

SAFETY 9/11 to U.S. Senators

National Air Disaster Alliance / Foundation

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Dear Senator:

We represent survivors and those who have lost loved ones in almost 100 aviation disasters, including families who lost loved ones in the four plane crashes on September 11, 2001.

On July 26, 2002 on the floor of Congress under the guise of "sundry technical and clarifying provisions," a provision was slipped in the House version of the Homeland Security bill, HR5005.

This stealth provision received no committee scrutiny and floor debate was limited to just a few minutes. The provision was narrowly passed as part of an en bloc vote on many changes. Disguised as a correction to the definition of an "air carrier," this stealth amendment confers immunity upon three foreign security corporations (Swedish, Dutch & British) that were supposed to be providing air travel security at key locations on September 11. This hidden provision directly contradicts the explicit intent and language of the *Aviation Transportation Security Act* and allows these security companies to dodge their responsibilities to the families of Americans killed and injured on September 11, 2001.

We cannot imagine that you would knowingly vote to further harm American families already devastated by death or injury on September 11, 2001, so we are making sure that every Senator receives a certified, registered letter (and several other forms of notice) alerting each to the fact that the U.S. Congress has been used to help foreign corporations at the expense of dead Americans.

No Senator should unwittingly cast a vote to protect foreign security companies at the expense of injured and killed Americans. We are therefore giving you notice of this outrage, so your vote will be a knowing choice.

Here is how the security companies got immunity from Congress

On September 22, 2001, the President signed legislation passed by the House and Senate, Public Law No: 107-42 (formerly H.R. 2926), known as the *Air Transportation Safety and System Stabilization Act, containing Title IV known as the September 11th Victim Compensation Fund of 2001*.

In that legislation, U.S. air carriers' liability for September 11, 2001 was limited to their liability insurance coverage. See Section 408 (a), within the attachment.

The term 'air carrier' was defined as a citizen of the United States undertaking by any means, directly or indirectly, to provide air transportation, including employees and agents of such citizens. See Section 402 (1), within the attachment.

On November 19, 2001, additional legislation was passed which amended the September 22, 2001 legislation. See Public Law No: 107-71, also known as the "Aviation Transportation Security Act," formerly S. 1447.

Therein, the liability relief given to air carriers was extended to aircraft manufacturers (all planes were Boeing, a U.S. company) and airport authorities (obviously all U.S. airports), and the World Trade Center (obviously a U.S. citizen). See Section 201, within the attachment.

The Conference Report or S. 1447 (H. Rept. 107-296) specifically considered and excluded

security companies from limitation on liability. See the attached Conference Substitute language. In other words, both the House and the Senate specifically rejected in clear legislation language any protections from liability for security companies. That clear decision not to exculpate the security companies were directly addressed by the legislation law which clearly stated:

"...Nothing in this section shall in any way limit any liability of any person who is engaged in the business of providing air transportation security..."

See Section 201(b)(2) and "(a)(3)" thereunder.

But, shockingly HR 5005 strikes the relevant definitions, instead giving protection from liability to these foreign security corporations, which include:

Argenbright Security a unit of Securicor PLC, in Sutton, Surrey, England
Security at Dulles, Terminal D, where **AA Flight 77** departed
Security at Newark, Terminal A, where **UAL Flight 93** departed
Globe Aviation Services a unit of Securitas AB which is based in Stockholm Sweden
Security at Logan, Terminal B, where **AA Flight 11** departed
Huntleigh USA Corp., a unit of ICTS International NV, in the Netherlands.
Security at Logan, Terminal D, where **UAL Flight 175** departed

The information we have since 9-11 shows these security companies appear to have violated numerous regulations, hired people with criminal records, hired illegal aliens, failed to provide required training and supervision, failed in their responsibility to the traveling public, and left the United States of America vulnerable to multiple criminal attacks. Yet, security was the reason they were paid to be at the airports.

Astonishingly, a "technical correction" slipped in at the last moment seeks to give these security companies immunity from their responsibility. See Section 781, within the attachment. Here is the shocking language in that bill:

"The term 'air carrier ' means a citizen of the United States undertaking by any means, directly or indirectly, to provide air transportation and includes employees and agents (including persons engaged in the business of providing air transportation security and their affiliates) of such citizen. For purposes of the preceding sentence, the term 'agent ', as applied to persons engaged in the business of providing air transportation security, shall only include persons that have contracted directly with the Federal Aviation Administration on or after February 17, 2002, to provide such security, or are not debarred."

All these security companies and their U.S. subsidiaries have continued to work at airports in America after February 17, 2002. Thus Congress would allow a contract with the FAA to extinguish the rights of families of the dead and the injured. Additionally, only part of Argenbright has been disbarred and only until October, 14, 2002! The Inspector General continues to investigate. See the Department of Transportation Press Release of October 16, 2001, within the attachment.

Clearly this amendment is against the intent of the Senate, the President, the American people and undoubtedly most House Members as expressed in the previous legislation. This amendment shocks the senses of Americans. Many Senators and House Members told us that those who signed the September 22 and the November 16 legislation didn't know of certain provisions therein which harmed the families of dead Americans. We are going to make sure that never happens again.

You have to choose: protect Americans from further injury or protect foreign corporations.

So that no Senator is unaware of this shocking provision, we have sent certified, registered notices, in order to ensure that you could make an informed choice between your obligation to American families and protecting the finances of foreign security companies shirking their responsibilities for the shocking security lapses which enabled the horrible attacks on 9/11. We think it's time we hold not only the security companies responsible, but Congress responsible as well.

Sincerely,
Gail Dunham, President
National Air Disaster Alliance/Foundation