

109TH CONGRESS
2^D SESSION

H. R. 4968

To provide for the expeditious disclosure of records relevant to the life
and death of Tupac Amaru Shakur.

IN THE HOUSE OF REPRESENTATIVES

MARCH 15, 2006

Ms. MCKINNEY introduced the following bill; which was referred to the Committee on Government Reform, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for the expeditious disclosure of records relevant
to the life and death of Tupac Amaru Shakur.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Tupac Shakur Records Release Act of 2006”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings, declarations, and purposes.
- Sec. 3. Definitions.
- Sec. 4. Tupac Amaru Shakur Records Collection at the National Archives.

- Sec. 5. Citizens Advisory Committee.
- Sec. 6. Review, identification, transmission to the National Archives, and public disclosure of related records by Government offices.
- Sec. 7. Postponement of public disclosure of records.
- Sec. 8. Review of records by Archivist.
- Sec. 9. Disclosure of materials under seal of court.
- Sec. 10. Private right of action.
- Sec. 11. Rules of construction.
- Sec. 12. Authorization of appropriations.
- Sec. 13. Records pending.
- Sec. 14. Whistleblower protection.
- Sec. 15. Severability.

1 **SEC. 2. FINDINGS, DECLARATIONS, AND PURPOSES.**

2 (a) FINDINGS AND DECLARATIONS.—The Congress
3 finds and declares that—

4 (1) all Government records related to the life
5 and death of Tupac Amaru Shakur should be pre-
6 served for historical and governmental purposes;

7 (2) all Government records concerning the life
8 and death of Tupac Amaru Shakur should carry a
9 presumption of immediate disclosure, and all records
10 should be eventually disclosed to enable the public to
11 become fully informed about the history surrounding
12 his life and death;

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

16 (4) legislation is necessary because Government
17 records related to the life and death of Tupac
18 Amaru Shakur would not otherwise be subject to
19 public disclosure;

1 (5) legislation is necessary because the Freedom
2 of Information Act, as implemented by the executive
3 branch, is not sufficient to ensure the timely public
4 disclosure of records relating to the life and death
5 of Tupac Amaru Shakur; and

6 (6) only in the rarest cases is there any legiti-
7 mate need for continued protection of such records.

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

9 (1) to provide for the creation of the Tupac
10 Amaru Shakur Records Collection at the National
11 Archives and a second repository at the Tupac
12 Amaru Shakur Center for the Arts in Stone Moun-
13 tain, Georgia; and

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

17 **SEC. 3. DEFINITIONS.**

18 In this Act, the following definitions apply:

19 (1) The term “Archivist” means the Archivist
20 of the United States.

21 (2) The term “Citizens Advisory Committee”
22 means the Citizens Advisory Committee appointed
23 under section 5.

1 (3) The term “Collection” means the Tupac
2 Amaru Shakur Records Collection established under
3 section 4.

4 (4) The term “Executive agency” means an Ex-
5 ecutive agency as defined in subsection 552(f) of
6 title 5, United States Code, and includes any Execu-
7 tive department, military department, Government
8 corporation, Government controlled corporation, or
9 other establishment in the executive branch of the
10 Government, including the Executive Office of the
11 President, or any independent regulatory agency.

12 (5) The term “Government office” includes—

13 (A) all current, past, and former depart-
14 ments, agencies, offices, divisions, foreign of-
15 fices, bureaus, and deliberative bodies of any
16 Federal, State, or local government and in-
17 cludes all inter- or intra-agency working groups,
18 committees, and meetings that possess or cre-
19 ated records relating to the life and death of
20 Tupac Amaru Shakur; and

21 (B) any office of the Federal Government
22 that has possession or control of related
23 records, including any executive branch office or
24 agency, and any independent agency.

1 (6) The term “identification aid” means the
2 written description prepared by the Archivist for
3 each record as required by section 6.

4 (7) The term “National Archives” means the
5 National Archives and all components thereof, in-
6 cluding Presidential archival depositories established
7 under section 2112 of title 44, United States Code.

8 (8) The term “official investigation” means the
9 reviews of the activities or death of Tupac Amaru
10 Shakur conducted by any Federal, State or local
11 agency either independently, or at the request of any
12 Government official.

13 (9) The term “originating body” means the Ex-
14 ecutive agency or other governmental entity that cre-
15 ated a record or particular information within a
16 record.

17 (10) The term “public interest” means the
18 compelling interest in the prompt public disclosure
19 of related records for historical and governmental
20 purposes and for the purpose of fully informing the
21 American people about the history surrounding the
22 life and death of Tupac Amaru Shakur

23 (11) The term “record” includes a book, paper,
24 map, photograph, sound or video recording, machine
25 readable material, computerized, digitized, or elec-

1 tronic information, regardless of the medium on
2 which it is stored, or other documentary material or
3 physical evidence or artifact regardless of its phys-
4 ical form or characteristics.

5 (12) The term “related record” includes all
6 public records, regardless of how labeled or identi-
7 fied, that document, describe, report on, analyze or
8 interpret activities, persons, or events reasonably re-
9 lated to the life and death of Tupac Amaru Shakur
10 and investigations of or inquiries into his life or
11 death, including a record—

12 (A) that was created or made available for
13 use by, obtained by, or otherwise came into the
14 possession of—

15 (i) any Executive agency;

16 (ii) any independent agency;

17 (iii) any Government office; or

18 (iv) any State or local law enforce-
19 ment office that provided support or assist-
20 ance or performed work in connection with
21 any Government inquiry into the life and
22 death of Tupac Amaru Shakur; or

23 (B) that is any of the following:

24 (i) A record created in the course of
25 a Federal, State, or local governmental in-

1 investigation that is no longer in possession
2 of the Federal, State, or local government.

3 (ii) A record located at, or under the
4 control of—

5 (I) record repositories and ar-
6 chives of a Federal, State, or local
7 government;

8 (II) an individual who possesses
9 the record by virtue of service with a
10 Government office;

11 (III) a person, including an indi-
12 vidual or corporation, who obtained
13 such record from Government sources
14 or individuals identified in this Act; or

15 (IV) a person, including an indi-
16 vidual or corporation, who created or
17 has obtained such record from sources
18 other than those identified in this
19 clause.

