

112TH CONGRESS
1ST SESSION

H. R. 2594

IN THE SENATE OF THE UNITED STATES

OCTOBER 31, 2011

Received

DECEMBER 17, 2011

Read twice and referred to the Committee on Commerce, Science, and
Transportation

AN ACT

To prohibit operators of civil aircraft of the United States from participating in the European Union's emissions trading scheme, 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. SHORT TITLE.**

2 This Act may be cited as the “European Union Emis-
3 sions Trading Scheme Prohibition Act of 2011”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) The European Union has unilaterally im-
7 posed an emissions trading scheme (in this section
8 referred to as the “ETS”) on non-European Union
9 aircraft flying to and from, as well as within, Eu-
10 rope.

11 (2) United States airlines and other United
12 States aircraft operators will be required under the
13 ETS to pay for European Union emissions allow-
14 ances for aircraft operations within the United
15 States, over other non-European Union countries,
16 and in international airspace for flights serving the
17 European Union.

18 (3) The European Union’s extraterritorial ac-
19 tion is inconsistent with long-established inter-
20 national law and practice, including the Chicago
21 Convention of 1944 and the Air Transport Agree-
22 ment between the United States and the European
23 Union and its member states, and directly infringes
24 on the sovereignty of the United States.

25 (4) The European Union’s action undermines
26 ongoing efforts at the International Civil Aviation

1 Organization to develop a unified, worldwide ap-
2 proach to reducing aircraft greenhouse gas emissions
3 and has generated unnecessary friction within the
4 international civil aviation community as it endeav-
5 ors to reduce such emissions.

6 (5) The European Union and its member states
7 should instead work with other contracting states of
8 the International Civil Aviation Organization to de-
9 velop such an approach.

10 (6) There is no assurance that ETS revenues
11 will be used for aviation environmental purposes by
12 the European Union member states that will collect
13 them.

14 (7) The United States Government expressed
15 these and other serious objections relating to the
16 ETS to representatives of the European Union and
17 its member states during June 2011, but has not re-
18 ceived satisfactory answers to those objections.

19 **SEC. 3. PROHIBITION ON PARTICIPATION IN THE EURO-**
20 **PEAN UNION'S EMISSIONS TRADING SCHEME.**

21 The Secretary of Transportation shall prohibit an op-
22 erator of a civil aircraft of the United States from partici-
23 pating in any emissions trading scheme unilaterally estab-
24 lished by the European Union.

1 **SEC. 4. NEGOTIATIONS.**

2 The Secretary of Transportation, the Administrator
3 of the Federal Aviation Administration, and other appro-
4 priate officials of the United States Government shall use
5 their authority to conduct international negotiations and
6 take other actions necessary to ensure that operators of
7 civil aircraft of the United States are held harmless from
8 any emissions trading scheme unilaterally established by
9 the European Union.

10 **SEC. 5. CIVIL AIRCRAFT OF THE UNITED STATES DEFINED.**

11 In this Act, the term “civil aircraft of the United
12 States” has the meaning given that term under section
13 40102(a) of title 49, United States Code.

 Passed the House of Representatives October 24,
2011.

Attest:

KAREN L. HAAS,

Clerk.