

118TH CONGRESS
1ST SESSION

S. _____

To provide for the creation of the missing Armed Forces and civilian personnel Records Collection at the National Archives, to require the expeditious public transmission to the Archivist and public disclosure of missing Armed Forces and civilian personnel records, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. CRAPO (for himself and Mrs. SHAHEEN) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To provide for the creation of the missing Armed Forces and civilian personnel Records Collection at the National Archives, to require the expeditious public transmission to the Archivist and public disclosure of missing Armed Forces and civilian personnel records, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Bring Our Heroes
5 Home Act”.

1 **SEC. 2. FINDINGS, DECLARATIONS, AND PURPOSES.**

2 (a) FINDINGS AND DECLARATIONS.—Congress finds
3 and declares the following:

4 (1) A vast number of records relating to miss-
5 ing Armed Forces and civilian personnel have not
6 been identified, located, or transferred to the Na-
7 tional Archives following review and declassification.
8 Only in the rarest cases is there any legitimate need
9 for continued protection of records pertaining to
10 missing Armed Forces and civilian personnel who
11 have been missing for decades.

12 (2) There has been insufficient priority placed
13 on identifying, locating, reviewing, or declassifying
14 records relating to missing Armed Forces and civil-
15 ian personnel and then transferring the records to
16 the National Archives for public access.

17 (3) Mandates for declassification set forth in
18 multiple Executive orders have been broadly written,
19 loosely interpreted, and often ignored by Federal
20 agencies in possession and control of records related
21 to missing Armed Forces and civilian personnel.

22 (4) No individual or entity has been tasked with
23 oversight of the identification, collection, review, and
24 declassification of records related to missing Armed
25 Forces and civilian personnel.

1 (5) The interest, desire, workforce, and funding
2 of Federal agencies to assemble, review, and declas-
3 sify records relating to missing Armed Forces and
4 civilian personnel have been lacking.

5 (6) All records of the Federal Government re-
6 lating to missing Armed Forces and civilian per-
7 sonnel should be preserved for historical and govern-
8 mental purposes and for public research.

9 (7) All records of the Federal Government re-
10 lating to missing Armed Forces and civilian per-
11 sonnel should carry a presumption of declassifica-
12 tion, and all such records should be disclosed under
13 this Act to enable the fullest possible accounting for
14 missing Armed Forces and civilian personnel.

15 (8) Legislation is necessary to create an en-
16 forceable, independent, and accountable process for
17 the public disclosure of records relating to missing
18 Armed Forces and civilian personnel.

19 (9) Legislation is necessary because section 552
20 of title 5, United States Code (commonly known as
21 the “Freedom of Information Act”), as implemented
22 by Federal agencies, has prevented the timely public
23 disclosure of records relating to missing Armed
24 Forces and civilian personnel.

25 (b) PURPOSES.—The purposes of this Act are—

1 (1) to provide for the creation of the Missing
2 Armed Forces and Civilian Personnel Records Col-
3 lection at the National Archives; and

4 (2) to require the expeditious public trans-
5 mission to the Archivist and public disclosure of
6 missing Armed Forces and civilian personnel
7 records, subject to narrow exceptions, as set forth in
8 this Act.

9 **SEC. 3. DEFINITIONS.**

10 In this Act:

11 (1) ARCHIVIST.—The term “Archivist” means
12 Archivist of the United States.

13 (2) COLLECTION.—The term “Collection”
14 means the Missing Armed Forces and Civilian Per-
15 sonnel Records Collection established under section
16 4(a).

17 (3) EXECUTIVE AGENCY.—The term “Executive
18 agency”—

19 (A) means an agency, as defined in section
20 552(f) of title 5, United States Code;

21 (B) includes any Executive department,
22 military department, Government corporation,
23 Government controlled corporation, or other es-
24 tablishment in the executive branch of the Fed-
25 eral Government, including the Executive Office

1 of the President, any branch of the Armed
2 Forces, and any independent regulatory agency;
3 and

4 (C) does not include any non-appropriated
5 agency, department, corporation, or establish-
6 ment.

7 (4) EXECUTIVE BRANCH MISSING ARMED
8 FORCES AND CIVILIAN PERSONNEL RECORD.—The
9 term “executive branch missing Armed Forces and
10 civilian personnel record” means a missing Armed
11 Forces and civilian personnel record of an Executive
12 agency, or information contained in such a missing
13 Armed Forces and civilian personnel record obtained
14 by or developed within the executive branch of the
15 Federal Government.

16 (5) GOVERNMENT OFFICE.—The term “Govern-
17 ment office” means an Executive agency, the Li-
18 brary of Congress, or the National Archives.

19 (6) MISSING ARMED FORCES AND CIVILIAN
20 PERSONNEL.—

21 (A) DEFINITION.—The term “missing
22 Armed Forces and civilian personnel” means
23 one or more missing persons; and

24 (B) INCLUSIONS.—The term “missing
25 Armed Forces and civilian personnel” includes

1 an individual who was a missing person and
2 whose status was later changed to “missing and
3 presumed dead”.

4 (7) MISSING ARMED FORCES AND CIVILIAN
5 PERSONNEL RECORD.—The term “missing Armed
6 Forces and civilian personnel record” means a
7 record that relates, directly or indirectly, to the loss,
8 fate, or status of missing Armed Forces and civilian
9 personnel that—

10 (A) was created or made available for use
11 by, obtained by, or otherwise came into the cus-
12 tody, possession, or control of—

- 13 (i) any Government office;
14 (ii) any Presidential library; or
15 (iii) any of the Armed Forces; and

16 (B) relates to 1 or more missing Armed
17 Forces and civilian personnel who became miss-
18 ing persons during the period—

- 19 (i) beginning on December 7, 1941;
20 and
21 (ii) ending on the date of enactment
22 of this Act.

23 (8) MISSING PERSON.—The term “missing per-
24 son” means—

1 (A) a person described in paragraph (1) of
2 section 1513 of title 10, United States Code;
3 and

4 (B) any other civilian employee of the Fed-
5 eral Government or an employee of a contractor
6 of the Federal Government who serves in direct
7 support of, or accompanies, the Armed Forces
8 in the field under orders and who is in a miss-
9 ing status (as that term is defined in paragraph
10 (2) of such section 1513).

