

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

**IN THE COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION—112th Cong., 2d Sess.**

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.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. THUNE

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

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. PROHIBITION ON PARTICIPATION IN THE EURO-
7 PEAN UNION’S EMISSIONS TRADING SCHEME.**

8 (a) IN GENERAL.—The Secretary of Transportation
9 shall prohibit an operator of a civil aircraft of the United
10 States from participating in the emissions trading scheme
11 unilaterally established by the European Union in EU Di-

1 rective 2003/87/EC of October 13, 2003, as amended, in
2 any case in which the Secretary determines the prohibition
3 to be, and in a manner that is, in the public interest, tak-
4 ing into account—

5 (1) the impacts on U.S. consumers, U.S. car-
6 riers, and U.S. operators;

7 (2) the impacts on the economic, energy, and
8 environmental security of the United States; and

9 (3) the impacts on U.S. foreign relations, in-
10 cluding existing international commitments.

11 (b) PUBLIC HEARING.—After determining that a
12 prohibition under this section may be in the public inter-
13 est, the Secretary must hold a public hearing at least 30
14 days before imposing any prohibition.

15 **SEC. 3. NEGOTIATIONS.**

16 The Secretary of Transportation, the Administrator
17 of the Federal Aviation Administration, and other appro-
18 priate officials of the United States Government—

19 (1) should, as appropriate, use their authority
20 to conduct international negotiations, including
21 using their authority to conduct international nego-
22 tiations to pursue a worldwide approach to address
23 aircraft emissions; and

24 (2) shall, as appropriate, take other actions
25 under existing authorities that are in the public in-

1 terest necessary to hold operators of civil aircraft of
2 the United States harmless from the emissions trad-
3 ing scheme referred to under section 2.

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

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