bill’s UAP text stipulates that annual reports *shall be submitted in unclassified form, but may require a classified annex.*

Budget

Appropriations

There is authorized to be appropriated such sums as may be necessary to carry out the work of the Office established ... including with respect to (1) general intelligence gathering and intelligence analysis; (2) strategic defense, space defense, defense of controlled air space, defense of ground, air, or naval assets, and related purposes. [Here, someone is thinking of a kind of Star Wars. They are going to waste millions of tax-payer dollars because of the whimsical beliefs of a bunch of people who happen to be well-placed in Washington D.C. No specific budget amount is given.]

Closing

Termination of the UAPTF

Not later than the date on which the Secretary establishes the Office ... the Secretary shall terminate the UAP Task Force.

On Terminology

The bill concludes by stating the definition of some terms repeated in this section of the bill's text:

*“appropriate congressional committees” for both the House of Representatives and the Senate: (A) The Committees on Armed Services, (B) The Committee on Appropriations, (C) The Committee on Foreign Affairs, and (D) The Permanent Select Committee on Intelligence.

*“intelligence community”: the meaning as per section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

*“line organization”: *an organization that executes programs and activities to directly advance the core functions and missions of the department or agency to which the organization is subordinate, but, with respect to the Department of Defense, does not include a component of the Office of the Secretary of Defense.*

*“transmedium objects or devices”: *objects or devices that are observed to transition between space and the atmosphere, or between the atmosphere and bodies of water, that are not immediately identifiable.* [This is a true anomaly, as this term does not appear in the text of the bill! But it is a term applied by lobby-boosted UFO believers to video images showing objects with the supposed capacity to migrate from air to water, a concept taken from misinterpretation of two Navy videos: USS Nimitz “Tic-Tac” footage taken on November 14, 2004 at ~110 NM SSW of San Diego—disclosed in 2017—and USS Omaha footage on July 15, 2019, at ~107 NM West of San Diego—disclosed in 2020. Even from the wrong analysis performed of a pair of balloons in Aguadilla, Puerto Rico, on April 25, 2013. This is probably a remnant of the initial draft.]

*“unidentified aerial phenomena.” In this context, the term UAP has three possible meanings: (a) *airborne objects that are not immediately identifiable*; (b) *transmedium objects or devices*; and (c) *submerged objects or devices that are not immediately identifiable and that display behavior or performance characteristics that the objects or devices may be related to UAP.* [The inclusion of submarine UAP is another tribute to UFO legacy with its term USOs, also a very minor issue in historical UFO reporting. Also, a nod to Navy reports. At least, however, it links both airborne and submerged objects to phenomena “not immediately identifiable” as a stated recourse assuming that these objects or devices might be finally identified...as will the case, in my view, if investigation is properly done. Surprisingly, the tagline “not immediately identifiable” is not featured to those powerfully-imaged and imaginary “transmedium objects”! Another drafting slip? A Freudian slip? Signs that the UAP Act has been dealt from different angles? Time will tell.]

Discussion

Since 1947, the whole world has been intermittently (in “waves”) aware of reports of flying saucers, UFOs or UAP. In those 74 years, no evidence whatsoever of the existence of alien visitation has been discovered; on the contrary, 98% of cases have met a plausible explanation. In

spite of Governmental study groups and civilian organizations and military commissions. There remain unsolved just a few sighting observations which are apparently significant for believers and explainable for others. Above all, UFOs are nowadays part of popular culture, entertainment, literature, movies, advertisement, TV documentaries, etc.

Under the rational and reasonable premise that UFO/UAP reports does not represent any form of extraterrestrial phenomenon manifesting in our planet, this is, that there is no alien presence on Earth, I can conclude and predict that this new UAP Office will, eventually, get the program ended because they will never produce anything extraordinary except a drain of money and personnel (not to mention the expected publicity nightmare for the DoD). The weight of this statement will be appraised already by December 2026.

I am afraid the United States of America may be in the verge of being the object of tremendous ridicule at a global level if there are no UAP at all, neither its own aircraft, nor foreign ones, just multiple phenomena of an ordinary nature. Because this solution was already flagged since the findings of Professor Donald Menzel back in 1953, and after the USAF's Project Blue Book (closed 1969) and the Condon report.