11 (9) NATIONAL ARCHIVES.—The term “National
12 Archives”—

13 (A) means the National Archives and
14 Records Administration; and

15 (B) includes any component of the Na-
16 tional Archives and Records Administration (in-
17 cluding Presidential archival depositories estab-
18 lished under section 2112 of title 44, United
19 States Code).

20 (10) OFFICIAL INVESTIGATION.—The term “of-
21 ficial investigation” means a review, briefing, in-
22 quiry, or hearing relating to missing Armed Forces
23 and civilian personnel conducted by a Presidential
24 commission, committee of Congress, or agency, re-
25 gardless of whether it is conducted independently, at

1 the request of any Presidential commission or com-
2 mittee of Congress, or at the request of any official
3 of the Federal Government.

4 (11) ORIGINATING BODY.—The term “origi-
5 nating body” means the Government office or other
6 initial source that created a record or particular in-
7 formation within a record.

8 (12) PUBLIC INTEREST.—The term “public in-
9 terest” means the compelling interest in the prompt
10 public disclosure of missing Armed Forces and civil-
11 ian personnel records for historical and govern-
12 mental purposes, for public research, and for the
13 purpose of fully informing the people of the United
14 States, most importantly families of missing Armed
15 Forces and civilian personnel, about the fate of the
16 missing Armed Forces and civilian personnel and the
17 process by which the Federal Government has
18 sought to account for them.

19 (13) RECORD.—The term “record” has the
20 meaning given the term “records” in section 3301 of
21 title 44, United States Code.

22 (14) REVIEW BOARD.—The term “Review
23 Board” means the Missing Armed Forces and Civil-
24 ian Personnel Records Review Board established
25 under section 7.

1 **SEC. 4. MISSING ARMED FORCES AND CIVILIAN PER-**
2 **SONNEL RECORDS COLLECTION AT THE NA-**
3 **TIONAL ARCHIVES.**

4 (a) ESTABLISHMENT OF COLLECTION.—Not later
5 than 90 days after confirmation of the initial members of
6 the Missing Armed Forces and Civilian Personnel Records
7 Review Board established under section 7, the Archivist
8 shall—

9 (1) commence establishment of a collection of
10 records to be known as the “Missing Armed Forces
11 and Civilian Personnel Records Collection”;

12 (2) commence preparing the subject guidebook
13 and index to the Collection; and

14 (3) establish criteria and acceptable formats for
15 Executive agencies to follow when transmitting cop-
16 ies of missing Armed Forces and civilian personnel
17 records to the Archivist, to include required
18 metadata.

19 (b) REGULATIONS.—Not later than 90 days after the
20 date of the swearing in of the Board members, the Review
21 Board shall promulgate rules to establish guidelines and
22 processes for the disclosure of records contained in the
23 Collection.

1 **SEC. 5. REVIEW, IDENTIFICATION, TRANSMISSION TO THE**
2 **NATIONAL ARCHIVES, AND PUBLIC DISCLO-**
3 **SURE OF MISSING ARMED FORCES AND CI-**
4 **VILIAN PERSONNEL RECORDS BY GOVERN-**
5 **MENT OFFICES.**

6 (a) IN GENERAL.—

7 (1) PREPARATION.—As soon as practicable
8 after the date of enactment of this Act, and suffi-
9 ciently in advance of the deadlines established under
10 this Act, each Government office shall—

11 (A) identify and locate any missing Armed
12 Forces and civilian personnel records in the
13 custody, possession, or control of the Govern-
14 ment office, including intelligence reports, con-
15 gressional inquiries, memoranda to or from the
16 White House and other Federal departments
17 and agencies, Prisoner of War (POW)
18 debriefings, live sighting reports, documents re-
19 lating to POW camps, movement of POWs, ex-
20 ploitation of POWs, experimentation on POWs,
21 or status changes from Missing in Action
22 (MIA) to Killed in Action (KIA); and

23 (B) prepare for transmission to the Archi-
24 vist in accordance with the criteria and accept-
25 able formats established by the Archivist a copy
26 of any missing Armed Forces and civilian per-

1 sonnel records that have not previously been
2 transmitted to the Archivist by the Government
3 office.

4 (2) CERTIFICATION.—Each Government office
5 shall submit to the Archivist, under penalty of per-
6 jury, a certification indicating—

7 (A) whether the Government office has
8 conducted a thorough search for all missing
9 Armed Forces and civilian personnel records in
10 the custody, possession, or control of the Gov-
11 ernment office; and

12 (B) whether a copy of any missing Armed
13 Forces and civilian personnel record has not
14 been transmitted to the Archivist.

15 (3) PRESERVATION.—No missing Armed Forces
16 and civilian personnel record shall be destroyed, al-
17 tered, or mutilated in any way.

18 (4) EFFECT OF PREVIOUS DISCLOSURE.—Infor-
19 mation that was made available or disclosed to the
20 public before the date of enactment of this Act in a
21 missing Armed Forces and civilian personnel record
22 may not be withheld, redacted, postponed for public
23 disclosure, or reclassified.

24 (5) WITHHELD AND SUBSTANTIALLY RE-
25 DACTED RECORDS.—For any missing Armed Forces

1 and civilian personnel record that is transmitted to
2 the Archivist which a Government office proposes to
3 substantially redact or withhold in full from public
4 access, the head of the Government office shall sub-
5 mit an unclassified and publicly releasable report to
6 the Archivist, the Review Board, and each appro-
7 priate committee of the Senate and the House of
8 Representatives justifying the decision of the Gov-
9 ernment office to substantially redact or withhold
10 the record by demonstrating that the release of in-
11 formation would clearly and demonstrably be ex-
12 pected to cause an articulated harm, and that the
13 harm would be of such gravity as to outweigh the
14 public interest in access to the information.

15 (b) REVIEW.—

16 (1) IN GENERAL.—Except as provided under
17 paragraph (5), not later than 180 days after con-
18 firmation of the initial members of the Missing
19 Armed Forces and Civilian Personnel Records Re-
20 view Board, each Government office shall, in accord-
21 ance with the criteria and acceptable formats estab-
22 lished by the Archivist—

23 (A) identify, locate, copy, and review each
24 missing Armed Forces and civilian personnel
25 record in the custody, possession, or control of

1 the Government office for transmission to the
2 Archivist and disclosure to the public or, if
3 needed, review by the Review Board; and

4 (B) cooperate fully, in consultation with
5 the Archivist, in carrying out paragraph (3).

