

Cross include Captain Charles Lindbergh, Commander Richard Byrd, Amelia Earhart, and Captain Mark Kelly. You might know who Captain Mark Kelly is because he had his medal pinned on him by his wife—our dear colleague, Representative GABBY GIFFORDS. All of the men and women who have received this medal are American heroes, and the March Field Air Museum is to be commended for its efforts to establish a memorial honoring these individuals.

On our side, we would likely support some Federal funding for this project, but in knowing our status on our budgetary problems, our friends on the other side have written the bill to prohibit Federal support. Nevertheless, we do wholeheartedly support H.R. 320.

I commend my friend and colleague KEN CALVERT, from my home State of California, for introducing this piece of legislation to recognize all our heroes.

With that, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. CALVERT).

Mr. CALVERT. I rise in support of H.R. 320, a bill to designate a national Distinguished Flying Cross memorial in Riverside, California.

I thank my friends Mr. YOUNG and Mrs. NAPOLITANO for managing the bill today.

I am honored to represent the Inland Empire Chapter of the Distinguished Flying Cross Society, which is the primary sponsor of this memorial. The memorial honors all current and former members of the Armed Forces who have been awarded the Distinguished Flying Cross.

In the 111th Congress, I introduced H.R. 2788, which passed the House unanimously; and today, I stand again in support of H.R. 320, which would designate a memorial at March Field Air Museum as the Distinguished Flying Cross National Memorial. The legislation is supported by the Distinguished Flying Cross Society, the Military Officers Association of America, the Air Force Association, the Air Force Sergeants Association, the Association of Naval Aviation, the Vietnam Helicopter Pilots Association, and the China-Burma-India Veterans Association.

I would like to point out the language in the bill specifically states that the designation shall not be construed to require or permit Federal funds to be expended for any purpose related to the national memorial. Funds have been and will continue to be raised through private means for these purposes.

The Distinguished Flying Cross recipients have received this prestigious medal for their heroism and extraordinary achievement while participating in aerial flight while serving in any capacity with the U.S. Armed Forces. There are many well-known people who have played a vital role in

the history of military aviation and have received the award. As was previously mentioned, this renowned group includes Captain Charles L. Lindbergh, former President George H. W. Bush, Brigadier General Jimmy Doolittle, General Curtis LeMay, Senator MCCAIN, Jimmy Stewart, and Admiral Jim Stockdale—just to name a few.

The March Air Reserve Base, which hosts the C-17As of the 452nd Air Mobility Wing is adjacent to the location of the memorial at the March Field Air Museum. Visitors are able to witness active operational air units provide support for our troops in Iraq and Afghanistan, which is an appropriate setting that honors the many aviators who have distinguished themselves by deeds performed in aerial flight.

□ 1650

I would like to thank those who worked tirelessly to ensure this memorial is built and is properly designated in honor of the distinguished aviators that have served this great Nation. In particular, I'd like to recognize Jim Champlin; his late wife, Trish; Distinguished Flying Cross Society president, Chuck Sweeney; and the society's historian, Dr. Barry Lanman, who have been instrumental in this effort.

Again, I hope you'll join me in supporting the designation of the National Distinguished Flying Cross Memorial at the March Field Air Museum and support H.R. 320.

Mrs. NAPOLITANO. Mr. Speaker, I just want to urge both sides to support H.R. 320, but at the same time I'd also like to thank our majority and our minority, not only our Members, but also the staff that have done a very wonderful job in helping us put this stuff together and putting up with us.

I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in support of H.R. 320, "Distinguished Flying Cross National Memorial Act," which designates a Distinguished Flying Cross National Memorial at the March Field Air Museum in Riverside, California. Recipients of the Distinguished Flying Cross are awarded to any officer of enlisted member of the United States armed forces who distinguishes himself or herself in support of operations by "heroism or extraordinary achievement while participating in an aerial flight."

The March Field Air Museum serves as the appropriate location for such a prestigious honor. Its home sits on the March Air Force Base. March Air Force Base dates back to a time when the United States was rushing to build up its military forces in anticipation of entering World War I. It continued to be used as a pilot training center and as well as an operational base throughout World War II. March Air Force Base was a part of outstanding achievements in test flights and other contributions to the science of aviation. For over seventy years, March has been a key component in the advance of aviation and in the growth of the modern Air Force.

The March Field Air Museum is representative of American ingenuity in aviation. The mu-

seum hosts a collection of military and vintage aircraft that presents an extraordinary look at the history of aviation and the use of aviation in modern warfare. The museum tells the story of how aircraft were first used in warfare and how they have become a vital part of our nation's military power.

As all of our military, we hold a special place in our hearts for those pilots who operated those aircraft. These aviators supported our ground troops from the air during times of war. This honor will bestow the nation's gratitude upon those who are so deserving of recognition. I am happy to share in this opportunity with my colleagues to place in our nation's history the recognition of these heroes of the skies. Our nation is better for the heroism of these brave men and women.

