

105TH CONGRESS  
1ST SESSION

# H. R. 3026

To amend title 28, United States Code, relating to jurisdictional immunities of the Socialist People's Libyan Arab Jamahiriya, to grant jurisdiction to the courts of the United States for claims arising out of the destruction of Pan American World Airways Flight 103.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 12, 1997

Mr. FOX of Pennsylvania (for himself, Mr. HOLDEN, Mr. McNULTY, Mr. FROST, Mr. SAXTON, Mr. ENSIGN, Mr. CHRISTENSEN, Mr. FRELINGHUYSEN, Mr. FORBES, Mr. RAMSTAD, Mr. WELDON of Florida, Mrs. KELLY, Mr. GIBBONS, Mrs. TAUSCHER, Mr. MALONEY of Connecticut, Mr. BERMAN, Mr. SCHUMER, Ms. WOOLSEY, and Mr. WELDON of Pennsylvania) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend title 28, United States Code, relating to jurisdictional immunities of the Socialist People's Libyan Arab Jamahiriya, to grant jurisdiction to the courts of the United States for claims arising out of the destruction of Pan American World Airways Flight 103.

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. FINDINGS.**

4 The Congress finds that—

1           (1) international terrorism is among the most  
2 serious transnational threats faced by the United  
3 States and its nationals;

4           (2) the Government of Libya has continually  
5 conducted and supported acts of international ter-  
6 rorism, particularly against nationals of the United  
7 States;

8           (3) the Government of Libya has refused to  
9 comply with, and continues to deliberately violate,  
10 the conditions set forth and the demands imposed by  
11 United Nations Security Council Resolutions 731  
12 (January 1992), 748 (March 1992), and 883 (No-  
13 vember 1993); and

14           (4) the unique circumstances, including, but not  
15 limited to, the international community's condemna-  
16 tion of the terrorist bombing of Pan Am Flight 103  
17 and Libya's deliberate noncompliance with United  
18 Nations resolutions calling for compensation to be  
19 paid and the surrender for trial of two of its nation-  
20 als to the United States or the United Kingdom,  
21 compel the United States to take extraordinary  
22 measures against Libya.

1 **SEC. 2. EXCEPTION TO FOREIGN SOVEREIGN IMMUNITY**  
2 **FOR CERTAIN CASES ARISING OUT OF THE**  
3 **DESTRUCTION OF PAN AMERICAN WORLD**  
4 **AIRWAYS FLIGHT 103.**

5 Section 1605(a) of title 28, United States Code, is  
6 amended—

7 (1) by striking “or” at the end of paragraph  
8 (6);

9 (2) by striking the period at the end of para-  
10 graph (7) and inserting “; or”; and

11 (3) by adding at the end thereof the following:

12 “(8) not otherwise encompassed in paragraphs  
13 (1) through (7), in which money damages are sought  
14 against the Socialist People’s Libyan Arab  
15 Jamahiriya for claims arising out of the destruction  
16 of Pan American World Airways Flight 103 on De-  
17 cember 21, 1988, and caused by such state or by  
18 any official or employee of such state while acting  
19 within the scope of his or her office or employment,  
20 except that the court shall decline to hear a claim  
21 under this paragraph—

22 “(A) if the claimant was not a national of  
23 the United States (as that term is defined in  
24 section 101(a)(22) of the Immigration and Na-  
25 tionality Act) when the act upon which the  
26 claim is based occurred; and

1                   “(B) if the action is not brought within 6  
2                   months after the date of the enactment of this  
3                   paragraph.

4 For purposes of paragraph (8), the term ‘claims arising  
5 out of the destruction of Pan American World Airways  
6 Flight 103’ includes all claims which would be a violation  
7 of the laws of the United States if the acts underlying  
8 such claims were committed in the United States. A cause  
9 of action described in paragraph (8) for damages shall  
10 survive the death of the claimant and pass to the estate  
11 of the claimant. If an action described in paragraph (8)  
12 which was brought before the date of the enactment of  
13 this paragraph was dismissed on account of the inapplica-  
14 bility of this section, such action shall be reinstated upon  
15 motion by the claimant not later than 60 days after such  
16 date of enactment.”.

17 **SEC. 3. EXCEPTION TO IMMUNITY FROM ATTACHMENT.**

18           (a) FOREIGN STATE.—Section 1610 of title 28, Unit-  
19 ed States Code, is amended by striking “1605(a)(7)” and  
20 inserting “1605(a)(7) or (8)”.

21           (b) AGENCY OR INSTRUMENTALITY.—Section  
22 1610(b)(2) of such title is amended by striking “or (7)”  
23 and inserting “(7), or (8)”.

1 **SEC. 4. APPLICABILITY.**

2       The amendments made by this Act shall apply to any  
3 cause of action arising before, on, or after the date of the  
4 enactment of this Act.

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