6 (2) REQUIREMENT.—The Review Board shall
7 promulgate rules for the disclosure of relevant
8 records by Government offices under paragraph (1).

9 (3) NATIONAL ARCHIVES RECORDS.—Not later
10 than 180 days after confirmation of the initial mem-
11 bers of the Missing Armed Forces and Civilian Per-
12 sonnel Records Review Board, the Archivist shall—

13 (A) locate and identify all missing Armed
14 Forces and civilian personnel records in the
15 custody of the National Archives as of the date
16 of enactment of this Act that remain classified,
17 in whole or in part;

18 (B) notify a Government office if the Ar-
19 chivist locates and identifies a record of the
20 Government office under subparagraph (A); and

21 (C) make each classified missing Armed
22 Forces and civilian personnel record located and
23 identified under subparagraph (A) available for
24 review by Executive agencies through the Na-

1 tional Declassification Center established under
2 Executive Order 13526 or any successor order.

3 (4) RECORDS ALREADY PUBLIC.—A missing
4 Armed Forces and civilian personnel record that is
5 in the custody of the National Archives on the date
6 of enactment of this Act and that has been publicly
7 available in its entirety without redaction shall be
8 made available in the Collection without any addi-
9 tional review by the Archivist, the Review Board, or
10 any other Government office under this Act.

11 (5) EXEMPTIONS.—

12 (A) DEPARTMENT OF DEFENSE POW/MIA
13 ACCOUNTING AGENCY.—The Defense POW/
14 MIA Accounting Agency (DPAA) is exempt
15 from the requirement under this subsection to
16 declassify and transmit to the Archivist docu-
17 ments in its custody or control that pertain to
18 a specific case or cases that DPAA is actively
19 investigating or developing for the purpose of
20 locating, disinterring, or identifying a missing
21 member of the Armed Forces

22 (B) DEPARTMENT OF DEFENSE MILITARY
23 SERVICE CASUALTY OFFICES AND DEPARTMENT
24 OF STATE SERVICE CASUALTY OFFICES.—The
25 Department of Defense Military Service Cas-

1 ualty Offices and the Department of State
2 Service Casualty Offices are exempt from the
3 requirement to declassify and transmit to the
4 Archivist documents in their custody or control
5 that pertain to individual cases with respect to
6 which the office is lending support and assist-
7 ance to the families of missing individuals.

8 (c) TRANSMISSION TO THE NATIONAL ARCHIVES.—
9 Each Government office shall—

10 (1) not later than 180 days after confirmation
11 of the initial members of the Missing Armed Forces
12 and Civilian Personnel Records Review Board, com-
13 mence transmission to the Archivist of copies of the
14 missing Armed Forces and civilian personnel records
15 in the custody, possession, or control of the Govern-
16 ment office; and

17 (2) not later than 1 year after confirmation of
18 the initial members of the Missing Armed Forces
19 and Civilian Personnel Records Review Board, com-
20 plete transmission to the Archivist of copies of all
21 missing Armed Forces and civilian personnel records
22 in the possession or control of the Government of-
23 fice.

24 (d) PERIODIC REVIEW OF POSTPONED MISSING
25 ARMED FORCES AND CIVILIAN PERSONNEL RECORDS.—

1 (1) IN GENERAL.—All missing Armed Forces
2 and civilian personnel records, or information within
3 a missing Armed Forces and civilian personnel
4 record, the public disclosure of which has been post-
5 poned under the standards under this Act shall be
6 reviewed by the originating body—

7 (A)(i) periodically, but not less than every
8 5 years, after the date on which the Review
9 Board terminates under section 7(o); and

10 (ii) at the direction of the Archivist; and

11 (B) consistent with the recommendations
12 of the Review Board under section 9(b)(3)(B).

13 (2) CONTENTS.—

14 (A) IN GENERAL.—A periodic review of a
15 missing Armed Forces and civilian personnel
16 record, or information within a missing Armed
17 Forces and civilian personnel record, by the
18 originating body shall address the public disclo-
19 sure of the missing Armed Forces and civilian
20 personnel record under the standards under
21 this Act.

22 (B) CONTINUED POSTPONEMENT.—If an
23 originating body conducting a periodic review of
24 a missing Armed Forces and civilian personnel
25 record, or information within a missing Armed

1 Forces and civilian personnel record, the public
2 disclosure of which has been postponed under
3 the standards under this Act, determines that
4 continued postponement is required, the origi-
5 nating body shall provide to the Archivist an
6 unclassified written description of the reason
7 for the continued postponement that the Archi-
8 vist shall highlight and make accessible on a
9 publicly accessible website administered by the
10 National Archives.

11 (C) SCOPE.—The periodic review of post-
12 poned missing Armed Forces and civilian per-
13 sonnel records, or information within a missing
14 Armed Forces and civilian personnel record,
15 shall serve the purpose stated in section
16 2(b)(2), to provide expeditious public disclosure
17 of missing Armed Forces and civilian personnel
18 records, to the fullest extent possible, subject
19 only to the grounds for postponement of disclo-
20 sure under section 6.

21 (D) DISCLOSURE ABSENT CERTIFICATION
22 BY PRESIDENT.—Not later than 10 years after
23 confirmation of the initial members of the Miss-
24 ing Armed Forces and Civilian Personnel
25 Records Review Board, all missing Armed

1 Forces and civilian personnel records, and in-
2 formation within a missing Armed Forces and
3 civilian personnel record, shall be publicly dis-
4 closed in full, and available in the Collection,
5 unless—

6 (i) the head of the originating body,
7 Executive agency, or other Government of-
8 fice recommends in writing that continued
9 postponement is necessary;

10 (ii) the written recommendation de-
11 scribed in clause (i)—

12 (I) is provided to the Archivist in
13 unclassified and publicly releasable
14 form not later than 180 days before
15 the date that is 10 years after con-
16 firmation of the initial members of the
17 Missing Armed Forces and Civilian
18 Personnel Records Review Board; and

19 (II) includes—

20 (aa) a justification of the
21 recommendation to postpone dis-
22 closure with clear and convincing
23 evidence that the identifiable
24 harm is of such gravity that it

1 outweighs the public interest in
2 disclosure; and

3 (bb) a recommended speci-
4 fied time at which or a specified
5 occurrence following which the
6 material may be appropriately
7 disclosed to the public under this
8 Act;

9 (iii) the Archivist transmits all rec-
10 ommended postponements and the rec-
11 ommendation of the Archivist to the Presi-
12 dent not later than 90 days before the date
13 that is 10 years after the date of confirma-
14 tion of the initial members of the Missing
15 Armed Forces and Civilian Personnel
16 Records Review Board; and

17 (iv) the President transmits to the Ar-
18 chivist a certification indicating that con-
19 tinued postponement is necessary and the
20 identifiable harm, as demonstrated by clear
21 and convincing evidence, is of such gravity
22 that it outweighs the public interest in dis-
23 closure not later than the date that is 10
24 years after confirmation of the initial

1 members of the Missing Armed Forces and
2 Civilian Personnel Records Review Board.