Mr. BACA. Mr. Speaker, I rise today to voice my strong support for H.R. 320, the Distinguished Flying Cross National Memorial Act.

I want to thank my colleague from southern California, Mr. CALVERT, for sponsoring this bill and championing this cause to recognize some of our nation's greatest aviators.

March Air Field Museum, located in California's Inland Empire, at the site of the March Air Reserve Base, is a place for Americans to learn and celebrate our nation's great aviation and military histories.

It is appropriate then, that this museum serve as a sight for the United States to officially recognize the heroic service of over 165,000 Americans who have received the Distinguished Flying Cross.

The Distinguished Flying Cross is awarded to a member of the Armed Forces who distinguishes himself or herself with heroism or extraordinary achievement while participating in an aerial flight.

March Air Force Base, March Air Reserve Base, and now March Air Field Museum have all been vital parts of the fabric of our community in California's Inland Empire.

I urge all my colleagues to vote yes on H.R. 320 and help ensure California's Inland Empire will forever serve as home to the Distinguished Flying Cross National Memorial.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the bill, H.R. 320.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. YOUNG of Alaska. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### EUROPEAN UNION EMISSIONS TRADING SCHEME PROHIBITION ACT OF 2011

Mr. PETRI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2594) to prohibit operators of civil aircraft of the United States from participating in the European Union's emissions trading scheme, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2594

GENERAL LEAVE

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “European Union Emissions Trading Scheme Prohibition Act of 2011”.

**SEC. 2. FINDINGS.**

Congress finds the following:

(1) The European Union has unilaterally imposed an emissions trading scheme (in this section referred to as the “ETS”) on non-European Union aircraft flying to and from, as well as within, Europe.

(2) United States airlines and other United States aircraft operators will be required under the ETS to pay for European Union emissions allowances for aircraft operations within the United States, over other non-European Union countries, and in international airspace for flights serving the European Union.

(3) The European Union’s extraterritorial action is inconsistent with long-established international law and practice, including the Chicago Convention of 1944 and the Air Transport Agreement between the United States and the European Union and its member states, and directly infringes on the sovereignty of the United States.

(4) The European Union’s action undermines ongoing efforts at the International Civil Aviation Organization to develop a unified, worldwide approach to reducing aircraft greenhouse gas emissions and has generated unnecessary friction within the international civil aviation community as it endeavors to reduce such emissions.

(5) The European Union and its member states should instead work with other contracting states of the International Civil Aviation Organization to develop such an approach.

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

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

**SEC. 3. PROHIBITION ON PARTICIPATION IN THE EUROPEAN UNION’S EMISSIONS TRADING SCHEME.**

The Secretary of Transportation shall prohibit an operator of a civil aircraft of the United States from participating in any emissions trading scheme unilaterally established by the European Union.

**SEC. 4. NEGOTIATIONS.**

The Secretary of Transportation, the Administrator of the Federal Aviation Administration, and other appropriate officials of the United States Government shall use their authority to conduct international negotiations and take other actions necessary to ensure that operators of civil aircraft of the United States are held harmless from any emissions trading scheme unilaterally established by the European Union.

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

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

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. PETRI) and the gentlewoman from Florida (Ms. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. PETRI. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill before us, H.R. 2594.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of the bill before us, H.R. 2594, the European Union Emissions Trading Scheme Prohibition Act of 2011.

Starting in January of 2012, the European Union will begin to unilaterally apply its emissions trading scheme to civil aviation operators landing in or departing from one of the EU member states.

Under the emissions trading scheme, EU member states will require international air carriers and operators to pay for emission allowances and, in some cases, penalties for carbon emissions. The scheme will apply to the entire length of the flight, including those parts of the flight outside the EU airspace. For instance, on a flight leaving Los Angeles for London, taxes will be levied not just on the portion of the flight over the United Kingdom, but also for the portions of the flight over the United States’ sovereign soil and the high seas.

On September 30, 21 countries, including the U.S., signed a joint declaration against the EU emissions trading scheme in New Delhi, India. Despite serious legal issues and objections by the international community, the EU is pressing ahead with its plans.

The bill before us will prohibit U.S. aircraft operators from participating in this illegal scheme put forward unilaterally by the EU. The European Union’s unilateral application of the scheme onto U.S.-flagged operators without the consent of the United States Government raises significant legal concerns under international law, including violations of the Chicago Convention and the U.S.-EU Air Transport Agreement.

There are also concerns that the emissions trading scheme is nothing more than a revenue raiser for EU member states, as there is no requirement that EU member states must use the funds for anything related to the reduction of carbon dioxide production by the civil aviation sector.

The emissions trading scheme will extract money from the airline industry that would otherwise be invested in NextGen technologies and the purchase of new aircraft, just two proven methods for improving environmental performance. In addition, the scheme would introduce a new commodities market into the cost structure for airlines. Given the havoc fluctuating oil markets have played on the U.S. airline industry, it doesn’t make sense to subject the struggling airline industry

to another commodities market that is vulnerable to speculation.

