

JFK ASSASSINATION SYSTEM
IDENTIFICATION FORM

AGENCY INFORMATION

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RECORDS SERIES :

AGENCY FILE NUMBER :

DOCUMENT INFORMATION

ORIGINATOR : DOD
FROM : DOD GENERAL COUNCIL
TO : NSA GC

TITLE :
JOINT RESOLUTION OF ASSASSINATION MATERIALS DISCLOSURE ACT OF 1992

DATE : 04/02/92
PAGES : ~~13~~ 24

SUBJECTS :
LEGISLATIVE MATERIAL RE ASSASSINATIONS

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OPENING CRITERIA :
ORIGINATING AGENCY'S DETERMINATION REQUIRED

COMMENTS :
ONLY THE EVEN-NUMBERED PAGES OF THE DOCUMENT WERE LOCATED AT THE TIME OF
THE SEARCH FOR RECORDS.

[R] - ITEM IS RESTRICTED

(.....FOUO.....)

REQUEST/RECEIPT FOR TRANSMISSION

RECEIVED

DATE/TIME TRANSMITTED	 SITE  GOLF	23 APR 92 13:15
	SSN NBR 957	DATE/TIME RECEIVED FOUO

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TO BE COMPLETED BY REQUESTER

FROM: [Redacted] OFFICE/DESK NSA/CSS Rep Defense PHONE NBR 703-697-8435
 SUBJECT Legislative Issues
 CLASSIFICATION FOUO PAGES 32+C

DELIVERY INSTRUCTIONS

HOLD FOR NORMAL DUTY HOURS DELIVER IMMEDIATELY!!!

NOTE FURNISH AFTER DUTY HOUR CONTACT TELEPHONE NUMBER FOR EACH ADDRESSEE REQUIRING AFTER HOUR DELIVERY

TRANSMIT TO

AGENCY	INDIVIDUALS NAME	OFFICE	ROOM NBR	PHONE NBR
NSA	Missy Kimball	O/BC		963-3058

REMARKS:

Missy, this was on my desk this morning when I came in, I have no idea when we received it, any additional ?'s please call.

Classification

FOUO

44USC2107(5)(g)(2)(D)
b(v)

DEPARTMENT OF DEFENSE
OFFICE OF THE GENERAL COUNSEL
LEGISLATIVE REFERENCE SERVICE

DATE: April 22, 1992

MEMORANDUM FOR ACTION AGENCY--DGC(LC) - 697-2714

OTHER STAFFING--Army, Navy, AF, ASD(PA), NSA, DIA

INFORMATION--ASD(LA), IG, AGC

SUBJECT: LRS DESIGNATOR S.J.RES 282 ~~1~~ SUSPENSE DATE 10a.m., 23APR92

Review the attached request and follow the instructions in the box checked below. Please call in a concurrence or no objection to the LRS staff at 71305. DO NOT CALL OMB on OMB requests. LRS will assimilate all comments and notify OMB.

XXXXX

Action agencies must respond by the suspense date or request an extension. If staffing agencies do not respond we will assume you have no interest. Information agencies need not respond unless comments are necessary. Please advise us in advance if comments will be provided. OSD agency comments require DGC coordination.

Other requirement:

LRS FILE #: 16 FOIA/Privacy Act

1. Doesn't fix the problem of information vice records
2. Clearances / Physical Security
3. Details - non reimbursable
4. Public notice of decisions to purchase.

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET

92 APR 22 AM 10:58

April 21, 1992

LEGISLATIVE REFERRAL MEMORANDUM

LRM #I-33017

TO: Legislative Liaison Officer -

STATE - Will Davis - 647-4463 - 225
 DEFENSE - Samuel T. Brick, Jr. - 697-1305 - 325
 TREASURY - Richard S. Carro - 566-8523 - 228
 VA - Robert Coy - 535-8113 - 229
 GSA - Lonnie P. Taylor - 501-0563 - 237
 NSC - William Sittmann - 456-6534 - 249
 CIA - David Pearline - 482-6126 - 258
 NARA - John A. Constance - 501-5110 - 277

FROM:

JAMES J. JUKES (for) *J. J. Jukes for Jim Jukes*
 Assistant Director for Legislative Reference

OMB CONTACT:

Jim BROWN (395-3457) / *Gerri Rathiff (395-3457)*

SUBJECT:

Justice PROPOSED SUBSTITUTE RE: SJR 282,
 Assassination Materials Disclosure Act of 1992

DEADLINE:

10:00 A.M. THURSDAY April 23, 1992

The Office of Management and Budget requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with OMB Circular #19.

Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

CC:

David Haun
 Bruce McConnell
 Bob Damus
 Boyden Gray
 Cora Beebe
 Kevin Scheid
 Bruce Sasser
 Betsy Anderson
 Gene Schaerr
 Steve Aitken

JOINT RESOLUTION

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

Resolved by the Senate and House of Representatives of the United States of America in Congress Assembled.

SECTION 1. SHORT TITLE.

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

SEC. 2. FINDINGS, DECLARATIONS, AND PURPOSE.

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

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

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

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

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

(5) all records in the possession of the Government relevant to the assassination of President John F. Kennedy

should be released to the public at the earliest opportunity, except where justification exists for postponing the disclosure of such records to a specified time or following a specified occurrence in the future.

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

SEC. 3. DEFINITIONS.

In this joint resolution:

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

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(2) "Assassination material" means a record that is germane to the assassination of President John F. Kennedy, but does not include (A) material to the extent that it pertains to personnel matters or other administrative affairs of a congressional committee, the Warren Commission or other Executive agency; or (B) the materials, including the autopsy materials, donated by the Kennedy family to the National Archives pursuant to a deed of gift regulating access to those materials, addressed in subsection 10(b) of this Joint Resolution. As used in this subsection, "administrative affairs" has reference strictly to housekeeping functions.

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

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

(5) "House Committee" means the Select Committee on Assassinations of the House of Representatives and the Permanent Select Committee on Intelligence of the House of Representatives acting under this Joint Resolution with respect to assassination materials in the custody of the House of Representatives.

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

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

(8) "Records" includes all books, papers, maps, photographs, machine readable materials, or other documentary material, or parts thereof, regardless of physical form or characteristics, made or received by the House Committee, the Senate Committee, an Executive agency, including the Warren Commission, under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by the House Committee, Senate Committee, Warren Commission, the National Archives, or other Executive agency, as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the United States Government.

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

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

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

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

(a) IN GENERAL.-- Except for assassination material or particular information in assassination material the disclosure

of which is postponed under section 6, all assassination materials shall be transferred to the National Archives and made available for inspection and copying by the general public as soon as practicable.

(b) FEES FOR COPYING.-- The Archivist shall charge fees for copying assassination materials in accordance with 44 U.S.C.

2116(c).

(c) PRINTING AND DISSEMINATION OF ASSASSINATION MATERIALS.--

(1) The Archivist may provide to the Government Printing Office copies of those assassination materials identified by the Review Board as having broad public interest. The Government Printing Office shall print copies of the records so provided and make them available for sale to the public.

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

SEC. 3. ASSASSINATION MATERIALS REVIEW BOARD.

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

(b) APPOINTMENT.-- (1) The President, by and with the advice and consent of the Senate, shall, within ninety calendar days of the date of enactment of this Joint Resolution, appoint five persons to serve as members of the Review Board. It is the sense

of Congress that such persons should be distinguished and impartial private citizens, that none should presently be employees of any branch of the Federal Government, and that none should have had any previous involvement with any investigation or inquiry relating to the assassination of President John F. Kennedy. In addition, it is the sense of Congress that persons appointed to the Review Board should be appointed without regard to political affiliation.

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

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

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

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

business in the performance of services for the Review Board.

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

(2) The Review Board may fix the compensation of the Executive Director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the Executive Director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of that title.

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

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such detail shall be without interruption or loss of civil service status or privilege.

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

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

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

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

(3) Section 3103 and 3344 of title 5, United States Code.

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

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

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

(h) REMOVAL.-- (1) A member of the Review Board may be removed from office, other than by impeachment and conviction,

only by the action of the President or the Attorney General acting on behalf of the President.

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

(B) The Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate shall make available to the public a report submitted under subparagraph (A) of this paragraph, except that either committee may, if necessary to protect the rights of a person named in the report or to prevent undue interference with any pending prosecution, postpone or refrain from publishing any or all of the report.

