

102D CONGRESS
2D SESSION

S. J. RES. 282

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

IN THE SENATE OF THE UNITED STATES

MARCH 26, 1992

Mr. BOREN (for himself, Mr. MITCHELL, Mr. SPECTER, Mr. MURKOWSKI, Mr. BRADLEY, Mr. DECONCINI, Mr. GLENN, Mr. METZENBAUM, Mr. WOFFORD, and Mr. COHEN) introduced the following joint resolution; which was read twice and referred to the Committee on Governmental Affairs

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,*

3

4 **SECTION 1. SHORT TITLE.**

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

7 **SEC. 2. FINDINGS, DECLARATIONS, AND PURPOSE.**

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

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

3 (2) the ability of a government in a free society
4 to obtain the consent of the people is undermined to
5 the degree that the people do not trust their govern-
6 ment;

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

11 (4) the disclosure of records in the possession
12 of the Government relevant to the assassination of
13 President John F. Kennedy should proceed as expe-
14 ditiously as practicable; and

15 (5) all records in the possession of the Govern-
16 ment relevant to the assassination of President John
17 F. Kennedy should be released to the public at the
18 earliest opportunity, except where clear and convinc-
19 ing justification exists for postponing the disclosure
20 of such records to a specified time or following a
21 specified occurrence in the future.

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

1 **SEC. 3. DEFINITIONS.**

2 In this Joint Resolution:

3 (1) "Archivist" means the Archivist of the
4 United States.

5 (2) "Assassination material" means a record
6 that relates in any manner or degree to the assas-
7 sination of President John F. Kennedy, that was
8 created or obtained by the House Committee, the
9 Senate Committee, the Warren Commission, or an
10 Executive agency or any other entity within the Ex-
11 ecutive branch of the Government, and that is in the
12 custody of the House of Representatives, the Senate,
13 the National Archives, or any other Executive agen-
14 cy, but does not include (A) material to the extent
15 that it pertains to personnel matters or other admin-
16 istrative affairs of a congressional committee, the
17 Warren Commission, or any entity within the Execu-
18 tive branch of the Government; or (B) the autopsy
19 materials donated by the Kennedy family to the Na-
20 tional Archives pursuant to a deed of gift regulating
21 access to those materials, which are addressed in
22 subsection 10(b) of this Joint Resolution.

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

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

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

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

13 (7) "Originating body" means the Executive
14 agency, commission, or congressional committee that
15 created the particular record or obtained the par-
16 ticular record from a source other than another en-
17 tity of the Government, or the custodian of records
18 of that agency, commission, or committee for pur-
19 poses of this Joint Resolution. For purposes of this
20 Joint Resolution, (A) the custodian of records of the
21 Select Committee on Assassinations of the House of
22 Representatives is the Permanent Select Committee
23 on Intelligence of the House of Representatives; (B)
24 the custodian of records of the Select Committee To
25 Study Governmental Operations With Respect to In-

1 telligence of the Senate is the Select Committee on
 2 Intelligence of the Senate; and (C) the custodian of
 3 records of the Warren Commission is the Archivist
 4 of the United States.

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

11 (9) "Review Board" means the Assassination
 12 Material Review Board established under section 5.

13 (10) "Senate Committee" means the Select
 14 Committee To Study Governmental Operations With
 15 Respect to Intelligence of the Senate and the Select
 16 Committee on Intelligence of the Senate acting
 17 under this Joint Resolution with respect to assas-
 18 sination materials in the custody of the Senate.

19 (11) "Warren Commission" means the Presi-
 20 dent's Commission on the Assassination of President
 21 John F. Kennedy.

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

24 (a) IN GENERAL.—Except for assassination material
 25 or particular information in assassination material the dis-

1 closure of which is postponed under section 8, all assas-
2 sination materials shall be transferred to the National Ar-
3 chives and made available for inspection and copying by
4 the general public as soon as practicable.

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

9 (c) PRINTING AND DISSEMINATION OF ASSASSINA-
10 TION MATERIALS.—(1) The Archivist may provide copies
11 of assassination materials of broad public interest to the
12 Government Printing Office, which shall print copies for
13 sale to the public.

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

19 **SEC. 5. ASSASSINATION MATERIALS REVIEW BOARD.**

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

23 (b) APPOINTMENT.—(1) The division of the United
24 States Court of Appeals for the District of Columbia Cir-
25 cuit established under section 49 of title 28, United States

1 Code, shall, within 90 calendar days of the date of enact-
2 ment of this Joint Resolution, appoint, without regard to
3 political affiliation, 5 distinguished and impartial private
4 citizens, none of whom are presently employees of any
5 branch of the Government and none of whom shall have
6 had any previous involvement with any investigation or in-
7 quiry relating to the assassination of President John F.
8 Kennedy, to serve as members of the Review Board.

