

STATEMENT OF FRANK R LAUTENBERG  
SENATE FOREIGN RELATIONS COMMITTEE HEARING

September 24, 2008

Mr. Chairman, Thank you for the opportunity to present my statement before this Committee. I would like to express my strong opposition to the President's nomination of a U.S. Ambassador to Libya. But I want to make clear that my opposition is not personal or based on this particular nominee's qualifications. Rather, it is based on my deeply held belief that we cannot legitimize our future with nations that have committed terrorist acts against Americans until and unless they fulfill their obligations to our citizens. Libya has not yet satisfied its obligations to U.S. victims of its terrorist acts and I will object to this nomination's moving forward until those victims receive justice.

In 1988, 270 people perished in the bombing of Pan Am Flight 103 over Lockerbie, Scotland. Thirty-eight New Jersey families lost a loved one that day. I know many of these families and I know the long journey they have taken to find answers and closure. They weren't the only ones. In 1986, the bombing of the Labelle Discotheque in Berlin, Germany killed two American service members and left many more injured. These heinous attacks and others like them, which were sponsored by the Libyan government exemplify why Libya was forced into a two-decade long isolation by the international community.

In 2003, Libya accepted responsibility for the Pan Am bombing, renounced terrorism and agreed to dismantle its weapons of mass destruction. This put the country on the path to normalizing its relationship with the U.S. Unfortunately, although the U.S. lived up to its end of the bargain in 2006 by removing Libya from the State Department's list of State Sponsors of Terrorism, Libya failed to complete the payments it owes to the families of the Pan Am victims. Libya also went back on its word with the Labelle Discotheque victims, backing out of a negotiated settlement. It was up to Congress to hold up the normalization process and hold Libya accountable.

For the past two years, we have been pressing for these cases to be resolved in order to provide justice for U.S. victims and families. Earlier this year, my legislation for victims of terrorism was signed into law as part of the Fiscal Year 2008 National Defense Authorization Act. This law reaffirmed the rights of plaintiffs to sue state sponsors of terrorism; allowed the seizure of hidden commercial assets belonging to terrorist states; and limited the number of appeals that a terrorist state can pursue in U.S. courts, among other provisions. Congress also prohibited U.S. government assistance to Libya, and the Senate has continued to delay the confirmation of a U.S. Ambassador to Libya.

Over the past few months there have been significant developments on our effort to bring the justice victims have been seeking for decades. The first was passage of the Libyan Claims Resolution Act. This legislation contributed to the creation of a comprehensive claims settlement agreement for Libya to compensate U.S. victims of Libyan terrorism, including the victims of the 1988 Pan Am 103 bombing, victims of the 1986 bombing of the Labelle discothèque, and other cases involving U.S. victims of Libyan-sponsored acts of terrorism. The next development was the signing of the U.S. Libyan claims agreement on August 14<sup>th</sup> in Tripoli

and the establishment of a compensation fund that suggested that Libya is serious about moving ahead with the U.S.-Libya relationship.

While I welcome the recent progress on settling these claims, the process is not complete. The compensation fund must now be paid in full by the Libyans. We cannot let Libya off the hook and leave U.S. victims with no assurance that they will achieve justice. I hope that today's hearing will be an opportunity to seek answers on when we can expect Libya to live up to its responsibilities under the settlement agreement.

Secretary of State Condoleezza Rice recently traveled to Libya. She was the first high-level diplomat to visit Libya in 50 years. I was disappointed that this visit came before the Libyans paid the full settlement amount they owe, and accordingly Senator Carl Levin and I sent Secretary Rice a letter urging her to make the victims' compensation a priority of her discussions.

No U.S. ambassador will make that same trip to Tripoli until these claims are settled. For this reason, I will continue to block consideration of this nomination in the full Senate and I would ask this committee to withhold any further action as well. Our bilateral relationship can truly move ahead only when U.S. victims of Libyan terrorism are fully compensated. Thank you, Mr. Chairman.