20 (iii) A record of a Federal or State
21 criminal or civil court, including a record
22 under seal released in accordance with sec-
23 tion 9.

24 (iv) A record generated by a foreign
25 government.

1 (v) A record in possession of a con-
2 tractor of the Federal Government.

3 (vi) All records collected by or seg-
4 regated by all Federal, State, and local
5 government agencies in conjunction with
6 any investigation or analysis of or inquiry
7 into the life and death of Tupac Amaru
8 Shakur, including any intra-agency inves-
9 tigation or analysis, any interagency com-
10 munications, or any intra-agency collection
11 or segregation of documents and other ma-
12 terials regarding the life and death of
13 Tupac Amaru Shakur.

14 (vii) All documents used by Govern-
15 ment offices and agencies during their de-
16 classification review of related records as
17 well as all other documents, indices, and
18 other material, including but not limited to
19 those that disclose cryptonyms, code
20 names, or other identifiers that appear in
21 related records that would reasonably con-
22 stitute a related record or would assist in
23 the identification, evaluation, or interpreta-
24 tion of a related record, including—

1 (I) with respect to records that
2 are identified with respect to a par-
3 ticular person, all records relating to
4 that person that use or reflect the
5 true name or any other name, pseu-
6 donym, codeword, symbol, number,
7 cryptonym, or alias used to identify
8 that person;

9 (II) with respect to records that
10 are identified with respect to a par-
11 ticular operation or program, all
12 records pertaining to that program by
13 any other name, pseudonym,
14 codeword, symbol, number, or
15 cryptonym; and

16 (III) any other record that does
17 not fall within the scope of a related
18 record as described in the Act, but
19 which has the potential to enhance,
20 enrich, and broaden the historical
21 record of the life and death of Tupac
22 Amaru Shakur.

23 (13) The term “third agency” means a Govern-
24 ment agency that originated a related record that is
25 in the possession of another agency.

1 **SEC. 4. TUPAC AMARU SHAKUR RECORDS COLLECTION AT**
2 **THE NATIONAL ARCHIVES.**

3 (a) IN GENERAL.—(1) Not later than 60 days after
4 the date of enactment of this Act, the National Archives
5 shall commence establishment of a collection of records to
6 be known as the “Tupac Amaru Shakur Records Collec-
7 tion.” In so doing, the Archivist shall ensure the physical
8 integrity and original provenance of all records. The Col-
9 lection shall consist of originals or record copies of all Gov-
10 ernment records relating to the life and death of Tupac
11 Amaru Shakur, which shall be transmitted to the National
12 Archives in accordance with section 2107 of title 44,
13 United States Code. The Archivist shall prepare and pub-
14 lish a subject guidebook and index to the collection, includ-
15 ing the central directory described in paragraph (2)(B),
16 which shall be available to the public and searchable elec-
17 tronically.

18 (2) The Collection shall include—

19 (A) all related records—

20 (i) that have been transmitted to the Na-
21 tional Archives or disclosed to the public in an
22 un-redacted form prior to the date of enactment
23 of this Act, or were so transmitted or disclosed
24 and reclassified prior to such date of enact-
25 ment;

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

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

5 (iv) that meets the definition of a related
6 record but is discovered after completion of the
7 record review under section 6(c) or termination
8 of activities of the Archivist under this Act
9 under section 8(f); and

10 (B) a central directory comprised of identifica-
11 tion aids created for each record transmitted to the
12 Archivist under section 6.

13 (b) USE OF SECONDARY LOCATION FOR PORTION OF
14 COLLECTION.—

15 (1) IN GENERAL.—The Archivist shall enter
16 into an agreement with the Tupac Amaru Shakur
17 Center for the Arts in Stone Mountain, Georgia, or
18 another location agreed to by the family of Tupac
19 Shakur, for the establishment of a secondary loca-
20 tion for a complete copy of an appropriate portion
21 (not including physical artifacts) of the Collection—

22 (A) which will provide a maximum level of
23 public access to copies of the portion of the Col-
24 lection involved; and

1 (B) which will encourage continuing study
2 and education regarding the life and death of
3 Tupac Amaru Shakur.

4 (2) TREATMENT OF COLLECTION AT SEC-
5 ONDARY LOCATION.—The copies of the portion of
6 the Collection maintained at the secondary location
7 pursuant to this subsection, and the entity respon-
8 sible for maintaining such copies of the collection
9 under the agreement entered into under this sub-
10 section, shall be subject to the same terms, condi-
11 tions, and requirements as apply under this Act to
12 the portion of the Collection maintained at the Na-
13 tional Archives and the Archivist.

14 (c) AVAILABILITY OF COLLECTION AT ARCHIVES AND
15 ELECTRONICALLY.—Each item in the Collection (as de-
16 scribed in subsection (a)(2)), other than an artifact or a
17 record the disclosure of which is postponed under this Act,
18 shall be available to the public for inspection and copying
19 at the National Archives and through an electronic format
20 within 30 days after its transmission to the National Ar-
21 chives.

22 (d) FEES FOR COPYING.—The Archivist shall—

23 (1) charge fees for copying such records; and

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

4 (e) ADDITIONAL REQUIREMENTS.—(1) The Collec-
5 tion shall be preserved, protected, archived, and made
6 available to the public at the National Archives.

7 (2) Whenever artifacts are included in the Collection,
8 it shall be sufficient to comply with this Act if the public
9 is provided with access to photographs, drawings, or simi-
10 lar materials depicting the artifacts. Additional display,
11 examination, or testing by the public of artifacts in the
12 Collection shall occur if there is a reasonable claim that
13 such examination or testing will reveal aspects of the arti-
14 fact that cannot be determined from such photographs or
15 depictions, and shall occur under the terms and conditions
16 established by the National Archives to ensure their pres-
17 ervation and protection for prosperity.

18 (3) The National Archives, in consultation with its
19 Information Security Oversight Office, shall ensure the se-
20 curity of the records in the Collection that qualify for post-
21 ponement of public disclosure pursuant to section 7.

