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GAO

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General Accounting Office
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Resources, Community, and
Economic Development Division

B-275984

March 25, 1997

The Honorable Ron Wyden
United States Senate

Subject: Aviation Security: Posting Notices at Domestic Airports

Dear Senator Wyden:

Under federal law, the Federal Aviation Administration (FAA) is responsible for prescribing regulations to protect the users of the nation's commercial air transportation system against terrorism and other criminal acts. The agency's efforts are concentrated on airports located in the United States ("domestic airports"), U.S. air carriers wherever they operate in the world, and foreign-owned air carriers serving the United States. FAA is also legislatively mandated to assess the effectiveness of security measures maintained at certain foreign airports. When the Secretary of Transportation determines that a foreign airport does not maintain and carry out effective security measures, the Secretary is required, if corrective action is not taken by the airport, to have the identity of the airport posted at all domestic airports from which regularly scheduled air carriers operate, regardless of whether they serve international destinations. No similar legal mandate requires the posting of notices at domestic airports about the effectiveness of the security measures maintained at other domestic airports.

As agreed with your office, this report addresses the following specific questions: (1) What are the bases for security assessments at foreign and domestic airports, and how do they differ? (2) What are the views and opinions of the aviation community–that is, of industry, government, and consumer groups–on a policy that would require FAA to post public notices in domestic airports about the security risks at other domestic airports?

In summary, we found the following:

- In assessing the effectiveness of security at foreign airports, FAA applies security criteria that have been agreed upon by members of the International Civil Aviation Organization (ICAO).[1] When the Secretary of Transportation finds that a foreign airport is not maintaining and carrying out effective security measures, the Secretary's authority is generally limited to having notices posted in domestic airports identifying the foreign airport and placing restrictions on U.S. carriers flying into and out of that airport. Conversely, FAA's criteria for overseeing security at domestic airports are based on the Federal Aviation Regulations, which generally include more detailed and enforceable standards than ICAO's. Noncompliance by an airport makes it subject to enforcement actions, such as civil penalties or a revocation of its certificate to operate.

- Representatives of government, the aviation industry, and consumer groups whom we surveyed were unanimous in opposing the establishment of a policy to post notices in domestic airports about security risks at other domestic airports. They frequently cited concerns about providing a blueprint for terrorists and being unable to measure and compare differences in the security risks at airports that varied in their threat and vulnerability situations.

BACKGROUND

GAO has previously reported on the challenges of protecting the U.S. civil aviation system from terrorists' attacks, the potential extent of terrorists' motivation and capabilities, and the attractiveness of aviation as a target.[2] Until

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[1]ICAO is a United Nations organization that develops standards and recommended practices for aviation safety and security. As of February 1997, 183 nations were considered ICAO "contracting states."

[2]Aviation Security: Additional Actions Needed to Meet Domestic and International Challenges (GAO/RCED-94-38, Jan. 27, 1994); Aviation Security: Development of New Security Technology Has Not Met Expectations (GAO/RCED-94-142, May 19, 1994); Terrorism and Drug Trafficking: Threats and Roles of Explosives and Narcotics Detection Technology (GAO/NSIAD/RCED-96-76BR, Mar. 27, 1996); Aviation Security: Immediate Action Needed to Improve Security (GAO/T-RCED/NSIAD-96-237, Aug. 1, 1996); Terrorism and Drug Trafficking: Technologies for Detecting Explosives and

the early 1990s, the threat of terrorism was considered far greater overseas than in the United States. However, the threat of terrorism within the United States has increased. Events such as the bombings of the World Trade Center and the Alfred P. Murrah Federal Building in Oklahoma City have revealed that the terrorist threat in the United States is more serious and extensive than previously believed.

Ensuring aviation security is a shared responsibility. The intelligence community gathers information to prevent actions by terrorists and provides intelligence information to FAA.[3] After receiving that information, FAA makes judgments about the threat, assesses the airport's vulnerability, and establishes procedures to address the security risk. The airlines and airports are responsible for implementing different parts of the procedures. For example, the airlines are responsible for screening passengers, baggage, and cargo, whereas the airports are responsible for maintaining the security of the airport ground environment.[4]

To determine the security risks at foreign and domestic airports, FAA uses a model that weighs information on threats received from the intelligence community with information about an airport's vulnerability to terrorism and other criminal acts. Both of these types of information are needed to estimate the security risks at airports and to develop specific countermeasures.

