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United States Senate

COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION

WASHINGTON, DC 20510–6125

WEB SITE: http://commerce.senate.gov

October 31, 2013

The Honorable Anthony Foxx
Secretary
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

The Honorable Duane Woerth
Ambassador to the U.S. Mission to ICAO
U.S. Mission to ICAO
999 University Street, Suite 14.10
Montreal, Quebec H3C 5J9
Canada

Ms. Julie Oettinger
Assistant Administrator, Policy
International Affairs Environment
Federal Aviation Administration
800 Independence Avenue, Southwest
Washington, DC 20591

Mr. Todd Stern
Special Envoy for Climate Change
U.S. Department of State
2201 C Street, Northwest
Washington, DC 20520

Dear Secretary Foxx, Ambassador Woerth, Ms. Oettinger, and Mr. Stern:

We write to thank you for the work you did to protect our nation's airlines and future passengers at the 38th Assembly of the International Civil Aviation Organization (ICAO) from the misguided European Union Emissions Trading Scheme (EU ETS). The final resolution approved by the General Assembly to reject unilateral aviation emissions trading schemes was welcome news. We have always believed that ICAO is the most appropriate venue to address global aviation emissions and the final General Assembly resolution affirms this belief.

As we move forward from the Montreal agreement, we urge you to reinforce a key component of the final resolution that specifically requires ICAO member states to engage in discussions to reach agreement with other member states before designing and implementing new or existing market based measures (MBMs) for aviation emissions. It is important that our nation remains firm in our commitment to the goal of a consensus-based approach for aviation emissions at ICAO. Efforts to implement MBMs without consensus could undermine the effectiveness of global efforts to address emissions and would contravene the newly minted agreement.

This is especially important as the EU works to update their ETS. Any provisions that allow U.S. operators and passengers to be unilaterally and illegally taxed would be a violation of both the Generally Assembly resolution and the directives laid out by the European Union Emissions Trading Scheme Prohibition Act of 2011 (P.L. 112-200). We urge you to continue your commitment to these principles as you work with the EU and other fellow ICAO member states moving forward under the final General Assembly resolution.

Again, thank you for the great work you did at the 38th Assembly. We look forward to working with you on this matter in the future.

Sincerely,

JOHN THUNE
Ranking Member

CLAIRE MCCASKILL
U.S. Senator