According to the Air Transport Association’s testimony before the Aviation Subcommittee this July, the extraction of capital from the aviation system as envisioned under the EU emissions trading scheme could threaten as many as 78,500 U.S. jobs. This is unacceptable.

Finally, there are considerable concerns about the proliferation of EU member states’ “eco-charges” being put in place on top of the emissions trading scheme. Questions have arisen as to whether the eco-charges are consistent with U.S. member states’ obligations under international law and whether some of these charges may, in effect, be double charges for the same emissions the EU intends to regulate under the emissions trading scheme.

Given all of these concerns, we believe that the European Union needs to slow down and carefully weigh their plans to include international civil aviation in their emissions trading scheme. We believe a better approach is to work within the international civil aviation community through the U.N. International Civil Aviation Organization to establish consensus-driven initiatives to reduce emissions.

However, because the EU has shown no interest in working with the international community to address their concerns and objections and to seek a global approach to civil aviation emissions, we’re moving this bipartisan legislation forward to ensure U.S. operators will not participate in their unilateral and questionable scheme.

The Obama administration, Republicans and Democrats here in the House have recognized the troubled approach taken by the Europeans and have expressed ardent opposition. This legislation is one of many avenues the United States can take, concurrent with others, to resolve this conflict. To be sure, the United States Government will use all tools at its disposal to hold our aviation interests harmless from the Europeans’ unfair and illegal scheme.

I urge my colleagues to support this bipartisan legislation, and I reserve the balance of my time.

OCTOBER 5, 2011.

Hon. JOHN L. MICA,  
Chairman, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN MICA: Thank you for your prior consultation with us on H.R. 2594, the European Union Emissions Trading Scheme Prohibition Act of 2011, given the jurisdictional equities of the Committee on Foreign Affairs in that bill.

I am writing to confirm the agreement of the Foreign Affairs Committee to be discharged from consideration of H.R. 2594 in order to expedite its consideration on the House floor. In agreeing to waive consideration of that bill, this Committee does not waive any jurisdiction that it has over provisions in that bill or any other matter. This also does not constitute a waiver of the participation of the Committee of Foreign Affairs in any conference on this bill. I ask that you include a copy of this letter and

your response in any Committee report on H.R. 2594 and in the Congressional Record during floor consideration of the bill.

Thank you again for your consideration and collegiality in this matter.

Cordially,

ILEANA ROS-LEHTINEN,  
*Chairman.*

OCTOBER 6, 2011.

Hon. ILEANA ROS-LEHTINEN,  
*Chairman, Committee on Foreign Affairs, Rayburn House Office Building, Washington, DC.*

DEAR CHAIRMAN ROS-LEHTINEN: Thank you for your letter regarding H.R. 2594, the "European Union Emissions Trading Scheme Prohibition Act of 2011." The Committee on Transportation and Infrastructure recognizes the Committee on Foreign Affairs has a jurisdictional interest in H.R. 2594, and I appreciate your effort to facilitate consideration of this bill.

I also concur with you that forgoing action on this bill does not in any way prejudice the Committee on Foreign Affairs with respect to its jurisdictional prerogatives on this bill or similar legislation in the future, and I would support your effort to seek appointment of an appropriate number of conferees to any House-Senate conference involving this legislation.

I will include our letters on H.R. 2594 in the Committee report and in the Congressional Record during House Floor consideration of the bill. Again, I appreciate your cooperation regarding this legislation, and I look forward to working with the Committee on Foreign Affairs as the bill moves through the legislative process.

Sincerely,

JOHN L. MICA,  
*Chairman.*

Ms. BROWN of Florida. I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2594, a bill that would protect U.S. airlines, their employees and their passengers from the European Union's plan to unfairly charge U.S. airlines for emissions in U.S. air space.

President Obama has taken a strong stand against the EU emissions trading scheme scam on the grounds that it is inconsistent with international aviation law and practice. Additionally, airlines and labor groups oppose it because it would impose new and unjustifiable costs on the industry and destroy American jobs.

Climate change is a global problem that requires a global solution. Working through the International Civil Aviation Organization, the United States has committed to find a global solution to address aviation emissions based on agreement and cooperation.

However, the EU has decided to move forward with a go-it-alone approach that is contrary to international law and violates U.S. sovereignty by charging U.S. airlines for all emissions from flights between the United States and Europe, even the portion of flights over our own air space, and return the revenue to European countries without any specific assurances regarding how the revenue will be used. That is unacceptable.

□ 1700

This bill will protect U.S. airlines from unjust liability under the EU's

emissions trading system. It sends a strong message from Congress that we do not support what the EU is doing, for a variety of reasons.

The United States is far from alone in expressing strong opposition to the EU's proposal. Last month, 25 other countries joined the United States in signing a joint declaration in India that calls upon the EU not to impose the emissions trading system on non-European airlines, and that urges EU member countries to instead address aviation emissions from ICAO, where progress already is being made.

The United States and other international partners stand ready and willing to work to address this issue constructively through the proper international framework.

