

112TH CONGRESS
1ST SESSION

S. 1520

To ensure the continued investigation of terrorist attacks against the United States attributable to the government of Muammar Qaddafi.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 7, 2011

Mr. MENENDEZ (for himself, Mr. LAUTENBERG, Mr. SCHUMER, and Mrs. GILLIBRAND) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To ensure the continued investigation of terrorist attacks against the United States attributable to the government of Muammar Qaddafi.

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 “Pan Am Flight 103
5 Accountability Act of 2011”.

6 **SEC. 2. INVESTIGATION OF TERRORIST ATTACKS AGAINST**
7 **THE UNITED STATES ATTRIBUTABLE TO THE**
8 **GOVERNMENT OF MUAMMAR QADDAFI.**

9 (a) CONTINUING INVESTIGATION.—

1 (1) IN GENERAL.—The President shall continue
2 any investigative activities of any Federal agencies
3 with regard to the bombing of Pan Am flight 103
4 and any other terrorist attacks attributable to the
5 government of Muammar Qaddafi against United
6 States citizens, with the goal of determining the
7 identities of the individuals responsible for the at-
8 tacks and bringing such individuals to justice.

9 (2) COOPERATION.—

10 (A) IN GENERAL.—The President shall
11 urge the Transitional National Council and any
12 successor government of Libya to cooperate
13 with and participate in the investigative activi-
14 ties described in paragraph (1).

15 (B) CONSIDERATION OF COOPERATION IN
16 ASSISTANCE DECISIONS.—The President shall
17 consider the cooperation by the Transitional
18 National Council and any successor government
19 of Libya with respect to the investigative activi-
20 ties described in paragraph (1) when making
21 decisions about the provision of United States
22 assistance to the successor government.

23 (b) RESTRICTION ON AVAILABILITY OF FROZEN AS-
24 SETS.—

1 (1) LIMITATION.—Except as provided in para-
2 graph (2), the President may not distribute property
3 confiscated from Muammar Qaddafi, his family, and
4 the Government of Libya to the Transitional Na-
5 tional Council or any successor government of Libya
6 until the President certifies to Congress that the
7 Transitional National Council or successor govern-
8 ment is fully cooperating with requests for informa-
9 tion and ongoing investigations related to the bomb-
10 ing of Pan Am flight 103 and any other terrorist at-
11 tacks attributable to the government of Muammar
12 Qaddafi against United States citizens.

13 (2) EXCEPTION FOR HUMANITARIAN ASSIST-
14 ANCE.—The restriction in paragraph (1) does not
15 apply to the distribution of property for humani-
16 tarian purposes.

17 (3) NATIONAL SECURITY WAIVER.—The Presi-
18 dent may waive the restriction in paragraph (1)
19 upon certifying to the Committee on Foreign Rela-
20 tions of the Senate and the Committee on Inter-
21 national Relations of the House of Representatives
22 that the provision of confiscated assets to the Tran-
23 sitional National Council or any successor govern-
24 ment of Libya is in the national security interest of
25 the United States.

1 (c) REPORT.—

2 (1) IN GENERAL.—Not later than 180 days
3 after the date of the enactment of this Act, and an-
4 nually thereafter, the President shall submit to Con-
5 gress a report on investigative activities described in
6 subsection (a), including the following elements:

7 (A) A description of efforts by the Presi-
8 dent to ascertain information through all avail-
9 able channels, including inquiries with members
10 of the Transitional National Council and any
11 successor government of Libya, about the
12 bombing of Pan Am flight 103 and other ter-
13 rorist attacks attributable to the government of
14 Muammar Qaddafi against United States citi-
15 zens, with the goal of determining the identities
16 of persons who have knowledge about such at-
17 tacks or were involved in the planning, execu-
18 tion, or cover-up of the attacks.

19 (B) An assessment of the cooperation of
20 the Transitional National Council and any suc-
21 cessor government of Libya in ascertaining such
22 information and in facilitating access to nec-
23 essary persons and documents related to the
24 bombing of Pan Am flight 103 and other ter-
25 rorist attacks attributable to the government of

1 Muammar Qaddafi against United States citi-
2 zens.

3 (2) FORM.—The report required under para-
4 graph (1) shall be unclassified, but may contain a
5 classified annex.

6 (3) SUNSET.—The reporting requirement under
7 paragraph (1) shall terminate upon a certification by
8 the President to Congress that the Transitional Na-
9 tional Council or any successor government of Libya
10 has made available all relevant information about
11 the bombing of Pan Am Flight 103 and other ter-
12 rorist attacks attributable to the government of
13 Muammar Qaddafi against United States citizens.

○