

113TH CONGRESS  
1ST SESSION

# S. 579

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## 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,*

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

4 (a) FINDINGS.—Congress makes the following find-  
5 ings:

6 (1) Safe, secure, and economical international  
7 air navigation and transport is important to every  
8 citizen of the world, and safe skies are ensured  
9 through uniform aviation standards, harmonization  
10 of security protocols, and expeditious dissemination  
11 of information regarding new regulations and other  
12 relevant matters.

13 (2) Direct and unobstructed participation in  
14 international civil aviation forums and programs is  
15 beneficial for all nations and their civil aviation au-  
16 thorities. Civil aviation is vital to all due to the  
17 international transit and commerce it makes pos-  
18 sible, but must also be closely regulated due to the  
19 possible use of aircraft as weapons of mass destruc-  
20 tion or to transport biological, chemical, and nuclear  
21 weapons or other dangerous materials.

22 (3) The Convention on International Civil Avia-  
23 tion, signed at Chicago, Illinois, December 7, 1944,  
24 and entered into force April 4, 1947, established the  
25 International Civil Aviation Organization (ICAO),  
26 stating that “[t]he aims and objectives of the Orga-

nization are to develop the principles and techniques of international air navigation and to foster the planning and development of international air transport so as to . . . [m]eet the needs of the peoples of the world for safe, regular, efficient and economical air transport”.

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

(5) Following the terrorist attacks of September 11, 2001, the ICAO convened a high-level Ministerial Conference on Aviation Security that endorsed a global strategy for strengthening aviation security worldwide and issued a public declaration that “a uniform approach in a global system is essential to ensure aviation security throughout the world and that deficiencies in any part of the system constitute a threat to the entire global system,” and that there should be a commitment to “foster international cooperation in the field of aviation security and harmonize the implementation of security measures”.

1           (6) The Taipei Flight Information Region,  
2     under the jurisdiction of Taiwan, covers an airspace  
3     of 180,000 square nautical miles and provides air  
4     traffic control services to over 1,200,000 flights an-  
5     nually, with the Taiwan Taoyuan International Air-  
6     port recognized as the 10th and 19th largest airport  
7     by international cargo volume and number of inter-  
8     national passengers, respectively, in 2011.

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

1           (8) On October 8, 2010, the Department of  
2       State praised the 37th ICAO Assembly on its adop-  
3       tion of a Declaration on Aviation Security, but noted  
4       that “because every airport offers a potential entry  
5       point into this global system, every nation faces the  
6       threat from gaps in aviation security throughout the  
7       world—and all nations must share the responsibility  
8       for securing that system”.

9           (9) On October 2, 2012, Taiwan became the  
10      37th participant to join the United States Visa  
11      Waiver program, which is expected to stimulate  
12      tourism and commerce that will rely increasingly on  
13      international commercial aviation.

14          (10) The Government of Taiwan’s exclusion  
15      from the ICAO constitutes a serious gap in global  
16      standards that should be addressed at the earliest  
17      opportunity in advance of the 38th ICAO Assembly  
18      in September 2013.

19          (11) The Federal Aviation Administration and  
20      its counterpart agencies in Taiwan have enjoyed  
21      close collaboration on a wide range of issues related  
22      to innovation and technology, civil engineering, safe-  
23      ty and security, and navigation.

1           (12) The ICAO has allowed a wide range of ob-  
2       servers to participate in the activities of the organi-  
3       zation.

4           (13) The United States, in the 1994 Taiwan  
5       Policy Review, declared its intention to support Tai-  
6       wan's participation in appropriate international or-  
7       ganizations and has consistently reiterated that sup-  
8       port.

9           (14) Senate Concurrent Resolution 17, 112th  
10      Congress, agreed to September 11, 2012, affirmed  
11      the sense of Congress that—

12                (A) meaningful participation by the Gov-  
13      ernment of Taiwan as an observer in the meet-  
14      ings and activities of the ICAO will contribute  
15      both to the fulfillment of the ICAO's over-  
16      arching mission and to the success of a global  
17      strategy to address aviation security threats  
18      based on effective international cooperation;  
19      and

20                (B) the United States Government should  
21      take a leading role in garnering international  
22      support for the granting of observer status to  
23      Taiwan in the ICAO.

24           (15) Following the enactment of Public Law  
25      108–235 (22 U.S.C. 290 note), a law authorizing

1 the Secretary of State to initiate and implement a  
2 plan to endorse and obtain observer status for Tai-  
3 wan at the annual summit of the World Health As-  
4 sembly and subsequent advocacy by the United  
5 States, Taiwan was granted observer status to the  
6 World Health Assembly for four consecutive years  
7 since 2009. Both prior to, and in its capacity as an  
8 observer, Taiwan has contributed significantly to the  
9 international community's collective efforts in pan-  
10 demic control, monitoring, early warning, and other  
11 related matters.

12 (16) ICAO rules and existing practices allow for  
13 the meaningful participation of noncontracting coun-  
14 tries as well as other bodies in its meetings and ac-  
15 tivities through granting of observer status.

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

18 (1) develop a strategy to obtain observer status  
19 for Taiwan, at the triennial ICAO Assembly next  
20 held in September 2013 in Montreal, Canada, and  
21 other related meetings, activities, and mechanisms  
22 thereafter; and

23 (2) instruct the United States Mission to the  
24 ICAO to officially request observer status for Tai-  
25 wan at the triennial ICAO Assembly and other re-

1       lated meetings, activities, and mechanisms thereafter  
2       and to actively urge ICAO member states to support  
3       such observer status and participation for Taiwan.

4       (c) REPORT CONCERNING OBSERVER STATUS FOR  
5 TAIWAN AT THE ICAO ASSEMBLY.—Not later than 30  
6 days after the date of the enactment of this Act, the Sec-  
7 retary of State shall submit to Congress a report, in un-  
8 classified form, describing the United States strategy to  
9 endorse and obtain observer status for Taiwan at the tri-  
10 ennial ICAO Assembly and at subsequent ICAO Assem-  
11 blies and at other related meetings, activities, and mecha-  
12 nisms thereafter. The report shall include the following:

13           (1) A description of the efforts the Secretary of  
14 State has made to encourage ICAO member states  
15 to promote Taiwan’s bid to obtain observer status.

16           (2) The steps the Secretary of State will take  
17 to endorse and obtain observer status for Taiwan in  
18 ICAO at the triennial ICAO Assembly and at other  
19 related meetings, activities, and mechanisms there-  
20 after.

Passed the Senate June 19, 2013.

Attest:

*Secretary.*





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