

102d Congress

2d Session

S.J. Res. _____

IN THE SENATE OF THE UNITED STATES

Mr. Boren introduced the following joint resolution; which was read twice and referred to the Committee on

JOINT RESOLUTION

To provide for the expeditious disclosure of records relevant to the assassination of President John F. Kennedy.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Joint Resolution may be cited as the "Assassination Materials Disclosure Act of 1992".

SEC. 2. FINDINGS, DECLARATIONS, AND PURPOSE.

(a) **FINDINGS AND DECLARATIONS.**—The Congress finds and declares that—

(1) the legitimacy of any government in a free society depends on the consent of the people;

(2) the ability of a government in a free society to obtain the consent of the people is undermined to the degree that the people do not trust their government;

(3) the disclosure of records in the possession of the Government relevant to the assassination of President John F. Kennedy will contribute to the trust of the people in their government;

(4) the disclosure of records in the possession of the Government relevant to the assassination of President John F. Kennedy should proceed as expeditiously as practicable; and

(5) all records in the possession of the Government relevant to the assassination of President John F. Kennedy should be released to the public at the earliest opportunity, except where clear and convincing justification exists for postponing the disclosure of such records to a specified time or following a specified occurrence in the future.

(b) PURPOSE.- The purpose of this Joint Resolution is to secure the expeditious disclosure of records relevant to the assassination of President John F. Kennedy as soon as practicable consistent with the public interest.

SEC. 3. DEFINITIONS.

In This Joint Resolution:

(1) "Archivist" means the Archivist of the United

States.

(2) "Assassination material" means a record that relates in any manner or degree to the assassination of President John F. Kennedy, that was created or obtained by the House Committee, the Senate Committee, the Warren Commission, or an Executive agency or any other entity within the Executive branch of the Government, and that is in the custody of the House of Representatives, the Senate, the National Archives, or any other Executive agency, but does not include (A) material to the extent that it pertains to personnel matters or other administrative affairs of a congressional committee, the Warren Commission, or any entity within the Executive branch of the Government; or (B) the autopsy materials donated by the Kennedy family to the National Archives pursuant to a deed of gift regulating access to those materials, which are addressed in subsection 10(b) of this Joint Resolution.

(3) "Committee" means the House Committee or Senate Committee.

(4) "Executive agency" means an Executive agency as defined in subsection 552(f) of title 5, United States Code.

(5) "House Committee" means the Select Committee on Assassinations of the House of Representatives and the Permanent Select Committee on Intelligence of the House of Representatives acting under this Joint Resolution

with respect to assassination materials in the custody of the House of Representatives.

(6) "National Archives" means the National Archives and Records Administration.

(7) "Originating body" means the Executive agency, commission, or congressional committee that created the particular record or obtained the particular record from a source other than another entity of the Government, or the custodian of records of that agency, commission, or committee for purposes of this Joint Resolution. For purposes of this Joint Resolution, (A) the custodian of records of the Select Committee on Assassinations of the House of Representatives is the Permanent Select Committee on Intelligence of the House of Representatives; (B) the custodian of records of the Select Committee to Study Governmental Operations With Respect to Intelligence of the Senate is the Select Committee on Intelligence of the Senate; and (C) the custodian of records of the Warren Commission is the Archivist of the United States.

(8) "Record" includes a book, paper, map, photograph, machine readable material, computerized, digitized, or electronic information, regardless of the medium on which it is stored, or other documentary material, regardless of its physical form or characteristics.

(9) "Review Board" means the Assassination

Material Review Board established under section 5.

(10) "Senate Committee" means the Select Committee to Study Governmental Operations With Respect to Intelligence of the Senate and the Select Committee on Intelligence of the Senate acting under this Joint Resolution with respect to assassination materials in the custody of the Senate.

(11) "Warren Commission" means the President's Commission on the Assassination of President John F. Kennedy.

SEC. 4. PUBLIC DISCLOSURE OF MATERIALS BY CONGRESS AND THE EXECUTIVE BRANCH.

(a) IN GENERAL.- Except for assassination material or particular information in assassination material the disclosure of which is postponed under section 8, all assassination materials shall be transferred to the National Archives and made available for inspection and copying by the general public as soon as practicable.

