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By Mr. GRASSLEY: S.J. Res. 231. Joint resolution designating the week of September 14 through September 20, 1992, as "National Small Independent Telephone Company Week"; to the Committee on the Judiciary.

NATIONAL SMALL INDEPENDENT TELEPHONE COMPANY WEEK

Mr. GRASSLEY. Mr. President, I am introducing today, along with my colleagues Congressmen FRED GRANDY, a commemorative resolution honoring America's small independent telephone companies by designating the week of September 14 through September 20, 1992, as "National Small Independent Telephone Company Week."

I invite all my Senate colleagues to cosponsor this resolution which provides well-deserved recognition and praise to the more than 1,300 small independent telephone companies providing basic local telephone service to nearly 10 million subscribers in 43 States.

Mr. President, for over 100 years, small independent telephone companies have been serving Americas. Most of these independents are either family owned businesses or subscriber-owned cooperatives. As such, they have been a vital link in the progress and economic growth of small communities and rural areas throughout our Nation.

This may surprise some of my colleagues, but there are over 150 telephone companies in my State of Iowa. I know first hand through my close work with the people who own and operate these telephone companies just how vital their role has been, and it must add, as we face the challenges of the future.

Technological advances in telecommunications have come at breakneck speed. Rural Americans have faced the dilemma of either getting on board, or being left in the dust. The people behind Iowa's independent telephone companies care about their communities and the future.

They have faced the many challenges of advancing technology, in addition to the unique obstacles of difficult terrain and sparse population, to provide...
rural subscribers state-of-the-art telecommunications service.

Last year, the Office of Technology Assessment (OTA), upon whose congressional board I serve, completed a study which requested entitled "Rural America at the Crossroads: Networking for the Future." OTA made several suggestions to help policymakers assure that rural economic development was encouraged, not discouraged, by advances in telecommunications.

One portion of the OTA study made me very proud of the Iowans behind our independent telephone companies. OTA showcased the successful effort of 128 of Iowa's independent telephone companies to create what we call the Iowa Network Services as an example for other telephone companies to follow. By joining forces, the Iowa Network Services has been able to provide an independent fiber optic network as well as signaling system seven (SS7) which allows telephone companies to communicate directly with each other.

In fact, the Iowa Network Services initiative served as an example, one of the primary recommendations, that is for local telecommunications providers to ban together in a Rural Area Network to leverage market power to gain access to advanced telecommunications services and technology.

The OTA study made us fully appreciate the tremendous foresight and leadership of the people behind Iowa's independent telephone companies.

Mr. President, my colleagues know that we have leaders throughout the Nation equally dedicated to bringing the best in telecommunications and rural economic development to their communities. As Senator, we need to recognize the efforts of these local leaders, and we need to make certain that our actions in Washington assist, and not deter, the hard work of these community leaders.

But we should also take time out to provide special recognition and offer special thanks to the accomplishments and community contributions of the leaders of America's small independent telephone companies. That is why I am introducing, and inviting my colleagues to cosponsor, this resolution establishing "National Small Independent Telephone Company Week." and authorizing and requesting the President to issue a proclamation calling upon the people of the United States to observe the week of September 14, 1992, with appropriate programs and activities.

Mr. President, I want to take a moment to extend my thanks as well, to the leadership of the Organization for the Protection and Advancement of Small Telephone Companies (OPASTCO), for its efforts in behalf of this resolution as well as for its broader efforts to increase the Nation's awareness of the vital importance of small independent telephone companies. I want to also express a special thanks for the hard work of OPASTCO's president, Robert Halford of Iowa's Clear Lake Independent Telephone Co. His efforts and those of OPASTCO make our jobs of representing the grassroots communities in Congress a lot easier.

By Mr. BOREN (for himself, Mr. MITCHELL, Mr. SPECHT, Mr. MUKOWSKI, Mr. BLADLEY, Mr. DeCONCINI, Mr. GLENN, Mr. HERGER, Mr. WOFORD, and Mr. COHEN):

S.J. Res. 282. Joint resolution to provide for the expeditious disclosure of records relevant to the assassination of President John F. Kennedy to the Committee on Governmental Affairs.