22 **SEC. 5. CITIZENS ADVISORY COMMITTEE.**

23 (a) APPOINTMENT.—Not later than 60 days after the
24 date of enactment of this Act, the Archivist shall appoint
25 an independent Citizens Advisory Committee, subject to

1 the Federal Advisory Committee Act (5 U.S.C. App.) from
2 candidates solicited from and nominated not later than 30
3 days after the date of the enactment of this Act by non-
4 governmental organizations from the Society of American
5 Archivists, the National Bar Association, the Black Cau-
6 cus of the American Library Association, Inc., the Na-
7 tional Conference of Black Political Scientists, and the
8 civil rights, civil liberties, entertainment and African
9 American communities, which shall consist of ap-
10 pointees—

11 (1) who have not had any previous involvement
12 with any official investigations into the life and
13 death of Tupac Amaru Shakur;

14 (2) who were never employed or engaged by any
15 Federal, State, or local intelligence or law enforce-
16 ment agency that generated or that is required to
17 transmit to the Archivist under section 6 any related
18 record;

19 (3) who shall be impartial private citizens, none
20 of whom is presently employed by any branch of the
21 Government;

22 (4) who shall be distinguished persons of high
23 national professional reputation in their respective
24 fields who are capable of exercising the independent
25 and objective judgment necessary to the fulfillment

1 of their role in ensuring and facilitating the review,
2 transmission to the public, and public disclosure of
3 records related to the life and death of Tupac
4 Shakur;

5 (5) who possess an appreciation of the value of
6 such material to the public, scholars, and govern-
7 ment; and

8 (6) who include at least 3 scholars in current
9 history, at least 3 members of the civil rights com-
10 munity, at least 3 experts on civil liberties, and at
11 least one member of the immediate family of Tupac
12 Amaru Shakur.

13 (b) NOMINATIONS.—

14 (1) If an organization described in subsection
15 (a) does not recommend at least 2 nominees meeting
16 the qualifications stated in that subsection, by the
17 date that is 45 days after the date of enactment of
18 this Act, the Archivist shall consider for nomination
19 the persons recommended by the other organizations
20 or communities described in subsection (a).

21 (2) The Archivist may request an organization
22 described in subsection (a) to submit additional
23 nominations.

24 (c) COMPENSATION.—The Citizens Advisory Com-
25 mittee shall not be compensated, but shall meet at its dis-

1 cretion at least twice each year to advise and assist the
2 Archivist in the full implementation of this Act, includ-
3 ing—

4 (1) suggestions to assist in the location of all
5 related records,

6 (2) review of the public reasons for postpone-
7 ment decisions and appeals regarding related
8 records,

9 (3) recommendations for subpoena of records or
10 enforcement of the Act,

11 (4) evaluations regarding cooperation of Gov-
12 ernment agencies and entities, and

13 (5) participation in annual reviews and reports
14 by the Archivist.

15 (d) VACANCY.—A vacancy on the Citizens Advisory
16 Committee shall be filled in the same manner as specified
17 for original appointment within 30 days after the occur-
18 rence of the vacancy. Nominations for a vacancy shall be
19 made by the organizations and communities described in
20 subsection (a).

21 (e) CHAIRPERSON.—The Members of the Citizens
22 Advisory Committee shall elect one of its members as
23 chairperson at its initial meeting.

24 (f) REMOVAL OF CITIZENS ADVISORY COMMITTEE
25 MEMBER.—

1 (1) IN GENERAL.—No member of the Citizens
2 Advisory Committee shall be removed from office,
3 other than—

4 (A) by impeachment and conviction; or

5 (B) by the action of the Archivist for inef-
6 ficiency, neglect of duty, malfeasance in office,
7 physical disability, mental incapacity, failure to
8 meet, falsification of any qualifications under
9 subsection (a)(1), or any other condition that
10 substantially impairs the performance of the
11 member's duties.

12 (2) REPORT.—

13 (A) FACTS AND GROUNDS.—If a member
14 of the Citizens Advisory Committee is removed
15 from office, and that removal is by the Archi-
16 vist, not later than 10 days after the removal
17 the Archivist shall submit to the Committee on
18 Government Reform of the House of Represent-
19 atives and the Committee on Homeland Secu-
20 rity and Governmental Affairs of the Senate a
21 report specifying the facts found and the
22 grounds for the removal.

23 (B) PUBLICATION.—The Archivist shall
24 publish in the Federal Register a report sub-
25 mitted under paragraph (2), except that the Ar-

1 chivist may, if necessary to protect the rights of
2 a person named in the report or to prevent
3 undue interference with any pending prosecu-
4 tion, postpone or refrain from publishing any or
5 all of the report until the completion of such
6 pending cases or pursuant to privacy protection
7 requirements in law.

8 (3) JUDICIAL REVIEW.—

9 (A) CIVIL ACTION.—A member of the Citi-
10 zens Advisory Committee removed from office
11 may obtain judicial review of the removal in a
12 civil action commenced in the United States
13 District Court for the District of Columbia.

14 (B) REINSTATEMENT.—The member may
15 be reinstated or granted other appropriate relief
16 by order of the court.

17 **SEC. 6. REVIEW, IDENTIFICATION, TRANSMISSION TO THE**
18 **NATIONAL ARCHIVES, AND PUBLIC DISCLO-**
19 **SURE OF RELATED RECORDS BY GOVERN-**
20 **MENT OFFICES.**

21 (a) IN GENERAL.—

22 (1) PREPARATION FOR REVIEW.—As soon as
23 practicable after the date of enactment of this Act,
24 each Government office shall identify and organize
25 its records relating to the life and death of Tupac

1 Amaru Shakur and prepare them for transmission to
2 the Archivist for inclusion in the Collection.

3 (2) DETERMINATION OF USE OF ORIGINALS OR
4 COPIES.—

5 (A) For purposes of determining whether
6 originals or copies of related records are to be
7 made part of the Collection established under
8 this Act, the following shall apply:

9 (i) In the case of papers, maps, and
10 other documentary materials, the Archivist
11 may determine that record copies of Gov-
12 ernment records, either the signed original,
13 original production, or a reproduction that
14 has been treated as the official record
15 maintained to chronicle government func-
16 tions or activities may be placed in the
17 Collection.

18 (ii) In the case of other papers, maps,
19 and other documentary material, the Ar-
20 chivist may determine that a true and ac-
21 curate copy of a record in lieu of the origi-
22 nal may be placed in the Collection.

23 (iii) In the case of photographs, the
24 original negative, whenever available (oth-
25 erwise the nearest generation print that is

1 a true and accurate copy), may be placed
2 in the Collection.