We rightfully expect both governments and airlines to be good stewards of the environment and do everything possible to reduce harmful carbon emissions. In fact, the Federal Aviation Administration and the airline industry have invested billions of dollars in NextGen air traffic upgrades, and the FAA plans to reduce emissions by 2 percent a year through these improvements. Further, U.S. airlines improved fuel efficiency by approximately 110 percent since 1978. From 2000 to 2009, U.S. carriers reduced fuel burn and carbon emissions by 15 percent, while carrying 7 percent more passengers and cargo.

At meetings last week, I, along with Chairman MICA and several other members of the committee, met with European Union representatives to express our willingness to work with our friends to come to a more equitable solution to this problem, and I believe the meetings were very productive. But we also made it quite clear that the EU's my-way-or-the-highway approach was totally unacceptable, and we will take every action necessary to prevent the implementation of these unnecessary and dangerous taxes. And we made it clear that the Congress will stand up and defend the sovereignty of the United States.

With that, I reserve the balance of my time.

Mr. PETRI. Mr. Speaker, I yield such time as he may consume to our colleague from Pennsylvania, Mr. BILL SHUSTER.

Mr. SHUSTER. I thank the gentleman for yielding.

I couldn't agree more with my colleague from Florida (Ms. BROWN) on her support for H.R. 2594. And to my colleagues watching or listening to this debate tonight, I would urge you to listen closely because this is a serious situation that's going to occur, and it's up to Congress to send a message to the European capitals of the world that the United States will not stand for this. This will be a terrible burden for not only our carriers but for aviation airlines, air travel, commercial travel around the world.

There has never been to my knowledge a more ill-conceived program than

what the European Union is putting forth in this emissions trading scheme. They're going forth with this; and first of all, I believe it's violating international law, the Chicago Convention which was signed in the mid-1940s, which set up ICAO which is the International Civil Aviation Organization, which coordinates and allows for transportation, commercial transportation, aviation transportation around the world to go forth in a way that is orderly. We come together at this international organization and build on consensus with rule-makings and regulations that help us to not only build our airplanes but to fly them around the world.

What the Europeans are doing is they want to impose a tax on American air carriers, on all air carriers from their points of departure. So from our sovereign Nation and sovereign nations around the world, they're going to tax us to fly from, for instance, Los Angeles to Paris, which I believe, again, is a violation of the international agreement. I believe it is going to throw international aviation into an uncertain time period and may cause tremendous disruption in the flow of commerce through the air.

The air transportation industry worldwide accounts for 8 percent of global GDP, but only accounts for 2 percent of the CO<sub>2</sub> emissions. And the airline industry has a great incentive to decrease the amount of fuel they have because it is one of if not their largest expense. So air travel with the airliners we build today, with the way we organize our air traffic control patterns in the United States, we've been able to reduce CO<sub>2</sub> emissions over the last 10 years significantly, and we'll continue to do that because, as I said, the incentive is there for the airline industry in America to use less fuel, not more fuel. It's better for their bottom lines.

Once again, this trading scheme, this emissions trading scheme is going to impose a tax on our carriers. The Europeans estimate it will be about \$2 a ticket. Our aviation industry believes it will be somewhere between \$2.50 and \$4 a ticket. We're not sure, but let's take the European numbers. So \$2 a ticket, if you look over the last 10 years in the aviation industry in this country, we have lost \$2.80 per ticket sold. So you're talking about an industry that is now recovering, an industry that seems to be making profits. If the Europeans are allowed to impose a \$2 tax, it will probably wipe out the entire profits of our airline industry, so we can't let it stand.

Also, it is a counterproductive measure. The Europeans say they're going to reduce emissions by this. I believe it is going to do the opposite. What's going to happen is these planes, not the new planes, but the old ones, refurbished ones, are going to go to other parts of the world. And these old planes do emit more CO<sub>2</sub>, and so there are going to be places in Africa and Asia

and countries that can't afford the newest, latest, greatest Boeing or Airbus planes; and they're going to be spewing more emissions into the air. So it's counterproductive.

And if you want an industry to invest in more fuel-efficient airliners, they need to make a profit. So you're going to take that profit away, and they will not be able to invest in new ways to reduce emissions coming from these airliners. So it's counterproductive.

Also, if the Europeans want to reduce emissions, which they have not in their airline industry over the last 10 years, one of the things they could do, a huge step in the right direction, is to create a single European airspace. And they've been unable to do that.

Today, when you fly in the United States, because we're so much more efficient than the Europeans, our planes land quicker. That means they're not up in the atmosphere putting out CO<sub>2</sub> emissions. In the European theater, what you have are 25 or 30 different airspaces. So planes tend to circle around the airport for longer periods of time emitting more CO<sub>2</sub>. So if the Europeans are really serious about this, instead of just doing the easy thing and tax the Americans or tax the Chinese or tax the Russians, they should look seriously at turning their 30 different airspaces into a single European airspace. That would be a tremendous improvement and be a tremendous reduction in the CO<sub>2</sub> that they are putting into the air.

