

116TH CONGRESS
2D SESSION

S. 4554

To provide compensation for United States victims of Libyan state-sponsored terrorism, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 9, 2020

Ms. COLLINS introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To provide compensation for United States victims of Libyan state-sponsored terrorism, and for other purposes.

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 “Justice for the Living
5 Victims of Lockerbie Act”.

6 **SEC. 2. DEFINED TERM.**

7 In this Act, the term “compensable living victim of
8 Libyan state-sponsored terrorism” means an individual
9 who—

10 (1) is a United States person;

1 (2) was employed by Pan American Airlines on
2 December 3, 1991;

3 (3) was a named claimant in the case referred
4 to in section 3(b)(2); and

5 (4) was alive on August 14, 2008.

6 **SEC. 3. DETERMINATION OF CAUSE.**

7 (a) IN GENERAL.—Not later than 60 days after the
8 date of the enactment of this Act, the Secretary of Trans-
9 portation shall direct the Assistant Secretary for Aviation
10 and International Affairs to review and make a determina-
11 tion as to whether it is more probable than not that the
12 bombing of Pan American Flight 103 over Lockerbie,
13 Scotland on December 21, 1988, was a proximate cause
14 of the subsequent bankruptcy of Pan American World Air-
15 lines.

16 (b) REQUIREMENTS.—In making the determination
17 required under subsection (a), the Assistant Secretary for
18 Aviation and International Affairs shall—

19 (1) apply legal standards and principles gen-
20 erally followed by State and Federal courts in the
21 United States;

22 (2) allow former Pan American employees who
23 were named claimants in *Abbott et al. v. Socialist*
24 *People’s Libyan Arab Jamahiriya* (case number
25 1:94-cv-02444-SS) in the United States District

1 Court for the District of Columbia to submit written
2 documents and legal arguments on the issue of cau-
3 sation described in subsection (a); and

4 (3) except as provided elsewhere in this section,
5 limit the review to the evidentiary record of the For-
6 eign Claims Settlement Commission provided to the
7 Assistant Secretary pursuant to subsection (c) (ex-
8 cluding prior decisions of the Commission).

9 (c) SUBMISSION OF RECORDS.—The Foreign Claims
10 Settlement Commission shall provide the Assistant Sec-
11 retary for Aviation and International Affairs with copies
12 of the evidentiary record, including documents submitted
13 by claimants, statements and affidavits of witnesses, hear-
14 ing transcripts, and post-hearing submissions, associated
15 with Category F claims referred to the Commission by the
16 Department of State on November 27, 2013, involving
17 claims of the United States nationals against the Govern-
18 ment of Libya that were settled under the “Claims Settle-
19 ment Agreement Between the United States of America
20 and the Great Socialist People’s Libyan Arab
21 Jamahiriya”, dated August 14, 2008.

22 (d) WRITTEN DETERMINATION.—

23 (1) IN GENERAL.—Not later than 90 days after
24 the date on which the Secretary of Transportation
25 directs the Assistant Secretary for Aviation and

1 International Affairs to review the issue described in
2 subsection (a), the Assistant Secretary shall submit
3 a written determination to the Secretary.

4 (2) SUBMISSION TO THE FOREIGN CLAIMS SET-
5 TLEMENT COMMISSION.—If the Assistant Secretary
6 determines that the Lockerbie bombing was a prox-
7 imate cause of the bankruptcy of Pan American
8 World Airlines, the Secretary of Transportation, not
9 later than 10 days after the date on which the Sec-
10 retary received such written determination, shall de-
11 liver a copy of such determination to the Secretary
12 of the Treasury and the Foreign Claims Settlement
13 Commission.

14 **SEC. 4. LIVING VICTIMS OF LOCKERBIE CLAIMS FUND.**

15 (a) ESTABLISHMENT.—If the Assistant Secretary for
16 Aviation and International Affairs makes the determina-
17 tion of cause described in section 3, the Secretary of the
18 Treasury shall establish, in the Treasury of the United
19 States, a trust fund (referred to in this Act as the
20 “Fund”) for the payment of claims submitted by compen-
21 sable living victims of Libyan state-sponsored terrorism.

22 (b) AUTHORIZATION OF APPROPRIATIONS.—Once the
23 Fund is established pursuant to subsection (a), there shall
24 be appropriated to the Fund, out of any money in the
25 Treasury of the United States not otherwise appropriated,

1 \$20,000,000 for fiscal year 2021, which shall be made
2 available to provide compensation to compensable living
3 victims of Libyan state-sponsored terrorism.

4 **SEC. 5. COMPENSATION FOR LIVING VICTIMS OF LIBYAN**
5 **STATE-SPONSORED TERRORISM.**

6 (a) CERTIFICATION BY THE FOREIGN CLAIMS SET-
7 TLEMENT COMMISSION.—Not later than 30 days after re-
8 ceiving a copy of the determination from the Secretary of
9 Transportation under section 3(c)(2), the Foreign Claims
10 Settlement Commission—

11 (1) shall publish, in the Federal Register, a
12 process for filing applications on behalf of compen-
13 sable living victims of Libyan state-sponsored ter-
14 rorism;

15 (2) shall determine if individuals who have sub-
16 mitted claims for payments under subsection (b) are
17 compensable living victims of Libyan state-sponsored
18 terrorism; and

19 (3) upon the approval of each claim pursuant to
20 paragraph (1), shall certify such determination to
21 the Secretary of the Treasury for authorization of
22 payment under subsection (b).

23 (b) PAYMENTS AUTHORIZED.—Upon receiving a cer-
24 tification from the Foreign Claims Settlement Commission
25 under subsection (a)(3), the Secretary of the Treasury

1 shall make payments from the Fund to compensable living
2 victims of Libyan state-sponsored terrorism in accordance
3 with subsection (c).

4 (c) COMPENSATION.—

5 (1) IN GENERAL.—Upon a certification by the
6 Foreign Claims Settlement Commission of a claim
7 by a compensable living victim of Libyan state-spon-
8 sored terrorism, such claimant (or, in the case of a
9 deceased claimant, the personal representative of the
10 claimant's estate) shall be entitled to an award of
11 \$400,000.

12 (2) REPRESENTATIVE.—If a putative claimant
13 that otherwise qualifies for compensation under this
14 section is deceased, a personal representative may
15 bring a claim on behalf of the estate of the claimant.

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