

# S. CON. RES. 55

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## CONCURRENT RESOLUTION

1        *Resolved by the Senate (the House of Representatives*  
2 *concurring)*, That the Secretary of the Senate, in the en-  
3 rollment of the bill (S. 735) shall make the following cor-  
4 rections:

5        (a) In the table of contents of the bill, strike the item  
6 relating to section 431 and redesignate the items relating  
7 to sections 432 through 444 as relating to sections 431  
8 through 443, respectively.

9        (b) Strike section 1605(g) of title 28, United States  
10 Code, proposed to be added by section 221 of the bill, and  
11 insert the following:

12        “(g) LIMITATION ON DISCOVERY.—

13                “(1) IN GENERAL.—(A) Subject to paragraph  
14 (2), if an action is filed that would otherwise be  
15 barred by section 1604, but for subsection (a)(7),  
16 the court, upon request of the Attorney General,  
17 shall stay any request, demand, or order for discov-  
18 ery on the United States that the Attorney General  
19 certifies would significantly interfere with a criminal

1 investigation or prosecution, or a national security  
2 operation, related to the incident that gave rise to  
3 the cause of action, until such time as the Attorney  
4 General advises the court that such request, de-  
5 mand, or order will no longer so interfere.

6 “(B) A stay under this paragraph shall be in  
7 effect during the 12-month period beginning on the  
8 date on which the court issues the order to stay dis-  
9 covery. The court shall renew the order to stay dis-  
10 covery for additional 12-month periods upon motion  
11 by the United States if the Attorney General cer-  
12 tifies that discovery would significantly interfere  
13 with a criminal investigation or prosecution, or a na-  
14 tional security operation, related to the incident that  
15 gave rise to the cause of action.

16 “(2) SUNSET.—(A) Subject to subparagraph  
17 (B), no stay shall be granted or continued in effect  
18 under paragraph (1) after the date that is 10 years  
19 after the date on which the incident that gave rise  
20 to the cause of action occurred.

21 “(B) After the period referred to in subpara-  
22 graph (A), the court, upon request of the Attorney  
23 General, may stay any request, demand, or order for  
24 discovery on the United States that the court finds  
25 a substantial likelihood would—

1           “(i) create a serious threat of death or se-  
2           rious bodily injury to any person;

3           “(ii) adversely affect the ability of the  
4           United States to work in cooperation with for-  
5           eign and international law enforcement agencies  
6           in investigating violations of United States law;  
7           or

8           “(iii) obstruct the criminal case related to  
9           the incident that gave rise to the cause of ac-  
10          tion or undermine the potential for a conviction  
11          in such case.

12          “(3) EVALUATION OF EVIDENCE.—The court’s  
13          evaluation of any request for a stay under this sub-  
14          section filed by the Attorney General shall be con-  
15          ducted ex parte and in camera.

16          “(4) BAR ON MOTIONS TO DISMISS.—A stay of  
17          discovery under this subsection shall constitute a bar  
18          to the granting of a motion to dismiss under rules  
19          12(b)(6) and 56 of the Federal Rules of Civil Proce-  
20          dure.

21          “(5) CONSTRUCTION.—Nothing in this sub-  
22          section shall prevent the United States from seeking  
23          protective orders or asserting privileges ordinarily  
24          available to the United States.”.

1 (c) In section 620G(a), proposed to be inserted after  
2 section 620F of the Foreign Assistance Act of 1961, by  
3 section 325 of the bill, strike “may” and insert “shall”.

4 (d) In section 620H(a), proposed to be inserted after  
5 section 620G of the Foreign Assistance Act of 1961, by  
6 section 326 of the bill—

7 (1) strike “may” and insert “shall”;

8 (2) strike “shall be provided”; and

9 (3) insert “section” before “6(j)”.

10 (e) In section 219, proposed to be inserted in title  
11 II of the Immigration and Nationality Act, by section 302  
12 of the bill—

13 (1) in subsection (a)(1), insert “foreign” before  
14 “terrorist organization”;

15 (2) in subsection (a)(2)(A)(i), strike “an”  
16 before “organization under” and insert “a foreign”;

17 (3) in subsection (a)(2)(C), insert “foreign”  
18 before “organization”; and

19 (4) in subsection (a)(4)(B), insert “foreign”  
20 before “terrorist organization”.

21 (f) In section 2339B(g), proposed to be added at the  
22 end of chapter 113B of title 18, United States Code, by  
23 section 303 of the bill, strike paragraph (5) and redesignig-  
24 nate paragraphs (6) and (7) as paragraphs (5) and (6),  
25 respectively.

1 (g) In section 2332d(a), proposed to be added to  
2 chapter 113B of title 18, United States Code, by section  
3 321(a) of the bill—

4 (1) strike “by the Secretary of State” and in-  
5 sert “by the Secretary of the Treasury”;

6 (2) strike “with the Secretary of the Treasury”  
7 and insert “with the Secretary of State”; and

8 (3) add the words “the government of” after  
9 “engaged in a financial transaction with”.

10 (h) At the end of section 321 of the bill, add the fol-  
11 lowing:

12 “(c) EFFECTIVE DATE.—The amendments made by  
13 this section shall become effective 120 days after the date  
14 of enactment of this Act.”.

15 (i) In sections 414(b) and 422(c) of the bill, strike  
16 “90” and insert “180”.

17 (j) In section 40A(b), proposed to be added to chapter  
18 3 of the Arms Export Control Act, by section 330 of the  
19 bill strike “essential” and insert “important”.

20 (k) In section 40A(b), proposed to be added to chap-  
21 ter 3 of the Arms Export Control Act, by section 330 of  
22 the bill, strike “security”.

23 (l) Strike section 431 of the bill and redesignate sec-  
24 tions 432 through 444 as sections 431 through 443, re-  
25 spectively.

1       (m) In section 511(c) of the bill, strike “amended—  
2 ” and all that follows through “(2)” and insert “amend-  
3 ed”.

4       (n) In section 801 of the bill, strike “subject to the  
5 concurrence of” and insert “in consultation with”.

6       (o) In section 443, by striking subsection (d) in its  
7 entirety and inserting:

8       “(d) EFFECTIVE DATE.—The amendments made by  
9 this section shall become effective no later than 60 days  
10 after the publication by the Attorney General of imple-  
11 menting regulations that shall be published on or before  
12 January 1, 1997.”.

Passed the Senate April 24, 1996.

Attest:

*Secretary.*

104<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

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**CONCURRENT RESOLUTION**

To correct the enrollment of the bill S. 735, to prevent and punish acts of terrorism, and for other purposes.