DISCLOSURE OF JOHN F. KENNEDY ASSASSINATION RECORDS

Mr. BOREN. Mr. President, today I introduce a Senate joint resolution entitled the "Assassination Materials Disclosure Act of 1992." The purpose of this legislation is to provide for a comprehensive process ultimately leading to the release of all materials held by the FBI regarding the assassination of President John F. Kennedy. Congressman Louis Stokes, the distinguished former chairman of the House Assassinations Committee, is today introducing identical legislation in the House of Representatives.

We have, of course, had at least three substantial investigations into the Kennedy assassination: the first conducted by the Warren Commission appointed by President Johnson in the mid-1960's; the second, by the Church Committee in 1975 as part of its investigation of CIA assassination plots against foreign leaders; and finally, the third was the extensive investigation of the House Assassinations Committee in the late 1970's.

Each of these investigations, particularly the Warren Commission and House investigations, produced long, detailed public reports concerning the Kennedy assassination. Literally hundreds of books and articles have been written on the subject.

Yet still, almost 30 years later, the questions remain.

The recent release of the controversial film "JFK" has raised them anew, suggesting that answers may yet lie in the huge and still unpublished materials that remain sealed by our Government. Even prior to the release of "JFK," in fact, there were diligent efforts made by researchers as well as concerned legislators to open these files for public review.

Mr. President, I do not know what all of these files contain. Specifically, I do not know whether they contain information that would change the findings of the previous investigations or not.

But it seems to me the time has come to open these files to the public and let them speak for themselves. Let historians and journalists and the people read them, and draw the appropriate conclusions. As a general principle, the intelligence community should not have the ability to decide for itself the passage of a reasonable amount of time when current sources and methods would no longer be compromised.

The American people have a right to assure themselves to the greatest extent possible of the accuracy of the historical record of our Government. The timely release of all documents of historic value and importance helps to ensure that even the most secret provisions of our government are operated in accordance with basic American values. Current intelligence operations will be even more carefully conducted when it is recognized that they will be scrutinized by the public during the life of the Congress who administered the programs.

This is not to say, however, that these files can prudently be released without careful review. There are important governmental interests to take into account, as well as individual private interests at stake.

What this resolution proposes is a comprehensive, government-wide review of the Kennedy assassination records conducted under the auspices of an impartial, independent board.

It may be useful to state precisely what these records consist of. First, they would encompass all of the records of the FBI, the CIA, Secret Service, military intelligence, and other executive branch agencies which may pertain to the Kennedy assassination. They include the records of the Warren Commission and the Church Committee. Finally, they would include records of the House Committee on Assassinations. Many of these records are now stored under seal at the National Archives, while many others remain in agency files.

While much material has previously been released by the Warren Commission and House investigation, the release of these materials was limited in volume. As a result of Freedom of Information Act litigation, a great deal remains shielded from public view. Approximately 30 boxes of the internal files generated by the Warren Commission are still sealed. Experts estimate that a much greater volume of FBI and CIA files remain sealed. Many pages of documents that have been released have been so extensively redacted that their informational value is minimal. The extensive files of the House Assassinations Committee, some 848 boxes of materials on both Kennedy and King assassinations, currently are sealed until the year 2029.

To date, these records have been withheld from the public due to a variety of concerns: the fear of damaging foreign relations, the concern for disclosing the identities of confidential sources of information and the desire to protect the privacy of individuals. While these concerns may yet retain some validity in very few isolated cases, it seems to me that with the
passage of time, there should remain very few objections to full disclosure. I believe it is time to review these records, not in terms of the old assumption of a need for openness to encourage confidence in the Government. We need to ensure ourselves of the facts, that there is not information lurking somewhere in the government that would shed new light on what remains perhaps the most heinous and enigmatic crime of this century.

