

102D CONGRESS
2D SESSION

H. J. RES. 454

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

IN THE HOUSE OF REPRESENTATIVES

MARCH 26, 1992

Mr. STOKES (for himself, Mr. CONYERS, Mr. BROOKS, Mr. ROSE, Mr. HAMILTON, Mr. MOAKLEY, Mr. FAZIO, Mr. HORTON, Mr. TRAFICANT, Mr. WELDON, Mr. CLAY, Mr. CAMPBELL of Colorado, Mr. ROHRABACHER, Mr. AU COIN, Mr. PICKETT, Mr. LEACH, Mr. MILLER of California, Mr. JACOBS, Mr. CLEMENT, Mr. WYLIE, Mrs. SCHROEDER, Mr. SERRANO, Mr. MCNULTY, Mr. MARTINEZ, Mr. SANTORUM, Mr. LEWIS of Florida, Mr. SHARP, Mr. DREIER of California, Mr. KOPETSKI, Mr. BEREUTER, Mr. EMERSON, Mr. WAXMAN, Mr. HEFLEY, Mr. PETERSON of Florida, Mr. GILMAN, Mr. BACCHUS, Mr. SKAGGS, Ms. SLAUGHTER, Mr. SLATTERY, Mr. ABERCROMBIE, and Mr. MINETA) introduced the following joint resolution; which was referred jointly to the Committees on House Administration, Government Operations, Rules, and the Judiciary

JOINT RESOLUTION

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

- 1 *Resolved by the Senate and House of Representatives*
- 2 *of the United States of America in Congress assembled,*

1 SECTION 1. SHORT TITLE.

2 This Joint Resolution may be cited as the "Assas-
3 sination Materials Disclosure Act of 1992".

4 SEC. 2. FINDINGS, DECLARATIONS, AND PURPOSE.

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

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

9 (2) the ability of a government in a free society
10 to obtain the consent of the people is undermined to
11 the degree that the people do not trust their govern-
12 ment;

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

17 (4) the disclosure of records in the possession
18 of the Government relevant to the assassination of
19 President John F. Kennedy should proceed as expe-
20 ditiously as practicable; and

21 (5) all records in the possession of the Govern-
22 ment relevant to the assassination of President John
23 F. Kennedy should be released to the public at the
24 earliest opportunity, except where clear and convinc-
25 ing justification exists for postponing the disclosure

1 of such records to a specified time or following a
2 specified occurrence in the future.

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

7 SEC. 3. DEFINITIONS.

8 In this Joint Resolution:

9 (1) "Archivist" means the Archivist of the
10 United States.

11 (2) "Assassination material" means a record
12 that relates in any manner or degree to the assas-
13 sination of President John F. Kennedy, that was
14 created or obtained by the House Committee, the
15 Senate Committee, the Warren Commission, or an
16 Executive agency or any other entity within the Ex-
17 ecutive branch of the Government, and that is in the
18 custody of the House of Representatives, the Senate,
19 the National Archives, or any other Executive agen-
20 cy, but does not include (A) material to the extent
21 that it pertains to personnel matters or other admin-
22 istrative affairs of a congressional committee, the
23 Warren Commission, or any entity within the Execu-
24 tive branch of the Government; or (B) the autopsy
25 materials donated by the Kennedy family to the Na-

1 tional Archives pursuant to a deed of gift regulating
2 access to those materials, which are addressed in
3 subsection 10(b) of this Joint Resolution.

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

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

9 (5) "House Committee" means the Select Com-
10 mittee on Assassinations of the House of Rep-
11 resentatives and the Permanent Select Committee on
12 Intelligence of the House of Representatives acting
13 under this Joint Resolution with respect to assas-
14 sination materials in the custody of the House of
15 Representatives.

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

18 (7) "Originating body" means the Executive
19 agency, commission, or congressional committee that
20 created the particular record or obtained the par-
21 ticular record from a source other than another en-
22 tity of the Government, or the custodian of records
23 of that agency, commission, or committee for pur-
24 poses of this Joint Resolution. For purposes of this
25 Joint Resolution, (A) the custodian of records of the

1 Select Committee on Assassinations of the House of
2 Representatives is the Permanent Select Committee
3 on Intelligence of the House of Representatives; (B)
4 the custodian of records of the Select Committee to
5 Study Governmental Operations With Respect to In-
6 telligence of the Senate is the Select Committee on
7 Intelligence of the Senate; and (C) the custodian of
8 records of the Warren Commission is the Archivist
9 of the United States.