Within FAA, the Office of Civil Aviation Security oversees the agency's security program. FAA oversees and establishes requirements for security at more than 470 domestic airports and 150 U.S. airlines, which annually board over 500

Narcotics (GAO/NSIAD/RCED-96-252, Sept. 4, 1996); and Aviation Security: Urgent Issues Need to Be Addressed (GAO/T-RCED/NSIAD-96-251, Sept. 11, 1996).

[3]The intelligence community includes, among others, the Central Intelligence Agency, the National Security Agency, the Defense Intelligence Agency, and the Federal Bureau of Investigation.

[4]The Federal Aviation Reauthorization Act of 1996 requires FAA to study and report on whether, and if so how, to transfer certain responsibilities of air carriers for security activities conducted at commercial airports to airport operators or to the federal government, or to provide for sharing responsibilities between air carriers and airport operators or the federal government. FAA expects to complete this report and submit it to the Congress in Apr. 1997.

million passengers with their checked baggage and carry-on luggage and transport mail and cargo. FAA also assesses security at many foreign airports and airlines directly serving the United States. For the Office of Civil Aviation Security in fiscal year 1998, FAA requested $98.7 million. These funds were requested to support an estimated 1,109 workyears to complete 1,700 inspections of domestic airports, 8,000 inspections of domestic air carriers, 940 inspections of foreign air carriers, and 160 assessments of security at foreign airports.

FAA'S ASSESSMENTS OF FOREIGN AND DOMESTIC AIRPORT SECURITY

FAA reviews the security of certain foreign airports under its Foreign Airport Assessment Program.[5] Specific guidance is set forth in law on the responsibilities and powers of the Secretary of Transportation when a security deficiency is discovered. The law also specifies that FAA is to assess those foreign airports (1) that are served directly by U.S. air carriers, (2) from which a foreign air carrier directly serves the United States, (3) that pose a high risk of introducing danger to international air travel, and (4) that may be deemed appropriate by the Secretary of Transportation. According to an FAA official, the frequency with which FAA assesses the airports varies:

- Airports that U.S. carriers serve directly are to be visited every 6 months for the purpose of conducting U.S. air carrier safety inspections.

- Airports that FAA believes represent a low risk and have had no difficulty complying with international standards in the past are to be assessed once every 3 years.

- Airports that FAA believes represent a high risk and have had difficulty complying with international standards in the past are to be assessed every year. In addition, FAA's Civil Aviation Security Liaison Officers, who are stationed at 18 locations overseas, are responsible for providing some measure of continuing security coverage at airports of concern.

In making its assessments, FAA takes into account the available information on threats received from the intelligence community. Personnel in FAA's overseas field offices are to compare the foreign airports' security systems against

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[5]In 1995, 233 foreign airports qualified for assessment under FAA's Foreign Airport Assessment Program.

standards issued by ICAO.[6] ICAO's standards apply only to international, not internal, operations and cover such activities as screening passengers and their baggage for explosives and weapons, matching passengers and bags, and controlling access to restricted areas.

At domestic airports, FAA oversees security through two major types of efforts–regulatory inspections and vulnerability assessments. FAA inspectors visit domestic airports and air carriers to ensure that they comply with the applicable security requirements included in the Federal Aviation Regulations. These regulations establish security requirements that airport operators must follow and detail the security requirements that airplane operators must meet. In addition, the regulations apply to cargo security, foreign operators of U.S.-registered aircraft, and foreign air carriers operating to and from airports in the United States. The Federal Aviation Regulations require these foreign air carriers to submit their security programs to FAA for review and acceptance. By law, these security programs must require the foreign carriers, in their operations to and from the United States, to adhere to the identical security measures that FAA requires U.S. air carriers serving the same airports to use.

