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(Original Signature of Member)

112TH CONGRESS
1ST SESSION

H. R.

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 HOUSE OF REPRESENTATIVES

Mr. MICA (for himself, Mr. RAHALL, Mr. PETRI, Mr. COSTELLO, Mr. HULTGREN, Mr. DUNCAN of Tennessee, Mr. SHUSTER, Ms. RICHARDSON, Mr. HOLDEN, and Mr. PIERLUISI) introduced the following bill; which was referred to the Committee on _____

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:

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

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

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

20 (4) The European Union’s action undermines
21 ongoing efforts at the International Civil Aviation
22 Organization to develop a unified, worldwide ap-
23 proach to reducing aircraft greenhouse gas emissions
24 and has generated unnecessary friction within the

1 international civil aviation community as it endeav-
2 ors to reduce such emissions.

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

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

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

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

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

22 **SEC. 4. NEGOTIATIONS.**

23 The Secretary of Transportation, the Administrator
24 of the Federal Aviation Administration, and other appro-
25 priate officials of the United States Government shall use

1 their authority to conduct international negotiations and
2 take other actions necessary to ensure that operators of
3 civil aircraft of the United States are held harmless from
4 any emissions trading scheme unilaterally established by
5 the European Union.

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

7 In this Act, the term “civil aircraft of the United
8 States” has the meaning given that term under section
9 40102(a) of title 49, United States Code.