3 (iv) In the case of motion pictures,
4 the camera original, whenever available
5 (otherwise the earliest generation print
6 that is a true and accurate copy) may be
7 placed in the Collection.

8 (v) In the case of sound and video re-
9 cordings, the original recording, whenever
10 available (otherwise the earliest generation
11 copy that is a true and accurate copy) may
12 be placed in the Collection.

13 (vi) In the case of machine-readable
14 information, a true and accurate copy of
15 the original (duplicating all information
16 contained in the original and in a format
17 that permits retrieval of the information)
18 may be placed in the Collection.

19 (vii) In the case of artifacts, the origi-
20 nal objects themselves shall be placed in
21 the Collection at the National Archives.

22 (B) To the extent records from foreign
23 governments are included in the Collection, cop-
24 ies of the original records shall be sufficient for
25 inclusion in the Collection.

1 (C) In cases where a copy, as defined in
2 subparagraph (D), is authorized by the Archi-
3 vist to be included in the Collection, the Archi-
4 vist may require that a copy be certified if, in
5 the discretion of the Archivist, the Archivist de-
6 termines a certification to be necessary to en-
7 sure the integrity of the Collection. In cases
8 where an original, as defined in subparagraph
9 (A), is required for inclusion in the Collection,
10 the Archivist may, at the discretion of the Ar-
11 chivist, accept the best available copy. In such
12 cases that records included in the Collection,
13 whether originals or copies, contain illegible
14 portions, such records shall have attached
15 thereto a certified transcription of the illegible
16 language to the extent practicable.

17 (D) For purposes of implementing this
18 Act, the term “copy” means true and accurate
19 photocopy duplication by a means appropriate
20 to the medium of the original record that pre-
21 serves and displays the integrity of the record
22 and the information contained in it.

23 (E) Nothing in this paragraph shall be in-
24 terpreted to suggest that additional copies of
25 any related records contained in the Collection

1 are not also related records that may also be
2 placed in the Collection.

3 (F) Nothing in this paragraph shall be in-
4 terpreted to prevent or to preclude copies of any
5 electronic related records from being refor-
6 matted electronically in order to conform to dif-
7 ferent hardware or software requirements of
8 audiovisual or machine-readable formats if such
9 is the professional judgment of the National Ar-
10 chives.

11 (3) RELATED RECORDS.—In carrying out this
12 section, a Government office may not destroy, alter,
13 or mutilate in any way a related record.

14 (4) PRIOR DISCLOSURE.—

15 (A) Except as provided in subparagraph
16 (B), in carrying out this section, a Government
17 office may not withhold, redact, postpone for
18 public disclosure, or reclassify a related record
19 that was made available or disclosed to the pub-
20 lic prior to the date of enactment of this Act.

21 (B) For purposes of subparagraph (A), a
22 Government office may withhold names or iden-
23 tifies, consistent with the requirements of sec-
24 tion 6, in a related record created by a person
25 or entity outside government.

1 (b) CUSTODY OF RELATED RECORDS PENDING RE-
2 VIEW.—During the review by a Government office, the
3 Government office shall retain custody of its related
4 records for purposes of preservation, security, and effi-
5 ciency, unless—

6 (1) any oversight Committee requires the phys-
7 ical transfer of records for purposes of conducting
8 an independent and impartial review;

9 (2) it is a third agency record described in sub-
10 section (c)(2)(C); or

11 (3) any other records are transferred to the Ar-
12 chives for public disclosure.

13 (c) REVIEW.—

14 (1) IN GENERAL.—Not later than 180 days
15 after the date of enactment of this Act, each Gov-
16 ernment office shall review each related record in its
17 custody or possession in accordance with paragraph
18 (2).

19 (2) RELATED RECORDS.—In carrying out para-
20 graph (1), a Government office shall—

21 (A) determine which of its records are re-
22 lated records;

23 (B) determine which of its related records
24 have been officially disclosed or publicly avail-
25 able in a complete and un-redacted form;

1 (C)(i) determine which of its related
2 records, or particular information contained in
3 such a record, was created by a third agency or
4 by another Government office; and

5 (ii) transmit to a third agency or other
6 Government office those records, or particular
7 information contained in those records, or com-
8 plete and accurate copies thereof;

9 (D)(i) determine whether its related
10 records or particular information in related
11 records are covered by the standards for post-
12 ponement of public disclosure under this Act;
13 and

14 (ii) specify on the identification aid re-
15 quired by subsection (d) the applicable post-
16 ponement provision contained in section 7;

17 (E) organize and make available to the Ar-
18 chivist all related records identified under sub-
19 paragraph (D) the public disclosure of which in
20 whole or in part may be postponed under this
21 Act;

22 (F) organize and make available to the Ar-
23 chivist any record concerning which the office
24 has any uncertainty as to whether the record is
25 a related record governed by this Act;

1 (G) give priority to—

2 (i) the identification, review, and
3 transmission of all related records publicly
4 available or disclosed as of the date of en-
5 actment of this Act in a redacted or edited
6 form; and

7 (ii) the identification, review, and
8 transmission, under the standards for post-
9 ponement set forth in this Act, of related
10 records that on the date of enactment of
11 this Act are the subject of litigation under
12 section 552 of title 5, United States Code;
13 and

14 (H) make available to the National Ar-
15 chives any additional information and records
16 that the Archivist has reason to believe it re-
17 quires for conducting a review under this Act,
18 including the following:

19 (i) All training manuals, instructional
20 materials, and guidelines created or used
21 by the Government office in furtherance of
22 its review of related records.

23 (ii) All records, lists, and documents
24 describing the procedure by which the of-

1 office identified or selected related records
2 for review.

3 (iii) Organizational charts of the of-
4 fice.

5 (iv) Records necessary and sufficient
6 to describe the office's—

7 (I) records policies and schedules;

8 (II) filing systems and organiza-
9 tion;

10 (III) storage facilities and loca-
11 tions;

12 (IV) indexing symbols, marks,
13 codes, instructions, guidelines, meth-
14 ods, and procedures; and

15 (V) search methods and proce-
16 dures used in the performance of the
17 duties of the office under this Act.

18 (v) Reclassification to a higher level,
19 transfer, destruction, or other information
20 (e.g., theft) regarding the status of related
21 records.