So my colleagues, if you're listening to this tonight, I urge you strongly to support the gentlelady from Florida and myself and others in a bipartisan way to send a strong vote, a strong message to the Europeans to don't go down this path. Let's sit down at the table and work together. We can do something that reduces CO<sub>2</sub> without taxing American carriers and disrupting an international organization that's been so positive and so vital to commerce in this world.

Ms. BROWN of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. HOLDEN).

Mr. HOLDEN. I thank my friend from Florida for yielding, and I rise in support of this bipartisan legislation.

This committee has just concluded meetings at the International Civil Aviation Organization. Of that organization, that commission, there are 36 votes; 26 of the voting nations have in writing expressed their disapproval of what the Europeans are approving. The only 10 countries in approval are eight European countries and Australia and Canada. We believe that this clearly violates article 1 of the Chicago Convention of 1944. Article 1 states that all signature countries to this agreement shall have control over their own airspace. If the European Union wants to put this scheme into place in the European Union, they're welcome to do that.

□ 1710

But they can't tell aircraft leaving O'Hare or Logan or Kennedy or Dulles

that they're going to have to start paying taxes there. And the explanation from the European Union doesn't pass the laugh test. They say that the European Union member states are not responsible for a 1944 agreement because the European Union was not in existence in 1944. Their member States were in existence and they are signatories to the agreement and they are bound by it. If the European Union continues to move down this path, they know at ICAO that there are remedies. And they know that there are going to be remedies that are to be sought.

So I urge this body to pass this legislation today, and I even more so urge the Europeans to put this aside, come back to the ICAO organization—a vision that FDR had in 1944 to control international aviation—and have a global solution to this problem that we face.

Ms. BROWN of Florida. Mr. Speaker, how much time is remaining on both sides?

The SPEAKER pro tempore. The gentlewoman from Florida has 14 minutes remaining. The gentleman from Wisconsin has 9 minutes remaining.

Mr. PETRI. I reserve the balance of my time.

Ms. BROWN of Florida. I yield 5 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank the gentlelady.

I rise in opposition to this legislation. If it were to pass the House, we lawmakers would be directing the Secretary of Transportation to tell U.S. airlines not to follow the law. If we prohibit our companies from complying with the laws in other countries, we should expect other countries to do the same when it comes to their companies complying with U.S. law.

In an effort to protect U.S. airlines, this bill might actually undermine airline security. The U.S. currently requires international airlines to comply with a wide range of U.S. laws when it comes to passenger, baggage, and cargo security in order to do business in our country. If we legislate our companies out of Europe's environmental laws, our homeland security could be adversely impacted if European countries decided to withhold their cooperation in response with regard to screening of baggage for bombs on planes flying into the United States.

When it comes to pollution from the transportation sector, the United States was the first to pass a law requiring anyone in the world interested in coming to our shores to follow our environmental regulations. In 1990, Congress passed the Oil Pollution Act in the aftermath of the Exxon Valdez oil spill. In order to reduce the risk of an oil spill, it required all tankers operating in U.S. waters to be double-hulled by 2015. No matter what country's flag a tanker is flying, it will have to be double-hulled to sail into the United States of America—to protect us from their pollution.

We acted unilaterally to protect our country from the carbon pollution associated with an oil spill 21 years ago. Now, after years of trying to forge an international aviation agreement, the European Union is acting to protect itself from the carbon pollution associated from airline travel.

Last week, an independent team of scientists at Berkeley released their analysis of land surface temperature records going back to 1800. They found—as their counterparts in NOAA and NASA had previously shown—that temperatures over the last decade were increasing. Once again, scientists have confirmed that global warming is real. Now that independent scientists have validated this bedrock fact, perhaps my colleagues who have questioned the science of climate change will be willing to give climate scientists the benefit of the doubt that the rest of their findings are accurate. And those findings have sobering consequences for the United States—more heat waves, rising sea levels, declining snowpack, more frequent drought, more extreme precipitation when it does rain—to name just a few.

2011 has been a record-breaking year for extreme weather in the United States. If left unchecked, climate change could make a year like this seem normal. The Europeans are taking climate change seriously. We shouldn't undermine their efforts by legislating that our airlines break the law. I would urge a "no" vote on H.R. 2594. Just remember that all of the other laws that we expect them to abide by in terms of the protection of American environment and American security become jeopardized when we question legitimate laws that the Europeans put on the books in order to protect our planet.

So I urge a "no" vote on this bill.

Mr. PETRI. I continue to reserve the balance of my time.

Ms. BROWN of Florida. I yield 2 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. I thank the gentlelady for yielding to me.

Mr. Speaker, I also rise in opposition to this legislation. I think Mr. MARKEY made an articulate case and a compelling case. If we expect European companies to comply with U.S. laws when they do business in our country, whether the EU countries agree with our laws or not, we have to respect their laws. But this bill, H.R. 2594, prohibits U.S. airlines from complying with the laws of the European Union.

