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**“Establishing Clear Lines of Authority: Transparency in  
Protecting the Civil Aviation Structure.”**

**I have been asked to speak on the subject of establishing clear lines of authority and transparency in the civil aviation structure. More than a few of you know that TSA was created as a result of September 11<sup>th</sup>. We were directed by Congress, during confusion over appropriate civil aviation security procedures and structures, with developing a new organization from scratch that would ensure the security of US air traffic and other forms of transportation. TSA was originally under the Department of Transportation but was moved to the Department of Homeland Security in March 2003. In February 2002, TSA assumed responsibility for security at the nation’s airports and by the end of the year had deployed a federal work force of about 30,000 screeners to meet challenging Congressional deadlines for screening all passengers**

and baggage. Now, we have more than 45,000 screeners. The reasons for these changes are all tied to ensuring that roles of various agencies involved in protecting transportation security are clearly defined and that an effective level of accountability is established and maintained.

I would like to share with you some of the hard lessons we have learned -- as a young institution -- about the importance of working with other agencies and staff to establish clear lines of authority in the protection of civil aviation.

It goes without saying that we are in a period of enormous change in aviation security. Growing volumes of traffic and a heightened threat environment increase the urgency to resolve aviation security issues associated with airport and airline operations and procedures.

One of the ways that national governments strive to ensure secure transportation is to align its administration in such a way as to achieve that goal. Our organization is currently undergoing fundamental changes to our structure that are designed to make policy-making more flexible and capable of adapting to present and emerging threats.

Despite the ever-changing nature of our business, a few hard and fast principles hold true.

Allow me to quote from ICAO's security manual:

"The aims and objectives of a State's national aviation security programme is to ensure the effective protection and safeguarding of passengers, crew, ground personnel, the travelling public, aircraft, airports and air navigation facilities. To meet these aims and objectives, a comprehensive organization and legal structure, with clearly defined responsibilities and methods of implementation need to be established. The regulations for security equipment and systems and for airport design and layout also need to be established."

In the spirit of the ICAO Security Manual, I offer several key points:

1. Clear Legal Regulatory Authority. Regulatory authority must be clearly laid out in law. While I'll admit it is not always easy to have Congress and the Executive looking over our shoulders, the legislation that put into place our present structure allows us to understand and fulfill our mandate. In our case, the law enacted is titled Aviation and Transportation Security Act, enacted two months after 9-11,

established a series of challenging but critically important milestones toward achieving a secure air travel system. Among them are to:

- enforce security-related regulations and requirements;
- identify and undertake research and development activities necessary to enhance transportation security;
- inspect, maintain, and test security facilities, equipment, and systems;
- ensure the adequacy of security measures for the transportation of cargo;
- and oversee the implementation, and ensure the adequacy, of security measures at airports and other transportation facilities;

The Act also explicitly directs us to work with the Federal Aviation Administration and ICAO to ensure best practices are in place and to work cooperatively with you – leaders of international civil aviation organizations.

## **2. Clear Lines of Authority between Competing or Overlapping**

**Agencies.** Legal clarity regarding how authority is divided promotes collaboration and information-sharing with other government entities that are then freed from the burden of jockeying for position or grabbing regulatory power when the lines are not clearly drawn

through law. At TSA, the primary tools we use to formally collaborate with other entities involved in security are memorandums of agreement and memorandums of understanding. The purpose of the memorandums are to delineate clear lines of authority and responsibility between federal, state, and local agencies, industry stakeholders, and the traveling public. The line of authority and responsibility must be understood and respected by all.

**3. Standard Procedures at the Airport Level.** At the airport level, individuals charged with protecting bags and passengers must have a clear understanding of the organization's reporting structure and legal authority. This creates a culture of accountability, and most importantly, ensures that oversight and enforcement responsibilities are carried out in accordance with the law. Airport security provides a first line of aviation domain defense by attempting to stop would-be attackers from bringing weapons or explosives into the airport or onto the aircraft . In the United States, our laws clearly define security policies and procedures for:

- aircraft operators;
- airport operators;
- providers of air navigation services;
- policing authority and other law enforcement authorities;

- providers of security services; and
- intelligence organizations

Airport law enforcement authority varies in most states in the U.S. but usually resides with a police force hired by, and dedicated to, the airport, a branch (substation) of the local police department stationed at the airport, or members of the local police department assigned to the airport as their normal patrol area, or members of a country's airport protection service. Breaches of security can occur when the lines of policing authority are blurred.

#### 4. Transparency in the Reporting and Inspection Mechanisms.

Transparency, the condition of complete openness, is one of the sustaining elements of accountability. In its simplest terms, transparency means everyone is completely open without fear of retribution.

For those of us charged with developing civil aviation security programs, the bottom line is that we must adopt standard procedures that specify how to relay information concerning an act of unlawful interference or identified threats. This information should be made available to all participants, along with the recommendations of the

**national civil aviation security regulatory authority to correct any deficiencies identified through reporting or auditing channels. Staff involved in reporting or identifying those deficiencies must be assured that they are provided clear legal authority to do so.**

**According to ICAO, quote: "Transparency also has an essential role in an international civil aviation system that is based largely on mutual trust between the Contracting States. States rely on other States to meet their international obligations and safety commitments. As a result of this mutual trust, States accept aircraft of operators from other States in their own airspace and allow their own airlines to operate in airspace of other States. To maintain this trust, States, both collectively and individually, should be transparent and consistent in their policies and practices." End quote.**

**The traveling public also trusts that security oversight authorities are fulfilling their duties to ensure a secure air transport system. It is important that the public has access to information necessary to make informed decisions when using air transportation. At TSA, we have developed a public-private partnership which enables us to:**

- Educate travelers on changes and developments in security procedures and protocols before they get to the airports, rail stations, cruise ships, etc.
- Effect changes in traveler behaviors that will get them through security faster. And,
- Empower passengers to become active participants in ensuring their own security and comfort.

**5. Clear Expectations for Performance** Individuals and agencies must know exactly what is expected of them in terms of performance and responsibility. They must have a clear idea of the organizational mission and the role they play in achieving that mission. Individuals performing work with no clear sense of responsibility may lack a sense of ownership in the overall mission. Vulnerability to coercion or bribery is a potential outcome of staff dissatisfaction.

While there are airports and national governments that continue to exist without well-defined roles of responsibility and legislative authorities to support those roles, the international standard governing clear lines of authority reads as follows:

Each contracting State shall require the appropriate authority to define and allocate tasks and coordinate activities between the

departments, agencies and other organizations of the State, airport and aircraft operators and other entities concerned with or responsible for the implementation of various aspects of the national civil aviation security programme.

If ever there is a time when the lack of clearly defined roles is evident it is during a crisis or emergency situation. And, it is the worst possible time for revealing these inadequacies because the eyes of the world are watching; failings and inadequacies are exposed.

In the United States, we continue to evolve our best practices and procedures to address current and future threats. The job is never done. We hope that by sharing our lessons learned with you we can build together on strengthening the aviation security network and the aviation security domain. This conference is one example of that commitment and we look forward to cooperating with the ACAC Security Working Group, as we do with ECAC, APEC and others.

Thank you (shukran)