(b) FEES FOR COPYING.- The Archivist shall charge fees for copying and grant waivers of such fees pursuant to the standards established by section 552 of Title 5, United States Code.

(c) PRINTING AND DISSEMINATION OF ASSASSINATION MATERIALS.- (1) The Archivist may provide copies of assassination materials of broad public interest to the Government Printing Office, which shall print copies for sale

to the public.

(2) Assassination materials printed by the Government Printing Office pursuant to this subsection shall be placed in libraries throughout the United States that are Government depositories in accordance with the provisions of Chapter 19 of Title 44, United States Code.

SEC. 5. ASSASSINATION MATERIALS REVIEW BOARD.

(a) ESTABLISHMENT.- There is established as an independent agency a board to be known as the Assassination Materials Review Board.

(b) APPOINTMENT.- (1) The division of the United States Court of Appeals for the District of Columbia Circuit established under section 49 of title 28, United States Code, shall, within 90 calendar days of the date of enactment of this Joint Resolution, appoint, without regard to political affiliation, 5 distinguished and impartial private citizens, none of whom are presently employees of any branch of the Government and none of whom shall have had any previous involvement with any investigation or inquiry relating to the assassination of President John F. Kennedy, to serve as members of the Review Board.

(2) A vacancy on the Review Board shall be filled in the same manner as the original appointment was made under paragraph (1).

(3) The members of the Review Board shall be deemed to be inferior officers of the United States within the meaning of section 2 of article II of the Constitution.

(c) CHAIR.- The members of the Review Board shall elect 1 of its members as chair at its initial meeting.

(d) COMPENSATION OF MEMBERS.- (1) A member of the Review Board shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Review Board.

(2) A member of the Review Board shall be allowed reasonable travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from the member's home or regular place of business in the performance of services for the Review Board.

(e) STAFF.- (1) The Review Board may, without regard to the civil service laws and regulations, appoint and terminate an Executive Director and such other additional personnel as are necessary to enable the Review Board to perform its duties. The individual appointed Executive Director shall be a person of integrity and impartiality who is not a present employee of any branch of the Government and has had no previous involvement with any investigation or inquiry relating to the assassination of President John F. Kennedy.

(2) The Review Board may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of

title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of that title.

(3) At the request of the Executive Director, Executive agencies, including the National Archives and other originating bodies within the Executive Branch, shall detail to the Review Board such employees as may be necessary and appropriate to carry out the review required by this Joint Resolution. Any employee detailed to the Review Board for this purpose shall be detailed without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(4) The Review Board may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(f) INAPPLICABILITY OF CERTAIN LAWS.- The following laws shall not apply to the Review Board:

(1) Subchapter II of chapter 5 of title 5, United States Code.

(2) Chapter 7 of title 5, United States Code.

(3) Section 3105 and 3344 of title 5, United States Code.

(g) DUTIES.- The Review Board shall consider and render decisions on referrals by the Executive Director and appeals as provided in section 7 for a determination-

(1) whether a record constitutes assassination material subject to this Joint Resolution; and

(2) whether a record or particular information in a record qualifies for postponement of disclosure under this Joint Resolution.

(h) REMOVAL.- (1) A member of the Review Board may be removed from office, other than by impeachment and conviction, only by the action of the President or the Attorney General acting on behalf of the President, and only for inefficiency, neglect of duty, malfeasance in office, physical disability, mental incapacity, or any other condition that substantially impairs the performance of the member's duties.

(2)(A) If a member of the Review Board is removed from office, the Attorney General shall promptly submit to the division of the court that appointed the members of the Review Board, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives a report specifying the facts found and the ultimate grounds for the removal.

(B) The division of the court, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives shall make available to the public a report submitted under subparagraph (A), except that

the division of the court or either judiciary committee may, if necessary to protect the rights of a person named in the report or to prevent undue interference with any pending prosecution, postpone or refrain from publishing any or all of the report.

(3)(A) A member of the Review Board removed from office may obtain judicial review of the removal in a civil action commenced in the United States District Court, for the District of Columbia.