Worldwide aviation is estimated to produce about 3 percent of the total manmade greenhouse gas emissions—and these emissions are rising rapidly. In an effort to address aviation's uncontrolled contribution to climate change, the EU has adopted a cap on greenhouse gas emissions from the aviation sector. The EU program sets modest and achievable emission limits, it is flexible and market-oriented, and there is no viable alternative approach

based on regulating only those emissions that occur in a country's own airspace.

The EU program also should benefit U.S. aircraft and engine manufacturers such as Boeing and Pratt & Whitney, which are building more efficient engines today. The program will encourage airlines to purchase new aircraft with lower fuel costs, boosting the economy and potentially saving consumers money.

As a matter of fact, I just got off a plane today from the European Union, and I would hate to think that when I travel on an American airline they will not respect the laws of the European Union or the European Union might decide they don't have to respect our laws.

I urge a "no" vote on this bill.

Ms. BROWN of Florida. Mr. Speaker, I yield myself such time as I may consume.

When I was growing up, I used to like this program with Sergeant Joe Friday, and he would say, "The facts, ma'am; just the facts."

I have a few facts about the European Union's emissions trade scheme—or scam—or whatever you want to call it. The U.S. airlines would be required to pay for carbon allowances for all segments of flights between the United States and Europe. For example, on a flight from Los Angeles to a European city, an airline would be liable for emissions over the U.S., Canada, and international waters. Two, fees for carbon allowance under the system would be paid directly to EU's member states without obligation to use them to mitigate aviation emissions impacts. The EU tax violates U.S. sovereignty by imposing liability on U.S. airlines for operations in the U.S. National Airspace System. Additionally, President Obama's administration testified before the House Committee on Transportation and Infrastructure that the EU's tax is inconsistent with international aviation law.

In closing, I want to thank Chairman MICA, all of the Members that went with us to talk to our partners across the water in Canada, and Ranking Member RAHALL for bringing this bill to the floor. I would encourage my colleagues to protect the U.S. airlines, U.S. customers, and U.S. jobs, and support this legislation.

I reserve the balance of my time.

□ 1720

Mr. PETRI. I yield myself such time as I may consume.

Mr. Speaker, I would remind the two previous speakers from Massachusetts and California that we're not in any way talking about EU passing laws governing the behavior of our planes or anyone else in EU territory. We are talking about EU attempting to exercise extraterritorial jurisdiction over flights over the United States or international waters in violation of the agreement reached by each of the EU countries separately with ICAO, as well

as of course every other country—190 in the world—that belong to that international order that allows for the peaceful movement of aviation throughout our globe. To deny that would be very disruptive and set a precedent that cannot be accepted. That's why not only our administration, but the administrations of over 21 other countries joined recently in New Delhi, India to condemn this. Other countries are in the process of adopting legislation similar to that which we are adopting here today.

We're not talking about emission trading schemes or anything else. We're talking about the principle of territoriality and countries attempting to exercise that beyond the legitimate and recognized bounds that have been accepted by international law.

I yield 1 minute to the gentleman from Pennsylvania (Mr. SHUSTER), if he would care to rebut.

Mr. SHUSTER. Mr. Speaker, I just want to again stand up in support of what my colleagues from Wisconsin and from Florida have said over and over again. This is about sovereignty as well as doing what's right for the American traveling public.

Mr. WAXMAN from California, he represents Los Angeles, folks from that part of the country, as my colleague from Florida said, will probably see direct flights no longer exist because if you start off from Los Angeles and fly to Paris, it's going to cost you more money. So I can see the airlines trying to save money by stopping in Philadelphia or stopping in New York so that they can decrease the tax that's going to be imposed upon them.

As Mr. PETRI has said, they're imposing it on the air over America. If they want to impose a tax in Europe on people doing business in Europe, they have the ability to do that. But to do it and start it over American airspace, over American departure, it's the wrong thing to do. And the Europeans know it. You already have the Italians and the Dutch already questioning the wisdom of doing this.

So I think you're going to see people in Europe starting to change their attitude. And tonight is going to send a very, very strong signal to Europe that America is not going to allow the Europeans to impose a tax on us on our sovereign airspace.

Ms. BROWN of Florida. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. PETRI. I yield the balance of my time to the gentleman from Florida (Mr. MICA), chairman of the full Transportation Committee.

Mr. MICA. I thank both Ranking Member BROWN of the Rail Subcommittee, who's leading this legislation on the floor tonight, and Chairman PETRI, the chairman of the Aviation Subcommittee, for their leadership and also directing in a bipartisan manner this legislation that we brought forth from our committee with very, very strong support, Members, again, from both sides of the aisle.

I know that there are some folks that have raised some concerns, and I'll address them; but very simply, what is taking place here is that the European Union is trying to impose, in January, an air emissions tax. And they're going to start the clock running, they want to start it running January 1, the meter will start, and American airlines will get the bill in 2013.

