

112TH CONGRESS
2D SESSION

H. CON. RES. 140

Expressing the disappointment and concern of the Congress on the failure of the United States to properly investigate the Pan Am 103 bombing and the failure of Libya to grant permission for United States Pan Am 103 criminal investigators to investigate and gather evidence in Libya regarding the Pan Am 103 bombing.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 21, 2012

Ms. BUERKLE submitted the following concurrent resolution; which was referred to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, 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

CONCURRENT RESOLUTION

Expressing the disappointment and concern of the Congress on the failure of the United States to properly investigate the Pan Am 103 bombing and the failure of Libya to grant permission for United States Pan Am 103 criminal investigators to investigate and gather evidence in Libya regarding the Pan Am 103 bombing.

Whereas since 1989, hundreds of Pan Am 103 victims' family members have pursued civil and criminal justice against those responsible for the murder of their loved ones in what remains the second worst terrorist attack on Americans in history;

Whereas there has been no known progress or active criminal investigation since the 1991 indictments of two Libyan intelligence agents and conviction of one over 11 years ago, notwithstanding formal written promises to the U.N. in 2003 to fully cooperate with U.S. criminal investigations, and notwithstanding renewed promises by the Libyan Transitional Council in 2011;

Whereas Libya has recently granted permission to the United Kingdom for investigation within Libya by United Kingdom criminal investigators of a London police woman's murder outside the Libyan embassy;

Whereas Libya has promised repeatedly (in 2003, 2011, and 2012) to cooperate with the United States in the Pan Am 103 criminal investigation;

Whereas the United States has provided essential support in protecting those now in the Libyan government and the Libyan people from being killed en masse by Qaddafi forces;

Whereas the Department of Justice (DOJ) and Federal Bureau of Investigation (FBI) have been claiming for over 20 years that this is "the largest murder investigation in U.S. history" but with no visible results since 2000;

Whereas Senussi, former head of Qaddafi's infamous External Security Organization that sponsored and carried out Qaddafi regime terrorism against the U.S. and other Western nationals and assassinations of exiled Qaddafi opponents, has now been sent back to Libya by Mauritania; and

Whereas there is still no indication that the United States has sought to use its many tools of witness protection, terrorist reward programs, interrogation of Senussi in

Mauritania or Musa Kusa in Qattar, and has not responded to the United Kingdom critics who claim the evidence convicting Megrahi was flawed and/or fabricated by the United States DOJ and FBI: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
 2 *concurring)*, That the Congress—

3 (1) requests that the FBI and the Department
 4 of Justice report to Congress on the status of the
 5 criminal investigation into the Pan Am 103 bomb-
 6 ing, including by explaining—

7 (A) why since 2000 it has apparently failed
 8 to gather any evidence or interview witnesses
 9 (including the former Justice Minister
 10 Mustapha M. A. Jalil and now chairman of the
 11 Libyan transitional council who has publicly
 12 claimed to have proof of Qaddafi and others di-
 13 rect involvement), regarding the Pan Am 103
 14 bombing;

15 (B) why the Office of Foreign Assets Con-
 16 trol has removed all travel and financial sanc-
 17 tions on Musa Kusa, former Qaddafi intel-
 18 ligence chief, stated by former U.S. CIA Direc-
 19 tor George Tenet to be responsible for Amer-
 20 ican bloodshed;

21 (C) why the Department of Justice and
 22 the Department of State did not seek extra-

1 dition from Mauritania of Sinussi, former chief
2 of the Libyan External Security Organization
3 who was named in the United States indict-
4 ments and convicted by France of the 1989
5 UTA bombing that murdered 170 people, in-
6 cluding six United States residents and Bonnie
7 Pew, the wife of the United States Ambassador
8 to Chad;

9 (D) why the Department of Justice appar-
10 ently never sought nor obtained access to
11 Megrahi, the only person convicted of the mass
12 murder who was imprisoned in the United
13 Kingdom for 9 years, prior to his death in Trip-
14 oli;

15 (E) why, in over 20 years of what it often
16 claimed was the biggest murder investigation in
17 its history, the FBI has not named any of the
18 terrorists, except two lower ranking Libyan in-
19 telligence agents, who conspired to murder 270
20 innocents, including 189 Americans, in the
21 bombing of Pan Am Flight 103 over Lockerbie
22 Scotland, in route to New York City and De-
23 troit on December 21, 1988; and

24 (F) what resources the Department of Jus-
25 tice has devoted to the Pan Am 103 bombing

1 criminal investigation, including how many per-
2 sons were assigned to the investigation, the per-
3 son hours by year and costs of this investiga-
4 tion incurred by the United States Government;
5 and

6 (2) requests that Libya grant the United States
7 permission to investigate Libya regarding the Pan
8 Am 103 bombing.

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