

Government Agency Responsibilities  
Under § 5 of the JFK Act  
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## MEMORANDUM

May 22, 2017

To: File 3.10.1

From: Laura Denk

Subject: Brief Summary of Government Agency Responsibilities Under Section 5 of the JFK Act, 44 U.S.C. § 2107.5

The following is a brief summary of Government agency responsibilities under section 5 of the President John F. Kennedy Assassination Records Collection Act of 1992, 44 U.S.C. § 2107.5 (1992). Not all relevant provisions are summarized here. Section 5 also speaks to custody of assassination records during the review process, periodic review of postponed assassination records, and fees for copying assassination records.

- Each Government office has the responsibility of identifying and organizing its records relating to the assassination of President John F. Kennedy and preparing them for transmission to the Archivist for inclusion in the Collection.
- **Review Procedures**  
Not later than 300 days after the enactment of this Act (enactment date October 26, 1992), each Government office shall review, identify, and organize each assassination record in its custody or possession for disclosure to the public, review by the Review Board, and transmission to the Archivist. In completing this process, Government offices should take the following steps:
  - Determine which records are assassination records (JFK Act, 44 U.S.C. § 2107.3(2), and Guidance on Interpreting and Implementing the President John F. Kennedy Assassination Records Collection Act of 1992, 60 Fed. Reg. 33345 (1995));
  - Give priority to those records that are available in a redacted form or that are the subject of FOIA litigation;

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- Determine which of assassination records have been officially disclosed or publicly available in a complete and unredacted form (check FOI/PA releases including reading room materials and materials available at the National Archives);
- Identify and transmit third agency records to third agencies;
- Review the assassination records to determine if the agency will request a postponement of public disclosure of the entire record or information within the record under § 6 of the JFK Act.

### **Identification Aids**

Government offices must create an electronic identification aid for each assassination record. (Steve Tilley at the National Archives has the computer disks that contain the form of the identification aid.)

- Once the identification aid is complete, attach a printed copy to the record it describes and transmit to the Review Board a printed copy or computer disk.

### **Transmission of Records**

If the agency is releasing an assassination record in full, the agency should transmit the record, along with its identification aid, immediately to the Archivist.

If the agency is requesting postponement of public disclosure for all or part of a record, it should transmit the record and its identification aid to the Review Board. The agency should also transmit to the Review Board any record that the agency is uncertain whether the record is an assassination record governed by the JFK Act.

### **Additional Records**

Agencies must make available to the Review Board any additional information and records that the Review Board has reason to believe it requires for conducting a review under this Act.