(1) OVERSIGHT.-- (1) The appropriate committee of the House of Representatives and the Select Committee on Intelligence of the Senate shall have continuing oversight jurisdiction with respect to the official conduct of the Review Board, and the Review Board shall cooperate in the exercise of such oversight jurisdiction.

(2) The Review Board shall submit to the Congress such statements or reports on the activities of the Review Board as the Review Board considers to be appropriate, in addition

to the notifications required by section 8(g) of this Joint Resolution.

(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, including, as necessary, office space, clerical support, and other personnel support, on a reimbursable basis.

(k) **REGULATIONS.**-- The Review Board is authorized to promulgate such regulations as may be necessary to implement the provisions of this Joint Resolution.

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

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

SEC. 6. GROUNDS FOR POSTPONEMENT OF DISCLOSURE.

Disclosure to the general public of assassination material or particular information in assassination material may be postponed if its release could reasonably be expected to--

(1) (A) involve matters specifically authorized under criteria established by Executive Order to be kept secret in the interest of national defense or foreign policy and that are, in fact, properly classified pursuant to such Executive Order; or

(B) (i) reveal the identity of an intelligence agent, including an intelligence agent of a foreign government;

(ii) reveal an intelligence source or method that is used, or which is reasonably expected to be used, by the

United States Government; or (iii) reveal any other matter relating to the military defense, intelligence *cryptol* operations, or conduct of foreign relations of the United States;

(2) constitute an unwarranted invasion of personal privacy. In weighing a person's privacy interest in information found in assassination material against the public's interest in disclosure, the public's interest in disclosure shall be considered substantial. For the purposes of this subsection, deceased persons shall have no privacy interests in information found in assassination material.;

(3) disclose the identity of a confidential source;

(4) disclose a technique or procedure that is utilized, or which may be reasonably expected to be utilized, by any law enforcement agency, and that is not well known to the public.; or

(5) endanger the life or physical safety of any individual.

SEC. 7. REVIEW OF MATERIALS BY THE EXECUTIVE DIRECTOR.

(a) **RELEASE OF ALL ASSASSINATION MATERIALS TO THE EXECUTIVE DIRECTOR.**-- Each Executive agency, including the National Archives, the Central Intelligence Agency, the Federal Bureau of Investigation, and the House and Senate Committees, shall make available to the Executive Director all assassination materials in their possession, which are not currently available for public inspection [include provision accommodating concern regarding physical production of information that discloses confidential sources and national security information]. Where an agency or committee is uncertain if a record is assassination material, it shall make that record available to the Executive Director. The Executive Director shall have the authority and responsibility, where circumstances warrant, to inquire of any Executive agency or committee as to the existence of further records that may be assassination materials beyond those made available by that agency or committee and to obtain access to such records.

(b) **EXECUTIVE DIRECTOR RESPONSIBILITY.**-- The Executive Director shall have responsibility for reviewing all assassination materials that are not currently available for public inspection.

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

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

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

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

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

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

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

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

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

SEC. 6. DETERMINATIONS BY THE REVIEW BOARD.

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

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

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

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

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

(d) ADDITIONAL MATERIALS.-- The Review Board shall have the authority and responsibility, where circumstances warrant, to inquire of any Executive agency, including the National Archives, or the House or Senate Committees, as to the existence of further records that may be assassination materials beyond those made available by that agency or committee, and to obtain access to such records.

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

(f) REVIEW BOARD DETERMINATIONS.-- After review of each record, the Review Board shall determine whether such record is assassination material, and, if so, whether such assassination material, or particular information in the assassination material, qualifies for postponement of disclosure pursuant to

section 6. Any reasonably segregable particular information in an assassination material shall be considered for release after deletion of information in that assassination material that qualifies for postponement of disclosure. Where an entire assassination material qualifies for postponement of disclosure pursuant to section 6, the Board may, after consultation with the originating body, and if consistent with and to the extent consistent with section 6, create and prepare for release a summary of the assassination material in order to provide for the fullest disclosure feasible. Where particular information in an assassination material qualifies for postponement of disclosure pursuant to section 6, the Board may, after consultation with the originating body and if consistent with and to the extent consistent with section 6, create and prepare for release appropriate substitutions for that information in order to provide for the fullest disclosure feasible.