10 (8) "Record" includes a book, paper, map, pho-
11 tograph, machine readable material, computerized,
12 digitized, or electronic information, regardless of the
13 medium on which it is stored, or other documentary
14 material, regardless of its physical form or charac-
15 teristics.

16 (9) "Review Board" means the Assassination
17 Material Review Board established under section 5.

18 (10) "Senate Committee" means the Select
19 Committee to Study Governmental Operations With
20 Respect to Intelligence of the Senate and the Select
21 Committee on Intelligence of the Senate acting
22 under this Joint Resolution with respect to assas-
23 sination materials in the custody of the Senate.

1 (11) "Warren Commission" means the Presi-
2 dent's Commission on the Assassination of President
3 John F. Kennedy.

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

6 (a) IN GENERAL.—Except for assassination material
7 or particular information in assassination material the dis-
8 closure of which is postponed under section 8, all assas-
9 sination materials shall be transferred to the National Ar-
10 chives and made available for inspection and copying by
11 the general public as soon as practicable.

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

16 (c) PRINTING AND DISSEMINATION OF ASSASSINA-
17 TION MATERIALS.—(1) The Archivist may provide copies
18 of assassination materials of broad public interest to the
19 Government Printing Office, which shall print copies for
20 sale to the public.

21 (2) Assassination materials printed by the Govern-
22 ment Printing Office pursuant to this subsection shall be
23 placed in libraries throughout the United States that are
24 Government depositories in accordance with the provisions
25 of chapter 19 of title 44, United States Code.

1 SEC. 5. ASSASSINATION MATERIALS REVIEW BOARD.

2 (a) ESTABLISHMENT.—There is established as an
3 independent agency a board to be known as the Assassina-
4 tion Materials Review Board.

5 (b) APPOINTMENT.—(1) The division of the United
6 States Court of Appeals for the District of Columbia Cir-
7 cuit established under section 49 of title 28, United States
8 Code, shall, within ninety calendar days of the date of en-
9 actment of this Joint Resolution, appoint, without regard
10 to political affiliation, five distinguished and impartial pri-
11 vate citizens, none of whom are presently employees of any
12 branch of the Government and none of whom shall have
13 had any previous involvement with any investigation or in-
14 quiry relating to the assassination of President John F.
15 Kennedy, to serve as members of the Review Board.

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

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

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

24 (d) COMPENSATION OF MEMBERS.—(1) A member of
25 the Review Board shall be compensated at a rate equal
26 to the daily equivalent of the annual rate of basic pay pre-

1 scribed for level IV of the Executive Schedule under sec-
2 tion 5315 of title 5, United States Code, for each day (in-
3 cluding travel time) during which the member is engaged
4 in the performance of the duties of the Review Board.

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

12 (e) STAFF.—(1) The Review Board may, without re-
13 gard to the civil service laws and regulations, appoint and
14 terminate an Executive Director and such other additional
15 personnel as are necessary to enable the Review Board to
16 perform its duties. The individual appointed Executive Di-
17 rector shall be a person of integrity and impartiality who
18 is not a present employee of any branch of the Govern-
19 ment and has had no previous involvement with any inves-
20 tigation or inquiry relating to the assassination of Presi-
21 dent John F. Kennedy.

22 (2) The Review Board may fix the compensation of
23 the executive director and other personnel without regard
24 to the provisions of chapter 51 and subchapter III of chap-
25 ter 53 of title 5, United States Code, relating to classifica-

1 tion of positions and General Schedule pay rates, except
2 that the rate of pay for the executive director and other
3 personnel may not exceed the rate payable for level V of
4 the Executive Schedule under section 5316 of that title.

5 (3) At the request of the Executive Director, Execu-
6 tive agencies, including the National Archives and other
7 originating bodies within the Executive branch, shall detail
8 to the Review Board such employees as may be necessary
9 and appropriate to carry out the review required by this
10 Joint Resolution. Any employee detailed to the Review
11 Board for this purpose shall be detailed without reim-
12 bursement, and such detail shall be without interruption
13 or loss of civil service status or privilege.

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

20 (f) INAPPLICABILITY OF CERTAIN LAWS.—The fol-
21 lowing laws shall not apply to the Review Board:

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

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

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

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

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

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

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

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

1 (B) The division of the court, the Committee on the
2 Judiciary of the Senate, and the Committee on the Judici-
3 ary of the House of Representatives shall make available
4 to the public a report submitted under subparagraph (A),
5 except that the division of the court or either judiciary
6 committee may, if necessary to protect the rights of a per-
7 son named in the report or to prevent undue interference
8 with any pending prosecution, postpone or refrain from
9 publishing any or all of the report.