(B) A member of the division of the court that appointed the members of the Review Board may not hear or determine a civil action or an appeal of a decision in a civil action brought under subparagraph (A).

(C) The member may be reinstated or granted other appropriate relief by order of the court.

(i) OVERSIGHT.- (1) The appropriate committee of the House of Representatives and the Select Committee on Intelligence of the Senate shall have continuing oversight jurisdiction with respect to the official conduct of the Review Board, to include access to any records held or created by the Review Board, and the Review Board shall have the duty to cooperate with the exercise of such oversight jurisdiction.

(2) The Review Board shall submit to the Congress such statements or reports on the activities of the Review Board as the Review Board considers to be appropriate in addition to the notifications required by subsection 8(g).

(j) SUPPORT SERVICES.- The Administrator of the General Services Administration shall provide administrative services for the Review Board on a reimbursable basis. The Archivist shall provide support services for the Review Board to include, as necessary, office space, clerical support, and personnel support, on a reimbursable basis.

(k) INTERPRETIVE REGULATIONS.- The Review Board may issue interpretive regulations.

(1) TERMINATION. - (1) The Review Board and the terms of its members shall terminate within two years of the date upon which the Board is formally constituted pursuant to this Joint Resolution and begins operations. Provided that, if the Review Board has not completed its work pursuant to this Joint Resolution within such two-year period, it may, by majority vote, extend its term for an additional one-year period for such purpose. Any additional extension of the Review Board and the terms of its members shall be authorized by the Congress.

(2) At least 30 calendar days prior to the completion of its work, the Review Board shall provide written notice to the President and the Congress of its intention to terminate its operations at a specified date.

SEC. 6. GROUNDS FOR POSTPONEMENT OF DISCLOSURE.

Disclosure to the general public of assassination material or particular information in assassination material

may be postponed if its release would --

(1) reveal --

(A) an intelligence agent;

(B) an intelligence source or method which is currently utilized, or reasonably expected to be utilized, by the United States Government; or

(C) any other matter currently relating to the military defense, intelligence operations or conduct of foreign relations of the United States;

and the threat to the military defense, intelligence operations or conduct of foreign relations of the United States posed by its disclosure is of such gravity that it outweighs any public interest in its disclosure.

(2) constitute an invasion of privacy of a living person, whether that person is identified in the material or not, and that invasion of privacy is so substantial that it outweighs any public interest in its disclosure;

(3) constitute a substantial and unjustified violation of an understanding of confidentiality between a Government agent and a witness or a foreign government; or

(4) disclose a security or protective procedure currently utilized, or reasonably expected to be utilized, by the Secret Service or other Government agency responsible for protecting Government officials, and that disclosure is so harmful that it outweighs any public interest in its disclosure.

SEC 7. REVIEW OF MATERIALS BY THE EXECUTIVE DIRECTOR

(a) RELEASE OF ALL ASSASSINATION MATERIALS TO THE EXECUTIVE DIRECTOR - . Each Executive agency, including the National Archives, shall make available to the Executive Director all assassination materials, as defined in section 3, in its possession, including but not limited to, in the case of the National Archives, the records of the Warren Commission, the House Committee, and the Senate Committee. Where the agency is uncertain if a record is assassination material, it shall make that record available to the Executive Director. The Executive Director shall have the authority and responsibility, where circumstances warrant, to inquire of any Executive agency as to the existence of further records that may be assassination materials beyond those made available by that agency, to obtain access to such records, and to recommend that the Review Board subpoena such records in the event of denial of such access.

(b) EXECUTIVE DIRECTOR RESPONSIBILITY- . The Executive Director shall have responsibility for reviewing all records that are made available by Executive agencies, including the National Archives, pursuant to subsection 7(a).

(c) CONSULTATION BY EXECUTIVE DIRECTOR - . The Executive Director may consult with the originating body for advice and information in reaching a decision with respect to the disclosure or nondisclosure of

assassination materials.

(d) PRESUMPTION FOR RELEASE.-- In the absence of clear and convincing evidence that an assassination material or particular information within an assassination material falls within the exemptions established in section 6 of this Joint Resolution, the Executive Director shall direct that the assassination material or particular information be released pursuant to subsection 7(e)(1).