3 **SEC. 6. GROUNDS FOR POSTPONEMENT OF PUBLIC DISCLO-**
4 **SURE OF RECORDS.**

5 (a) IN GENERAL.—Disclosure to the public of a miss-
6 ing Armed Forces and civilian personnel record or par-
7 ticular information in a missing Armed Forces and civilian
8 personnel record created after the date that is 25 years
9 before the date of the review of the missing Armed Forces
10 and civilian personnel record by the Archivist may be post-
11 poned subject to the limitations under this Act only—

12 (1) if it pertains to—

13 (A) military plans, weapons systems, or op-
14 erations;

15 (B) foreign government information;

16 (C) intelligence activities (including covert
17 action), intelligence sources or methods, or
18 cryptology;

19 (D) foreign relations or foreign activities of
20 the United States, including confidential
21 sources;

22 (E) scientific, technological, or economic
23 matters relating to the national security;

24 (F) United States Government programs
25 for safeguarding nuclear materials or facilities;

1 (G) vulnerabilities or capabilities of sys-
2 tems, installations, infrastructures, projects,
3 plans, or protection services relating to the na-
4 tional security; or

5 (H) the development, production, or use of
6 weapons of mass destruction; and

7 (2) the threat posed by the public disclosure of
8 the missing Armed Forces and civilian personnel
9 record or information is of such gravity that it out-
10 weighs the public interest in disclosure.

11 (b) OLDER RECORDS.—Disclosure to the public of a
12 missing Armed Forces and civilian personnel record or
13 particular information in a missing Armed Forces and ci-
14 vilian personnel record created on or before the date that
15 is 25 years before the date of the review of the missing
16 Armed Forces and civilian personnel record by the Archi-
17 vist may be postponed subject to the limitations under this
18 Act only if, as demonstrated by clear and convincing evi-
19 dence—

20 (1) the release of the information would be ex-
21 pected to—

22 (A) reveal the identity of a confidential
23 human source, a human intelligence source, a
24 relationship with an intelligence or security
25 service of a foreign government or international

1 organization, or a nonhuman intelligence
2 source, or impair the effectiveness of an intel-
3 ligence method currently in use, available for
4 use, or under development;

5 (B) reveal information that would impair
6 United States cryptologic systems or activities;

7 (C) reveal formally named or numbered
8 United States military war plans that remain in
9 effect, or reveal operational or tactical elements
10 of prior plans that are contained in such active
11 plans; or

12 (D) reveal information, including foreign
13 government information, that would cause seri-
14 ous harm to relations between the United
15 States and a foreign government, or to ongoing
16 diplomatic activities of the United States; and

17 (2) the threat posed by the public disclosure of
18 the missing Armed Forces and civilian personnel
19 record or information is of such gravity that it out-
20 weighs the public interest in disclosure.

21 (c) EXCEPTION.—Regardless of the date on which a
22 missing Armed Forces and civilian personnel record was
23 created, disclosure to the public of information in the
24 missing Armed Forces and civilian personnel record may
25 be postponed if—

1 (1) the public disclosure of the information
2 would reveal the name or identity of a living person
3 who provided confidential information to the United
4 States and would pose a substantial risk of harm to
5 that person;

6 (2) the public disclosure of the information
7 could reasonably be expected to constitute an unwar-
8 ranted invasion of personal privacy, and that inva-
9 sion of privacy is so substantial that it outweighs the
10 public interest;

11 (3) the public disclosure of the information
12 could reasonably be expected to cause harm to the
13 methods currently in use or available for use by
14 members of the Armed Forces to survive, evade, re-
15 sist, or escape; or

16 (4) the public disclosure of such information
17 would conflict with United States law or regulations.

18 **SEC. 7. ESTABLISHMENT AND POWERS OF THE MISSING**
19 **ARMED FORCES AND CIVILIAN PERSONNEL**
20 **RECORDS REVIEW BOARD.**

21 (a) **ESTABLISHMENT.**—There is established as an
22 independent establishment in the executive branch a board
23 to be known as the “Missing Armed Forces and Civilian
24 Personnel Records Review Board”.

25 (b) **MEMBERSHIP.**—

1 (1) APPOINTMENTS.—The President shall ap-
2 point, by and with the advice and consent of the
3 Senate, 5 individuals to serve as a member of the
4 Review Board to ensure and facilitate the review,
5 transmission to the Archivist, and public disclosure
6 of missing Armed Forces and civilian personnel
7 records.

8 (2) QUALIFICATIONS.—The President shall ap-
9 point individuals to serve as members of the Review
10 Board—

11 (A) without regard to political affiliation;

12 (B) who are citizens of the United States
13 of integrity and impartiality;

14 (C) who are not an employee of an Execu-
15 tive agency on the date of the appointment;

16 (D) who have high national professional
17 reputation in their fields who are capable of ex-
18 ercising the independent and objective judgment
19 necessary to the fulfillment of their role in en-
20 suring and facilitating the identification, loca-
21 tion, review, transmission to the Archivist, and
22 public disclosure of missing Armed Forces and
23 civilian personnel records;

24 (E) who possess an appreciation of the
25 value of missing Armed Forces and civilian per-

1 sonnel records to scholars, the Federal Govern-
2 ment, and the public, particularly families of
3 missing Armed Forces and civilian personnel;

4 (F) not less than 1 of whom is a profes-
5 sional historian; and

6 (G) not less than 1 of whom is an attor-
7 ney.

8 (3) DEADLINES.—

9 (A) IN GENERAL.—Not later than 60 days
10 after the date of enactment of this Act, the
11 President shall submit nominations for all
12 members of the Review Board.

13 (B) CONFIRMATION REJECTED.—If the
14 Senate votes not to confirm a nomination to
15 serve as a member of the Review Board, not
16 later than 90 days after the date of the vote the
17 President shall submit the nomination of an ad-
18 ditional individual to serve as a member of the
19 Review Board.