The joint resolution would make it mandatory to justify the continued shielding of a document from public view. It would also create a process by which many records could be promptly released. Any arguments made for withholding any document or portions of it must be weighed against the strong public interest in disclosure. The resolution establishes this kind of balancing test with a strong presumption of disclosure.

In addition, to address the problem of heavily redacted and therefore meaningless documents, the joint resolution borrows a page from the Classified Information Procedural Requirements Act that covers the handling of secret information in criminal trials. Under that law, judges have discretion to permit introduction in evidence of summaries or substitutes in lieu of classified information. The joint resolution provides for creation of such summaries or substitutes, so that the public can learn essential facts about the Kennedy assassination from a document even where references to private matters or crucial national security secrets would render the document itself mostly unreleasable.

In all cases, the joint resolution requires that the presumption is in favor of release. All records will be released unless there is clear and convincing evidence that postponing release is essential to national interest.

Now let me briefly explain the process established by the joint resolution for applying these disclosure standards.

The joint resolution creates a five-member panel called the Assassination Material Review Board. The members of this Review Board would be distinguished private citizens outside of government who have had no prior involvement with previous inquiries into the Kennedy assassination. This Review Board, aided by an executive director and staff, would play the central role in the release of the assassination materials. The Board would be required to complete its work within 2 years of its first meeting, although it is certainly expected that it could be completed much more quickly. The point is to expedite, while still doing a careful job.

We faced a difficult choice in deciding who should appoint the Review Board. Given the unique circumstances of this procedure, allowing either the President or Congress to appoint the Board did not seem appropriate. We settled instead on the special three-judge Federal court division that appoints independent counsel for criminal investigations. Some may question that this choice creates constitutional problems, despite the decision of the Supreme Court in Morrison v. Olson, 487 U.S. 654 (1988), which upheld the power of that division to appoint independent counsel. Some may feel that a judicial panel is ill-suited to make appointments for this task. The judges themselves, who have small staffs and other concerns, might well prefer to avoid this assignment. Still, we have found no better solution.

Under the joint resolution, the first step would be to make available to the Executive Director appointed by the Review Board all Government assassination materials. Where the Executive Director suspects that the agencies have failed to submit some of the relevant records, he or she has authority to question them and to use the subpoena power of the Review Board to obtain these records.

The Executive Director, assisted by employees of the Review Board and, if deemed necessary, detailed from elsewhere in the Government, would undertake the initial screening of these records. If the Executive Director concluded that a particular record was appropriate, the record would automatically be released, unless the record implicated personal privacy or the executive agency or congressional committee with responsibility for that record filed an appeal with the Review Board.

If the Executive Director determined that a particular record was not appropriate for release under present circumstances or that the record implicated personal privacy concerns, he or she would automatically be required to refer that decision to the Review Board.

The Executive Director would also be permitted to refer particularly difficult decisions, or decisions requiring further investigation, to the Review Board.

In deciding on appeals and referrals from the Executive Director, the Review Board would have authority to conduct hearings and subpoena records and witnesses.

The Review Board would have final say as to the release or nonrelease of all materials, except that in the case of executive branch materials, the President would have the authority to supercede the board's determination and postpone release. But each time the President did so, he would be required to explain his reasons, both in a notice to the public and to the Congress. Decisions by the Review Board itself or the President on release of records would also have to be explained to the public and Congress.

Finally, under the joint resolution, no item would remain permanently sealed. If the Review Board, before finishing its work, would designate to every item still withheld, a specified time or a specified occurrence, following which the item could be released. The files would then be transferred to the archives, where the Archivist bears a continuing duty to reconsider them for release under the standards set by the joint resolution.

Materials released by the Archivist or the Review Board would be available in the Archives for public review and copying.

Our joint resolution also makes clear that an executive branch agency or congressional committee retains its existing powers under the law to release a particular record even if the joint resolution does not require it to do so, and that the members of the public can continue to use the Freedom of Information Act to request from the agencies documents related to the assassination.

