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102D CONGRESS
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[Report No. 102-328]

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

IN THE SENATE OF THE UNITED STATES

JULY 22 (legislative day, JULY 20), 1992

Mr. GLENN, from the Committee on Governmental Affairs, reported the following original bill; which was read twice and placed on the calendar

A BILL

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

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

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the "President John F.
5 Kennedy Assassination Records Collection Act of 1992".

6 SEC. 2. FINDINGS, DECLARATIONS, AND PURPOSES.

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

1 (1) all Government records related to the assas-
2 sination of President John F. Kennedy should be
3 preserved for historical and governmental purposes;

4 (2) all government records concerning the as-
5 sassination of President John F. Kennedy should
6 carry a presumption of immediate disclosure, and all
7 records should be eventually disclosed to enable the
8 public to become fully informed about the history
9 surrounding the assassination;

10 (3) legislation is necessary to create an enforce-
11 able, independent, and accountable process for the
12 public disclosure of such records;

13 (4) legislation is necessary because congres-
14 sional records related to the assassination of Presi-
15 dent John F. Kennedy would not otherwise be sub-
16 ject to public disclosure until at least the year 2029;

17 (5) legislation is necessary because the Freedom
18 of Information Act, as implemented by the executive
19 branch, has prevented the timely public disclosure of
20 records relating to the assassination of President
21 John F. Kennedy;

22 (6) legislation is necessary because Executive
23 Order No. 12356, entitled "National Security Infor-
24 mation" has eliminated the declassification and
25 downgrading schedules relating to classified informa-

1 tion across government and has prevented the timely
2 public disclosure of records relating to the assassina-
3 tion of President John F. Kennedy; and

4 (7) most of the records related to the assassina-
5 tion of President John F. Kennedy are almost 30
6 years old, and only in the rarest cases is there any
7 legitimate need for continued protection of such
8 records.

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

10 (1) to provide for the creation of the President
11 John F. Kennedy Assassination Records Collection
12 at the National Archives and Records Administra-
13 tion; and

14 (2) to require the expeditious public trans-
15 mission to the Archivist and public disclosure of
16 such records.

17 SEC. 3. DEFINITIONS.

18 In this Act:

19 "Archivist" means the Archivist of the United
20 States.

21 "Assassination record" means a record that is
22 related to the assassination of President John F.
23 Kennedy, that was created or made available for use
24 by, obtained by, or otherwise came into the posses-
25 sion of—

1 (A) the Commission to Investigate the As-
2 sassination of President John F. Kennedy (the
3 "Warren Commission");

4 (B) the Commission on Central Intel-
5 ligence Agency Activities Within the United
6 States (the "Rockefeller Commission");

7 (C) the Senate Select Committee to Study
8 Governmental Operations with Respect to Intel-
9 ligence Activities (the "Church Committee");

10 (D) the Select Committee on Intelligence
11 (the "Pike Committee") of the House of Rep-
12 resentatives;

13 (E) the Select Committee on Assassina-
14 tions (the "House Assassinations Committee")
15 of the House of Representatives;

16 (F) the Library of Congress;

17 (G) the National Archives and Records Ad-
18 ministration;

19 (H) any Presidential library;

20 (I) any Executive agency;

21 (J) any independent agency;

22 (K) any other office of the Federal Govern-
23 ment; and

24 (L) any State or local law enforcement of-
25 fice that provided support or assistance or per-

1 formed work in connection with a Federal in-
2 quiry into the assassination of President John
3 F. Kennedy,

4 but does not include the autopsy records donated by
5 the Kennedy family to the National Archives pursu-
6 ant to a deed of gift regulating access to those
7 records, or copies and reproductions made from such
8 records.

9 “Collection” means the President John F. Ken-
10 nedy Assassination Records Collection established
11 under section 4.

12 “Executive agency” means an Executive agency
13 as defined in subsection 552(f) of title 5, United
14 States Code, and includes any Executive depart-
15 ment, military department, Government corporation,
16 Government controlled corporation, or other estab-
17 lishment in the executive branch of the Government,
18 including the Executive Office of the President, or
19 any independent regulatory agency.

20 “Government office” means any office of the
21 Federal Government that has possession or control
22 of assassination records, including—

23 (A) the House Committee on Administra-
24 tion with regard to the Select Committee on As-

1 assassinations of the records of the House of Rep-
2 resentatives;

3 (B) the Select Committee on Intelligence
4 of the Senate with regard to records of the Sen-
5 ate Select Committee to Study Governmental
6 Operations with Respect to Intelligence Activi-
7 ties and other assassination records;

8 (C) the Library of Congress;

9 (D) the National Archives as custodian of
10 assassination records that it has obtained or
11 possesses, including the Commission to Inves-
12 tigate the Assassination of President John F.
13 Kennedy and the Commission on Central Intel-
14 ligence Agency Activities in the United States;
15 and

16 (E) any other executive branch office or
17 agency, and any independent agency.

18 "Identification aid" means the written descrip-
19 tion prepared for each record as required in section
20 4.

21 "National Archives" means the National Ar-
22 chives and Records Administration and all compo-
23 nents thereof, including Presidential archival deposi-
24 tories established under section 2112 of title 44,
25 United States Code.

