

113TH CONGRESS
1ST SESSION

S. _____

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

Mr. MENENDEZ (for himself and Mr. INHOFE) introduced the following bill; which was read twice and referred to the Committee on

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,*

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:

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

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

17 (3) The Convention on International Civil Avia-
18 tion, signed at Chicago, Illinois, December 7, 1944,
19 and entered into force April 4, 1947, established the
20 International Civil Aviation Organization (ICAO),
21 stating that “[t]he aims and objectives of the Orga-
22 nization are to develop the principles and techniques
23 of international air navigation and to foster the
24 planning and development of international air trans-
25 port so as to . . .[m]eet the needs of the peoples of

1 the world for safe, regular, efficient and economical
2 air transport”.

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

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

22 (6) The Taipei Flight Information Region,
23 under the jurisdiction of Taiwan, covers an airspace
24 of 180,000 square nautical miles and provides air
25 traffic control services to over 1,200,000 flights an-

1 nually, with the Taiwan Taoyuan International Air-
2 port recognized as the 10th and 19th largest airport
3 by international cargo volume and number of inter-
4 national passengers, respectively, in 2011.

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

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

1 threat from gaps in aviation security throughout the
2 world—and all nations must share the responsibility
3 for securing that system”.

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

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

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

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

22 (13) The United States, in the 1994 Taiwan
23 Policy Review, declared its intention to support Tai-
24 wan’s participation in appropriate international or-

1 organizations and has consistently reiterated that sup-
2 port.

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

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

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

18 (15) Following the enactment of Public Law
19 108–235 (22 U.S.C. 290 note), a law authorizing
20 the Secretary of State to initiate and implement a
21 plan to endorse and obtain observer status for Tai-
22 wan at the annual summit of the World Health As-
23 sembly and subsequent advocacy by the United
24 States, Taiwan was granted observer status to the
25 World Health Assembly for four consecutive years

1 since 2009. Both prior to, and in its capacity as an
2 observer, Taiwan has contributed significantly to the
3 international community's collective efforts in pan-
4 demic control, monitoring, early warning, and other
5 related matters.

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

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

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

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

23 (c) REPORT CONCERNING OBSERVER STATUS FOR
24 TAIWAN AT THE ICAO ASSEMBLY.—Not later than 30
25 days after the date of the enactment of this Act, the Sec-

1 retary of State shall submit to Congress a report, in un-
2 classified form, describing the United States strategy to
3 endorse and obtain observer status for Taiwan at the tri-
4 ennial ICAO Assembly and at subsequent ICAO Assem-
5 blies and at other related meetings, activities, and mecha-
6 nisms thereafter. The report shall include the following:

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

10 (2) The steps the Secretary of State will take
11 to endorse and obtain observer status for Taiwan in
12 ICAO at the triennial ICAO Assembly and at other
13 related meetings, activities, and mechanisms there-
14 after.