Mr. President, this resolution may appear complicated, but the matter of disclosure is itself complicated. It cannot be accomplished arbitrarily or summarily. The process established by the resolution, in my view, is logical and takes account of the interests in the disclosure of these documents. In the end, I think it will result in all of the pertinent information pertaining to the assassination of President Kennedy being made public in an orderly way, and, in doing so, will help resolve confidence among the public in our Government.

I know of no reason why this should not be done, and done now. I have talked with a variety of people both inside and outside the Government about this resolution, and I have yet to hear anyone object to such a review. Judge William Webster, the only person to have served as both Director of the FBI and Director of Central Intelligence, has publicly stated that he knows of no national security reason for keeping the JFK assassination materials secret. Robert Gates, the present Director of Central Intelligence, has pledged his cooperation with any such review that may be undertaken. The Senate Ethics Council recently made public the assassination materials gathered by the Dallas Police Department. The files of the Federal Government must be opened as well to complete the picture.

It is my hope that the Senate and House will expeditiously consider this resolution, and send it to the President. The work of the Review Board must begin. We have waited long enough. The time is ripe.

I ask unanimous consent that the text of the joint resolution be printed in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 28

Resolved by the Senate and House of Representa­tives of the United States of America in Congress assembled,
This Joint Resolution may be cited as the "Assassination Materials Disclosure Act of 1992."

SEC. 2. FINDINGS, DECLARATIONS, AND PURPOSE.

(a) Declara. tions.—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 dependent 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 shall be released to the public at the earliest opportunity, except where clear and convincing justification exists for postponing the disclosure. It is in the public interest that 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) "Committee" 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 relates 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 audio, video, photographic, or other materials donated by the Kennedy family to the National Archives pursuant to a deed of gift entered into after the assassination, which are addressed in subsection 10(b) of this Joint Resolution.

(3) "Committee" means the House Committee on 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) "Archivist" means the Archivist of the Executive agency, commission, or congressional committee that created the particular record or obtained the particular record from another entity of the Government, or the custodian of records of that agency, commission, or commission for purposes of this Joint Resolution.

(8) For purposes of this Joint Resolution, (A) the custodian of records of the Select Committee on Assassinations of the House of Representatives; 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; Select Committee on 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.

(9) "Record" includes a book, paper, map, phonograph record, photograph, film, tape, 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.

(10) "Review Board" means the Assassination Material Review Board established under section 5.

(11) "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 material in the custody of the Senate.

(12) "Warren Commission" means the President's Commission on the Assassination of President Kennedy.

(13) 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 this Joint Resolution, 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 subsection (c)(1) shall be placed in libraries maintained by foreign government entities, foreign government depositories in accordance with the provisions of Chapter 19 of Title 44, United States Code.

(3) 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 is a present or former employee of any branch of the Government and none of whom shall have had any previous involvement with the Warren Commission or the pending proceedings regarding the assassination of President John F. Kennedy, to serve as members of the Review Board.

(c) Voucher.—The Review Board shall be filled in the same manner as the original appointment was made under paragraph (1).

(d) Number of Members.—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.

(e) Quorum.—The quorum of the Review Board shall consist of a majority of its members at its initial meeting.

(f) 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 5316 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.

(g) 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.

(h) Temporary Members.—(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 may be necessary for the Review Board to perform its duties. The individual appointed Executive Director shall be a person of integrity and impartiality who has not been 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 of such other personnel without regard to the provisions of chapter 71 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.

(i) Participation of Members.—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 assist the Review Board in the review required by this Joint Resolution.

(j) Expenses.—Any employee detailed to the Review Board for this purpose shall be without reimbursement for personal expenses sustained in the performance of services for the Review Board.

(k) Exclusion of Members.—Neither a member nor any other employee of the Review Board shall be liable to the United States for any civil, criminal, or administrative action for any act or omission within the scope of the study of the Review Board.