1 "Official investigation" means the reviews of
2 the assassination of President John F. Kennedy con-
3 ducted by any Presidential commission, any author-
4 ized congressional committee, and any Government
5 agency either independently, at the request of any
6 Presidential commission or congressional committee,
7 or at the request of any Government official.

8 "Originating body" means the Executive agen-
9 cy, government commission, congressional commit-
10 tee, or other governmental entity that created a
11 record or particular information within a record.

12 "Public interest" means the compelling interest
13 in the prompt public disclosure of assassination
14 records for historical and governmental purposes
15 and for the purpose of fully informing the American
16 people about the history surrounding the assassina-
17 tion of President John F. Kennedy.

18 "Record" includes a book, paper, map, photo-
19 graph, sound or video recording, machine readable
20 material, computerized, digitized, or electronic infor-
21 mation, regardless of the medium on which it is
22 stored, or other documentary material, regardless of
23 its physical form or characteristics.

24 "Review Board" means the Assassination
25 Records Review Board established by section 7.

1 “Third agency” means a Government agency
2 that originated an assassination record that is in the
3 possession of another agency.

4 SEC. 4. PRESIDENT JOHN F. KENNEDY ASSASSINATION
5 RECORDS COLLECTION AT THE NATIONAL
6 ARCHIVES AND RECORDS ADMINISTRATION.

7 (a) IN GENERAL.—(1) Not later than 60 days after
8 the date of enactment of this Act, the National Archives
9 and Records Administration shall commence establish-
10 ment of a collection of records to be known as the Presi-
11 dent John F. Kennedy Assassination Records Collection.
12 In so doing, the Archivist shall ensure the physical integ-
13 rity and original provenance of all records. The Collection
14 shall consist of record copies of all Government records
15 relating to the assassination of President John F. Ken-
16 nedy, which shall be transmitted to the National Archives
17 in accordance with section 2107 of title 44, United States
18 Code. The Archivist shall prepare and publish a subject
19 guidebook and index to the collection.

20 (2) The Collection shall include—

21 (A) all assassination records—

22 (i) that have been transmitted to the Na-
23 tional Archives or disclosed to the public in an
24 unredacted form prior to the date of enactment
25 of this Act;

1 (ii) that are required to be transmitted to
2 the National Archives; or

3 (iii) the disclosure of which is postponed
4 under this Act;

5 (B) a central directory comprised of identifica-
6 tion aids created for each record transmitted to the
7 Archivist the under section 5; and

8 (C) all Review Board records as required by
9 this Act.

10 (b) DISCLOSURE OF RECORDS.—All assassination
11 records transmitted to the National Archives for disclosure
12 to the public shall be included in the Collection and shall
13 be available to the public for inspection and copying at
14 the National Archives within 30 days after their trans-
15 mission to the National Archives.

16 (c) FEES FOR COPYING.—The Archivist shall—

17 (1) charge fees for copying assassination
18 records; and

19 (2) grant waivers of such fees pursuant to the
20 standards established by section 552(a)(4) of title 5,
21 United States Code.

22 (d) ADDITIONAL REQUIREMENTS.—(1) The Collec-
23 tion shall be preserved, protected, archived, and made
24 available to the public at the National Archives using ap-

1 appropriations authorized, specified, and restricted for use
2 under the terms of this Act.

3 (2) The National Archives, in consultation with the
4 Information Security Oversight Office, shall ensure the se-
5 curity of the postponed assassination records in the Collec-
6 tion.

7 (e) OVERSIGHT.—The Committee on Government
8 Operations of the House of Representatives and the Com-
9 mittee on Governmental Affairs of the Senate shall have
10 continuing oversight jurisdiction with respect to the Col-
11 lection.

12 SEC. 5. REVIEW, IDENTIFICATION, TRANSMISSION TO THE
13 NATIONAL ARCHIVES, AND PUBLIC DISCLO-
14 SURE OF ASSASSINATION RECORDS BY GOV-
15 ERNMENT OFFICES.

16 (a) IN GENERAL.—(1) As soon as practicable after
17 the date of enactment of this Act, each Government office
18 shall identify and organize its records relating to the as-
19 sassination of President John F. Kennedy and prepare
20 them for transmission to the Archivist for inclusion in the
21 Collection.

22 (2) No assassination record shall be destroyed, al-
23 tered, or mutilated in any way.

24 (3) No assassination record made available or dis-
25 closed to the public prior to the date of enactment of this

1 Act may be withheld, redacted, postponed for public dis-
2 closure, or reclassified.

3 (4) No assassination record created by a person or
4 entity outside government (excluding names or identities
5 consistent with the requirements of section 6) shall be
6 withheld, redacted, postponed for public disclosure, or re-
7 classified.

8 (b) CUSTODY OF ASSASSINATION RECORDS PENDING
9 REVIEW.—During the review by Government offices and
10 pending review activity by the Review Board, each Govern-
11 ment office shall retain custody of its assassination
12 records for purposes of preservation, security, and effi-
13 ciency, unless—

14 (1) the Review Board requires the physical
15 transfer of records for purposes of conducting an
16 independent and impartial review;

17 (2) transfer is necessary for an administrative
18 hearing or other Review Board function; or

19 (3) it is a third agency record described in sub-
20 section (c)(2)(C).