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

14 (B) A member of the division of the court that ap-
15 pointed the members of the Review Board may not hear
16 or determine a civil action or an appeal of a decision in
17 a civil action brought under subparagraph (A).

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

20 (i) OVERSIGHT.—(1) The appropriate committee of
21 the House of Representatives and the Select Committee
22 on Intelligence of the Senate shall have continuing over-
23 sight jurisdiction with respect to the official conduct of
24 the Review Board, to include access to any records held
25 or created by the Review Board, and the Review Board

1 shall have the duty to cooperate with the exercise of such
2 oversight jurisdiction.

3 (2) The Review Board shall submit to the Congress
4 such statements or reports on the activities of the Review
5 Board as the Review Board considers to be appropriate
6 in addition to the notifications required by subsection
7 8(g).

8 (j) 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 The Archivist shall provide support services for the Review
12 Board to include, as necessary, office space, clerical sup-
13 port, and personnel support, on a reimbursable basis.

14 (k) INTERPRETIVE REGULATIONS.—The Review
15 Board may issue interpretive regulations.

16 (l) TERMINATION.—(1) The Review Board and the
17 terms of its members shall terminate within two years of
18 the date upon which the Board is formally constituted pur-
19 suant to this Joint Resolution and begins operations: *Pro-*
20 *vided*, That, if the Review Board has not completed its
21 work pursuant to this Joint Resolution within such two-
22 year period, it may, by majority vote, extend its term for
23 an additional one-year period for such purpose. Any addi-
24 tional extension of the Review Board and the terms of its
25 members shall be authorized by the Congress.

1 (2) At least thirty calendar days prior to the comple-
2 tion of its work, the Review Board shall provide written
3 notice to the President and the Congress of its intention
4 to terminate its operations at a specified date.

5 SEC. 6. GROUNDS FOR POSTPONEMENT OF DISCLOSURE.

6 Disclosure to the general public of assassination ma-
7 terial or particular information in assassination material
8 may be postponed if its release would—

9 (1) reveal—

10 (A) an intelligence agent;

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

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

19 and the threat to the military defense, intelligence
20 operations or conduct of foreign relations of the
21 United States posed by its disclosure is of such grav-
22 ity that it outweighs any public interest in its disclo-
23 sure.

24 (2) constitute an invasion of privacy of a living
25 person, whether that person is identified in the ma-

1 terial or not, and that invasion of privacy is so sub-
2 stantial that it outweighs any public interest in its
3 disclosure;

4 (3) constitute a substantial and unjustified vio-
5 lation of an understanding of confidentiality between
6 a Government agent and a witness or a foreign gov-
7 ernment; or

8 (4) disclose a security or protective procedure
9 currently utilized, or reasonably expected to be uti-
10 lized, by the Secret Service or other Government
11 agency responsible for protecting Government offi-
12 cials, and that disclosure is so harmful that it out-
13 weighs any public interest in its disclosure.

14 SEC. 7. REVIEW OF MATERIALS BY THE EXECUTIVE DIREC-
15 TOR.

16 (a) RELEASE OF ALL ASSASSINATION MATERIALS TO
17 THE EXECUTIVE DIRECTOR.—Each Executive agency, in-
18 cluding the National Archives, shall make available to the
19 Executive Director all assassination materials, as defined
20 in section 3, in its possession, including but not limited
21 to, in the case of the National Archives, the records of
22 the Warren Commission, the House Committee, and the
23 Senate Committee. Where the agency is uncertain if a
24 record is assassination material, it shall make that record
25 available to the Executive Director. The Executive Direc-

1 tor shall have the authority and responsibility, where cir-
2 cumstances warrant, to inquire of any Executive agency
3 as to the existence of further records that may be assas-
4 sination materials beyond those made available by that
5 agency, to obtain access to such records, and to rec-
6 ommend that the Review Board subpoena such records in
7 the event of denial of such access.

8 (b) EXECUTIVE DIRECTOR RESPONSIBILITY.—The
9 Executive Director shall have responsibility for reviewing
10 all records that are made available by Executive agencies,
11 including the National Archives, pursuant to subsection
12 7(a).

13 (c) CONSULTATION BY EXECUTIVE DIRECTOR.—The
14 Executive Director may consult with the originating body
15 for advice and information in reaching a decision with re-
16 spect to the disclosure or nondisclosure of assassination
17 materials.