(l) SEC. 6. RATES OF PAY AND ALLOWANCES.

(a) General.—The compensation of the executive director and of such other personnel shall be at rates authorized by law.

(b) Travel.—All travel expenses of members of the Review Board shall be at rates authorized by law.

(c) Subsistence.—The members of the Review Board shall be allowed reasonable subsistence 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.

(d) SEC. 7. RIGHTS OF PERSONS AGENTLY SUBJECT TO this Joint Resolution.

(a) Right of Person.—Any person who is or was a member of the Warren Commission or to whom was made known assassination material subject to this Joint Resolution shall have such further rights to inspection and copying of such assassination material as may be provided by law or available under any Executive order or other action under subsection (b).
ment 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 that President, and only for negligence, 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 transmit 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, 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) Overrules.—(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 Committee on the Judiciary or any of its subcommittees or to Congress on the activities of the Review Board as the Review Board considers to be appropriate in addition to the notifications required by subsection (j).

(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, official photographic support and personnel support, on a reimbursable basis.

(k) Interpreters.—The Review Board may use interpreters as needed.

(l) 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 before the completion of its work. Provided that 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 one person-year period for such purpose. Any additional extension of the Review Board and the terms of its members shall be authorized by Congress.

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

SEC. 4. GROUNDS FOR FURTHER UNCLASSIFIED DISCLOSURE.

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

(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; or

(2) constitute an invasion of privacy of a living person. Whether that person is identified in the record or that invasion of privacy is so substantial that it outweighs any public interest in its disclosure;

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

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

SEC. 5. RELEASE OF ALL ASSASSINATION MATERIALS TO THE EXECUTIVE DIRECTOR.—(a) RELEASE OF ALL ASSASSINATION MATERIALS TO THE EXECUTIVE DIRECTOR.—Each Executive Director, including the National Archives, shall make available to the Executive Director all assassination materials, as defined in section 3, in its possession, including any material held by the President, pursuant to subsection (b) of this section.

SEC. 6. DETERMINATIONS BY THE REVIEW BOARD.—(a) RELEASE AND REFERRAL.—The Review Board shall review and apply the standards set forth in this Joint Resolution to—

(1) all records that are the subject of appeals pursuant to Sec. 4395(a) and (b) and the recommendations of the Review Board by the Executive Director pursuant to Sec. 4395(c).

(b) RELEASE.—In the absence of clear and convincing evidence that an assassination material or particular information within an assassination material falls within the exceptions provided for such determination, the Board shall direct that the assassination material or particular information be released pursuant to subsection (c) of this Section.

(c) RELEASE.—In the absence of clear and convincing evidence that an assassination material or particular information within an assassination material falls within the exceptions provided for such determination, the Board shall direct that the assassination material or particular information be released pursuant to subsection (c) of this Section.

(d) ADDITIONAL MATERIALS.—The Review Board shall have the authority and responsibility, when circumstances warrant, to issue subpoenas to any Executive agency 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 any appropriate Federal court by the Department of Justice acting pursuant to a lawful process of the Review Board.

(e) WITNESS IMMUNITY.—The Review Board shall be accorded the power of a Federal court.
Review Board Determination.—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 contained in such assassination material, qualifies for postponement of disclosure pursuant to section 6. Any reasonably segregable particular information in an assassination material that 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, 6 shall prepare for release a summary of the assassination material in order to provide 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, 6 shall prepare for release appropriate substitution for that information in order to provide the fullest disclosure feasible. Where an assassination material 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.

(g) Decisions to Postpone.—Where the Board determines that a record is not assassination material, or that a record, or particular information contained in a record, should be postponed pursuant to section 6, the Board shall transmit the record or particular information, or summary, or substitution to the Archivist, and the Archivist shall make such record, particular information, or summary, available for inspection and copying by the public. The Review Board’s decision to postpone shall not be subject to judicial review. Where the Board determines that a record is assassination material and that a record, particular information in 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, or summary, available for inspection and copying by the public. The Review Board’s decision to release shall not be subject to judicial review.