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

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

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

17 (d) COMPENSATION OF MEMBERS.—(1) A member of
18 the Review Board shall be compensated at a rate equal
19 to the daily equivalent of the annual rate of basic pay pre-
20 scribed for level IV of the Executive Schedule under sec-
21 tion 5315 of title 5, United States Code, for each day (in-
22 cluding travel time) during which the member is engaged
23 in the performance of the duties of the Review Board.

24 (2) A member of the Review Board shall be allowed
25 reasonable travel expenses, including per diem in lieu of

1 subsistence, at rates authorized for employees of agencies
2 under subchapter I of chapter 57 of title 5, United States
3 Code, while away from the member's home or regular
4 place of business in the performance of services for the
5 Review Board.

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

16 (2) The Review Board may fix the compensation of
17 the Executive Director and other personnel without regard
18 to the provisions of chapter 51 and subchapter III of chap-
19 ter 53 of title 5, United States Code, relating to classifica-
20 tion of positions and General Schedule pay rates, except
21 that the rate of pay for the Executive Director and other
22 personnel may not exceed the rate payable for level V of
23 the Executive Schedule under section 5316 of that title.

24 (3) At the request of the Executive Director, Execu-
25 tive agencies, including the National Archives and other

1 originating bodies within the Executive branch, shall detail
2 to the Review Board such employees as may be necessary
3 and appropriate to carry out the review required by this
4 Joint Resolution. Any employee detailed to the Review
5 Board for this purpose shall be detailed without reim-
6 bursement, and such detail shall be without interruption
7 or loss of civil service status or privilege.

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

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

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

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

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

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

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

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

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

12 (2)(A) If a member of the Review Board is re-
13 moved from office, the Attorney General shall
14 promptly submit to the division of the court that ap-
15 pointed the members of the Review Board, the Com-
16 mittee on the Judiciary of the Senate, and the Com-
17 mittee on the Judiciary of the House of Rep-
18 resentatives a report specifying the facts found and
19 the ultimate grounds for the removal.

20 (B) The division of the court, the Committee on the
21 Judiciary of the Senate, and the Committee on the Judici-
22 ary of the House of Representatives shall make available
23 to the public a report submitted under subparagraph (A),
24 except that the division of the court or either judiciary
25 committee may, if necessary to protect the rights of a per-

1 son named in the report or to prevent undue interference
2 with any pending prosecution, postpone or refrain from
3 publishing any or all of the report.

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

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

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

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

22 (2) The Review Board shall submit to the Congress
23 such statements or reports on the activities of the Review
24 Board as the Review Board considers to be appropriate

1 in addition to the notifications required by subsection
2 8(g).

3 (j) SUPPORT SERVICES.—The Administrator of the
4 General Services Administration shall provide administra-
5 tive services for the Review Board on a reimbursable basis.
6 The Archivist shall provide support services for the Review
7 Board to include, as necessary, office space, clerical sup-
8 port, and personnel support, on a reimbursable basis.

9 (k) INTERPRETIVE REGULATIONS.—The Review
10 Board may issue interpretive regulations.

11 (l) TERMINATION.—(1) The Review Board and the
12 terms of its members shall terminate within two years of
13 the date upon which the Board is formally constituted pur-
14 suant to this Joint Resolution and begins operations. Pro-
15 vided that, if the Review Board has not completed its work
16 pursuant to this Joint Resolution within such two-year pe-
17 riod, it may, by majority vote, extend its term for an addi-
18 tional one-year period for such purpose. Any additional ex-
19 tension of the Review Board and the terms of its members
20 shall be authorized by the Congress.

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

1 **SEC. 6. GROUNDS FOR POSTPONEMENT OF DISCLOSURE.**

2 Disclosure to the general public of assassination ma-
3 terial or particular information in assassination material
4 may be postponed if its release would—

5 (1) reveal—

6 (A) an intelligence agent;

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

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

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

20 (2) constitute an invasion of privacy of a living
21 person, whether that person is identified in the ma-
22 terial or not, and that invasion of privacy is so sub-
23 stantial that it outweighs any public interest in its
24 disclosure;

25 (3) constitute a substantial and unjustified vio-
26 lation of an understanding of confidentiality between

