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113TH CONGRESS
1ST SESSION

S. 579

[Report No. 113–42]

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.

IN THE SENATE OF THE UNITED STATES

MARCH 14, 2013

Mr. MENENDEZ (for himself, Mr. INHOFE, Mr. COATS, Mr. JOHNSON of South Dakota, Mr. BLUNT, Mr. CARDIN, Mrs. FISCHER, Mr. CHAMBLISS, Mr. TESTER, Mr. HEINRICH, Mr. RUBIO, Mr. CRAPO, Mr. ISAKSON, Mr. COCHRAN, Mr. BLUMENTHAL, Ms. MURKOWSKI, Mr. BOOZMAN, Mrs. BOXER, Mr. JOHANNS, Mr. MURPHY, Mr. WYDEN, and Mr. CRUZ) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

JUNE 13, 2013

Reported by Mr. MENENDEZ, without amendment

A BILL

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,*

SECTION 1. CONCERNING THE PARTICIPATION OF TAIWAN IN THE INTERNATIONAL CIVIL AVIATION ORGANIZATION.

(a) FINDINGS.—Congress makes the following findings:

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

(2) Direct and unobstructed participation in international civil aviation forums and programs is beneficial for all nations and their civil aviation authorities. Civil aviation is vital to all due to the international transit and commerce it makes possible, but must also be closely regulated due to the possible use of aircraft as weapons of mass destruction or to transport biological, chemical, and nuclear weapons or other dangerous materials.

(3) The Convention on International Civil Aviation, signed at Chicago, Illinois, December 7, 1944, and entered into force April 4, 1947, established the International Civil Aviation Organization (ICAO), 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''.

(6) The Taipei Flight Information Region, under the jurisdiction of Taiwan, covers an airspace of 180,000 square nautical miles and provides air traffic control services to over 1,200,000 flights annually, with the Taiwan Taoyuan International Airport recognized as the 10th and 19th largest airport by international cargo volume and number of international passengers, respectively, in 2011.

(7) Despite the established international consensus regarding a uniform approach to aviation security that fosters international cooperation, exclusion from the ICAO since 1971 has impeded the efforts of the Government of Taiwan to maintain civil aviation practices that comport with evolving international standards, due to its inability to contact the ICAO for up-to-date information on aviation standards and norms, secure amendments to the organization's regulations in a timely manner, obtain sufficient and timely information needed to prepare for the implementation of new systems and procedures set forth by the ICAO, receive technical assistance in implementing new regulations, and participate in technical and academic seminars hosted by the ICAO.

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

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

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

(11) The Federal Aviation Administration and its counterpart agencies in Taiwan have enjoyed close collaboration on a wide range of issues related to innovation and technology, civil engineering, safety and security, and navigation.

(12) The ICAO has allowed a wide range of observers to participate in the activities of the organization.

(13) The United States, in the 1994 Taiwan Policy Review, declared its intention to support Taiwan's participation in appropriate international organizations and has consistently reiterated that support.

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

(A) meaningful participation by the Government of Taiwan as an observer in the meetings and activities of the ICAO will contribute both to the fulfillment of the ICAO's overarching mission and to the success of a global strategy to address aviation security threats based on effective international cooperation; and

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

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

the Secretary of State to initiate and implement a plan to endorse and obtain observer status for Taiwan at the annual summit of the World Health Assembly and subsequent advocacy by the United States, Taiwan was granted observer status to the World Health Assembly for four consecutive years since 2009. Both prior to, and in its capacity as an observer, Taiwan has contributed significantly to the international community's collective efforts in pandemic control, monitoring, early warning, and other related matters.

(16) ICAO rules and existing practices allow for the meaningful participation of noncontracting countries as well as other bodies in its meetings and activities through granting of observer status.

(b) TAIWAN'S PARTICIPATION AT ICAO.—The Secretary of State shall—

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

(2) instruct the United States Mission to the ICAO to officially request observer status for Taiwan at the triennial ICAO Assembly and other re-

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

(c) REPORT CONCERNING OBSERVER STATUS FOR TAIWAN AT THE ICAO ASSEMBLY.—Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall submit to Congress a report, in unclassified form, describing the United States strategy to endorse and obtain observer status for Taiwan at the triennial ICAO Assembly and at subsequent ICAO Assemblies and at other related meetings, activities, and mechanisms thereafter. The report shall include the following:

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

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

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