

112TH CONGRESS
1ST SESSION

S. 1956

To prohibit operators of civil aircraft of the United States from participating in the European Union’s emissions trading scheme, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 7, 2011

Mr. THUNE introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) The European Union has unilaterally im-
9 posed an emissions trading scheme (in this section
10 referred to as the “ETS”) on non-European Union

1 aircraft flying to and from, as well as within, Eu-
2 rope.

3 (2) United States airlines and other United
4 States aircraft operators will be required under the
5 ETS to pay for European Union emissions allow-
6 ances for aircraft operations within the United
7 States, over other non-European Union countries,
8 and in international airspace for flights serving the
9 European Union.

10 (3) The European Union's extraterritorial ac-
11 tion is inconsistent with long-established inter-
12 national law and practice, including the Chicago
13 Convention of 1944 and the Air Transport Agree-
14 ment between the United States and the European
15 Union and its member states, and directly infringes
16 on the sovereignty of the United States.

17 (4) The European Union's action undermines
18 ongoing efforts at the International Civil Aviation
19 Organization to develop a unified, worldwide ap-
20 proach to reducing aircraft greenhouse gas emissions
21 and has generated unnecessary friction within the
22 international civil aviation community as it endeav-
23 ors to reduce such emissions.

24 (5) The European Union and its member states
25 should instead work with other contracting states of

1 the International Civil Aviation Organization to de-
2 velop such an approach.

3 (6) There is no assurance that ETS revenues
4 will be used for aviation environmental purposes by
5 the European Union member states that will collect
6 them.

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

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

14 The Secretary of Transportation shall prohibit an op-
15 erator of a civil aircraft of the United States from partici-
16 pating in any emissions trading scheme unilaterally estab-
17 lished by the European Union in any case in which the
18 Secretary determines the prohibition to be, and in a man-
19 ner that is, in the public interest.

20 **SEC. 4. NEGOTIATIONS.**

21 The Secretary of Transportation, the Administrator
22 of the Federal Aviation Administration, and other appro-
23 priate officials of the United States Government shall, as
24 appropriate, use their authority to conduct international
25 negotiations and take other actions in the public interest

1 to ensure that operators of civil aircraft of the United
2 States are held harmless from any emissions trading
3 scheme unilaterally established by the European Union.

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

5 In this Act, the term “civil aircraft of the United
6 States” has the meaning given that term under section
7 40102(a) of title 49, United States Code.

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