1 a Government agent and a witness or a foreign gov-
2 ernment; or

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

9 **SEC. 7. REVIEW OF MATERIALS BY THE EXECUTIVE DIREC-**
10 **TOR.**

11 (a) **RELEASE OF ALL ASSASSINATION MATERIALS TO**
12 **THE EXECUTIVE DIRECTOR.**—Each Executive agency, in-
13 cluding the National Archives, shall make available to the
14 Executive Director all assassination materials, as defined
15 in section 3, in its possession, including but not limited
16 to, in the case of the National Archives, the records of
17 the Warren Commission, the House Committee, and the
18 Senate Committee. Where the agency is uncertain if a
19 record is assassination material, it shall make that record
20 available to the Executive Director. The Executive Direc-
21 tor shall have the authority and responsibility, where cir-
22 cumstances warrant, to inquire of any Executive agency
23 as to the existence of further records that may be assas-
24 sination materials beyond those made available by that
25 agency, to obtain access to such records, and to rec-

1 recommend that the Review Board subpoena such records in
2 the event of denial of such access.

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

8 (c) CONSULTATION BY EXECUTIVE DIRECTOR.—The
9 Executive Director may consult with the originating body
10 for advice and information in reaching a decision with re-
11 spect to the disclosure or nondisclosure of assassination
12 materials.

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

20 (e) EXECUTIVE DIRECTOR DECISION.—After review
21 of each record, the Executive Director shall, as soon as
22 practicable after the date of enactment of this Joint Reso-
23 lution, either—

24 (1) notify the originating body or bodies that
25 the record is assassination material that is appro-

1 appropriate for release in its entirety pursuant to the
2 standards established in this Joint Resolution. In
3 such event, the Executive Director shall transmit the
4 record to the Archivist and the Archivist shall make
5 the record available for inspection and appropriate
6 copying by the public, unless within 30 calendar
7 days of notification an originating body files a notice
8 of appeal with the Review Board: *Provided*, That
9 any record that, in the judgment of the Executive
10 Director, arguably falls within subsection 6(2), shall
11 automatically be referred to the Review Board pur-
12 suant to subsection 7(e)(2)(D); or

13 (2) refer the record to the Review Board, ac-
14 companied by a written determination, indicating
15 one of the following:

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

18 (B) that, in the Executive Director's judg-
19 ment, the record is assassination material that
20 qualifies for postponement of disclosure under
21 Section 6 or contains particular information
22 that qualifies for postponement of disclosure
23 under Section 6;

24 (C) that full Review Board investigation
25 and/or Review Board judgment appears appro-

1 prate for a determination as to whether the
2 record or particular information in the record
3 qualifies for postponement of disclosure under
4 Sec. 6 and thus that this determination shall be
5 vested in the Review Board rather than the Ex-
6 ecutive Director; or

7 (D) that, in the Executive Director's judg-
8 ment, the record arguably falls within sub-
9 section 6(2) and thus that the determination as
10 to whether the record qualifies for postpone-
11 ment of disclosure shall be vested in the Review
12 Board rather than the Executive Director.

13 **SEC. 8. DETERMINATIONS BY THE REVIEW BOARD.**

14 (a) **APPEALS AND REFERRALS.**—The Review Board
15 shall review and apply the standards for release set forth
16 in this Joint Resolution to

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

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

21 (b) **PRESUMPTION FOR RELEASE.**—In the absence of
22 clear and convincing evidence that an assassination mate-
23 rial or particular information within an assassination ma-
24 terial falls within the exemptions established in section 6
25 of this Joint Resolution, the Board shall direct that the

1 assassination material or particular information be re-
2 leased pursuant to subsection 8(h).

3 (c) POWERS.—The Review Board shall have author-
4 ity to hold hearings, administer oaths, and subpoena wit-
5 nesses and documents, and its subpoenas may be enforced
6 in any appropriate Federal court by the Department of
7 Justice acting pursuant to a lawful request of the Review
8 Board.

9 (d) ADDITIONAL MATERIALS.—The Review Board
10 shall have the authority and responsibility, where cir-
11 cumstances warrant, to inquire of any Executive agency
12 as to the existence of further records that may be assas-
13 sination materials beyond those made available by that
14 agency, to obtain access to such records, and to use its
15 subpoena power in support of this authority.