21 (c) REVIEW.—(1) Not later than 300 days after the
22 date of enactment of this Act, each Government office
23 shall review, identify and organize each assassination
24 record in its custody or possession for disclosure to the

1 public, review by the Review Board, and transmission to
2 the Archivist.

3 (2) In carrying out paragraph (1), a Government of-
4 fice shall—

5 (A) determine which of its records are assas-
6 sination records;

7 (B) determine which of its assassination records
8 have been officially disclosed or publicly available in
9 a complete and unredacted form;

10 (C)(i) determine which of its assassination
11 records, or particular information contained in such
12 a record, was created by a third agency or by an-
13 other Government office; and

14 (ii) transmit to a third agency or other govern-
15 ment office those records, or particular information
16 contained in those records, or complete and accurate
17 copies thereof;

18 (D)(i) determine whether its assassination
19 records or particular information in assassination
20 records are covered by the standards for postpone-
21 ment of public disclosure under this Act; and

22 (ii) specify on the identification aid required by
23 subsection (d) the applicable postponement provision
24 contained in section 6;

1 (E) organize and make available to the Review
2 Board all assassination records identified under sub-
3 paragraph (D) the public disclosure of which in
4 whole or in part may be postponed under this Act;

5 (F) organize and make available to the Review
6 Board any record concerning which the office has
7 any uncertainty as to whether the record is an as-
8 sassination record governed by this Act;

9 (G) give priority to the identification, review,
10 and transmission, under the standards for postpone-
11 ment set forth in this Act, of assassination records
12 that on the date of enactment of this Act are the
13 subject of litigation under section 552 of title 5,
14 United States Code; and

15 (H) make available to the Review Board any
16 additional information and records that the Review
17 Board has reason to believe it requires for conduct-
18 ing a review under this Act.

19 (3) The Director of each archival depository estab-
20 lished under section 2112 of title 44, United States Code,
21 shall have as a priority the expedited review for public dis-
22 closure of assassination records in the possession and cus-
23 tody of the depository, and shall make such records avail-
24 able to the Review Board as required by this Act.

1 (d) IDENTIFICATION AIDS.—(1)(A) Not later than 45
2 days after the date of enactment of this Act, the Archivist,
3 in consultation with the appropriate Government offices,
4 shall prepare and make available to all Government offices
5 a standard form of identification or finding aid for use
6 with each assassination record subject to review under this
7 Act.

8 (B) The Archivist shall ensure that the identification
9 aid program is established in such a manner as to result
10 in the creation of a uniform system of electronic records
11 by Government offices that are compatible with each
12 other.

13 (2) Upon completion of an identification aid, a Gov-
14 ernment office shall—

15 (A) attach a printed copy to the record it de-
16 scribes;

17 (B) transmit to the Review Board a printed
18 copy; and

19 (C) attach a printed copy to each assassination
20 record it describes when it is transmitted to the Ar-
21 chivist.

22 (3) Assassination records which are in the possession
23 of the National Archives on the date of enactment of this
24 Act, and which have been publicly available in their en-
25 tirety without redaction, shall be made available in the

1 Collection without any additional review by the Review
2 Board or another authorized office under this Act, and
3 shall not be required to have such an identification aid
4 unless required by the Archivist.

5 (e) TRANSMISSION TO THE NATIONAL ARCHIVES.—

6 Each Government office shall—

7 (1) transmit to the Archivist, and make avail-
8 able to the public not later than 300 days after the
9 date of enactment of this Act, all assassination
10 records that can be publicly disclosed, including
11 those that are publicly available on the date of en-
12 actment of this Act, without any redaction, adjust-
13 ment, or withholding under the standards of this
14 Act; and

15 (2) transmit to the Archivist upon approval for
16 postponement by the Review Board or upon comple-
17 tion of other action authorized by this Act, all assas-
18 sination records the public disclosure of which has
19 been postponed, in whole or in part, under the
20 standards of this Act, to become part of the pro-
21 tected Collection.

22 (f) CUSTODY OF POSTPONED ASSASSINATION
23 RECORDS.—An assassination record the public disclosure
24 of which has been postponed shall, pending transmission
25 to the Archivist, be held for reasons of security and preser-

1 vation by the originating body until such time as the infor-
2 mation security program has been established at the Na-
3 tional Archives as required in section 4(e)(2).

4 (g) PERIODIC REVIEW OF POSTPONED ASSASSINA-
5 TION RECORDS.—(1) All postponed or redacted records
6 shall be reviewed periodically by the originating agency
7 and the Archivist consistent with the recommendations of
8 the Review Board under section 9(c)(3)(B).

9 (2)(A) A periodic review shall address the public dis-
10 closure of additional assassination records in the Collec-
11 tion under the standards of this Act.

12 (B) All postponed assassination records determined
13 to require continued postponement shall require an unclas-
14 sified written description of the reason for such continued
15 postponement. Such description shall be provided to the
16 Archivist and published in the Federal Register upon de-
17 termination.

18 (C) The periodic review of postponed assassination
19 records shall serve to downgrade and declassify security
20 classified information.