(e) EXECUTIVE DIRECTOR DECISION -- After review of each record, the Executive Director shall, as soon as practicable after the date of enactment of this Joint Resolution, either --

(1) notify the originating body or bodies that the record is assassination material that is appropriate for release in its entirety pursuant to the standards established in this Joint Resolution. In such event, the Executive Director shall transmit the record to the Archivist and the Archivist shall make the record available for inspection and appropriate copying by the public, unless within 30 calendar days of notification an originating body files a notice of appeal with the Review Board. PROVIDED that any record that, in the judgment of the Executive Director, arguably falls within subsection 6(2), shall automatically be referred to the Review Board pursuant to subsection 7(e)(2)(D);
or

(2) refer the record to the Review Board, accompanied by a written determination, indicating one of the following:

(A) that, in the Executive Director's judgment, the record is not assassination material;

(B) that, in the Executive Director's judgment, the record is assassination material that qualifies for postponement of disclosure under Section 6 or contains particular information that qualifies for postponement of disclosure under Section 6;

(C) that full Review Board investigation and/or Review Board judgment appears appropriate for a determination as to whether the record or particular information in the record qualifies for postponement of disclosure under Sec. 6 and thus that this determination shall be vested in the Review Board rather than the Executive Director; or

(D) that, in the Executive Director's judgment, the record arguably falls within subsection 6(2) and thus that the determination as to whether the record qualifies for postponement of disclosure shall be vested in the Review Board rather than the Executive Director.

SEC. 8. DETERMINATIONS BY THE REVIEW BOARD.

(a) APPEALS AND REFERRALS -- The Review Board shall review and apply the standards for release set forth in this Joint Resolution to

(1) all records that are the subject of appeals pursuant to Sec. 7(e)(1); and

(2) all records referred to the Review Board by the Executive Director pursuant to Sec. 7(e)(2).

(b) PRESUMPTION FOR RELEASE.- In the absence of clear and convincing evidence that an assassination material or particular information within an assassination material falls within the exemptions established in section 6 of this Joint Resolution, the Board shall direct that the assassination material or particular information be released pursuant to subsection 8(h).

(c) POWERS.- The Review Board shall have authority to hold hearings, administer oaths, and subpoena witnesses and documents, and its subpoenas may be enforced in any appropriate Federal court by the Department of Justice acting pursuant to a lawful request of the Review Board.

(d) ADDITIONAL MATERIALS.- The Review Board shall have the authority and responsibility, where circumstances warrant, to inquire of any Executive agency as to the existence of further records that may

be assassination materials beyond those made available by that agency, to obtain access to such records, and to use its subpoena power in support of this authority.

(e) WITNESS IMMUNITY.- The Review Board shall be considered an agency of the United States for purposes of section 6001 of title 18, United States Code.

(f) REVIEW BOARD DETERMINATIONS -- After review of each record, the Review Board shall determine whether such record is assassination material, and, if so, whether such assassination material, or particular information in the assassination material, qualifies for postponement of disclosure pursuant to section 6. Any reasonably segregable particular information in an assassination material shall be considered for release after deletion of information in that assassination material that qualifies for postponement of disclosure. Where an entire assassination material qualifies for postponement of disclosure pursuant to section 6, the Board may, after consultation with the originating body and if consistent with and to the extent consistent with section 6, create and prepare for release a summary of the assassination material in order to provide for the fullest disclosure feasible. Where particular information in an assassination material qualifies for postponement of disclosure pursuant to section 6, the Board may, after consultation with the originating body and if consistent with and to the extent consistent with

section 6, create and prepare for release appropriate substitutions for that information in order to provide for the fullest disclosure feasible.

(g) DECISIONS TO POSTPONE -- Where the Board determines that a record is not assassination material, or that a record, or particular information in the record, qualifies for postponement of disclosure pursuant to section 6, the Board shall transmit to the originating body written notice of such determination, together with a copy of the record at issue, and, if the originating body is an Executive agency, a copy of such notice and of the record shall be transmitted to the appropriate committee of the House of Representatives and the Select Committee on Intelligence of the Senate. Such notice shall contain a statement of the reason or reasons for the Board's decision. Any decision of the Board that a record is not assassination material, or that disclosure of a record or particular information in a record should be postponed pursuant to section 6, shall not be subject to judicial review.