22 (d) IDENTIFICATION AIDS.—

23 (1) IN GENERAL.—

24 (A) STANDARD FORM.—Not later than 45
25 days after the date of enactment of this Act,

1 the Archivist, in consultation with the appro-
2 priate Government offices, shall prepare and
3 make available to all Government offices a
4 standard form of identification or finding aid
5 for use with each related record subject to re-
6 view under this Act.

7 (B) UNIFORM SYSTEM.—The Archivist
8 shall ensure that the identification aid program
9 is established in such a manner as to result in
10 the creation of a uniform system of electronic
11 records by Government offices that are compat-
12 ible with each other and which shall be made
13 publicly available and searchable electronically.

14 (2) PRINTED COPIES.—Upon completion of an
15 identification aid under paragraph (1) by the Archi-
16 vist, a Government office shall—

17 (A) attach a printed copy of the identifica-
18 tion aid describing a related record to the re-
19 lated record it describes;

20 (B) when a related record is transmitted to
21 the Archivist pursuant to subsection (e), include
22 with the related record such printed copy of the
23 identification aid, including an indication of
24 whether the record is to be made available im-

1 mediately to the public or recommended for
2 postponement; and

3 (C) make available to the public electroni-
4 cally each identification aid describing a related
5 record, whether or not the record is made avail-
6 able to the public.

7 (e) TRANSMISSION TO THE NATIONAL ARCHIVES.—
8 Each Government office shall—

9 (1) transmit to the Archivist, and make imme-
10 diately available to the public, all related records
11 that can be publicly disclosed, including those that
12 are publicly available on the date of enactment of
13 this Act, without any redaction, adjustment, or with-
14 holding under the standards of this Act; and

15 (2) transmit to the Archivist all related records
16 the public disclosure of which the office recommends
17 be postponed, in whole or in part, under the stand-
18 ards of section 7, to become part of the protected
19 Collection.

20 (f) PUBLICLY AVAILABLE RECORDS.—Related
21 records which are in the possession of the National Ar-
22 chives on the date of enactment of this Act, and which
23 have been publicly available in their entirety without re-
24 daction, shall be made available in the Collection without

1 any additional review by any authorized office under this
2 Act.

3 (g) RECORD AVAILABILITY.—The National Archives
4 and Executive branch agencies shall—

5 (1) charge fees for copying related records;

6 (2) grant waivers of such fees pursuant to the
7 standards established by section 552(a)(4) of title 5,
8 United States Code;

9 (3) permit, when not deemed a risk by the Ar-
10 chivist, the use of personal copying devices, includ-
11 ing, but not limited to, portable scanners, digital
12 cameras, and the like; and

13 (4) make available to the public electronic
14 versions of related records, identification aids, and
15 indexes.

16 **SEC. 7. POSTPONEMENT OF PUBLIC DISCLOSURE OF**
17 **RECORDS.**

18 (a) GROUNDS FOR POSTPONEMENT.—Disclosure of
19 related records or particular information in related records
20 to the public may be postponed on the request of an Exec-
21 utive agency or Government office, only after a review and
22 decision by the Archivist, and subject to the limitations
23 of this Act if there is clear and convincing evidence that—

24 (1) the threat, as of the time the postponement
25 decision is made, to the military defense, intelligence

1 operations, or conduct of foreign relations of the
2 United States posed by the public disclosure of the
3 related record is of such gravity that it outweighs
4 the public interest, and such public disclosure would
5 reveal—

6 (A) a living intelligence agent whose iden-
7 tity currently requires protection;

8 (B) an intelligence source or method which
9 is currently utilized, or reasonably expected to
10 be utilized, by the United States Government
11 and which has not been officially disclosed, the
12 disclosure of which would interfere with the
13 conduct of intelligence activities; or

14 (C) any other matter currently relating to
15 the military defense, intelligence operations, or
16 conduct of foreign relations of the United
17 States, the disclosure of which would demon-
18 strably impair the national security of the
19 United States;

20 (2) the public disclosure of the related record
21 would reveal the name or identity of a living person
22 who provided confidential information to the United
23 States and would pose a substantial risk of harm to
24 that person;

1 (3) the public disclosure of the related record
2 could reasonably be expected to constitute an unwar-
3 ranted invasion of a living person’s personal privacy,
4 and that invasion of privacy is so substantial that it
5 outweighs the public interest; or

6 (4) the public disclosure of the related record
7 would compromise the existence of an understanding
8 of confidentiality currently requiring protection be-
9 tween a Government agent and a living cooperating
10 individual or a foreign government, and public dis-
11 closure would be so harmful that it outweighs the
12 public interest.

13 (b) CUSTODY OF POSTPONED RELATED RECORDS.—
14 A related record the public disclosure of which has been
15 challenged by an Executive agency or Government office
16 may be postponed only by the Archivist but shall, pending
17 transmission to the National Archives, be held for reasons
18 of security and preservation by the originating body until
19 such time as the information security program has been
20 established at the National Archives as required by section
21 4(e)(3).

22 (c) ANNUAL REVIEW OF POSTPONED RELATED
23 RECORDS AND ADDITIONAL RELATED RECORDS.—(1) All
24 postponed or redacted records shall be reviewed annually
25 by the originating agency and the Archivist, consistent

1 with the standards under subsection (a). The annual re-
2 views shall cease upon termination of activities of the Ar-
3 chivist under this Act pursuant to section 8(g).

4 (2) An annual review shall address the public disclo-
5 sure of any related records in the Collection, including any
6 related records discovered since the preceding annual re-
7 view in possession of any Federal, State, or local agency,
8 Government office, organization, or person.

9 (3) All postponed related records determined to re-
10 quire continued postponement shall require an unclassified
11 written description of the record and the reason for such
12 continued postponement. Such description shall be pro-
13 vided to the Archivist and published in the Federal Reg-
14 ister upon determination.

15 (4) All postponed records determined in an annual
16 review to no longer require continued postponement shall
17 be publicly disclosed in full and added to the Collection.