21 (D) Each assassination record shall be publicly dis-
22 closed in full, and available in the Collection no later than
23 the date that is 25 years after the date of enactment of
24 this Act, unless the President certifies, as required by this
25 Act, that—

1 (i) continued postponement is made necessary
2 by an identifiable harm to the military defense, intel-
3 ligence operations, or conduct of foreign relations;
4 and

5 (ii) the identifiable harm is of such gravity that
6 it outweighs the public interest in disclosure.

7 (h) FEES FOR COPYING.—Executive branch agencies
8 shall—

9 (1) charge fees for copying assassination
10 records; and

11 (2) grant waivers of such fees pursuant to the
12 standards established by section 552(a)(4) of title 5,
13 United States Code.

14 SEC. 6. GROUNDS FOR POSTPONEMENT OF PUBLIC DISCLO-
15 SURE OF RECORDS.

16 Disclosure of assassination records or particular in-
17 formation in assassination records to the public may be
18 postponed subject to the limitations of this Act if there
19 is clear and convincing evidence that—

20 (1) the threat to the military defense, intel-
21 ligence operations, or conduct of foreign relations of
22 the United States posed by the public disclosure of
23 the assassination is of such gravity that it outweighs
24 the public interest, and such public disclosure would
25 reveal—

1 (A) an intelligence agent whose identity
2 currently requires protection;

3 (B) an intelligence source or method which
4 is currently utilized, or reasonably expected to
5 be utilized, by the United States Government
6 and which has not been officially disclosed, the
7 disclosure of which would interfere with the
8 conduct of intelligence activities; or

9 (C) any other matter currently relating to
10 the military defense, intelligence operations or
11 conduct of foreign relations of the United
12 States, the disclosure of which would demon-
13 strably impair the national security of the Unit-
14 ed States;

15 (2) the public disclosure of the assassination
16 record would reveal the name or identity of a living
17 person who provided confidential information to the
18 United States and would pose a substantial risk of
19 harm to that person;

20 (3) the public disclosure of the assassination
21 record could reasonably be expected to constitute an
22 unwarranted invasion of personal privacy, and that
23 invasion of privacy is so substantial that it out-
24 weighs the public interest;

1 (4) the public disclosure of the assassination
2 record would compromise the existence of an under-
3 standing of confidentiality currently requiring pro-
4 tection between a Government agent and a cooperat-
5 ing individual or a foreign government, and public
6 disclosure would be so harmful that it outweighs the
7 public interest; or

8 (5) the public disclosure of the assassination
9 record would reveal a security or protective proce-
10 dure currently utilized, or reasonably expected to be
11 utilized, by the Secret Service or another Govern-
12 ment agency responsible for protecting Government
13 officials, and public disclosure would be so harmful
14 that it outweighs the public interest.

15 SEC. 7. ESTABLISHMENT AND POWERS OF THE ASSASSINA-
16 TION RECORDS REVIEW BOARD.

17 (a) ESTABLISHMENT.—There is established as an
18 independent agency a board to be known as the Assassina-
19 tions Records Review Board.

20 (b) APPOINTMENT.—(1) The President, by and with
21 the advice and consent of the Senate, shall appoint, with-
22 out regard to political affiliation, 5 citizens to serve as
23 members of the Review Board to ensure and facilitate the
24 review, transmission to the Archivist, and public disclosure

1 of government records related to the assassination of
2 President John F. Kennedy.

3 (2) The President shall make nominations to the Re-
4 view Board not later than 90 calendar days after the date
5 of enactment of this Act.

6 (3) If the Senate votes not to confirm a nomination
7 to the Review Board, the President shall make an addi-
8 tional nomination not later than 30 days thereafter.

9 (4)(A) The President shall make nominations to the
10 Review Board after considering persons recommended by
11 the American Historical Association, the Organization of
12 American Historians, the Society of American Archivists,
13 and the American Bar Association.

14 (B) If an organization described in subparagraph (A)
15 does not recommend at least 2 nominees meeting the
16 qualifications stated in paragraph (5) by the date that is
17 45 days after the date of enactment of this Act, the Presi-
18 dent shall consider for nomination the persons rec-
19 ommended by the other organizations described in sub-
20 paragraph (A).

21 (C) The President may request an organization de-
22 scribed in subparagraph (A) to submit additional nomina-
23 tions.

24 (5) Persons nominated to the Review Board—

1 (A) shall be impartial private citizens, none of
2 whom is presently employed by any branch of the
3 Government, and none of whom shall have had any
4 previous involvement with any official investigation
5 or inquiry conducted by a Federal, State, or local
6 government, relating to the assassination of Presi-
7 dent John F. Kennedy;

8 (B) shall be distinguished persons of high na-
9 tional professional reputation in their respective
10 fields who are capable of exercising the independent
11 and objective judgment necessary to the fulfillment
12 of their role in ensuring and facilitating the review,
13 transmission to the public, and public disclosure of
14 records related to the assassination of President
15 John F. Kennedy and who possess an appreciation
16 of the value of such material to the public, scholars,
17 and government; and

18 (C) shall include at least 1 professional histo-
19 rian and 1 attorney.