18 (d) PRESUMPTION FOR RELEASE.—In the absence of
19 clear and convincing evidence that an assassination mate-
20 rial or particular information within an assassination ma-
21 terial falls within the exemptions established in section 6
22 of this Joint Resolution, the Executive Director shall di-
23 rect that the assassination material or particular informa-
24 tion be released pursuant to subsection 7(e)(1).

1 (e) EXECUTIVE DIRECTOR DECISION.—After review
2 of each record, the Executive Director shall, as soon as
3 practicable after the date of enactment of this Joint Reso-
4 lution, either—

5 (1) notify the originating body or bodies that
6 the record is assassination material that is appro-
7 priate for release in its entirety pursuant to the
8 standards established in this Joint Resolution. In
9 such event, the Executive Director shall transmit the
10 record to the Archivist and the Archivist shall make
11 the record available for inspection and appropriate
12 copying by the public, unless within thirty calendar
13 days of notification an originating body files a notice
14 of appeal with the Review Board: *Provided*, That
15 any record that, in the judgment of the Executive
16 Director, arguably falls within subsection 6(2), shall
17 automatically be referred to the Review Board pur-
18 suant to subsection 7(e)(2)(D); or

19 (2) refer the record to the Review Board, ac-
20 companied by a written determination, indicating
21 one of the following:

22 (A) that, in the Executive Director's judg-
23 ment, the record is not assassination material;

24 (B) that, in the Executive Director's judg-
25 ment, the record is assassination material that

1 qualifies for postponement of disclosure under
2 section 6 or contains particular information
3 that qualifies for postponement of disclosure
4 under section 6;

5 (C) that full Review Board investigation
6 and/or Review Board judgment appears appro-
7 priate for a determination as to whether the
8 record or particular information in the record
9 qualifies for postponement of disclosure under
10 section 6 and thus that this determination shall
11 be vested in the Review Board rather than the
12 Executive Director; or

13 (D) that, in the Executive Director's judg-
14 ment, the record arguably falls within sub-
15 section 6(2) and thus that the determination as
16 to whether the record qualifies for postpone-
17 ment of disclosure shall be vested in the Review
18 Board rather than the Executive Director.

19 SEC. 8. DETERMINATIONS BY THE REVIEW BOARD.

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

23 (1) all records that are the subject of appeals
24 pursuant to section 7(e)(1); and

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

3 (b) PRESUMPTION FOR RELEASE.—In the absence of
4 clear and convincing evidence that an assassination mate-
5 rial or particular information within an assassination ma-
6 terial falls within the exemptions established in section 6
7 of this Joint Resolution, the Board shall direct that the
8 assassination material or particular information be re-
9 leased pursuant to subsection 8(h).

10 (c) POWERS.—The Review Board shall have author-
11 ity to hold hearings, administer oaths, and subpoena wit-
12 nesses and documents, and its subpoenas may be enforced
13 in any appropriate Federal court by the Department of
14 Justice acting pursuant to a lawful request of the Review
15 Board.

16 (d) ADDITIONAL MATERIALS.—The Review Board
17 shall have the authority and responsibility, where cir-
18 cumstances warrant, to inquire of any Executive agency
19 as to the existence of further records that may be assas-
20 sination materials beyond those made available by that
21 agency, to obtain access to such records, and to use its
22 subpoena power in support of this authority.

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

1 (f) REVIEW BOARD DETERMINATIONS.—After review
2 of each record, the Review Board shall determine whether
3 such record is assassination material, and, if so, whether
4 such assassination material, or particular information in
5 the assassination material, qualifies for postponement of
6 disclosure pursuant to section 6. Any reasonably seg-
7 regable particular information in an assassination mate-
8 rial shall be considered for release after deletion of infor-
9 mation in that assassination material that qualifies for
10 postponement of disclosure. Where an entire assassination
11 material qualifies for postponement of disclosure pursuant
12 to section 6, the Board may, after consultation with the
13 originating body and if consistent with and to the extent
14 consistent with section 6, create and prepare for release
15 a summary of the assassination material in order to pro-
16 vide for the fullest disclosure feasible. Where particular
17 information in an assassination material qualifies for post-
18 ponement of disclosure pursuant to section 6, the Board
19 may, after consultation with the originating body and if
20 consistent with and to the extent consistent with section
21 6, create and prepare for release appropriate substitutions
22 for that information in order to provide for the fullest dis-
23 closure feasible.