18 (d) REQUIREMENT TO DISCLOSE POSTPONED
19 RECORDS.—Each related record shall be publicly disclosed
20 in full, and available in the Collection not later than 1
21 year after the termination of activities of the Archivist
22 under this Act under section 8(f), or the date that is 3
23 years after the date of the enactment of this Act, which-
24 ever is earlier, unless the President certifies that contin-
25 ued postponement is made necessary by—

1 (1) a current and identifiable harm to the mili-
2 tary defense, intelligence operations, law enforce-
3 ment, or conduct of foreign relations; and

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

6 **SEC. 8. REVIEW OF RECORDS BY ARCHIVIST.**

7 (a) REQUIREMENT FOR REVIEW.—The Archivist
8 shall conduct a review of related records in accordance
9 with this section.

10 (b) DEADLINES FOR START OF REVIEW.—The Archi-
11 vist shall—

12 (1) not later than 30 days after the date of ap-
13 pointment of the Citizens Advisory Committee, pub-
14 lish in the Federal Register a schedule for con-
15 ducting the review; and

16 (2) not later than 90 days after the date of ap-
17 pointment of the Citizens Advisory Committee, begin
18 the review.

19 (c) DETERMINATIONS OF THE ARCHIVIST RELATING
20 TO PUBLIC DISCLOSURE AND POSTPONEMENT.—

21 (1) PRESUMPTION OF RELEASE TO PUBLIC.—

22 The Archivist shall direct that all related records be
23 transmitted to the National Archives and disclosed
24 to the public in the Collection in the absence of clear
25 and convincing evidence that—

1 (A) a Government record is not a related
2 record; or

3 (B) a Government record or particular in-
4 formation within a related record qualifies for
5 postponement of public disclosure under this
6 Act.

7 (2) POWERS.—

8 (A) ARCHIVIST.—The Archivist shall have
9 the authority to act in a manner prescribed
10 under this Act including authority to—

11 (i) direct Government offices to com-
12 plete identification aids and organize re-
13 lated records;

14 (ii) direct Government offices to
15 transmit to the National Archives related
16 records as required under this Act, includ-
17 ing segregable portions of related records,
18 and substitutes and summaries of related
19 records that can be publicly disclosed to
20 the fullest extent;

21 (iii) obtain access to related records
22 that have been identified and organized by
23 a Government office;

1 (iv) receive information from the pub-
2 lic regarding the identification and public
3 disclosure of related records;

4 (v) hold hearings, administer oaths,
5 and subpoena witnesses and documents;
6 and

7 (vi) appoint liaisons to all Federal
8 agencies that have created related records,
9 or have related records in their possession.

10 (B) CITIZENS ADVISORY COMMITTEE.—

11 The Citizens Advisory Committee shall have the
12 authority to act in a manner prescribed under
13 this Act including authority to—

14 (i) direct a Government office to make
15 available to the Citizens Advisory Com-
16 mittee, and if necessary investigate the
17 facts surrounding, additional information,
18 records, or testimony from individuals,
19 which the Citizens Advisory Committee has
20 reason to believe is required to ensure full
21 disclosure of related records and fulfill its
22 functions and responsibilities under this
23 Act;

24 (ii) request the Attorney General to
25 subpoena private persons and State and

1 Federal employees to compel testimony
2 and other information relevant to its re-
3 sponsibilities under this Act;

4 (iii) require any Government office to
5 account in writing for the previous destruc-
6 tion of any records relating to the life or
7 death of Tupac Amaru Shakur;

8 (iv) receive information from the pub-
9 lic regarding the identification and public
10 disclosure of related records; and

11 (v) hold hearings, administer oaths,
12 and subpoena witnesses.

13 (C) ENFORCEMENT.—Any subpoena issued
14 under provisions of this Act, by the Archivist or
15 the Citizens Advisory Committee, may be en-
16 forced by any appropriate Federal court acting
17 pursuant to a lawful request.

18 (3) NOTICE OF RELATED RECORD DESIGNA-
19 TION.—

20 (A) In determining to designate related
21 records, the Archivist must determine that the
22 record or group of records will more likely than
23 not enhance, enrich, and broaden the historical
24 record of the life and death of Tupac Amaru
25 Shakur.

1 (B) A Notice of Related Record Designa-
2 tion (NRRD) shall be the mechanism for the
3 Archivist to announce publicly its determination
4 that a record or group of records meets the def-
5 inition of related records.

6 (4) POSTPONEMENT.—

7 (A) The Archivist shall consider and
8 render decisions on a recommendation by a
9 Government office under section 6(e)(2) to
10 postpone the public disclosure of a related
11 record. In carrying out this subparagraph, the
12 Archivist shall—

13 (i) consider and render decisions on
14 whether a record constitutes a related
15 record;

16 (ii) consider and render decisions on
17 whether a related record or particular in-
18 formation in a record qualifies for post-
19 ponement of disclosure under this Act; and

20 (iii) in the case of a related record
21 that qualifies for such postponement, set
22 specific conditions and dates for public dis-
23 closure of the record, related to events or
24 specific dates when the reasons for post-
25 ponement will end.

1 (B) A related record shall be released in its
2 entirety except for portions specifically post-
3 poned pursuant to the grounds for postpone-
4 ment of public disclosure of records established
5 in section 7(a), and no portion of any related
6 record shall be withheld from public disclosure
7 solely on grounds of non-relevance unless, in
8 the Archivist's sole discretion, release of a part
9 of a record is sufficient to comply with the in-
10 tent and purposes of this Act.

11 (C) In approving postponement of public
12 disclosure of a related record, the Archivist
13 shall seek to—

14 (i) provide for the disclosure of seg-
15 regable parts, substitutes, or summaries of
16 such a record; and

17 (ii) determine, in consultation with
18 the originating body and consistent with
19 the standards for postponement under this
20 Act, which of the following alternative
21 forms of disclosure shall be made by the
22 originating body:

23 (I) Any reasonably segregable
24 particular information in a related
25 record.

1 (II) A substitute record for that
2 information which is postponed.

3 (III) A summary of a related
4 record.

5 (5) NOTICE.—

6 (A) IN GENERAL.—After a decision by the
7 Archivist under paragraph (4) that a related
8 record shall be publicly disclosed in the Collec-
9 tion or postponed for disclosure and held in the
10 protected Collection, the Archivist shall notify
11 the head of the originating body of the decision,
12 publish a copy of the decision in the Federal
13 Register within 14 days after the decision is
14 made, and provide that the decision is search-
15 able electronically.