(3) 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 such record is assassination material and that such record, particular information in 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 substitution to the Archivist, and the Archivist shall make such material available for inspection and copying by the public pursuant to this Joint Resolution and resolution to the material and to the standards established in this Joint Resolution.

(b) Review—The sealed assassination materials transferred by the Review Board pursuant to this section shall be subject to the standards for release established by this Joint Resolution. The Board shall be the continuing custodian of such 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 be appropriate.

SEC. 16. DISCLOSURE OF OTHER MATERIALS AND ADDITIONAL STUDY.

(b) Materials Under Seal of Court.—(1) The Review Board may request the Department of Justice to open 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.

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The provisions of this Joint Resolution which pertain to the appointment and operation of the Review Board shall cease to be effective so far as the Review Board is concerned when its terms of its members have terminated pursuant to subsection (b). The remaining provisions of this Joint Resolution shall remain in force 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.

S.C. 12. TERMINATION OF EFFECT OF JOINT RESOLUTION

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 or circumstances not similarly situated or to other circumstances shall not be affected by the invalidation.

Mr. SPECTER. Mr. President, this Joint resolution, which has been prepared in collaboration with Congressmen who served as chairman of the House Select Committee on Assassinations and Senator DAVID L. BOYSEN, chairman of the Senate Intelligence Committee, will serve to expedite disclosure of materials relevant to the assassination of President John F. Kennedy.

The Warren Commission published an extensive report of 888 pages on the assassination together with 26 volumes, containing 17,516 pages of testimony, evidence, and exhibits. At one point in the Commission's work, there was a question as to whether to publish the 26 volumes because of the expense involved and the decision was made to publish all of them.

To the best of my knowledge, all of the relevant materials on the work of the Commission and the Assistant Counsel covering the trajectory of the bullets and wounds of President Kennedy and Governor Connally have been made public with the exception of the photographs and x-rays of President Kennedy.

While the work of the Commission was in progress, I urged that the photographs and x-rays be examined by the Commission, but they were not made available to the Commission and staff because of concern they would become public.

This resolution will facilitate the maximum appropriate disclosure of any additional materials which may have been withheld by the FBI, CIA, Secret Service, or any other Federal agency.

The House committee decided to withhold certain materials for 50 years following the publication of its report in 1979, or until the year 2029. This will facilitate the maximum appropriate disclosure of any of these materials which may have been withheld by the House committee.

There probably never has been an event in history which has been more thoroughly investigated or more extensively covered by the media than the assassination of President Kennedy. When I have been asked about the assassination of President Kennedy, I have found relatively few people have read the Warren Commission's report which documents the solid evidentiary basis for the single bullet theory. Many independent studies, including the House committee, have confirmed the single bullet theory. The House committee reached a different conclusion on the conspiracy issue which was based on acoustical studies which I believe were flawed.

In my judgment, Lee Harvey Oswald acted alone. It is, of course, impossible to prove a negative—that there was no conspiracy. The Warren Commission examined all the available data and found no evidence of a conspiracy. In my opinion, no credible evidence has since been reported to support a finding of a conspiracy. Had there been such evidence, it would have come to light long ago considering the scrutiny given to the assassination and the impossibility/improbability of keeping such information secret.

When Chief Justice Warren first addressed the staff of the Commission, he emphasized that the truth was our only client. When the Commission's report was released in 1964, I believed that the Commission had done a good job and had reached sound conclusions and I adhere to that view today. If there is any evidence which contradicts those conclusions, I am confident that all the men and women who were associated with the Commission would want those facts disclosed. This resolution should bolster public confidence in our efforts to achieve full or at least maximum disclosure to let the chips fall where they may.
At the request of Mr. Adams, the names of the Senator from New Jersey (Mr. Launtenberg) and the Senator from Georgia (Mr. Packwood) were added as cosponsors of S. 2364, a bill to amend title IV of the Public Health Service Act to require certain review and recommendations concerning applications for assistance to perform research and to permit certain research concerning the transplantation of human fetal tissue for therapeutic purposes, and for other purposes.