20 (4) CONSULTATION.—The President shall make
21 nominations to the Review Board after considering
22 individuals recommended by the American Historical
23 Association, the Organization of American Histo-
24 rians, the Society of American Archivists, the Amer-
25 ican Bar Association, veterans' organizations, and

1 organizations representing families of missing
2 Armed Forces and civilian personnel.

3 (c) SECURITY CLEARANCES.—The appropriate de-
4 partments, agencies, and elements of the executive branch
5 of the Federal Government shall cooperate to ensure that
6 an application by an individual nominated to be a member
7 of the Review Board, seeking security clearances necessary
8 to carry out the duties of the Review Board, is expedi-
9 tiously reviewed and granted or denied.

10 (d) CONFIRMATION.—

11 (1) HEARINGS.—Not later than 30 days on
12 which the Senate is in session after the date on
13 which not less than 3 individuals have been nomi-
14 nated to serve as members of the Review Board, the
15 Committee on Homeland Security and Governmental
16 Affairs of the Senate shall hold confirmation hear-
17 ings on the nominations.

18 (2) COMMITTEE VOTE.—Not later than 14 days
19 on which the Senate is in session after the date on
20 which the Committee on Homeland Security and
21 Governmental Affairs holds a confirmation hearing
22 on the nomination of an individual to serve as a
23 member of the Review Board, the committee shall
24 vote on the nomination and report the results to the
25 full Senate immediately.

1 (3) SENATE VOTE.—Not later than 14 days on
2 which the Senate is in session after the date on
3 which the Committee on Homeland Security and
4 Governmental Affairs reports the results of a vote on
5 a nomination of an individual to serve as a member
6 of the Review Board, the Senate shall vote on the
7 confirmation of the nominee.

8 (e) VACANCY.—Not later than 60 days after the date
9 on which a vacancy on the Review Board occurs, the va-
10 cancy shall be filled in the same manner as specified for
11 original appointment.

12 (f) CHAIRPERSON.—The members of the Review
13 Board shall elect a member as Chairperson at the initial
14 meeting of the Review Board.

15 (g) REMOVAL OF REVIEW BOARD MEMBER.—

16 (1) IN GENERAL.—A member of the Review
17 Board shall not be removed from office, other
18 than—

19 (A) by impeachment by Congress; or

20 (B) by the action of the President for inef-
21 ficiency, neglect of duty, malfeasance in office,
22 physical disability, mental incapacity, or any
23 other condition that substantially impairs the
24 performance of the member's duties.

25 (2) JUDICIAL REVIEW.—

1 (A) IN GENERAL.—A member of the Re-
2 view Board removed from office may obtain ju-
3 dicial review of the removal in a civil action
4 commenced in the United States District Court
5 for the District of Columbia.

6 (B) RELIEF.—The member may be rein-
7 stated or granted other appropriate relief by
8 order of the court.

9 (h) COMPENSATION OF MEMBERS.—

10 (1) BASIC PAY.—A member of the Review
11 Board shall be compensated at a rate equal to the
12 daily equivalent of the annual rate of basic pay pre-
13 scribed for level IV of the Executive Schedule under
14 section 5315 of title 5, United States Code, for each
15 day (including travel time) during which the member
16 is engaged in the performance of the duties of the
17 Review Board.

18 (2) TRAVEL EXPENSES.—A member of the Re-
19 view Board shall be allowed reasonable travel ex-
20 penses, including per diem in lieu of subsistence, at
21 rates for employees of agencies under subchapter I
22 of chapter 57 of title 5, United States Code, while
23 away from the member's home or regular place of
24 business in the performance of services for the Re-
25 view Board.

1 (i) DUTIES OF THE REVIEW BOARD.—

2 (1) IN GENERAL.—The Review Board shall con-
3 sider and render a decision on a determination by a
4 Government office to seek to postpone the disclosure
5 of a missing Armed Forces and civilian personnel
6 record, in whole or in part.

7 (2) RECORDS.—In carrying out paragraph (1),
8 the Review Board shall consider and render a deci-
9 sion regarding—

10 (A) whether a record constitutes a missing
11 Armed Forces and civilian personnel record;
12 and

13 (B) whether a missing Armed Forces and
14 civilian personnel record, or particular informa-
15 tion in a missing Armed Forces and civilian
16 personnel record, qualifies for postponement of
17 disclosure under this Act.

18 (j) POWERS.—The Review Board shall have the au-
19 thority to act in a manner prescribed under this Act, in-
20 cluding authority to—

21 (1) direct Government offices to transmit to the
22 Archivist missing Armed Forces and civilian per-
23 sonnel records as required under this Act;

24 (2) direct Government offices to transmit to the
25 Archivist substitutes and summaries of missing

1 Armed Forces and civilian personnel records that
2 can be publicly disclosed to the fullest extent for any
3 missing Armed Forces and civilian personnel record
4 that is proposed for postponement in full or that is
5 substantially redacted;

6 (3) obtain access to missing Armed Forces and
7 civilian personnel records that have been identified
8 by a Government office;

9 (4) direct a Government office to make avail-
10 able to the Review Board, and if necessary inves-
11 tigate the facts surrounding, additional information,
12 records, or testimony from individuals, which the
13 Review Board has reason to believe is required to
14 fulfill its functions and responsibilities under this
15 Act;

16 (5) hold such hearings, sit and act at such
17 times and places, take such testimony, receive such
18 evidence, and administer such oaths as the Review
19 Board considers advisable to carry out its respon-
20 sibilities under this Act;

21 (6) hold individuals in contempt for failure to
22 comply with directives and mandates issued by the
23 Review Board under this Act, which shall not in-
24 clude the authority to imprison or fine any indi-
25 vidual;

1 (7) require any Government office to account in
2 writing for the destruction of any records relating to
3 the loss, fate, or status of missing Armed Forces
4 and civilian personnel;

5 (8) receive information from the public regard-
6 ing the identification and public disclosure of miss-
7 ing Armed Forces and civilian personnel records;
8 and

9 (9) make a final determination regarding
10 whether a missing Armed Forces and civilian per-
11 sonnel record will be disclosed to the public or dis-
12 closure of the missing Armed Forces and civilian
13 personnel record to the public will be postponed, not-
14 withstanding the determination of an Executive
15 agency.