20 (c) SECURITY CLEARANCES.—(1) All Review Board
21 nominees shall be granted the necessary security clear-
22 ances in an accelerated manner subject to the standard
23 procedures for granting such clearances.

1 (2) All nominees shall qualify for the necessary secu-
2 rity clearance prior to being considered for confirmation
3 by the Committee on Governmental Affairs of the Senate.

4 (d) CONFIRMATION HEARINGS.—(1) The Committee
5 on Governmental Affairs of the Senate shall hold con-
6 firmation hearings within 30 days in which the Senate is
7 in session after the nomination of 3 Review Board mem-
8 bers.

9 (2) The Committee on Governmental Affairs shall
10 vote on the nominations within 14 days in which the Sen-
11 ate is in session after the confirmation hearings, and shall
12 report its results to the full Senate immediately.

13 (3) The Senate shall vote on each nominee to confirm
14 or reject within 14 days in which the Senate is in session
15 after receiving the report from the Committee on Govern-
16 mental Affairs.

17 (e) VACANCY.—A vacancy on the Review Board shall
18 be filled in the same manner as specified for original ap-
19 pointment within 30 days of the occurrence of the vacancy.

20 (f) CHAIRPERSON.—The Members of the Review
21 Board shall elect one of its members as chairperson at
22 its initial meeting.

23 (g) REMOVAL OF REVIEW BOARD MEMBER.—(1) No
24 member of the Review Board shall be removed from office,
25 other than—

1 (A) by impeachment and conviction; or

2 (B) by the action of the President for ineffi-
3 ciency, neglect of duty, malfeasance in office, phys-
4 ical disability, mental incapacity, or any other condi-
5 tion that substantially impairs the performance of
6 the member's duties.

7 (2)(A) If a member of the Review Board is removed
8 from office, and that removal is by the President, not later
9 than 10 days after the removal the President shall submit
10 to the Committee on Government Operations of the House
11 of Representatives and the Committee on Governmental
12 Affairs of the Senate a report specifying the facts found
13 and the grounds for the removal.

14 (B) The President shall publish in the Federal Reg-
15 ister a report submitted under paragraph (2)(A), except
16 that the President may, if necessary to protect the rights
17 of a person named in the report or to prevent undue inter-
18 ference with any pending prosecution, postpone or refrain
19 from publishing any or all of the report until the comple-
20 tion of such pending cases or pursuant to privacy protec-
21 tion requirements in law.

22 (3)(A) A member of the Review Board removed from
23 office may obtain judicial review of the removal in a civil
24 action commenced in the United States District Court for
25 the District of Columbia.

1 (B) The member may be reinstated or granted other
2 appropriate relief by order of the court.

3 (h) COMPENSATION OF MEMBERS.—(1) A member of
4 the Review Board shall be compensated at a rate equal
5 to the daily equivalent of the annual rate of basic pay pre-
6 scribed for level IV of the Executive Schedule under sec-
7 tion 5315 of title 5, United States Code, for each day (in-
8 cluding travel time) during which the member is engaged
9 in the performance of the duties of the Review Board.

10 (2) A member of the Review Board shall be allowed
11 reasonable travel expenses, including per diem in lieu of
12 subsistence, at rates for employees of agencies under sub-
13 chapter I of chapter 57 of title 5, United States Code,
14 while away from the member's home or regular place of
15 business in the performance of services for the Review
16 Board.

17 (i) DUTIES OF THE REVIEW BOARD.—(1) The Re-
18 view Board shall consider and render decisions on a deter-
19 mination by a Government office to seek to postpone the
20 disclosure of assassination records.

21 (2) In carrying out paragraph (1), the Review Board
22 shall consider and render decisions—

23 (A) whether a record constitutes an assassina-
24 tion record; and

1 (B) whether an assassination record or particu-
2 lar information in a record qualifies for postpone-
3 ment of disclosure under this Act.

4 (j) POWERS.—(1) The Review Board shall have the
5 authority to act in a manner prescribed under this Act
6 including authority to—

7 (A) direct Government offices to create identi-
8 fication aids and organize assassination records;

9 (B) direct Government offices to transmit to
10 the Archivist assassination records as required under
11 this Act, including segregable portions of assassina-
12 tion records, and substitutes and summaries of as-
13 sassinatation records that can be publicly disclosed to
14 the fullest extent;

15 (C)(i) obtain access to assassination records
16 that have been identified and organized by a Govern-
17 ment office;

18 (ii) direct a Government office to make avail-
19 able to the Review Board, and if necessary inves-
20 tigate the facts surrounding, additional information,
21 records, or testimony from individuals, which the
22 Review Board has reason to believe is required to
23 fulfill its functions and responsibilities under this
24 Act; and

1 (iii) subpoena private persons to compel testi- 1
2 mony, records, and other information relevant to its 2
3 responsibilities under this Act; 3

4 (D) require any Government office to account 4
5 in writing for the destruction of any records relating 5
6 to the assassination of President John F. Kennedy; 6

7 (E) receive information from the public regard- 7
8 ing the identification and public disclosure of assas- 8
9 sination records; and 9

10 (F) hold hearings, administer oaths, and sub- 10
11 poena witnesses and documents. 11

12 (2) A subpoena issued under paragraph (1)(C)(iii) 12
13 may be enforced by any appropriate Federal court acting 13
14 pursuant to a lawful request of the Review Board. 14

15 (k) WITNESS IMMUNITY.—The Review Board shall 15
16 be considered to be an agency of the United States for 16
17 purposes of section 6001 of title 18, United States Code. 17

18 (l) OVERSIGHT.—(1) The Committee on Government 18
19 Operations of the House of Representatives and the Com- 19
20 mittee on Governmental Affairs of the Senate shall have 20
21 continuing oversight jurisdiction with respect to the offi- 21
22 cial conduct of the Review Board and the disposition of 22
23 postponed records after termination of the Review Board,
24 and shall have access to any records held or created by
25 the Review Board.

