

Calendar No. 90

113TH CONGRESS
1ST SESSION**H. R. 1151**

IN THE SENATE OF THE UNITED STATES

JUNE 19, 2013

Received; read twice and placed on the calendar

AN ACT

To direct the Secretary of State to develop a strategy to obtain observer status for Taiwan at the triennial International Civil Aviation Organization Assembly, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. CONCERNING THE PARTICIPATION OF TAIWAN**
4 **IN THE INTERNATIONAL CIVIL AVIATION OR-**
5 **GANIZATION.**

6 (a) FINDINGS.—Congress makes the following find-
7 ings:

8 (1) Safe, secure, and economical international
9 air navigation and transport is important to every
10 citizen of the world, and safe skies are ensured

1 through uniform aviation standards, harmonization
2 of security protocols, and expeditious dissemination
3 of information regarding new regulations and other
4 relevant matters.

5 (2) Direct and unobstructed participation in
6 international civil aviation forums and programs is
7 beneficial for all nations and their civil aviation au-
8 thorities. Civil aviation is vital to all due to the
9 international transit and commerce it makes pos-
10 sible, but must also be closely regulated due to the
11 possible use of aircraft as weapons of mass destruc-
12 tion or to transport biological, chemical, and nuclear
13 weapons or other dangerous materials.

14 (3) The Convention on International Civil Avia-
15 tion, signed in Chicago, Illinois, on December 7,
16 1944, and entered into force April 4, 1947, estab-
17 lished the International Civil Aviation Organization
18 (ICAO), stating “The aims and objectives of the Or-
19 ganization are to develop the principles and tech-
20 niques of international air navigation and to foster
21 the planning and development of international air
22 transport so as to . . . meet the needs of the peoples
23 of the world for safe, regular, efficient and economi-
24 cal air transport.”.

1 (4) The terrorist attacks of September 11,
2 2001, demonstrated that the global civil aviation
3 network is subject to vulnerabilities that can be ex-
4 ploited in one country to harm another. The ability
5 of civil aviation authorities to coordinate, preempt
6 and act swiftly and in unison is an essential element
7 of crisis prevention and response.

8 (5) Following the terrorist attacks of September
9 11, 2001, the ICAO convened a high-level Ministe-
10 rial Conference on Aviation Security that endorsed a
11 global strategy for strengthening aviation security
12 worldwide and issued a public declaration that “a
13 uniform approach in a global system is essential to
14 ensure aviation security throughout the world and
15 that deficiencies in any part of the system constitute
16 a threat to the entire global system,” and that there
17 should be a commitment to “foster international co-
18 operation in the field of aviation security and har-
19 monize the implementation of security measures”.

20 (6) The Taipei Flight Information Region,
21 under the jurisdiction of Taiwan, covers 180,000
22 square nautical miles of airspace and provides air
23 traffic control services to over 1.2 million flights an-
24 nually, with the Taiwan Taoyuan International Air-
25 port recognized as the 10th and 19th largest airport

1 by international cargo volume and number of inter-
2 national passengers, respectively in 2011.

3 (7) Despite the established international con-
4 sensus regarding a uniform approach to aviation se-
5 curity that fosters international cooperation, exclu-
6 sion from the ICAO since 1971 has impeded the ef-
7 forts of the Government of Taiwan to maintain civil
8 aviation practices that comport with evolving inter-
9 national standards, due to its inability to contact the
10 ICAO for up-to-date information on aviation stand-
11 ards and norms, secure amendments to the organi-
12 zation's regulations in a timely manner, obtain suffi-
13 cient and timely information needed to prepare for
14 the implementation of new systems and procedures
15 set forth by the ICAO, receive technical assistance
16 in implementing new regulations, and participate in
17 technical and academic seminars hosted by the
18 ICAO.

19 (8) On October 8, 2010, the Department of
20 State praised the 37th ICAO Assembly on its adop-
21 tion of a Declaration on Aviation Security, but noted
22 that "because every airport offers a potential entry
23 point into this global system, every nation faces the
24 threat from gaps in aviation security throughout the

1 world—and all nations must share the responsibility
2 for securing that system”.