In the aftermath of the 1988 bombing of Pan Am flight 103 and in response to requirements imposed in the Aviation Security Improvement Act of 1990, FAA, in coordination with the Federal Bureau of Investigation (FBI), conducted vulnerability assessments on security at 28 domestic airports that had high traffic levels and complex security operations. The assessments were required by the 1990 act to cover, among other things, (1) the security of checked baggage, mail, and cargo; (2) space requirements for security personnel and equipment; (3) the separation of screened and unscreened passengers; and (4) coordination among FAA, law enforcement, and industry security personnel.

In a report issued in 1994, GAO concluded that although the joint FAA-FBI assessments of the airports examined a wide range of problems affecting aviation security and confirmed the need for many of FAA's initiatives, the

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[6]ICAO has developed and adopted 18 technical annexes involving such varied fields as security, airworthiness, and aeronautical communications. ICAO's annexes contain standards that member countries must meet and that are intended to produce a degree of technical uniformity that enables international civil aviation to function in a safe, orderly, and efficient manner. Annex 17 pertains to security and incorporates references to additional guidance intended to assist member countries in implementing their national civil aviation security programs.

assessments did not match the capabilities, methods, or intent of known terrorist groups in the United States with vulnerabilities at individual airports.[7] FAA's matching of known terrorists' capabilities, methods, and intent with airports' vulnerabilities is important to help determine the appropriate level of security at domestic airports and to develop contingency plans.

Following the explosion of TWA flight 800 in July 1996, the President established the White House Commission on Aviation Safety and Security to study matters involving aviation safety and security. The Commission's initial report, issued in September 1996, recommended that FAA establish consortia at the nation's 450 commercial airports, conduct vulnerability assessments, and develop action plans to enhance aviation safety and security. Beginning in September 1996, consortia undertook vulnerability assessments at 41 selected major domestic airports. The consortia at each airport included airport operators, air carriers, airport tenants, contract companies, and federal and local law enforcement agencies.

Separately, FAA's Reauthorization Act of 1996 mandated that FAA and FBI conduct joint threat and vulnerability assessments of domestic airports every 3 years at high-risk airports. This legislative requirement was similar to one made by the Aviation Security Improvement Act of 1990, which also required FAA and FBI to assess airport security, but did not specify intervals for conducting the assessments. FAA and FBI are in the process of developing and testing criteria and a methodology to carry out these assessments. The agencies conducted one vulnerability assessment at an airport in February 1997. As of March 1997, FAA had not determined what other airports should be designated as "high risk" and thus subject to the joint FAA-FBI assessments.

The Authority to Inspect Airports Differs Between Domestic and Foreign Airports

Although important differences complicate comparisons of ICAO's International Standards and Recommended Practices for security and the U.S. regulations for domestic airport security, the U.S. standards for civil aviation security are generally more detailed and enforceable.

On the one hand, ICAO's standards differ from U.S. domestic standards in that they apply only to international flights. Consequently, they include certain

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[7] Aviation Security: Additional Actions Needed to Meet Domestic and International Challenges (GAO/RCED-94-38, Jan. 27, 1994).

standards--such as those requiring passenger-bag matching--that have thus far not been required for U.S. domestic flights. However, according to an official in FAA's Foreign Operations Division within the Office of Civil Aviation Security Operations, ICAO's standards represent the "minimally acceptable international standards" for maintaining security at an airport. To allow member countries some flexibility in meeting the standards, ICAO's standards provide a general minimum framework for security.

Overall, U.S. domestic airport security regulations are generally more detailed than ICAO's standards. For example, ICAO's standards generally require participating countries to establish "procedures and identification systems to prevent unauthorized access by persons" to secured airport areas. U.S. standards require not only that airport operators have security procedures in place but also that all persons in the secured area continuously wear an identification badge on their outermost garment and that all persons have successfully completed training in accordance with an FAA-approved curriculum.

In addition to specific requirements for airport operators, the United States imposes more specific security standards for air carriers. At U.S. airports, where air carriers are responsible for screening passengers, baggage, and cargo, U.S. standards require that the operators of X-ray system baggage screeners receive initial and periodic follow-up training in radiation safety, the efficient use of X-ray systems, and the identification of weapons and other dangerous articles. In addition, U.S. standards require all crew members on international and domestic flights to have completed security training within the last 12 months. To ensure an effective aviation security program, ICAO's standards require only that the participating country ensure the development and implementation of training programs for airlines.