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

19 (f) REVIEW BOARD DETERMINATIONS.—After review
20 of each record, the Review Board shall determine whether
21 such record is assassination material, and, if so, whether
22 such assassination material, or particular information in
23 the assassination material, qualifies for postponement of
24 disclosure pursuant to section 6. Any reasonably seg-
25 regable particular information in an assassination mate-

1 rial shall be considered for release after deletion of infor-
2 mation in that assassination material that qualifies for
3 postponement of disclosure. Where an entire assassination
4 material qualifies for postponement of disclosure pursuant
5 to section 6, the Board may, after consultation with the
6 originating body and if consistent with and to the extent
7 consistent with section 6, create and prepare for release
8 a summary of the assassination material in order to pro-
9 vide for the fullest disclosure feasible. Where particular
10 information in an assassination material qualifies for post-
11 ponement of disclosure pursuant to section 6, the Board
12 may, after consultation with the originating body and if
13 consistent with and to the extent consistent with section
14 6, create and prepare for release appropriate substitutions
15 for that information in order to provide for the fullest dis-
16 closure feasible.

17 (g) DECISIONS TO POSTPONE.—Where the Board de-
18 termines that a record is not assassination material, or
19 that a record, or particular information in the record,
20 qualifies for postponement of disclosure pursuant to sec-
21 tion 6, the Board shall transmit to the originating body
22 written notice of such determination, together with a copy
23 of the record at issue, and, if the originating body is an
24 Executive agency, a copy of such notice and of the record
25 shall be transmitted to the appropriate committee of the

1 House of Representatives and the Select Committee on In-
2 telligence of the Senate. Such notice shall contain a state-
3 ment of the reason or reasons for the Board's decision.
4 Any decision of the Board that a record is not assassina-
5 tion material, or that disclosure of a record or particular
6 information in a record should be postponed pursuant to
7 section 6, shall not be subject to judicial review.

8 (h) DECISIONS TO RELEASE.—

9 (1) NON-EXECUTIVE AGENCY MATERIAL.—In
10 the case of record for which the originating body is
11 the Warren Commission, the House Committee, or
12 the Senate Committee, where the Review Board de-
13 termines that a record is assassination material, and
14 that a record, particular information in a record, a
15 summary of a record, or a substitution for particular
16 information in a record is appropriate for release
17 pursuant to this Joint Resolution, the Review Board
18 shall transmit the record, particular information,
19 summary, or substitution to the Archivist, and the
20 Archivist shall make such record, particular informa-
21 tion, summary, or substitution available for inspec-
22 tion and copying by the public. The Review Board's
23 decision to release shall not be subject to review by
24 the President or any other entity of the Government
25 and shall not be subject to judicial review.

1 (2) EXECUTIVE AGENCY MATERIAL.—In the
2 case of records for which the originating body is an
3 Executive agency, excluding the Warren Commis-
4 sion, where the Review Board determines that a
5 record, particular information in a record, a sum-
6 mary of a record, or a substitution for particular in-
7 formation in a record is appropriate for release pur-
8 suant to this Joint Resolution, the Review Board
9 shall transmit to the originating body written notice
10 of its determination. In such event, the Review
11 Board shall transmit the record, particular informa-
12 tion, summary, or substitute to the Archivist, and
13 the Archivist shall make such material available for
14 inspection and appropriate copying by the public,
15 unless, within 60 calendar days of the date on which
16 the Board has notified the originating body, the
17 President has certified to the Review Board and the
18 Archivist that the material qualifies for postpone-
19 ment of disclosure pursuant to section 6, in which
20 case release of the material shall be postponed, and
21 this decision shall not be subject to judicial review.
22 The President shall not delegate this authority to
23 any other official or entity.

24 (i) PRESIDENTIAL NOTICE TO CONGRESSIONAL COM-
25 MITTEES.—Whenever the President makes a certification

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

7 (j) BOARD NOTICE TO PUBLIC.—Every 60 calendar
8 days, beginning 60 calendar days after the date on which
9 the Review Board first postpones release of any assassina-
10 tion material pursuant to section 8(g), the Board shall
11 make available for public inspection and copying a notice
12 of all such postponements determined over the 60-day pe-
13 riod, including a description of the size and nature of each
14 assassination material concerned and the ground or
15 grounds for postponement.

16 (k) PRESIDENTIAL NOTICE TO PUBLIC.—In any case
17 in which a determination of the Board to release assas-
18 sination material is superseded by the President pursuant
19 to this subsection, the President shall within 10 calendar
20 days publish in the Federal Register notice of such action,
21 including a description of the size and nature of the assas-
22 sination material concerned and the ground or grounds for
23 postponement.

24 (l) IMMUNITY FROM SUIT.—No person shall have a
25 cause of action against members, employees or detailees

1 of the Review Board arising out of any action or failure
 2 to act with regard to assassination material under this
 3 Joint Resolution.