In the last few years, news about flying saucers, UFOs and UAP have skyrocketed; precisely since a December 2017 article in the *New York Times*⁷ re-opened the UFO Pandora's box. This time, the focus was on UAP evidence in the hands of the US Government, a Pentagon UFO program pushed by credulous, aged politicians, financed from black budgets, handled by gullible people, and outsourced to a company headed by a gullible millionaire. Personalities with power around the Capitol—fueled by certain journalists and fuzzy video footage from the US Navy—have joined this tribe of believers to finally force the Department of Defense to concede that possibly there is something unknown violating the US airspace and jeopardizing aviation safety. Well, I see a perfect parallel with the recent case of Elizabeth Holmes (of *Theranos* fame) of fraud and conspiracy. For years, high-standing, influential persons from the world of politics and science, including ex-government secretaries, fell under the spell of a false concept. The same will someday happen with this UAP-Government interface craze, supported by so many important activists, be they military, executives, scientists, career officials, or journalists, all caught in a trap dominated by something so acute and deep: the blind belief that we are being visited by aliens.

Acknowledgments

To Tim Printy and Julio Plaza del Olmo, for contributions. To Richard W. Heiden, for editing.

References

- (1) <https://tinyurl.com/bder8684>
- (2) Daniel S. Gillmor (ed.), *Final Report of the Scientific Study of Unidentified Flying Objects*. New York: E. P. Dutton & Co. in association with Colorado Associated University Press, 1969. <http://www.project1947.com/shg/condon/contents.html>
- (3) <https://tinyurl.com/33wvpns>
- (4) V.J Ballester-Olmos, "The UAP Pentagon Report—Commented Abstract," scroll down in http://fotocat.blogspot.com/2021_09_14_archive.html
- (5) <https://tinyurl.com/2fjrrxf>

(6) <https://drive.google.com/file/d/1QVspt2Bae6paAzu9zJfrn-x1bQzUgGWv/view> (Credit: Douglas Johnson).

(7) <https://www.nytimes.com/2017/12/16/us/politics/pentagon-program-ufo-harry-reid.html>

CHRONOLOGY OF THE UAP OFFICE PROGRAM, 2022-2026

(B= Before/Not later than)

B 31 MARCH 2022	Classified briefing by the head of the UAP Office to congressional committees (A), (B) and (D) , including UAP incidents reported to the UAPTF after 24 June 2021
B 30 JUNE 2022	Establishment of UAP Office (to be named)
B 30 JUNE 2022	UAP Task Force terminated
B 31 OCTOBER 2022	Annual report by the Director of Intelligence, in consultation with the Secretary of Defense, to congressional committees
B 31 DECEMBER 2022	Classified briefing to congressional committees, including UAP incidents occurred since 30 June 2022 and events not included in the earlier briefing
B 30 JUNE 2023	Classified briefing to congressional committees, including UAP incidents occurred since 31 December 2022
B 31 OCTOBER 2023	Annual report by the Director of Intelligence, in consultation with the Secretary of Defense, to congressional committees
B 31 DECEMBER 2023	Classified briefing to congressional committees, including UAP incidents occurred since 30 June 2023
B 30 JUNE 2024	Classified briefing to congressional committees, including UAP incidents occurred since 31 December 2023
B 31 OCTOBER 2024	Annual report by the Director of Intelligence, in consultation with the Secretary of Defense, to congressional committees
B 31 DECEMBER 2024	Classified briefing to congressional committees, including UAP incidents occurred since 30 June 2024
B 30 JUNE 2025	Classified briefing to congressional committees, including UAP incidents occurred since 31 December 2024
B 31 OCTOBER 2025	Annual report by the Director of Intelligence, in consultation with the Secretary of Defense, to congressional committees
B 31 DECEMBER 2025	Classified briefing to congressional committees, including UAP incidents occurred since 30 June 2025
B 30 JUNE 2026	Classified briefing to congressional committees, including UAP incidents occurred since 31 December 2025
B 31 OCTOBER 2026	Annual report by the Director of Intelligence, in consultation with the Secretary of Defense, to congressional committees
B 31 DECEMBER 2026	Classified briefing to congressional committees, including UAP incidents occurred since 30 June 2026