But most importantly, FAA has vastly different enforcement authority for addressing security deficiencies at foreign and domestic airports. At foreign airports, neither FAA nor ICAO has direct authority or enforcement powers. However, if the Secretary of Transportation determines that a foreign airport does not maintain and carry out effective security measures, the Secretary is mandated to publish the identity of the airport in the Federal Register, notify the news media, issue written notice of the Secretary's determination with the ticket to each passenger traveling between the United States and the airport, and have the identity of the airport posted and displayed at all airports in the United States at which regularly scheduled air carriers operate. These steps take place 90 days after the government of a foreign country is notified of the

Secretary's determination, but only if that government has not taken actions to bring the security measures at that airport up to the standard used by the Secretary in making the assessment. The Secretary of Transportation is to notify the Secretary of State so that a travel advisory may be issued. In addition, the Secretary of Transportation may revoke or impose conditions on the operations of any U.S. or foreign carrier serving that airport.[8]

Murtala Muhammad Airport in Lagos, Nigeria, is the only airport that is currently identified and posted as not maintaining effective security measures, having been so identified in August 1993. In addition, the U.S. Department of State issued a travel warning in November 1996 about the dangers of travel to Nigeria that cites the lack of effective security measures and other problems. According to the warning, violent crime is an acute problem, and the U.S. embassy is concerned that maintenance and operational procedures for Nigerian airlines may be inadequate to ensure passengers' safety.

Neither FAA nor ICAO can directly order changes to a foreign airport's security. This is because most foreign airports are under the sovereignty of another government and are owned and operated by the central government. Therefore, such orders would represent an infringement on those governments' sovereignty. According to an FAA official, the public notification process in FAA's Foreign Airport Assessment Program does provide some leverage for having the security measures at a foreign airport brought up to the requisite standards.

At domestic airports, FAA can address security deficiencies by imposing civil penalties and revoking an airport's operating certificate. According to an FAA official, under its revocation authority, FAA may revoke the operating certificate of an airport that does not comply with the Federal Aviation Regulations' security requirements, but the agency has never found it necessary to take this action.

The U.S. government has been trying to make ICAO's standards more rigorous. According to FAA officials, the United States has a representative from FAA on ICAO's Security Panel, and the United States has been instrumental in many changes made to strengthen ICAO's security standards and recommended

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[8]The act also authorizes the President to impose additional restrictions. The President may prohibit a U.S. or foreign air carrier from providing transportation between the United States and any other intervening foreign airport.

practices. An FAA official stated that in the future, the Security Panel will concentrate more on ensuring that ICAO's security standards are followed by the member countries than on making changes to the standards.[9]

VIEWS AND OPINIONS ON POSTING NOTICES AT DOMESTIC AIRPORTS ABOUT THE SECURITY RISKS AT OTHER DOMESTIC AIRPORTS

Officials from FAA, FBI, and organizations we contacted from the aviation community–representing the aviation industry and consumers–were unanimously opposed to a possible policy that would require FAA to post warnings in domestic airports about the security risks at other domestic airports based on threat and vulnerability assessments.[10] These officials consistently cited a number of reasons to oppose such a policy, including the following:

- Such postings would provide information to terrorist groups and criminals about security weaknesses at airports.
- Postings would not benefit the public because choosing a secure airport on the basis of the limited information in the notice would be too burdensome, and a large segment of the public is served by only one airport.
- Such postings could raise the traveling public's level of fear.
- FAA should use its resources to correct rather than publicize security problems at domestic airports.

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[9]On Feb. 12, 1997, the White House Commission on Aviation Safety and Security also recommended that the United States submit a resolution to ICAO, calling on it to begin a program to verify and improve its member nations' compliance with international security standards.

[10]Organizations contacted include the Air Line Pilots Association, Airports Council International, Air Transport Association of America, American Association of Airport Executives, Association of Flight Attendants, Aviation Consumer Action Project, Aviation Foundation, and International Airline Passengers Association. See encl. II for details on each organization.

- Comparing the security risks at different airports would be difficult because the threats and vulnerabilities could be very different and difficult to measure.

- Posting a notice about security problems at an airport would not be fair if those problems were caused by a single air carrier at that airport.