1 (2) The Review Board shall have the duty to cooper-
2 ate with the exercise of such oversight jurisdiction.

3 (m) 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 (n) INTERPRETIVE REGULATIONS.—The Review
7 Board may issue interpretive regulations.

8 (o) TERMINATION AND WINDING UP.—(1) The Re-
9 view Board and the terms of its members shall terminate
10 not later than 2 years after the date of enactment of this
11 Act, except that the Review Board may, by majority vote,
12 extend its term for an additional 1-year period if it has
13 not completed its work within that 2-year period.

14 (2) Upon its termination, the Review Board shall
15 submit reports to the President and the Congress includ-
16 ing a complete and accurate accounting of expenditures
17 during its existence, and shall complete all other reporting
18 requirements under this Act.

19 (3) Upon termination and winding up, the Review
20 Board shall transfer all of its records to the Archivist for
21 inclusion in the Collection, and no record of the Review
22 Board shall be destroyed.

1 SEC. 8. ASSASSINATION RECORDS REVIEW BOARD PERSON-
2 NEL.

3 (a) EXECUTIVE DIRECTOR.—(1) Not later than 45
4 days after the initial meeting of the Review Board, the
5 Review Board shall appoint one citizen, without regard to
6 political affiliation, to the position of Executive Director.

7 (2) The person appointed as Executive Director shall
8 be a private citizen of integrity and impartiality who is
9 a distinguished professional and who is not a present em-
10 ployee of any branch of the Government and has had no
11 previous involvement with any official investigation or in-
12 quiry relating to the assassination of President John F.
13 Kennedy.

14 (3)(A) A candidate for Executive Director shall be
15 granted the necessary security clearances in an accelerated
16 manner subject to the standard procedures for granting
17 such clearances.

18 (B) A candidate shall qualify for the necessary secu-
19 rity clearance prior to being approved by the Review
20 Board.

21 (4) The Executive Director shall—

22 (A) serve as principal liaison to Government of-
23 fices;

24 (B) be responsible for the administration and
25 coordination of the Review Board's review of
26 records;

1 (C) be responsible for the administration of all
2 official activities conducted by the Review Board;
3 and

4 (D) have no authority to decide or determine
5 whether any record should be disclosed to the public
6 or postponed for disclosure.

7 (5) The Executive Director shall not be removed for
8 reasons other than by a majority vote of the Review Board
9 for cause on the grounds of inefficiency, neglect of duty,
10 malfeasance in office, physical disability, mental incapac-
11 ity, or any other condition that substantially impairs the
12 performance of the responsibilities of the Executive Direc-
13 tor or the staff of the Review Board.

14 (b) STAFF.—(1) The Review Board may, in accord-
15 ance with the civil service laws but without regard to civil
16 service law and regulation for competitive service as de-
17 fined in subchapter 1, chapter 33 of title 5, United States
18 Code, appoint and terminate additional personnel as are
19 necessary to enable the Review Board and its Executive
20 Director to perform its duties.

21 (2) A person appointed to the staff of the Review
22 Board shall be a private citizen of integrity and impartial-
23 ity who is not a present employee of any branch of the
24 Government and who has had no previous involvement

1 with any official investigation or inquiry relating to the
2 assassination of President John F. Kennedy.

3 (3)(A) A candidate for staff shall be granted the nec-
4 essary security clearances in an accelerated manner sub-
5 ject to the standard procedures for granting such clear-
6 ances.

7 (B) A candidate for the staff shall qualify for the nec-
8 essary security clearance prior to being approved by the
9 Review Board.

10 (c) COMPENSATION.—The Review Board shall fix the
11 compensation of the Executive Director and other person-
12 nel in accordance with title 5, United States Code, except
13 that the rate of pay for the Executive Director and other
14 personnel may not exceed the rate payable for level V of
15 the Executive Schedule under section 5316 of that title.

16 (d) ADVISORY COMMITTEES.—(1) The Review Board
17 shall have the authority to create advisory committees to
18 assist in fulfilling the responsibilities of the Review Board
19 under this Act.

20 (2) Any advisory committee created by the Review
21 Board shall be subject to the Federal Advisory Committee
22 Act (5 U.S.C. App.).