(h) DECISIONS TO RELEASE

(1) NON-EXECUTIVE AGENCY MATERIAL -- In the case of records for which the originating body is the Warren Commission, the House Committee, or the Senate Committee, where the Review Board determines that a record is assassination material, and that a record, particular information in a record, a summary of a

record, or a substitution for particular information in a record is appropriate for release pursuant to this Joint Resolution, the Review Board shall transmit the record, particular information, summary, or substitution to the Archivist, and the Archivist shall make such record, particular information, summary, or substitution available for inspection and copying by the public. The Review Board's decision to release shall not be subject to review by the President or any other entity of the Government and shall not be subject to judicial review.

(2) EXECUTIVE AGENCY MATERIAL -- In the case of records for which the originating body is an Executive agency, excluding the Warren Commission, where the Review Board determines that a record, particular information in a record, a summary of a record, or a substitution for particular information in a record is appropriate for release pursuant to this Joint Resolution, the Review Board shall transmit to the originating body written notice of its determination. In such event, the Review Board shall transmit the record, particular information, summary, or substitute to the Archivist, and the Archivist shall make such material available for inspection and appropriate copying by the public, unless, within 60 calendar days of the date on which the Board has notified the originating body, the President has certified to the Review Board and the Archivist that the material

qualifies for postponement of disclosure pursuant to section 6, in which case release of the material shall be postponed, and this decision shall not be subject to judicial review. The President shall not delegate this authority to any other official or entity.

(i) PRESIDENTIAL NOTICE TO CONGRESSIONAL COMMITTEES

-- Whenever the President makes a certification pursuant to subsection 8(h)(2), the President shall submit to the appropriate committee of the House of Representatives and the Select Committee on Intelligence of the Senate a written statement setting forth the reason or reasons for superseding the Board's determination and a complete copy of the material at issue.

(j) BOARD NOTICE TO PUBLIC -- Every 60 calendar

days, beginning 60 calendar days after the date on which the Review Board first postpones release of any assassination material pursuant to section 8(g), the Board shall make available for public inspection and copying a notice of all such postponements determined over the 60-day period, including a description of the size and nature of each assassination material concerned and the ground or grounds for postponement.

(k) PRESIDENTIAL NOTICE TO PUBLIC -- In any case in

which a determination of the Board to release assassination material is superseded by the President pursuant to this subsection, the President shall within

10 calendar days publish in the Federal Register notice of such action, including a description of the size and nature of the assassination material concerned and the ground or grounds for postponement.

(1) IMMUNITY FROM SUIT. - No person shall have a cause of action against members, employees or detailees of the Review Board arising out of any action or failure to act with regard to assassination material under this Joint Resolution.

(m) RULES OF THE HOUSE OF REPRESENTATIVES AND SENATE - . That portion of subsection 8(h)(1) that permits the Review Board to release materials for which the originating body is the House Committee or the Senate Committee without the concurrence or approval of any congressional body is enacted by the Congress -

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such is deemed a part of the rules of each House, respectively, and such procedures supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with the full recognition of the constitutional right of either House to change the rules (so far as relating to the procedures of that House) at any time, in the same manner, and to the same extent as any other rule of that House.

SEC. 9 -- MARKING AND REVIEW OF MATERIALS THE DISCLOSURE OF

WHICH IS POSTPONED --

(a) MARKING -- With respect to each assassination material or particular information in assassination material the disclosure of which is postponed pursuant to section 8, or for which only substitutions or summaries have been released to the public pursuant to subsection 8(h), the Review Board shall append to the material (1) all records of proceedings conducted pursuant to this Joint Resolution and relating to the material and (2) a statement of the Review Board designating, based on a review of the proceedings and in conformity with the decisions reflected therein, a specified time at which or a specified occurrence following which the material may appropriately be reconsidered for release pursuant to the standards established in this Joint Resolution. The Review Board shall then transfer the material and appendices to the Archivist for placement in the Archives under seal.