16 (k) WITNESS IMMUNITY.—The Review Board shall
17 be considered to be an agency of the United States for
18 purposes of section 6001 of title 18, United States Code.

19 (l) OVERSIGHT.—

20 (1) IN GENERAL.—The Committee on Home-
21 land Security and Governmental Affairs of the Sen-
22 ate and the Committee on Oversight and Reform of
23 the House of Representatives shall have—

24 (A) continuing oversight jurisdiction with
25 respect to the official conduct of the Review

1 Board and the disposition of postponed records
2 after termination of the Review Board; and

3 (B) upon request, access to any records
4 held or created by the Review Board.

5 (2) DUTY OF REVIEW BOARD.—The Review
6 Board shall have the duty to cooperate with the ex-
7 ercise of oversight jurisdiction under paragraph (1).

8 (m) SUPPORT SERVICES.—The Administrator of the
9 General Services Administration shall provide administra-
10 tive services for the Review Board on a reimbursable basis.

11 (n) INTERPRETIVE REGULATIONS.—The Review
12 Board may issue interpretive regulations.

13 (o) TERMINATION AND WINDING UP.—

14 (1) IN GENERAL.—Two years after the date of
15 enactment of this Act, the Review Board shall, by
16 majority vote, determine whether all Government of-
17 fices have complied with the obligations, mandates,
18 and directives under this Act.

19 (2) TERMINATION DATE.—The Review Board
20 shall terminate on the date that is 4 years after the
21 date of swearing in of the Board members.

22 (3) REPORT.—Before the termination of the
23 Review Board under paragraph (2), the Review
24 Board shall submit to Congress reports, including a
25 complete and accurate accounting of expenditures

1 during its existence, and shall complete all other re-
2 porting requirements under this Act.

3 (4) RECORDS.—Upon termination of the Re-
4 view Board, the Review Board shall transfer all
5 records of the Review Board to the Archivist for in-
6 clusion in the Collection, and no record of the Re-
7 view Board shall be destroyed.

8 **SEC. 8. MISSING ARMED FORCES AND CIVILIAN PER-**
9 **SONNEL RECORDS REVIEW BOARD PER-**
10 **SONNEL.**

11 (a) EXECUTIVE DIRECTOR.—

12 (1) IN GENERAL.—Not later than 45 days after
13 the initial meeting of the Review Board, the Review
14 Board shall appoint an individual to the position of
15 Executive Director.

16 (2) QUALIFICATIONS.—The individual ap-
17 pointed as Executive Director of the Review
18 Board—

19 (A) shall be a citizen of the United States
20 of integrity and impartiality;

21 (B) shall be appointed without regard to
22 political affiliation; and

23 (C) shall not have any conflict of interest
24 with the mission of the Review Board.

25 (3) SECURITY CLEARANCE.—

1 (A) LIMIT ON APPOINTMENT.—The Review
2 Board shall not appoint an individual as Execu-
3 tive Director until after the date on which the
4 individual qualifies for the necessary security
5 clearance.

6 (B) EXPEDITED PROVISION.—The appro-
7 priate departments, agencies, and elements of
8 the executive branch of the Federal Government
9 shall cooperate to ensure that an application by
10 an individual nominated to be Executive Direc-
11 tor, seeking security clearances necessary to
12 carry out the duties of the Executive Director,
13 is expeditiously reviewed and granted or denied.

14 (4) DUTIES.—The Executive Director shall—

15 (A) serve as principal liaison to Govern-
16 ment offices;

17 (B) be responsible for the administration
18 and coordination of the review of records by the
19 Review Board;

20 (C) be responsible for the administration
21 of all official activities conducted by the Review
22 Board; and

23 (D) not have the authority to decide or de-
24 termine whether any record should be disclosed
25 to the public or postponed for disclosure.

1 (5) REMOVAL.—The Executive Director may be
2 removed by a majority vote of the Review Board.

3 (b) STAFF.—

4 (1) IN GENERAL.—The Review Board may, in
5 accordance with the civil service laws, but without
6 regard to civil service law and regulation for com-
7 petitive service as defined in subchapter I of chapter
8 33 of title 5, United States Code, appoint and termi-
9 nate additional employees as are necessary to enable
10 the Review Board and the Executive Director to per-
11 form their duties under this Act.

12 (2) QUALIFICATIONS.—An individual appointed
13 to a position as an employee of the Review Board—

14 (A) shall be a citizen of the United States
15 of integrity and impartiality; and

16 (B) shall not have had any previous in-
17 volvement with any official investigation or in-
18 quiry relating to the loss, fate, or status of
19 missing Armed Forces and civilian personnel.

20 (3) SECURITY CLEARANCE.—

21 (A) LIMIT ON APPOINTMENT.—The Review
22 Board shall not appoint an individual as an em-
23 ployee of the Review Board until after the date
24 on which the individual qualifies for the nec-
25 essary security clearance.

1 (B) EXPEDITED PROVISION.—The appro-
2 priate departments, agencies, and elements of
3 the executive branch of the Federal Government
4 shall cooperate to ensure that an application by
5 an individual who is a candidate for a position
6 with the Review Board, seeking security clear-
7 ances necessary to carry out the duties of the
8 position, is expeditiously reviewed and granted
9 or denied.

10 (c) COMPENSATION.—The Review Board shall fix the
11 compensation of the Executive Director and other employ-
12 ees of the Review Board without regard to chapter 51 and
13 subchapter III of chapter 53 of title 5, United States
14 Code, relating to classification of positions and General
15 Schedule pay rates, except that the rate of pay for the
16 Executive Director and other employees may not exceed
17 the rate payable for level V of the Executive Schedule
18 under section 5316 of title 5, United States Code.

19 (d) ADVISORY COMMITTEES.—

20 (1) IN GENERAL.—The Review Board may cre-
21 ate 1 or more advisory committees to assist in ful-
22 filling the responsibilities of the Review Board under
23 this Act.

24 (2) APPLICABILITY OF FACA.—Any advisory
25 committee created by the Review Board shall be sub-

1 ject to the Federal Advisory Committee Act (5
2 U.S.C. App.).