1 SEC. 9. REVIEW OF RECORDS BY THE ASSASSINATION
2 RECORDS REVIEW BOARD.

3 (a) CUSTODY OF RECORDS REVIEWED BY BOARD.—

4 Pending the outcome of the Review Board's review activ-
5 ity, a Government office shall retain custody of its assas-
6 sination records for purposes of preservation, security, and
7 efficiency, unless—

8 (1) the Review Board requires the physical
9 transfer of records for reasons of conducting an
10 independent and impartial review; or

11 (2) such transfer is necessary for an adminis-
12 trative hearing or other official Review Board func-
13 tion.

14 (b) STARTUP REQUIREMENTS.—The Review Board
15 shall—

16 (1) not later than 90 days after the date of its
17 appointment, publish a schedule for review of all as-
18 sination records in the Federal Register; and

19 (2) not later than 180 days after the date of
20 enactment of this Act, begin its review of assassina-
21 tion records under this Act.

22 (c) DETERMINATIONS OF THE REVIEW BOARD.—(1)
23 The Review Board shall direct that all assassination
24 records be transmitted to the Archivist and disclosed to
25 the public in the Collection in the absence of clear and
26 convincing evidence that—

1 (A) a Government record is not an assassina-
2 tion record; or

3 (B) a Government record or particular informa-
4 tion within an assassination record qualifies for
5 postponement of public disclosure under this Act.

6 (2) In approving postponement of public disclosure
7 of an assassination record, the Review Board shall seek
8 to—

9 (A) provide for the disclosure of segregable
10 parts, substitutes, or summaries of such a record;
11 and

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

17 (i) Any reasonably segregable particular
18 information in an assassination record.

19 (ii) A substitute record for that informa-
20 tion which is postponed.

21 (iii) A summary of an assassination record.

22 (3) With respect to each assassination record or par-
23 ticular information in assassination records the public dis-
24 closure of which is postponed pursuant to section 6, or
25 for which only substitutions or summaries have been dis-

1 closed to the public, the Review Board shall create and
2 transmit to the Archivist a report containing—

3 (A) a description of actions by the Review
4 Board, the originating body, the President, or any
5 Government office (including a justification of any
6 such action to postpone disclosure of any record or
7 part of any record) and of any official proceedings
8 conducted by the Review Board with regard to spe-
9 cific assassination records; and

10 (B) a statement, based on a review of the pro-
11 ceedings and in conformity with the decisions re-
12 flected therein, designating a recommended specified
13 time at which or a specified occurrence following
14 which the material may be appropriately disclosed to
15 the public under this Act.

16 (4)(A) Following its review and a determination that
17 an assassination record shall be publicly disclosed in the
18 Collection or postponed for disclosure and held in the pro-
19 tected Collection, the Review Board shall notify the head
20 of the originating body of its determination and publish
21 a copy of the determination in the Federal Register within
22 14 days after the determination is made.

23 (B) Contemporaneous notice shall be made to the
24 President for Review Board determinations regarding ex-
25 ecutive branch assassination records, and to the oversight

1 committees designated in this Act in the case of legislative
2 branch records. Such notice shall contain a written unclas-
3 sified justification for public disclosure or postponement
4 of disclosure, including an explanation of the application
5 of any standards contained in section 6.

6 (d) PRESIDENTIAL AUTHORITY OVER REVIEW
7 BOARD DETERMINATION.—

8 (1) PUBLIC DISCLOSURE OR POSTPONEMENT OF
9 DISCLOSURE.—After the Review Board has made a
10 formal determination concerning the public disclo-
11 sure or postponement of disclosure of an executive
12 branch assassination record or information within
13 such a record, or of any information contained in an
14 assassination record, obtained or developed solely
15 within the executive branch, the President shall have
16 the sole and nondelegable authority to require the
17 disclosure or postponement of such record or infor-
18 mation under the standards set forth in section 6,
19 and the President shall provide the Review Board
20 with an unclassified written certification specifying
21 the President's decision within 30 days after the Re-
22 view Board's determination and notice to the execu-
23 tive branch agency as required under this Act, stat-
24 ing the justification for the President's decision, in-
25 cluding the applicable grounds for postponement

1 under section 6, accompanied by a copy of the iden-
2 tification aid required under section 4.

3 (2) PERIODIC REVIEW.—Any executive branch
4 assassination record postponed by the President
5 shall be subject to the requirements of periodic re-
6 view, downgrading and declassification of classified
7 information, and public disclosure in the collection
8 set forth in section 4.

9 (3) RECORD OF PRESIDENTIAL POSTPONE-
10 MENT.—The Review Board shall, upon its receipt,
11 publish in the Federal Register a copy of any unclas-
12 sified written certification, statement, and other ma-
13 terials transmitted by or on behalf of the President
14 with regard to postponement of assassination
15 records.

16 (e) NOTICE TO PUBLIC.—Every 30 calendar days, be-
17 ginning on the date that is 60 calendar days after the date
18 on which the Review Board first approves the postpone-
19 ment of disclosure of an assassination record, the Review
20 Board shall publish in the Federal Register a notice that
21 summarizes the postponements approved by the Review
22 Board or initiated by the President, the House of Rep-
23 resentatives, or the Senate, including a description of the
24 subject, originating agency, length or other physical de-

1 description, and each ground for postponement that is relied
2 upon.