S. 2364

At the request of Mr. Launtenberg, his name was added as a cosponsor of S. 2364, a bill to impose a 1-year moratorium on the performance of nuclear weapons tests by the United States unless the Soviet Union conducts a nuclear weapons test during that period.

S. 2361

At the request of Mr. Brown, the name of the Senator from Idaho (Mr. Cranston) was added as a cosponsor of S. 2294, a bill to amend title 23, United States Code, to repeal the provisions relating to penalties with respect to grants to States for safety belt and motorcycle helmet traffic safety programs.

S. 2374

At the request of Mr. Mack, the names of the Senator from North Carolina (Mr. Herzenberg) and the Senator from California (Mr. Sweeney) were added as cosponsors of S. 2348, a bill to reduce the growing costs imposed on State and local governments by unfunded Federal mandates.

S. 2348

At the request of Mr. Mack, the names of the Senator from North Carolina (Mr. Herzenberg) and the Senator from California (Mr. Sweeney) were added as cosponsors of S. 2319, a bill to amend the Congressional Budget Act of 1974 to minimize the impact on State and local governments of unexpected provisions of legislation proposing the imposition of large unfunded costs on such governments.

S. 2373

At the request of Mr. Cranston, the name of the Senator from Washington (Mr. Gorton) was added as a cosponsor of S. 2372, a bill to amend title I of S. 38, United States Code, to provide that the compensation of veterans under certain rehabilitative services programs in State homes not be considered to be compensation for the purposes of calculating the pensions of such veterans.

S. 2372

At the request of Mr. Crapo, the name of the Senator from South Dakota (Mr. Daschle) was added as a cosponsor of Senate Joint Resolution 38, a joint resolution designating the week of October 6 through 12, 1991, as "National Customer Service Week."

Senate Joint Resolution 38

At the request of Mr. Hollings, the name of the Senator from North Dakota (Mr. Lautenberg) was added as a cosponsor of Senate Joint Resolution 38, a joint resolution proposing an amendment to the Constitution of the United States relative to contributions and expenditures intended to affect Congressional and Presidential elections.

At the request of Mr. Adams, the name of the Senator from Washington (Mr. Cranston) was added as a cosponsor of Senate Joint Resolution 166, a joint resolution designating the week of October 6 through 12, 1991, as "National Customer Service Week."

Senate Joint Resolution 166

At the request of Mr. Dole, the name of the Senator from California (Mr. Cranston) was added as a cosponsor of Senate Joint Resolution 251, a joint resolution to designate the month of May 1992, as "National Foster Care Month."

Senate Joint Resolution 251

At the request of Mr. Conrad, the name of the Senator from Ohio (Mr. Glenn) was added as a cosponsor of Senate Joint Resolution 248, a joint resolution designating August 4, 1992, as "Battle of Guadalcanal Remembrance Day."

Senate Joint Resolution 248

At the request of Mr. Dixon, the name of the Senator from North Dakota (Mr. Conrad), the Senator from Nevada (Mr. Bayh), the Senator from Michigan (Mr. Levin), the Senator from North Dakota (Mr. Bentsen), and the Senator from Minnesota (Mr. Durenberger) were added as cosponsors of Senate Joint Resolution 252, a joint resolution designating the week of April 19-25, 1992, as "National Credit Education Week."

Senate Joint Resolution 252

Resolution Trust Corporation Funding Act of 1992

Kerry (and Graham) Amendment No. 1742

Kerry (for himself and Mr. Graham) proposed an amendment to S. 2842 for the Resolution Trust Corporation, and for other purposes, as follows:

AMENDMENTS SUBMITTED

RESOLUTION TRUST CORPORATION FUNDING ACT OF 1992

Kerry (and Graham)