(b) REVIEW -- The sealed assassination materials transferred by the Review Board pursuant to this section shall remain subject to the standards for release established by this Joint Resolution. It shall be the continuing duty of the Archivist to review the sealed assassination materials and the documents appended thereto pursuant to this section and to resubmit assassination materials to the Review Board, if it is still in existence, or to the originating body, if the Review Board has been abolished, whenever it appears to the Archivist that review may be appropriate.

SEC. 10. DISCLOSURE OF OTHER MATERIALS AND ADDITIONAL STUDY.

(a) MATERIALS UNDER SEAL OF COURT.- (1) The Review Board may request the Department of Justice to petition, or through its own counsel petition, any court in the United States or abroad to release any information relevant to the assassination of President John F. Kennedy that is held under seal of the court.

(2)(A) The Review Board may request the Attorney General to petition, or through its own counsel petition, any court in the United States to release any information relevant to the assassination of President John F. Kennedy that is held under the injunction of secrecy of a grand jury.

(B) A request for disclosure of assassination materials under this Joint Resolution shall be deemed to constitute a showing of particularized need under Rule 6 of the Federal Rules of Criminal Procedure.

(b) AUTOPSY MATERIALS -- The Review Board shall, pursuant to the terms of the applicable deed of gift, seek access to the autopsy photographs and x-rays donated to the National Archives by the Kennedy family under the deed of gift. The Review Board shall, as soon as practicable, submit to the appropriate committee of the House and the Select Committee on Intelligence of the Senate a report on the status of these materials and on access to these materials by individuals consistent with the deed of gift.

(c) SENSE OF CONGRESS.- It is the sense of Congress that-

(1) The Attorney General should assist the Review Board in good faith to unseal any records that the Review Board determines to be relevant and held under seal by a court or under the injunction of secrecy of a grand jury;

(2) The Secretary of State should contact the Government of the Republic of Russia and seek the disclosure of all records of the government of the former Soviet Union, including the records of the Komitet Gosudarstvennoy Bezopasnosti (KGB) and the Glavnoye Razvedyvatelnoye Upravleniye (GRU), relevant to the assassination of President Kennedy, and contact any other foreign government that may hold information relevant to the assassination of President Kennedy and seek disclosure of such information; and

(3) all Executive agencies should cooperate in full with the Review Board to seek the disclosure of all information relevant to the assassination of President John F. Kennedy consistent with the public interest.

SEC. 11. RULES OF CONSTRUCTION.

(a) PRECEDENCE OVER OTHER LAW.- (1) Where this Joint Resolution requires release of a record, it shall take precedence over any other law, judicial decision construing

such law, or common law doctrine that would otherwise prohibit such release.

(b) FREEDOM OF INFORMATION ACT.- Nothing in this Joint Resolution shall be construed to eliminate or limit any right to file requests with any Executive agency other than the Review Board or seek judicial review of the decisions of such agencies pursuant to section 552 of title 5, United States Code.

(c) EXISTING AUTHORITY.- Nothing in this Joint Resolution revokes or limits the existing authority of the President, any Executive agency, the Senate, or the House of Representatives, or any other entity of the Government to release records in its possession.

SEC. 12. TERMINATION OF EFFECT OF JOINT RESOLUTION.

The provisions of this Joint Resolution which pertain to the appointment and operation of the Review Board shall cease to be effective when the Review Board and the terms of its members have terminated pursuant to subsection 5(1). The remaining provisions of this Joint Resolution shall continue in effect until such time as the Archivist certifies to the President and the Congress that all assassination materials have been made available to the public in accordance with this Joint Resolution.

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.- There are authorized to be appropriated such sums as are necessary to carry out this Joint Resolution, to remain available until expended.

(b) INTERIM FUNDING.- Until such time as funds are appropriated pursuant to subsection (a), the President may use such sums as are available for discretionary use to carry out this Joint Resolution.

SEC. 14. SEVERABILITY.

If any provision of this Joint Resolution or the application thereof to any person or circumstance is held invalid, the remainder of this Joint Resolution and the application of that provision to other persons not similarly situated or to other circumstances shall not be affected by the invalidation.