Now, you heard some comments here that we don't want folks to follow the law or operating in—there was an example of double-hull ships operating in U.S. waters. Well, we're not talking about, again, anything that's even similar to what's being proposed here. What they're proposing is, say, from Los Angeles or Chicago or New York, anywhere in the United States to anywhere in the European Union, to tax. And the meter starts running the minute the plane departs from any point in the United States until it reaches Europe, and the same thing when it departs Europe back to the United States.

Not only does this violate international treaties, the Chicago Convention; we've never had anything like this imposed or proposed before. It is not flexible. We've heard the term used it's "flexible." It's not flexible.

The other thing, too, is we're trying to work with others and work with the European Union. And many states have now joined the United States—in fact, they've taken the lead on some of this, both in conference in New Delhi and in meetings in Oslo, and they said this is unfair. So it's not just the United States that's saying this is unfair.

Now, if the European Union chooses to impose a tax within its boundaries, or if we say within our waters you do certain things—like double hull if you want that ship to go there—that's fine with us. If they want to improve emissions in their airspace, that's fine with us. But that's not what they're doing here, and that's why we have this opposition.

The second point is, and I don't want to get into the climate debate, but if you really care about eliminating emissions—and I know the airlines do because the more emissions they eliminate and the more they can conserve fuel, that's their bottom line and that's very important to them. But that being said, again, one of the most important points of all of this is that, again, this money that they're collecting—and it's a tax grab by the European Union—this money that they're getting, there's no requirement that it goes into eliminating emissions from aircraft.

In fact, they told us that you can buy your way out or you can buy some other trade for some other industry. So it doesn't set out to do what, again, is being forecast or demonstrated. In fact, they're very unclear as to how this will be totally instituted. It's what's called an article 25 provision within their current law. And as I've checked, this is almost the end of October, this goes

into effect in January. And they couldn't tell us on Friday and they couldn't tell us here in the United States or in Brussels what provisions of article 25 and exactly how they will implement this.

So I think that what will happen here is we'll send a strong message: Yes, we're for protecting the environment. We have no problems with the European Union taking measures within their borders, and our airlines should comply and other carriers should comply, both departing and arriving. They can do that. But when you stop and think that this would impose a European tax over the skies of the United States, never heard of anything like that before.

So, again, we are willing to work with our European counterparts. We believe that November 2—we were informed when we were in Montreal meeting with ICAO representatives that this will be brought up before that international body, the International Civil Aviation Organization. It sets all the protocols, the standards, security safety provisions. And we will win in that body a legitimate vote by a very wide margin. The Europeans will be left behind on this issue.

But we all want to work with them. They're our friends. This shouldn't lead to a trade war. It should lead to a resolution that does improve our environment and that does allow the European Union to do what they need to do. And, also, if we're going to impose this, that we have some understanding of how we can do better in reducing air emissions.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. PETRI) that the House suspend the rules and pass the bill, H.R. 2594.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 5 o'clock and 30 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CHAFFETZ) at 6 o'clock and 30 minutes p.m.

### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1904, SOUTHEAST ARIZONA LAND EXCHANGE AND CONSERVATION ACT OF 2011

Mr. BISHOP of Utah, from the Committee on Rules, submitted a privi-

leged report (Rept. No. 112-258) on the resolution (H. Res. 444) providing for consideration of the bill (H.R. 1904) to facilitate the efficient extraction of mineral resources in southeast Arizona by authorizing and directing an exchange of Federal and non-Federal land, and for other purposes, which was referred to the House Calendar and ordered to be printed.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 320 and H.R. 1160, each by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote.

### DISTINGUISHED FLYING CROSS NATIONAL MEMORIAL ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 320) to designate a Distinguished Flying Cross National Memorial at the March Field Air Museum in Riverside, California, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the bill.

The vote was taken by electronic device, and there were—yeas 392, nays 1, not voting 40, as follows:

[Roll No. 801]