16 (B) CONTEMPORANEOUS NOTICE TO EXEC-
17 UTIVE AND LEGISLATIVE BRANCHES.—Contem-
18 poraneous notice shall be made to the President
19 for Archivist decisions regarding executive
20 branch related records, and to the oversight
21 committees specified in subsection (i) in the
22 case of legislative branch records. Such notice
23 shall contain a written unclassified justification
24 for public disclosure or postponement of dislo-

1 sure, including an explanation of the application
2 of standards contained in section 7.

3 (d) PRESIDENTIAL AUTHORITY OVER ARCHIVIST
4 DETERMINATION.—

5 (1) PUBLIC DISCLOSURE OR POSTPONEMENT
6 OF DISCLOSURE.—After the Archivist has made a
7 formal decision concerning the public disclosure or
8 postponement of disclosure of an executive branch
9 related record or information within such a record,
10 or of any information contained in a related record,
11 obtained or developed solely within the executive
12 branch, and upon a written appeal to the President
13 by the originating agency, the Citizens Advisory
14 Committee, or third agency within 30 days after
15 such decision, the President shall have the sole and
16 non-delegable authority to require the disclosure or
17 postponement of such record or information under
18 the standards set forth in section 7, and the Presi-
19 dent shall provide the Archivist with an unclassified
20 written certification specifying the President's deci-
21 sion within 30 days after the Archivist's decision
22 and notice to the executive branch agency as re-
23 quired under this Act, stating the justification for
24 the President's decision, including the applicable
25 grounds for postponement under section 7, accom-

1 panied by a copy of the identification aid required
2 under section 6. If, after 30 days, the President has
3 not transmitted such written certification to the Ar-
4 chivist, the Archivist may proceed according to the
5 previous formal decision.

6 (2) ANNUAL REVIEW.—Any executive branch
7 related record postponed by the President shall be
8 subject to the requirements of annual review, down-
9 grading and declassification of classified informa-
10 tion, and public disclosure of the collection set forth
11 in section 7(c).

12 (3) RECORD OF PRESIDENTIAL POSTPONE-
13 MENT.—The Archivist shall, upon its receipt, publish
14 in the Federal Register a copy of any unclassified
15 written certification, statement, and other materials
16 transmitted by or on behalf of the President with re-
17 gard to postponement of related records and provide
18 that such copies are searchable electronically.

19 (e) NOTICE TO PUBLIC.—

20 (1) REPORT REQUIREMENT.—Every 30 days,
21 the Archivist shall submit to the committees de-
22 scribed in paragraph (2) and publish in the Federal
23 Register a report on related records or particular in-
24 formation in related records the public disclosure of
25 which is postponed by the Archivist under subsection

1 (c) or by the President under subsection (d) during
2 the preceding 30 days. With respect to each such
3 record, the report shall contain—

4 (A) a description of the subject of the
5 record, the originating agency, the length or
6 other physical description of the record, and
7 each ground for postponement that is relied
8 upon, and provide that the notice is searchable
9 electronically.

10 (B) a description of actions by the Archi-
11 vist, the originating agency, the President, or
12 any Government office with respect to the re-
13 lated record (including a justification of each
14 ground for postponement of the record or part
15 of the record) and of any official proceedings
16 conducted by the Archivist with regard to the
17 record or part of the record; and

18 (C) a statement of the specific conditions
19 and dates for the public disclosure of the record
20 as set by the Archivist under subsection
21 (c)(4)(A)(iii).

22 (2) COMMITTEES DESCRIBED.—The committees
23 described in this paragraph are the Committee on
24 Government Reform of the House of Representa-
25 tives, the Committee on Homeland Security and

1 Governmental Affairs of the Senate, and the Citi-
2 zens Advisory Committee.

3 (3) DEADLINE.—The first report required by
4 paragraph (1) shall be submitted and published not
5 later than the date that is 60 calendar days after
6 the date on which the Archivist first approves the
7 postponement of disclosure of a related record.

8 (4) ELECTRONIC SEARCHABILITY.—The Archi-
9 vist shall ensure that the report required by this
10 subsection is searchable electronically.

11 (f) REPORTS BY THE ARCHIVIST.—

12 (1) IN GENERAL.—The Archivist shall report
13 the activities of the Archivist under this Act to the
14 leadership of Congress, the Committee on Govern-
15 ment Reform of the House of Representatives, the
16 Committee on Homeland Security and Governmental
17 Affairs of the Senate, the President, the head of any
18 Government office whose records have been the sub-
19 ject of Archivist activity, and the Citizens Advisory
20 Committee.

21 (2) ANNUAL REPORTS.—The first report under
22 this subsection shall be issued on the date that is 1
23 year after the date of enactment of this Act, and
24 subsequent reports shall be issued every 12 months

1 thereafter until termination of activities of the Ar-
2 chivist under this Act pursuant to section 8(g).

3 (3) MATTERS COVERED.—A report under para-
4 graph (2) shall include the following information:

5 (A) A financial report of the expenses for
6 all official activities and requirements of the
7 National Archives and its personnel.

8 (B) The progress made on review, trans-
9 mission to the Archivist, and public disclosure
10 of related records.

11 (C) The estimated time and volume of re-
12 lated records involved in the completion of the
13 Archivist's performance under this Act.

14 (D) Any special problems, including re-
15 quests and the level of cooperation of Govern-
16 ment offices, with regard to the ability of the
17 Archivist to operate as required by this Act.

18 (E) A record of review activities, including
19 a record of postponement decisions by the Ar-
20 chivist or other related actions authorized by
21 this Act, and a record of the volume of records
22 reviewed and postponed.

23 (F) Suggestions and requests to Congress
24 for additional legislative authority needs.

1 (G) An appendix containing copies of re-
2 ports of postponed records to the Archivist re-
3 quired under section 7(c)(3) made since the
4 date of the preceding report under this sub-
5 section.

6 (H) Any recommendations made by the
7 Citizens Advisory Committee.

8 (I) Any recommendations of the Archivist.

9 (g) NOTICE OF TERMINATION OF ACTIVITIES UNDER
10 THIS ACT.—At least 90 calendar days before completing
11 activities required under this Act and submitting the cer-
12 tification under subsection (h), the Archivist shall provide
13 written notice to the President and Congress of the Archi-
14 vist’s intention to terminate activities under this Act at
15 a specified date.