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

10 (1) as an exercise of the rulemaking power of
 11 the House of Representatives and the Senate, re-
 12 spectively, and as such is deemed a part of the rules
 13 of each House, respectively, and such procedures su-
 14 persede other rules only to the extent that they are
 15 inconsistent with such other rules; and

16 (2) with the full recognition of the con-
 17 stitutional right of either House to change the rules
 18 (so far as relating to the procedures of that House)
 19 at any time, in the same manner, and to the same
 20 extent as any other rule of that House.

21 **SEC. 9. MARKING AND REVIEW OF MATERIALS THE DISCLO-**
 22 **SURE OF WHICH IS POSTPONED.**

23 (a) MARKING.—With respect to each assassination
 24 material or particular information in assassination mate-
 25 rial the disclosure of which is postponed pursuant to sec-

1 tion 8, or for which only substitutions or summaries have
2 been released to the public pursuant to subsection 8(h),
3 the Review Board shall append to the material (1) all
4 records of proceedings conducted pursuant to this Joint
5 Resolution and relating to the material, and (2) a state-
6 ment of the Review Board designating, based on a review
7 of the proceedings and in conformity with the decisions
8 reflected therein, a specified time at which or a specified
9 occurrence following which the material may appropriately
10 be reconsidered for release pursuant to the standards es-
11 tablished in this Joint Resolution. The Review Board shall
12 then transfer the material and appendices to the Archivist
13 for placement in the Archives under seal.

14 (b) REVIEW.—The sealed assassination materials
15 transferred by the Review Board pursuant to this section
16 shall remain subject to the standards for release estab-
17 lished by this Joint Resolution. It shall be the continuing
18 duty of the Archivist to review the sealed assassination
19 materials and the documents appended thereto pursuant
20 to this section and to resubmit assassination materials to
21 the Review Board, if it is still in existence, or to the origi-
22 nating body, if the Review Board has been abolished,
23 whenever it appears to the Archivist that review may be
24 appropriate.

1 SEC. 10. DISCLOSURE OF OTHER MATERIALS AND ADDI-
2 TIONAL STUDY.

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

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

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

19 (b) AUTOPSY MATERIALS.—The Review Board shall,
20 pursuant to the terms of the applicable deed of gift, seek
21 access to the autopsy photographs and x-rays donated to
22 the National Archives by the Kennedy family under the
23 deed of gift. The Review Board shall, as soon as prac-
24 ticable, submit to the appropriate committee of the House
25 and the Select Committee on Intelligence of the Senate
26 a report on the status of these materials and on access

1 to these materials by individuals consistent with the deed
2 of gift.

3 (c) 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 contact the
11 Government of the Republic of Russia and seek the
12 disclosure of all records of the government of the
13 former Soviet Union, including the records of the
14 Komitet Gosudarstvennoy Bezopasnosti (KGB) and
15 the Glavnoye Razvedyvatelnoye Upravleniye (GRU),
16 relevant to the assassination of President Kennedy,
17 and contact any other foreign government that may
18 hold information relevant to the assassination of
19 President Kennedy and seek disclosure of such infor-
20 mation; and

21 (3) all Executive agencies should cooperate in
22 full with the Review Board to seek the disclosure of
23 all information relevant to the assassination of
24 President John F. Kennedy consistent with the pub-
25 lic interest.

1 **SEC 11. RULES OF CONSTRUCTION**

2 (a) **PRECEDENCE OVER OTHER LAW.**—(1) Where
3 this Joint Resolution requires release of a record, it shall
4 take precedence over any other law, judicial decision con-
5 struing such law, or common law doctrine that would oth-
6 erwise prohibit such release.

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

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

18 **SEC. 12. TERMINATION OF EFFECT OF JOINT RESOLUTION.**

19 The provisions of this Joint Resolution which pertain
20 to the appointment and operation of the Review Board
21 shall cease to be effective when the Review Board and the
22 terms of its members have terminated pursuant to sub-
23 section 5(l). The remaining provisions of this Joint Reso-
24 lution shall continue in effect until such time as the Archi-
25 vist certifies to the President and the Congress that all

1 assassination materials have been made available to the
2 public in accordance with this Joint Resolution.

3 **SEC. 13. AUTHORIZATION OF APPROPRIATIONS.**

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

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

11 **SEC. 14. SEVERABILITY.**

12 If any provision of this Joint Resolution or the appli-
13 cation thereof to any person or circumstance is held in-
14 valid, the remainder of this Joint Resolution and the appli-
15 cation of that provision to other persons not similarly situ-
16 ated or to other circumstances shall not be affected by
17 the invalidation.

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