The officials also consistently maintained that because more information is available on terrorist groups and known threats overseas than in the United States, there is more reason to post notices in domestic airports about security at foreign airports. A more complete listing of the reasons cited by officials of FAA, FBI, and the aviation industry and consumer organizations we contacted is included in enclosure I.

FAA recently began posting safety information about certain air carriers on the Internet.[11] We also asked the same officials about making publicly available the results of the periodic vulnerability assessments conducted at domestic airports. They were uniformly opposed to making this security information publicly available through the Internet or other means. They believed that this information could lead to a degradation of security at airports, that vulnerabilities could be exposed to terrorists or criminals, and that the threat of exposure could compromise the willingness of parties to divulge weaknesses.

The officials' views are consistent with the guidance from FAA to the consortia doing vulnerability assessments in response to the recommendation from the initial report of the White House Commission on Aviation Safety and Security, which stated that all documents resulting from the assessments were to be considered "restricted aviation security information." Moreover, according to this guidance, "public disclosure is considered neither appropriate, legal, nor conducive to a frank and open dialogue." An FAA official stated that these

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[11]In response to congressional interest in disclosing aviation safety information to the public, FAA announced on Jan. 29, 1997, that it would make information on airline safety available to the public. On Feb. 1, FAA began phasing in its new policy of issuing press releases on safety and security enforcement actions involving fines of $50,000 or more, as well as information on significant regulatory actions, such as revocations of certificates. At the end of the month, the agency made historical statistics on aviation accidents and safety-related incidents available on the Internet, and, over the following months, it plans to provide additional information on carriers, such as the date of certification and types of aircraft flown, as well as data on near collisions.

assessments could contain proprietary information and making the results publicly available could compromise the intentions of the people doing the assessments. In addition, the initial report from the White House Commission on Aviation Safety and Security pointed out that vulnerability assessments should become classified information if they conclude that a high degree of vulnerability exists.

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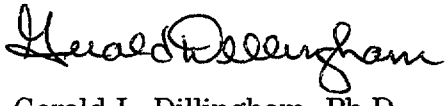
The information in this report was developed through discussions with officials at FAA and FBI, along with representatives of various aviation industry and consumer groups. We also reviewed previously issued GAO products and pertinent federal legislation and regulations, along with ICAO's Standards and Recommended Practices for aviation security. We performed our review from January through March 1997 in accordance with generally accepted government auditing standards.

We provided the Department of Transportation and FAA with copies of a draft of this report. We met with DOT and FAA officials, including the Director of the Office of Civil Aviation Security Operations. FAA provided some factual and editorial comments but agreed with the draft report's overall message.

Major contributors to this report were David Hooper, Barry Kime, Steve Martin, and Marnie Shaul. Please contact me at (202) 512- 3650 if you or your staff have further questions.

Sincerely yours,



Gerald L. Dillingham, Ph.D.,
Associate Director, Transportation Issues

VIEWS AND OPINIONS PROVIDED BY THE ORGANIZATIONS CONTACTED ABOUT POSTING NOTICES IN DOMESTIC AIRPORTS ABOUT THE EFFECTIVENESS OF SECURITY MEASURES AT DOMESTIC AIRPORTS

The comments provided by the organizations we contacted are compiled below by general descriptive categories.

NOTICES COULD INFORM TERRORISTS OR CRIMINALS OF SECURITY WEAKNESSES

Posting notices about a specific airport's security problems would provide a blueprint of weaknesses and would be an invitation to criminals or terrorists to target that airport.

Vulnerability assessments, on the whole, are not a good idea. They open up an airport's weaknesses. The media obtain them and criticize the airport for having poor security. If terrorists get them, they learn the security weaknesses at an airport.

NOTICES WOULD NOT HELP THE PUBLIC

Posting notices would impose too much of a burden on the public: The public would not have enough information to choose among airports.

In some areas, people have only one airport available. They therefore do not have the option of choosing another airport if security weaknesses are posted about the airport serving them.

Posting notices would raise the public's fear level and could drive the public to use other modes of transportation, hurting short-haul air carriers in particular.