24 (g) DECISIONS TO POSTPONE.—Where the Board de-
25 termines that a record is not assassination material, or

1 that a record, or particular information in the record,
2 qualifies for postponement of disclosure pursuant to sec-
3 tion 6, the Board shall transmit to the originating body
4 written notice of such determination, together with a copy
5 of the record at issue, and, if the originating body is an
6 Executive agency, a copy of such notice and of the record
7 shall be transmitted to the appropriate committee of the
8 House of Representatives and the Select Committee on In-
9 telligence of the Senate. Such notice shall contain a state-
10 ment of the reason or reasons for the Board's decision.
11 Any decision of the Board that a record is not assassina-
12 tion material, or that disclosure of a record or particular
13 information in a record should be postponed pursuant to
14 section 6, shall not be subject to judicial review.

15 (h) DECISIONS TO RELEASE.—

16 (1) NON-EXECUTIVE AGENCY MATERIAL.—In
17 the case of records for which the originating body is
18 the Warren Commission, the House Committee, or
19 the Senate Committee, where the Review Board de-
20 termines that a record is assassination material, and
21 that a record, particular information in a record, a
22 summary of a record, or a substitution for particular
23 information in a record is appropriate for release
24 pursuant to this Joint Resolution, the Review Board
25 shall transmit the record, particular information,

1 summary, or substitution to the Archivist, and the
2 Archivist shall make such record, particular informa-
3 tion, summary, or substitution available for inspec-
4 tion and copying by the public. The Review Board's
5 decision to release shall not be subject to review by
6 the President or any other entity of the Government
7 and shall not be subject to judicial review.

8 (2) EXECUTIVE AGENCY MATERIAL.—In the
9 case of records for which the originating body is an
10 Executive agency, excluding the Warren Commis-
11 sion, where the Review Board determines that a
12 record, particular information in a record, a sum-
13 mary of a record, or a substitution for particular in-
14 formation in a record is appropriate for release pur-
15 suant to this Joint Resolution, the Review Board
16 shall transmit to the originating body written notice
17 of its determination. In such event, the Review
18 Board shall transmit the record, particular informa-
19 tion, summary, or substitute to the Archivist, and
20 the Archivist shall make such material available for
21 inspection and appropriate copying by the public,
22 unless, within sixty calendar days of the date on
23 which the Board has notified the originating body,
24 the President has certified to the Review Board and
25 the Archivist that the material qualifies for post-

1 ponement of disclosure pursuant to section 6, in
2 which case release of the material shall be post-
3 poned, and this decision shall not be subject to judi-
4 cial review. The President shall not delegate this au-
5 thority to any other official or entity.

6 (i) PRESIDENTIAL NOTICE TO CONGRESSIONAL COM-
7 MITTEES.—Whenever the President makes a certification
8 pursuant to subsection 8(h)(2), the President shall submit
9 to the appropriate committee of the House of Rep-
10 resentatives and the Select Committee on Intelligence of
11 the Senate a written statement setting forth the reason
12 or reasons for superseding the Board's determination and
13 a complete copy of the material at issue.

14 (j) BOARD NOTICE TO PUBLIC.—Every sixty cal-
15 endar days, beginning sixty calendar days after the date
16 on which the Review Board first postpones release of any
17 assassination material pursuant to section 8(g), the Board
18 shall make available for public inspection and copying a
19 notice of all such postponements determined over the
20 sixty-day period, including a description of the size and
21 nature of each assassination material concerned and the
22 ground or grounds for postponement.

23 (k) PRESIDENTIAL NOTICE TO PUBLIC.—In any case
24 in which a determination of the Board to release assas-
25 sination material is superseded by the President pursuant

1 to this subsection, the President shall within ten calendar
2 days publish in the Federal Register notice of such action,
3 including a description of the size and nature of the assas-
4 sination material concerned and the ground or grounds for
5 postponement.

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

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

17 (1) as an exercise of the rulemaking power of
18 the House of Representatives and the Senate, re-
19 spectively, and as such is deemed a part of the rules
20 of each House, respectively, and such procedures su-
21 persede other rules only to the extent that they are
22 inconsistent with such other rules; and

23 (2) with the full recognition of the con-
24 stitutional right of either House to change the rules
25 (so far as relating to the procedures of that House)

1 at any time, in the same manner, and to the same
2 extent as any other rule of that House.