3 (f) REPORTS BY THE REVIEW BOARD.—(1) The Re-
4 view Board shall report its activities to the leadership of
5 the Congress, the Committee on Government Operations
6 of the House of Representatives, the Committee on Gov-
7 ernmental Affairs of the Senate, the President, the Archi-
8 vist, and the head of any Government office whose records
9 have been the subject of Review Board activity.

10 (2) The first report shall be issued on the date that
11 is 1 year after the date of enactment of this Act, and sub-
12 sequent reports every 12 months thereafter until termi-
13 nation of the Review Board.

14 (3) A report under paragraph (1) shall include the
15 following information:

16 (A) A financial report of the expenses for all of-
17 ficial activities and requirements of the Review
18 Board and its personnel.

19 (B) The progress made on review, transmission
20 to the Archivist, and public disclosure of assassina-
21 tion records.

22 (C) The estimated time and volume of assas-
23 sination records involved in the completion of the
24 Review Board's performance under this Act.

1 (D) Any special problems, including requests
2 and the level of cooperation of government offices,
3 with regard to the ability of the Review Board to op-
4 erate as required by this Act.

5 (E) A record of review activities, including a
6 record of postponement decisions by the Review
7 Board or other related actions authorized by this
8 Act, and a record of the volume of records reviewed
9 and postponed.

10 (F) Suggestions and requests to Congress for
11 additional legislative authority needs.

12 (G) An appendix containing copies of reports of
13 postponed records to the Archivist required under
14 section 9(c)(3) made since the date of the preceding
15 report under this subsection.

16 (4) At least 90 calendar days before completing its
17 work, the Review Board shall provide written notice to the
18 President and Congress of its intention to terminate its
19 operations at a specified date.

20 SEC. 10. DISCLOSURE OF OTHER MATERIALS AND ADDI-
21 TIONAL STUDY.

22 (a) MATERIALS UNDER SEAL OF COURT.—

23 (1) The Review Board may request the Attor-
24 ney General to petition any court in the United
25 States or abroad to release any information relevant

1 to the assassination of President John F. Kennedy
2 that is held under seal of the court.

3 (2)(A) The Review Board may request the At-
4 torney General to petition any court in the United
5 States to release any information relevant to the as-
6 sassination of President John F. Kennedy that is
7 held under the injunction of secrecy of a grand jury.

8 (B) A request for disclosure of assassination
9 materials under this Act shall be deemed to con-
10 stitute a showing of particularized need under Rule
11 6 of the Federal Rules of Criminal Procedure.

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

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

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

1 and contact any other foreign government that may
2 hold information relevant to the assassination of
3 President Kennedy and seek disclosure of such infor-
4 mation; and

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

10 SEC. 11. RULES OF CONSTRUCTION.

11 (a) PRECEDENCE OVER OTHER LAW.—When this
12 Act requires transmission of a record to the Archivist or
13 public disclosure, it shall take precedence over any other
14 law (except section 6103 of the Internal Revenue Code),
15 judicial decision construing such law, or common law doc-
16 trine that would otherwise prohibit such transmission or
17 disclosure, with the exception of deeds governing access
18 to or transfer or release of gifts and donations of records
19 to the United States Government.

20 (b) FREEDOM OF INFORMATION ACT.—Nothing in
21 this Act shall be construed to eliminate or limit any right
22 to file requests with any Executive agency or seek judicial
23 review of the decisions pursuant to section 552 of title 5,
24 United States Code.

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

5 (d) EXISTING AUTHORITY.—Nothing in this Act re-
6 vokes or limits the existing authority of the President, any
7 executive agency, the Senate, or the House of Rep-
8 resentatives, or any other entity of the Government to
9 publicly disclose records in its possession.

10 (e) RULES OF THE SENATE AND HOUSE OF REP-
11 RESENTATIVES.—To the extent that any provision of this
12 Act establishes a procedure to be followed in the Senate
13 or the House of Representatives, such provision is
14 adopted—

15 (1) as an exercise of the rulemaking power of
16 the Senate and House of Representatives, respec-
17 tively, and is deemed to be part of the rules of each
18 House, respectively, but applicable only with respect
19 to the procedure to be followed in that House, and
20 it supersedes other rules only to the extent that it
21 is inconsistent with such rules; and

22 (2) with full recognition of the constitutional
23 right of either House to change the rules (so far as
24 they relate to the procedure of that House) at any

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

3 SEC. 12. TERMINATION OF EFFECT OF ACT.

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

9 (b) OTHER PROVISIONS.—The remaining provisions
10 of this Act shall continue in effect until such time as the
11 Archivist certifies to the President and the Congress that
12 all assassination records have been made available to the
13 public in accordance with this Act.

14 SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

15 (a) IN GENERAL.—There are authorized to be appro-
16 priated such sums as are necessary to carry out this Act,
17 to remain available until expended.

18 (b) INTERIM FUNDING.—Until such time as funds
19 are appropriated pursuant to subsection (a), the President
20 may use such sums as are available for discretionary use
21 to carry out this Act.

22 SEC. 14. SEVERABILITY.

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

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

Calendar No. 552

102D CONGRESS
2D SESSION
S. 3006

[Report No. 102-328]

A BILL

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

JULY 22 (legislative day, JULY 20), 1992

Read twice and placed on the calendar