THERE IS NO STANDARD MEASURE FOR QUANTIFYING OR COMPARING THE THREATS, VULNERABILITIES, OR RISKS AT DIFFERENT AIRPORTS

There is no standard definition of airport security risk. The threats, vulnerabilities, and countermeasures are different at each airport. Therefore, the security risk at one airport cannot be compared with the security risk at another airport. There may be little threat at an airport with security weaknesses, and a significant threat at another airport with no security weaknesses. Moreover, without common definitions of security, there are no agreed-upon, quantifiable measures of threats, vulnerabilities, or risks.

The Federal Aviation Regulations do not identify specific security measures that must be taken. The airports can interpret and implement the regulations as they deem best. Therefore, FAA would have difficulty measuring and comparing security at airports.

SECURITY WEAKNESSES SHOULD BE CORRECTED RATHER THAN POSTED

Posting notices could hurt FAA's credibility. FAA would be publishing security weaknesses while letting a deficient airport continue to operate.

Correcting security weaknesses rather than publicizing them would make better use of federal funds. If FAA finds weaknesses in security at an airport, it should mandate improvements and follow up to see that the weaknesses are corrected.

Posting notices should not be used as a mechanism to encourage airports to correct security weaknesses. FAA needs to ensure that these weaknesses are corrected.

If there is no money for fixing security weaknesses, they should not be disclosed in notices posted at airports.

Security problems identified by the posting of a notice might not be correctable.

FAA treats security on a systemwide rather than on an individual-airport basis. That is, FAA's countermeasures are directed at the system, not at individual airports.

INFORMATION ON THREATS IS INSUFFICIENT TO WARRANT THE POSTING OF NOTICES

There are few threats to domestic airports. Threat information is usually general information about a threat to the U.S. aviation system or about terrorists who may be traveling to the United States. Information on a threat to a specific airport is seldom received.

There are specific reasons to post notices in domestic airports about security at foreign airports, such as military actions, known terrorist operations in the area, or terrorist threats against a specific airport. More information on terrorist groups and threats is available overseas than in the United States. The United States does not have enough information on threats or terrorist groups operating in the United States to post notices in airports.

OTHER

It is not fair to post a notice about security problems at an airport when those problems may have been caused by an air carrier operating at that airport and not by the airport.

ORGANIZATIONS CONTACTED

FEDERAL AGENCIES

Federal Aviation Administration

Federal Bureau of Investigation

AVIATION ORGANIZATIONS

Air Line Pilots Association

Represents 46,000 airline pilots at 45 airlines. It provides all of a traditional union's services for its members, including lobbying to the Congress and government agencies on behalf of airline pilots. It devotes approximately 20 percent of its income from dues to support aviation safety.

Airports Council International - North America

Represents local, regional, state, and national governing bodies that own and operate commercial airports in the United States, Canada, and Bermuda. Its member airports enplane more than 90 percent of the domestic, and virtually all of the international, airline passengers and cargo in North America.

Air Transport Association of America

Supports and assists its 21 U.S. airline members and 3 foreign flag carrier associate members by representing the industry on major aviation issues before the Congress, federal agencies, state legislatures, and other governmental bodies. It promotes safety by coordinating industry and government safety programs, and it serves as a focal point for industry efforts to standardize practices and enhance the efficiency of the air transport system.

American Association of Airport Executives

Is the largest professional organization for airport executives in the world, representing thousands of airport management personnel in public-use airports nationwide. One of its stated goals is to assist airport executives in fulfilling their responsibilities to the airports and communities they serve.

Association of Flight Attendants

Is the largest flight attendant union in the world. It represents 40,000 flight attendants at 26 air carriers and is an advocate for flight attendants in many areas affecting aviation safety and working conditions.

Aviation Consumer Action Project

Represents an international group of thousands of air travelers, airline pilots, flight attendants, air traffic controllers, air safety experts, air disaster victims, and government officials. It seeks to increase air safety and security while protecting consumers' rights.

Aviation Foundation

A nonprofit organization associated with George Mason University that carries out research on various aspects of commercial aviation.

International Airline Passengers Association

Represents frequent flyers in matters of safety, comfort, convenience, economy, and consumer protection. It represents over 400,000 frequent travelers worldwide, 100,000 of whom reside in the United States.

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