YEAS—392

Adams	Brady (PA)	Cohen	Duncan (SC)	Lance	Renacci
Aderholt	Brady (TX)	Cole	Duncan (TN)	Landry	Reyes
Akin	Braley (IA)	Conaway	Edwards	Langevin	Ribble
Alexander	Brooks	Connolly (VA)	Ellison	Lankford	Richardson
Altmire	Brown (FL)	Conyers	Ellmers	Larsen (WA)	Richmond
Amodei	Buchanan	Cooper	Emerson	Larson (CT)	Rigell
Andrews	Buchanan	Costa	Eshoo	Latham	Rivera
Austria	Buchon	Costello	Farenthold	LaTourette	Roby
Baca	Burgess	Courtney	Farr	Latta	Roe (TN)
Bachus	Burton (IN)	Cravaack	Fattah	Lee (CA)	Rogers (AL)
Baldwin	Butterfield	Crawford	Fincher	Levin	Rogers (KY)
Barletta	Camp	Crenshaw	Fitzpatrick	Lipinski	Rogers (MI)
Barrow	Cantor	Critz	Fleischmann	LoBiondo	Rokita
Bartlett	Capito	Crowley	Fleming	Loeb sack	Rooney
Barton (TX)	Capps	Cuellar	Flores	Lofgren, Zoe	Ros-Lehtinen
Bass (NH)	Capuano	Culberson	Forbes	Long	Roskam
Becerra	Cardoza	Cummings	Fortenberry	Lowey	Ross (AR)
Benishek	Cardoza	Davis (CA)	Fox	Lucas	Ross (FL)
Berg	Carnahan	Davis (KY)	Frank (MA)	Luetkemeyer	Rothman (NJ)
Berkley	Carnehan	DeFazio	Franks (AZ)	Lujan	Royal-Ballard
Berman	Carson (IN)	DeGette	Frelinghuysen	Lummis	Runyan
Biggett	Carter	DeLauro	Fudge	Lungren, Daniel	Ruppersberger
Bilbray	Cassidy	Denham	Gallegly	E.	Ryan (OH)
Bilirakis	Castor (FL)	Dent	Garamendi	Lynch	Ryan (WI)
Bishop (GA)	Chabot	DesJarlais	Gardner	Mack	Sanchez, Loretta
Bishop (NY)	Chaffetz	Deutch	Garrett	Maloney	Sarbanes
Bishop (UT)	Chandler	Diaz-Balart	Gerlach	Manzullo	Scalise
Black	Chu	Dicks	Gibbs	Marchant	Schakowsky
Blackburn	Ciulline	Dingell	Gibson	Marino	Schiff
Blumenauer	Clarke (MI)	Doggett	Gingrey (GA)	Markey	Schilling
Bonner	Clarke (NY)	Dold	Gonzalez	Matheson	Schock
Bono Mack	Clay	Donnelly (IN)	Goodlatte	Matsui	Schrader
Boren	Cleaver	Doyle	Gosar	McCarthy (CA)	Schweikert
Boswell	Clyburn	Dreier	Gowdy	McCarthy (NY)	Scott (SC)
Boustany	Coble	Duffy	Granger	McCaul	Scott (VA)
	Coffman (CO)		Graves (GA)	McClintock	Scott, Austin
			Graves (MO)	McCollum	Scott, David
			Green, Al	McCotter	Sensenbrenner
			Green, Gene	McDermott	Serrano
			Griffin (AR)	McGovern	Sherman
			Griffith (VA)	McHenry	Shimkus
			Grimm	McIntyre	Shuster
			Guinta	McKeon	Simpson
			Guthrie	McKinley	Slaughter
			Hahn	McMorris	Smith (NE)
			Hall	Rodgers	Smith (NJ)
			Hanabusa	McNerney	Smith (TX)
			Hanna	Meehan	Smith (WA)
			Harper	Mica	Smith (WA)
			Harris	Michaud	Southerland
			Hartzler	Miller (FL)	Speier
			Hastings (FL)	Miller (MI)	Stark
			Hastings (WA)	Miller (NC)	Stearns
			Hayworth	Miller, Gary	Stivers
			Heck	Miller, George	Stutzman
			Heinrich	Moore	Sullivan
			Hensarling	Mulvaney	Sutton
			Herger	Murphy (CT)	Terry
			Herrera Beutler	Murphy (PA)	Thompson (CA)
			Higgins	Myrick	Thompson (MS)
			Himes	Nadler	Thompson (PA)
			Hinojosa	Napolitano	Thornberry
			Hirono	Neugebauer	Tiberi
			Hochul	Noem	Tierney
			Holden	Nugent	Tipton
			Holt	Nunes	Tonko
			Honda	Nunnelee	Towns
			Hoyer	Olson	Tsongas
			Huelskamp	Olver	Turner (NY)
			Huizenga (MI)	Owens	Turner (OH)
			Hultgren	Palazzo	Upton
			Hurt	Pallone	Van Hollen
			Inslee	Pastor (AZ)	Velázquez
			Israel	Paulsen	Visclosky
			Issa	Payne	Walberg
			Jackson (IL)	Pearce	Walden
			Jackson Lee	Pelosi	Walsh (IL)
			(TX)	Pence	Walz (MN)
			Jenkins	Perlmutter	Waters
			Johnson (GA)	Peters	Watt
			Johnson (IL)	Peterson	Waxman
			Johnson (OH)	Petri	Webster
			Johnson, E. B.	Pingree (ME)	Welch
			Johnson, Sam	Pitts	West
			Jones	Platts	Westmoreland
			Jordan	Poe (TX)	Whitfield
			Keating	Pompeo	Wilson (SC)
			Kelly	Posey	Wittman
			Kildee	Price (GA)	Wolf
			Kind	Price (NC)	Womack
			Kingston	Quayle	Woodall
			Kinzing (IL)	Quigley	Woolsey
			Kissel	Rahall	Yarmuth
			Kline	Rangel	Yoder
			Kucinich	Reed	Young (AK)
			Labrador	Rehberg	Young (FL)
			Lamborn	Reichert	Young (IN)