

STANDING COMMITTEE REPORT NO. 19-101

RE: C.R. NO. 19-167/T&C

SUBJECT: RATIFYING THE PROTOCOL RELATING TO AN
AMENDMENT TO THE CONVENTION ON
INTERNATIONAL CIVIL AVIATION

FEBRUARY 05, 2016

The Honorable Wesley W. Simina
Speaker, Nineteenth Congress
Federated States of Micronesia
Third Regular Session, 2016

Dear Mr. Speaker:

Your Committee on Transportation and Communications, to which was referred C.R. No. 19-167, entitled:

"A RESOLUTION RATIFYING THE PROTOCOL RELATING TO AN
AMENDMENT TO THE CONVENTION ON INTERNATIONAL CIVIL
AVIATION SIGNED AT MONTREAL ON OCTOBER 6, 1980.",

begs leave to report as follows:

The intent and purpose of the resolution are expressed in its title.

Public Hearing

Your Committee conducted a public hearing on C.R. NO. 19-167 on February 4, 2016, in conjunction with your Committee on External Affairs.

In attendance at the meeting was the Secretary of TC&I and TC&I staff as well as representatives from the Department of Justice, the Department of Foreign Affairs, and the President's Office.

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Your Committee Chairman opened the hearing and welcomed the witnesses. He then provided the Secretary of TC&I an opportunity to present a background briefing on C.R. No. 19-167.

The Secretary provided a brief history of the original Chicago Convention that established the initial airline safety and security standards from the International Civil Aviation Organization (ICAO). The FSM is one of 167 signatory countries to the Chicago Convention, having become a signatory in October 1988. Since that time, the FSM has approved just three of the 47 total conventions, or amendments, that have sought to amend the original Chicago Convention in light of changes to the field of aviation.

The Department of TC&I has employed a civil aviation attorney to conduct a thorough review of the FSM's Civil Aviation Act and related regulations. The recommendation of this attorney was for the FSM to ratify an additional 13 of the remaining conventions. The Department of Justice is in the process of reviewing the 12 other conventions in addition to the one that is the subject of C.R. No. 19-167.

The Secretary indicated that ratification of the amendment that is the subject of C.R. No. 19-167 is important due to the possibility that leased aircraft may be more regularly utilized in the FSM due to the recent completion of air services agreements with China, Nauru, and Papua New Guinea. C.R. No. 19-167 would allow the regulatory authority over leased aircraft to be transferred from the state of registration of an aircraft (e.g. Australia) to the state of operation of that aircraft (e.g. FSM). In essence, passage of the resolution would allow the FSM government to have access to the full array of air services arrangements available to further the goal of more robust air services for the people of the FSM.

The Department of Justice representative indicated that the amendment and the resolution had been reviewed and determined to be legally

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acceptable. Consequently, the Department of Justice is in support of the adoption of the resolution.

Similarly, the representative of the Department of Foreign Affairs offered no objection and indicated they stood ready to provide any assistance that might be needed in relation to the resolution.

Your Committee posed a variety of questions to the witnesses all of which were satisfactorily answered. For example, the witnesses explained that approval of the amendment would not automatically place the responsibility for regulation of leased aircraft on the FSM; the details would need to be worked out in bilateral agreements between the state of registration and the state of operation of the leased aircraft. The witnesses also addressed your Committee's concerns that adoption of the resolution should not subject the FSM to any liability in the event of an aircraft accident or safety incident. The witnesses explained that the resolution and the amendment relate only to distribution of regulatory authority, not legal liability.

The witnesses further explained that adoption of the resolution and approval of the amendment are necessary pieces to be put in place to permit the FSM to enhance the availability of air services to the citizens of the FSM. The adoption of the resolution would have no adverse affect on currently available air services; it would simply facilitate the existence of a greater variety of air services (e.g. charters, leases, or similar arrangements).

Conclusion

Your Committee on Transportation and Communications is in accord with the intent and purpose of C.R. No. 19-167 and recommends its adoption in the form attached hereto.

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Respectfully submitted,

/s/ Victor V. Gouland
Victor V. Gouland, chairman

/s/ Robson U. Romolow
Robson U. Romolow, vice chairman

/s/ Florencio S. Harper
Florencio S. Harper, member

/s/ Ferny S. Perman
Ferny S. Perman, member

/s/ Esmond B. Moses
Esmond B. Moses, member

/s/ Alik L. Alik
Alik L. Alik, member

/s/ Isaac V. Figir
Isaac V. Figir, member