(g) DECISIONS TO POSTPONE.-- Where the Board determines that a record is not assassination material, or that a record, or particular information in the record, qualifies for postponement of disclosure pursuant to section 6, the Board shall transmit to the originating body written notice of such determination, together with a copy of the record at issue. Such notice shall contain a statement of the reason or reasons for the Board's decision. Any decision of the Board that a record is not assassination material, or that disclosure of a record or

particular information in a record should be postponed pursuant to section 6, shall not be subject to judicial review.

(h) DECISIONS TO RELEASE.-- Where the Review Board determines that a record, particular information in a record, a summary of a record, or a substitution for particular information in a record is appropriate for release pursuant to this Joint Resolution, the Review Board shall transmit to the originating body written notice of its determination. In such event, the Review Board shall transmit the record, particular information, summary, or substitute to the Archivist, and the Archivist shall make such material available for inspection and appropriate copying by the public, unless, within one hundred and twenty calendar days of the date on which the Board has notified the originating body, the President has certified to the Review Board and the Archivist that disclosure of the material would not be in the public interest, in which case release of the material shall be postponed, and this decision shall not be subject to judicial review.

(i) PRESIDENTIAL NOTICE TO CONGRESSIONAL COMMITTEES.-- Whenever the President makes a certification pursuant to section 6(h), the President shall submit to the appropriate committee of the House of Representatives and the Select Committee on Intelligence of the Senate a written statement setting forth the reason or reasons for superseding the Board's determination.

(j) BOARD NOTICE TO PUBLIC.-- Every sixty calendar days, beginning sixty calendar days after the date on which the Review

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

(k) PRESIDENTIAL NOTICE TO PUBLIC.-- In any case in which a determination of the Board to release assassination material is superseded by the President pursuant to section 8(h), the President shall within ten calendar days publish in the Federal Register notice of such action, including a description of the size and nature of the assassination material concerned and the ground or grounds for postponement.

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

SEC. 9. MARKING AND REVIEW OF MATERIALS THE DISCLOSURE OF WHICH IS POSTPONED.

(a) MARKING.-- With respect to each assassination material or particular information in assassination material the disclosure of which is postponed pursuant to section 8, or for which only substitutions or summaries have been released to the public pursuant to subsection 8(h), the Review Board shall append to the material (1) all records of proceedings conducted pursuant to this Joint Resolution and relating to the material and (2) a statement of the Review Board designating, based on a review of

the proceedings and in conformity with the decisions reflected therein, a specified time at which or a specified occurrence following which the material may appropriately be reconsidered for release pursuant to the standards established in this Joint Resolution. The Review Board shall then transfer the material and appendices to the Archivist for placement in the Archives under seal.

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

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

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

(2) (A) The Review Board may request the Attorney General to petition any court in the United States to release any information relevant to the assassination of

President John F. Kennedy that is held under the injunction of secrecy of a grand jury.

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

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

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

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

(2) the Secretary of State should contact the Government of the Republic of Russia and seek the disclosure of all records of the government of the former Soviet Union, including the records of the Komitet Gosudarstvennoy Bezopasnosti (KGB) and the Glavnoye Razvedyvatelnoye Upravleniye (GRU), relevant to the assassination of

President Kennedy, and contact any other foreign government that may hold information relevant to the assassination of President Kennedy and seek disclosure of such information; and

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

SEC. 11. RULES OF CONSTRUCTION.

(a) **PRECEDENCE OVER OTHER LAW.**-- A decision of the Executive Director or Review Board regarding disclosure or postponement of disclosure of a record shall take precedence over any other law, judicial decision construing such law, or common law doctrine that would otherwise prohibit release of the record.

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

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

SEC. 12. TERMINATION OF EFFECT OF JOINT RESOLUTION.

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

(b) **REVIEW BOARD RECORDS.**-- Upon its termination, the records of the Review Board, except such records as were appended to assassination material pursuant to section 9(a), shall be offered to the Archivist under the terms of 44 U.S.C. 2107. Prior to its termination, the Review Board shall designate for the Archivist which of its records will be made available for public disclosure upon transfer and which will be withheld from public disclosure. For each record to be withheld from public disclosure, the Review Board shall designate a date or an event upon which the record will become publicly available.

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

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

(b) **INTERIM FUNDING.**-- Until such time as funds are appropriated pursuant to subsection (a), the President may use

such sums as are available for discretionary use to carry out this Joint Resolution.

SEC. 14. REVERABILITY.

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

DRAFT -- APRIL 21, 1992