3 (9) On October 2, 2012, Taiwan became the
4 37th participant to join the United States Visa
5 Waiver program, which is expected to stimulate
6 tourism and commerce that will rely increasingly on
7 international commercial aviation.

8 (10) The Government of Taiwan’s exclusion
9 from the ICAO constitutes a serious gap in global
10 standards that should be addressed at the earliest
11 opportunity in advance of the 38th ICAO Assembly
12 in September 2013.

13 (11) The Federal Aviation Administration and
14 its counterpart agencies in Taiwan have enjoyed
15 close collaboration on a wide range of issues related
16 to innovation and technology, civil engineering, safe-
17 ty and security, and navigation.

18 (12) The ICAO has allowed a wide range of ob-
19 servers to participate in the activities of the organi-
20 zation.

21 (13) The United States, in the 1994 Taiwan
22 Policy Review, declared its intention to support Tai-
23 wan’s participation in appropriate international or-
24 ganizations and has consistently reiterated that sup-
25 port.

1 (14) Senate Concurrent Resolution 17, agreed
2 to on September 11, 2012, affirmed the sense of
3 Congress that—

4 (A) meaningful participation by the Gov-
5 ernment of Taiwan as an observer in the meet-
6 ings and activities of the ICAO will contribute
7 both to the fulfillment of the ICAO's over-
8 arching mission and to the success of a global
9 strategy to address aviation security threats
10 based on effective international cooperation;
11 and

12 (B) the United States Government should
13 take a leading role in garnering international
14 support for the granting of observer status to
15 Taiwan in the ICAO.

16 (15) Following the enactment of Public Law
17 108–235, a law authorizing the Secretary of State to
18 initiate and implement a plan to endorse and obtain
19 observer status for Taiwan at the annual summit of
20 the World Health Assembly and subsequent advoca-
21 cy by the United States, Taiwan was granted ob-
22 server status to the World Health Assembly for four
23 consecutive years since 2009. Both prior to and in
24 its capacity as an observer, Taiwan has contributed
25 significantly to the international community's collec-

1 tive efforts in pandemic control, monitoring, early
2 warning, and other related matters.

3 (16) ICAO rules and existing practices allow for
4 the meaningful participation of non-contracting
5 countries as well as other bodies in its meetings and
6 activities through granting of observer status.

7 (b) TAIWAN'S PARTICIPATION AT ICAO.—The Sec-
8 retary of State shall—

9 (1) develop a strategy to obtain observer status
10 for Taiwan at the triennial ICAO Assembly—next
11 held in September 2013 in Montreal, Canada—and
12 other related meetings, activities, and mechanisms
13 thereafter; and

14 (2) instruct the United States Mission to the
15 ICAO to officially request observer status for Tai-
16 wan at the triennial ICAO Assembly and other re-
17 lated meetings, activities, and mechanisms thereafter
18 and to actively urge ICAO member states to support
19 such observer status and participation for Taiwan.

20 (c) REPORT CONCERNING OBSERVER STATUS FOR
21 TAIWAN AT THE ICAO ASSEMBLY.—Not later than 30
22 days after the date of the enactment of this Act, the Sec-
23 retary of State shall submit to Congress a report, in un-
24 classified form, describing the United States strategy to
25 endorse and obtain observer status for Taiwan at the tri-

1 enial ICAO Assembly and at subsequent ICAO Assem-
2 blies and at other related meetings, activities, and mecha-
3 nisms thereafter. The report shall include the following:

4 (1) A description of the efforts the Secretary of
5 State has made to encourage ICAO member states
6 to promote Taiwan's bid to obtain observer status.

7 (2) The steps the Secretary of State will take
8 to endorse and obtain observer status for Taiwan in
9 ICAO and at other related meetings, activities, and
10 mechanisms thereafter.

Passed the House of Representatives June 18, 2013.

Attest:

KAREN L. HAAS,

Clerk.

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