3 **SEC. 9. REVIEW OF RECORDS BY THE MISSING ARMED**
4 **FORCES AND CIVILIAN PERSONNEL RECORDS**
5 **REVIEW BOARD.**

6 (a) **STARTUP REQUIREMENTS.**—The Review Board
7 shall—

8 (1) not later than 90 days after the date on
9 which all members are sworn in, publish an initial
10 schedule for review of all missing Armed Forces and
11 civilian personnel records, which the Archivist shall
12 highlight and make available on a publicly accessible
13 website administered by the National Archives; and

14 (2) not later than 180 days after the swearing
15 in of the Board members, begin reviewing of missing
16 Armed Forces and civilian personnel records, as nec-
17 essary, under this Act.

18 (b) **DETERMINATION OF THE REVIEW BOARD.**—

19 (1) **IN GENERAL.**—The Review Board shall di-
20 rect that all records that relate, directly or indi-
21 rectly, to the loss, fate, or status of missing Armed
22 Forces and civilian personnel be transmitted to the
23 Archivist and disclosed to the public in the Collec-
24 tion in the absence of clear and convincing evidence

1 that the record is not a missing Armed Forces and
2 civilian personnel record.

3 (2) POSTPONEMENT.—In approving postpone-
4 ment of public disclosure of a missing Armed Forces
5 and civilian personnel record, or information within
6 a missing Armed Forces and civilian personnel
7 record, the Review Board shall seek to—

8 (A) provide for the disclosure of segregable
9 parts, substitutes, or summaries of the missing
10 Armed Forces and civilian personnel record;
11 and

12 (B) determine, in consultation with the
13 originating body and consistent with the stand-
14 ards for postponement under this Act, which of
15 the following alternative forms of disclosure
16 shall be made by the originating body:

17 (i) Any reasonably segregable par-
18 ticular information in a missing Armed
19 Forces and civilian personnel record.

20 (ii) A substitute record for that infor-
21 mation which is postponed.

22 (iii) A summary of a missing Armed
23 Forces and civilian personnel record.

24 (3) REPORTING.—With respect to a missing
25 Armed Forces and civilian personnel record, or in-

1 formation within a missing Armed Forces and civil-
2 ian personnel record, the public disclosure of which
3 is postponed under this Act, or for which only sub-
4 stitutions or summaries have been disclosed to the
5 public, the Review Board shall create and transmit
6 to the Archivist an unclassified and publicly releas-
7 able report containing—

8 (A) a description of actions by the Review
9 Board, the originating body, or any Government
10 office (including a justification of any such ac-
11 tion to postpone disclosure of any record or
12 part of any record) and of any official pro-
13 ceedings conducted by the Review Board; and

14 (B) a statement, based on a review of the
15 proceedings and in conformity with the deci-
16 sions reflected therein, designating a rec-
17 ommended specified time at which, or a speci-
18 fied occurrence following which, the material
19 may be appropriately disclosed to the public
20 under this Act, which the Review Board shall
21 disclose to the public with notice thereof, rea-
22 sonably calculated to make interested members
23 of the public aware of the existence of the state-
24 ment.

25 (4) ACTIONS AFTER DETERMINATION.—

1 (A) IN GENERAL.—Not later than 30 days
2 after the date of a determination by the Review
3 Board that a missing Armed Forces and civilian
4 personnel record shall be publicly disclosed in
5 the Collection or postponed for disclosure and
6 held in the protected Collection, the Review
7 Board shall notify the head of the originating
8 body of the determination and highlight and
9 make available the determination on a publicly
10 accessible website reasonably calculated to make
11 interested members of the public aware of the
12 existence of the determination.

13 (B) OVERSIGHT NOTICE.—Simultaneous
14 with notice under subparagraph (A), the Review
15 Board shall provide notice of a determination
16 concerning the public disclosure or postpone-
17 ment of disclosure of a missing Armed Forces
18 and civilian personnel record, or information
19 contained within a missing Armed Forces and
20 civilian personnel record, which shall include a
21 written unclassified justification for public dis-
22 closure or postponement of disclosure, including
23 an explanation of the application of any stand-
24 ards in section 6 to the President, to the Com-
25 mittee on Homeland Security and Govern-

1 mental Affairs of the Senate, and the Com-
2 mittee on Oversight and Reform of the House
3 of Representatives.

4 (5) REFERRAL AFTER TERMINATION.—A miss-
5 ing Armed Forces and civilian personnel record that
6 is identified, located, or otherwise discovered after
7 the date on which the Review Board terminates shall
8 be transmitted to the Archivist for the Collection
9 and referred to the Committee on Armed Services of
10 the Senate and the Committee on Armed Services of
11 the House of Representatives for review, ongoing
12 oversight and, as warranted, referral for possible en-
13 forcement action relating to a violation of this Act
14 and determination as to whether declassification of
15 the missing Armed Forces and civilian personnel is
16 warranted under this Act.

17 (c) NOTICE TO PUBLIC.—Every 30 days, beginning
18 on the date that is 60 days after the date on which the
19 Review Board first approves the postponement of disclo-
20 sure of a missing Armed Forces and civilian personnel
21 record, the Review Board shall highlight and make acces-
22 sible on a publicly available website reasonably calculated
23 to make interested members of the public aware of the
24 existence of the postponement a notice that summarizes
25 the postponements approved by the Review Board, includ-

1 ing a description of the subject, originating body, length
2 or other physical description, and each ground for post-
3 ponement that is relied upon.

4 (d) REPORTS BY THE REVIEW BOARD.—

5 (1) IN GENERAL.—Not later than 1 year after
6 the date of enactment of this Act, and every year
7 thereafter until the Review Board terminates, the
8 Review Board shall submit a report regarding the
9 activities of the Review Board to—

10 (A) the Committee on Oversight and Re-
11 form of the House of Representatives;

12 (B) the Committee on Homeland Security
13 and Governmental Affairs of the Senate;

14 (C) the President;

15 (D) the Archivist; and

16 (E) the head of any Government office the
17 records of which have been the subject of Re-
18 view Board activity.

19 (2) CONTENTS.—Each report under paragraph
20 (1) shall include the following information:

21 (A) A financial report of the expenses for
22 all official activities and requirements of the
23 Review Board and its employees.

24 (B) The progress made on review, trans-
25 mission to the Archivist, and public disclosure

1 of missing Armed Forces and civilian personnel
2 records.

3 (C) The estimated time and volume of
4 missing Armed Forces and civilian personnel
5 records involved in the completion of the duties
6 of the Review Board under this Act.

7 (D) Any special problems, including re-
8 quests and the level of cooperation of Govern-
9 ment offices, with regard to the ability of the
10 Review Board to carry out its duties under this
11 Act.