3 SEC. 9. MARKING AND REVIEW OF MATERIALS THE DISCLO-
4 SURE OF WHICH IS POSTPONED.

5 (A) MARKING.—With respect to each assassination
6 material or particular information in assassination mate-
7 rial the disclosure of which is postponed pursuant to sec-
8 tion 8, or for which only substitutions or summaries have
9 been released to the public pursuant to subsection 8(h),
10 the Review Board shall append to the material (1) all
11 records of proceedings conducted pursuant to this Joint
12 Resolution and relating to the material and (2) a state-
13 ment of the Review Board designating, based on a review
14 of the proceedings and in conformity with the decisions
15 reflected therein, a specified time at which or a specified
16 occurrence following which the material may appropriately
17 be reconsidered for release pursuant to the standards es-
18 tablished in this Joint Resolution. The Review Board shall
19 then transfer the material and appendices to the Archivist
20 for placement in the Archives under seal.

21 (b) REVIEW.—The sealed assassination materials
22 transferred by the Review Board pursuant to this section
23 shall remain subject to the standards for release estab-
24 lished by this Joint Resolution. It shall be the continuing
25 duty of the Archivist to review the sealed assassination

1 materials and the documents appended thereto pursuant
2 to this section and to resubmit assassination materials to
3 the Review Board, if it is still in existence, or to the origi-
4 nating body, if the Review Board has been abolished,
5 whenever it appears to the Archivist that review may be
6 appropriate.

7 SEC. 10. DISCLOSURE OF OTHER MATERIALS AND ADDI-
8 TIONAL STUDY.

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

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

21 (B) A request for disclosure of assassination mate-
22 rials under this Joint Resolution shall be deemed to con-
23 stitute a showing of particularized need under Rule-6 of
24 the Federal Rules of Criminal Procedure.

1 (b) AUTOPSY MATERIALS.—The Review Board shall,
2 pursuant to the terms of the applicable deed of gift, seek
3 access to the autopsy photographs and x-rays donated to
4 the National Archives by the Kennedy family under the
5 deed of gift. The Review Board shall, as soon as prac-
6 ticable, submit to the appropriate committee of the House
7 and the Select Committee on Intelligence of the Senate
8 a report on the status of these materials and on access
9 to these materials by individuals consistent with the deed
10 of gift.

11 (c) SENSE OF CONGRESS.—It is the sense of Con-
12 gress that—

13 (1) the Attorney General should assist the Re-
14 view Board in good faith to unseal any records that
15 the Review Board determines to be relevant and held
16 under seal by a court or under the injunction of se-
17 crecy of a grand jury;

18 (2) the Secretary of State should contact the
19 Government of the Republic of Russia and seek the
20 disclosure of all records of the government of the
21 former Soviet Union, including the records of the
22 Komitet Gosudarstvennoy Bezopasnosti (KGB) and
23 the Glavnoye Razvedyvatelnoye Upravleniye (GRU),
24 relevant to the assassination of President Kennedy,
25 and contact any other foreign government that may

1 hold information relevant to the assassination of
2 President Kennedy and seek disclosure of such infor-
3 mation; and

4 (3) all Executive agencies should cooperate in
5 full with the Review Board to seek the disclosure of
6 all information relevant to the assassination of
7 President John F. Kennedy consistent with the pub-
8 lic interest.

9 SEC. 11. RULES OF CONSTRUCTION.

10 (a) PRECEDENCE OVER OTHER LAW.—(1) Where
11 this Joint Resolution requires release of a record, it shall
12 take precedence over any other law, judicial decision con-
13 struing such law, or common law doctrine that would oth-
14 erwise prohibit such release.

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

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

1 SEC. 12. TERMINATION OF EFFECT OF JOINT RESOLUTION.

2 The provisions of this Joint Resolution which pertain
3 to the appointment and operation of the Review Board
4 shall cease to be effective when the Review Board and the
5 terms of its members have terminated pursuant to sub-
6 section 5(l). The remaining provisions of this Joint Reso-
7 lution shall continue in effect until such time as the Archi-
8 vist certifies to the President and the Congress that all
9 assassination materials have been made available to the
10 public in accordance with this Joint Resolution.

11 SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

12 (a) IN GENERAL.—There are authorized to be appro-
13 priated such sums as are necessary to carry out this Joint
14 Resolution, to remain available until expended.

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

19 SEC. 14. SEVERABILITY.

20 If any provision of this Joint Resolution or the appli-
21 cation thereof to any person or circumstance is held in-
22 valid, the remainder of this Joint Resolution and the appli-
23 cation of that provision to other persons not similarly situ-
24 ated or to other circumstances shall not be affected by
25 the invalidation.