16 (h) CERTIFICATION OF COMPLETION OF ARCHIVIST
17 ACTIVITIES UNDER THIS ACT.—Upon completing activi-
18 ties required under this Act, including collecting related
19 records, reviewing related records, and releasing or post-
20 poning related records, the Archivist shall submit to the
21 President and Congress a written certification that the ac-
22 tivities of the Archivist are complete under this Act.

23 (i) OVERSIGHT.—The Committee on Government Re-
24 form of the House of Representatives and the Committee
25 on Homeland Security and Governmental Affairs of the

1 Senate shall have continuing oversight jurisdiction with re-
2 spect to the official conduct of the Archivist and the Citi-
3 zens Advisory Committee, and the disposition of postponed
4 or newly discovered records after termination of activities
5 of the Archivist under this Act pursuant to section 8(g)),
6 and shall conduct periodic hearings on the conduct of the
7 Archivist and the Citizens Advisory Committee not less
8 than every year for a period ending 3 years after the date
9 of the enactment of this Act.

10 **SEC. 9. DISCLOSURE OF MATERIALS UNDER SEAL OF**
11 **COURT.**

12 (a) REQUESTS TO ATTORNEY GENERAL.—

13 (1) REQUESTS FOR INFORMATION OR EVIDENCE
14 UNDER SEAL.—The Archivist may request the Attor-
15 ney General—

16 (A) to petition any court in the United
17 States or abroad to release any information or
18 physical evidence relevant to the life or death of
19 Tupac Amaru Shakur that is held under seal of
20 the court; or

21 (B) to subpoena any such information or
22 evidence if such information or evidence is no
23 longer in the possession of the Government.

24 (2) REQUESTS FOR INFORMATION UNDER IN-
25 JUNCTION OF SECRECY OF A GRAND JURY.—

1 (A) The Archivist may request the Attor-
2 ney General to petition any court in the United
3 States to release any information relevant to
4 the life or death of Tupac Amaru Shakur that
5 is held under the injunction of secrecy of a
6 grand jury.

7 (B) A request for disclosure of related ma-
8 terials under this Act shall be deemed to con-
9 stitute a showing of particularized need under
10 Rule 6 of the Federal Rules of Criminal Proce-
11 dure.

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

14 (1) the Attorney General should assist the Ar-
15 chivist in good faith to unseal any records that the
16 Archivist determines to be relevant and held under
17 seal by a court or under the injunction of secrecy of
18 a grand jury;

19 (2) the Secretary of State should contact any
20 other foreign government that may hold information
21 relevant to the life and death of Tupac Amaru
22 Shakur to seek the disclosure of such information,
23 and report on progress on these matters to the Ar-
24 chivist in a timely fashion; and

1 (3) all Executive agencies should cooperate in
2 full with the Archivist to seek the disclosure of all
3 information relevant to the life and death of Tupac
4 Amaru Shakur, consistent with the public interest.

5 **SEC. 10. PRIVATE RIGHT OF ACTION.**

6 (a) IN GENERAL.—Any person who is aggrieved by
7 a violation of this Act may bring a civil action in an appro-
8 priate district court for declaratory or injunctive relief
9 with respect to the violation.

10 (b) ATTORNEY’S FEES.—In a civil action under this
11 section, the court may allow the prevailing party (other
12 than the United States) reasonable attorney fees, includ-
13 ing litigation expenses, and costs.

14 **SEC. 11. RULES OF CONSTRUCTION.**

15 (a) PRECEDENCE OVER OTHER LAW.—When this
16 Act requires transmission of a record to the Archivist or
17 public disclosure, it shall take precedence over any other
18 law (except section 6103 of the Internal Revenue Code),
19 judicial decision construing such law, or common law doc-
20 trine that would otherwise prohibit such transmission or
21 disclosure.

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

1 United States Code, except that any related record discov-
2 ered after termination of activities of the Archivist under
3 this Act pursuant to section 8(g) shall be considered for
4 postponement or public disclosure under the standards of
5 this Act, not such section 552.

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

10 (d) EXISTING AUTHORITY.—Nothing in this Act re-
11 vokes or limits the existing authority of the President, any
12 executive agency, the Senate, or the House of Representa-
13 tives, or any other entity of the Government to publicly
14 disclose records in its possession.

15 (e) RULES OF THE SENATE AND HOUSE OF REP-
16 RESENTATIVES.—To the extent that any provision of this
17 Act establishes a procedure to be followed in the Senate
18 or the House of Representatives, such provision is adopt-
19 ed—

20 (1) as an exercise of the rulemaking power of
21 the Senate and House of Representatives, respec-
22 tively, and is deemed to be part of the rules of each
23 House, respectively, but applicable only with respect
24 to the procedure to be followed in that House, and

1 it supersedes other rules only to the extent that it
2 is inconsistent with such rules; and

3 (2) with full recognition of the constitutional
4 right of either House to change the rules (so far as
5 they relate to the procedure of that House) at any
6 time, in the same manner, and to the same extent
7 as in the case of any other rule of that House.

8 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

9 There are authorized to be appropriated such sums
10 as are necessary to carry out this Act, to remain available
11 until expended.

12 **SEC. 13. RECORDS PENDING.**

13 Upon termination of activities of the Archivist under
14 this Act pursuant to section 8(g), all records that are still
15 pending postponement determinations shall be presumed
16 to be available for release to the public. Any related record
17 discovered in the possession of any Government agency or
18 entity after termination of such activities shall be released
19 to the Archivist for public disclosure under the provisions
20 of this Act.

21 **SEC. 14. WHISTLEBLOWER PROTECTION.**

22 All members of the staff of the National Archives,
23 the Archivist, and all Federal agencies covered under this
24 Act shall treat relevant employees in accordance with the
25 provisions of chapter 23 of title 5, United States Code,

1 prohibiting certain personnel practices (commonly referred
2 to as whistleblower protection provisions), particularly re-
3 lating to the disclosure of improper document retention,
4 release, and disclosure.

5 **SEC. 15. SEVERABILITY.**

6 If any provision of this Act or the application thereof
7 to any person or circumstance is held invalid, the remain-
8 der of this Act and the application of that provision to
9 other persons not similarly situated or to other cir-
10 cumstances shall not be affected by the invalidation.

○