12 (E) A record of review activities, including
13 a record of postponement decisions by the Re-
14 view Board or other related actions authorized
15 under this Act, and a record of the volume of
16 records reviewed and postponed.

17 (F) Suggestions and requests to Congress
18 for additional legislative authority needs.

19 (G) An appendix containing copies of re-
20 ports relating to postponed records submitted to
21 the Archivist under subsection (b)(3) since the
22 end of the period covered by the most recent re-
23 port under paragraph (1).

24 (3) TERMINATION NOTICE.—Not later than 90
25 days before the Review Board expects to complete

1 the work of the Review Board under this Act, the
2 Review Board shall provide written notice to Con-
3 gress of the intent of the Review Board to terminate
4 operations at a specified date.

5 **SEC. 10. DISCLOSURE OF OTHER MATERIALS AND ADDI-**
6 **TIONAL STUDY.**

7 (a) MATERIALS UNDER SEAL OF COURT.—

8 (1) IN GENERAL.—The Review Board may re-
9 quest the Attorney General to petition any court of
10 the United States or of a foreign country to release
11 any information relevant to the loss, fate, or status
12 of missing Armed Forces and civilian personnel that
13 is held under seal of the court.

14 (2) GRAND JURY INFORMATION.—

15 (A) IN GENERAL.—The Review Board may
16 request the Attorney General to petition any
17 court of the United States to release any infor-
18 mation relevant to loss, fate, or status of miss-
19 ing Armed Forces and civilian personnel that is
20 held under the injunction of secrecy of a grand
21 jury.

22 (B) TREATMENT.—A request for disclo-
23 sure of missing Armed Forces and civilian per-
24 sonnel materials under this Act shall be deemed
25 to constitute a showing of particularized need

1 under rule 6 of the Federal Rules of Criminal
2 Procedure.

3 (b) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that—

5 (1) the Attorney General should assist the Re-
6 view Board in good faith to unseal any records that
7 the Review Board determines to be relevant and held
8 under seal by a court or under the injunction of se-
9 crecy of a grand jury;

10 (2) the Secretary of State should—

11 (A) contact the Governments of the Rus-
12 sian Federation, the People's Republic of
13 China, and the Democratic People's Republic of
14 Korea to seek the disclosure of all records in
15 their respective custody, possession, or control
16 relevant to the loss, fate, or status of missing
17 Armed Forces and civilian personnel; and

18 (B) contact any other foreign government
19 that may hold information relevant to the loss,
20 fate, or status of missing Armed Forces and ci-
21 vilian personnel, and seek disclosure of such in-
22 formation; and

23 (3) all agencies should cooperate in full with the
24 Review Board to seek the disclosure of all informa-
25 tion relevant to the loss, fate, or status of missing

1 Armed Forces and civilian personnel consistent with
2 the public interest.

3 **SEC. 11. RULES OF CONSTRUCTION.**

4 (a) PRECEDENCE OVER OTHER LAW.—When this
5 Act requires transmission of a record to the Archivist or
6 public disclosure, it shall take precedence over any other
7 law (except section 6103 of the Internal Revenue Code of
8 1986), judicial decision construing such law, or common
9 law doctrine that would otherwise prohibit such trans-
10 mission or disclosure, with the exception of deeds gov-
11 erning access to or transfer or release of gifts and dona-
12 tions of records to the United States Government.

13 (b) FREEDOM OF INFORMATION ACT.—Nothing in
14 this Act shall be construed to eliminate or limit any right
15 to file requests with any Executive agency or seek judicial
16 review of the decisions under section 552 of title 5, United
17 States Code.

18 (c) JUDICIAL REVIEW.—Nothing in this Act shall be
19 construed to preclude judicial review under chapter 7 of
20 title 5, United States Code, of final actions taken or re-
21 quired to be taken under this Act.

22 (d) EXISTING AUTHORITY.—Nothing in this Act re-
23 vokes or limits the existing authority of the President, any
24 Executive agency, the Senate, or the House of Representa-

1 tives, or any other entity of the Government to publicly
2 disclose records in its custody, possession, or control.

3 (e) RULES OF THE SENATE AND HOUSE OF REP-
4 RESENTATIVES.—To the extent that any provision of this
5 Act establishes a procedure to be followed in the Senate
6 or the House of Representatives, such provision is adopt-
7 ed—

8 (1) as an exercise of the rulemaking power of
9 the Senate and House of Representatives, respec-
10 tively, and is deemed to be part of the rules of each
11 House, respectively, but applicable only with respect
12 to the procedure to be followed in that House, and
13 it supersedes other rules only to the extent that it
14 is inconsistent with such rules; and

15 (2) with full recognition of the constitutional
16 right of either House to change the rules (so far as
17 they relate to the procedure of that House) at any
18 time, in the same manner, and to the same extent
19 as in the case of any other rule of that House.

20 **SEC. 12. REQUESTS FOR EXTENSIONS.**

21 The head of a Government office required to comply
22 with a deadline under this Act that is based off the con-
23 firmation date of the members of the Missing Armed
24 Forces and Civilian Personnel Records Review Board may
25 request an extension from the Board for good cause. If

1 the Board agrees to the request, the deadline applicable
2 to the Government office for the purpose of such require-
3 ment shall be such later date as the Board may determine
4 appropriate.

5 **SEC. 13. TERMINATION OF EFFECT OF ACT.**

6 (a) PROVISIONS PERTAINING TO THE REVIEW
7 BOARD.—The provisions of this Act that pertain to the
8 appointment and operation of the Review Board shall
9 cease to be effective when the Review Board and the terms
10 of its members have terminated under section 7(o).

11 (b) OTHER PROVISIONS.—The remaining provisions
12 of this Act shall continue in effect until such time as the
13 Archivist certifies to the President and Congress that all
14 missing Armed Forces and civilian personnel records have
15 been made available to the public in accordance with this
16 Act.

17 **SEC. 14. AUTHORIZATION OF APPROPRIATIONS.**

18 There are authorized to be appropriated such sums
19 as are necessary to carry out this Act, to remain available
20 until expended.

21 **SEC. 15. SEVERABILITY.**

22 If any provision of this Act, or the application thereof
23 to any person or circumstance, is held invalid, the remain-
24 der of this Act and the application of that provision to

- 1 other persons not similarly situated or to other cir-
- 2 cumstances shall not be affected by the invalidation.