

105TH CONGRESS  
2D SESSION

# H. R. 3741

To amend title 49, United States Code, to require congressional approval  
of civil aviation agreements.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 28, 1998

Mr. LIPINSKI (for himself and Mr. DEFAZIO) introduced the following bill;  
which was referred to the Committee on Transportation and Infrastruc-  
ture, and in addition to the Committee on Rules, for a period to be subse-  
quently determined by the Speaker, in each case for consideration of such  
provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend title 49, United States Code, to require  
congressional approval of civil aviation agreements.

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 “Aviation Bilateral Ac-  
5 countability Act of 1998”.

6 **SEC. 2. CIVIL AVIATION AGREEMENTS.**

7 Section 40105 of title 49, United States Code, is  
8 amended by adding at the end the following:

9 “(e) CONGRESSIONAL APPROVAL.—

1           “(1) IN GENERAL.—A civil aviation agreement  
2           that is entered into under this section after the date  
3           of the enactment of this subsection shall enter into  
4           force with respect to the United States only if—

5                   “(A) the Secretary involved transmits to  
6           Congress a document containing a copy of the  
7           final text of the agreement, together with an ex-  
8           planation of the agreement; and

9                   “(B) the approval resolution introduced  
10          under this subsection with respect to the agree-  
11          ment is enacted into law.

12          “(2) RULES OF HOUSE OF REPRESENTATIVES  
13          AND SENATE.—This subsection is enacted by Con-  
14          gress—

15                   “(A) as an exercise of the rulemaking  
16          power of the House of Representatives and the  
17          Senate, respectively, and as such these provi-  
18          sions are deemed a part of the rules of each  
19          House, respectively, but applicable only with re-  
20          spect to the procedure to be followed in that  
21          House in the case of approval resolutions de-  
22          scribed in paragraph (3); and they supersede  
23          other rules only to the extent that they are in-  
24          consistent therewith; and

1           “(B) with full recognition of the constitu-  
2           tional right of either House to change the rules  
3           (so far as relating to the procedure of that  
4           House) at any time, in the same manner and  
5           to the same extent as in the case of any other  
6           rule of that House.

7           “(3) APPROVAL RESOLUTION DEFINED.—The  
8           term ‘approval resolution’ means only a joint resolu-  
9           tion of the two Houses of Congress, the matter after  
10          the resolving clause of which is as follows: ‘That  
11          Congress approves the civil aviation agreement be-  
12          tween the United States and \_\_\_\_\_  
13          transmitted by \_\_\_\_\_ to the Congress  
14          on \_\_\_\_\_.’, the first blank space being  
15          filled with the name of the country involved, the sec-  
16          ond blank space being filled with the title of the Sec-  
17          retary involved, and the third blank space being  
18          filled with the appropriate date.

19          “(4) INTRODUCTION AND REFERRAL.—On the  
20          day on which a civil aviation agreement is transmit-  
21          ted to the House of Representatives and the Senate  
22          under this subsection, an approval resolution with  
23          respect to such agreement shall be introduced (by  
24          request) in the House by the majority leader of the  
25          House, for himself and the minority leader of the

1 House, or by Members of the House designated by  
2 the majority leader and minority leader of the  
3 House; and shall be introduced (by request) in the  
4 Senate by the majority leader of the Senate, for  
5 himself and the minority leader of the Senate, or by  
6 Members of the Senate designated by the majority  
7 leader and minority leader of the Senate. If either  
8 House is not in session on the day on which such  
9 an agreement is transmitted, the approval resolution  
10 with respect to such agreement shall be introduced  
11 in that House, as provided in the proceeding sen-  
12 tence, on the first day thereafter on which that  
13 House is in session. The approval resolution intro-  
14 duced in the House of Representatives shall be re-  
15 ferred to the Committee on Transportation and In-  
16 frastructure and the approval resolution introduced  
17 in the Senate shall be referred to the Committee on  
18 Commerce, Science, and Transportation.

19 “(5) AMENDMENTS PROHIBITED.—No amend-  
20 ment to an approval resolution shall be in order in  
21 either the House of Representatives or the Senate;  
22 and no motion to suspend the application of this  
23 subsection shall be in order in either House, nor  
24 shall it be in order in either House for the Presiding

1       Officer to entertain a request to suspend the appli-  
2       cation of this paragraph by unanimous consent.

3               “(6) PERIOD FOR COMMITTEE AND FLOOR CON-  
4       SIDERATION.—

5               “(A) IN GENERAL.—Except as provided in  
6       subparagraph (B), if the committee of either  
7       House to which an approval resolution has been  
8       referred has not reported it at the close of the  
9       60th day after its introduction, such committee  
10      shall be automatically discharged from further  
11      consideration of the resolution and it shall be  
12      placed on the appropriate calendar. A vote on  
13      final passage of the resolution shall be taken in  
14      each House on or before the close of the 30th  
15      day after the resolution is reported by the com-  
16      mittee of that House to which it was referred,  
17      or after such committee have been discharged  
18      from further consideration of the resolution. If  
19      prior to the passage by one House of an ap-  
20      proval resolution of that House, that House re-  
21      ceives the same approval resolution from the  
22      other House, then—

23               “(i) the procedure in that House shall  
24      be the same as if no approval resolution

1           had been received from the other House;  
2           but

3           “(ii) the vote on final passage shall be  
4           on the approval resolution of the other  
5           House.

6           “(B) COMPUTING NUMBER OF DAYS.—For  
7           the purpose of subparagraph (A), in computing  
8           a number of days in either House, there shall  
9           be excluded any day on which that House is not  
10          in session.

11          “(7) FLOOR CONSIDERATION IN THE HOUSE.—

12           “(A) MOTION TO PROCEED.—A motion in  
13           the House of Representatives to proceed to the  
14           consideration of an approval resolution shall be  
15           highly privileged and not debatable. An amend-  
16           ment to the motion shall not be in order, nor  
17           shall it be in order to move to reconsider the  
18           vote by which the motion is agreed to or dis-  
19           agreed to.

20           “(B) DEBATE.—Debate in the House of  
21           Representatives on an approval resolution shall  
22           be limited to not more than 5 hours, which  
23           shall be divided equally between those favoring  
24           and those opposing the resolution. A motion  
25           further to limit debate shall not be debatable. It

1 shall not be in order to move to recommit an  
2 approval resolution or to move to reconsider the  
3 vote by which an approval resolution is agreed  
4 to or disagreed to.

5 “(C) MOTIONS TO POSTPONE.—Motions to  
6 postpone, made in the House of Representatives  
7 with respect to the consideration of an approval  
8 resolution, and motions to proceed to the con-  
9 sideration of other business, shall be decided  
10 without debate.

11 “(D) APPEALS.—All appeals from the deci-  
12 sions of the Chair relating to the application of  
13 the Rules of the House of Representatives to  
14 the procedure relating to an approval resolution  
15 shall be decided without debate.

16 “(E) APPLICABILITY OF OTHER RULES.—  
17 Except to the extent specifically provided in the  
18 preceding provisions of this subsection, consid-  
19 eration of an approval resolution shall be gov-  
20 erned by the Rules of the House of Representa-  
21 tives applicable to other bills and resolutions in  
22 similar circumstances.

23 “(8) FLOOR CONSIDERATION IN THE SEN-  
24 ATE.—

1           “(A) MOTION TO PROCEED.—A motion in  
2           the Senate to proceed to the consideration of an  
3           approval resolution shall be privileged and not  
4           debatable. An amendment to the motion shall  
5           not be in order, nor shall it be in order to move  
6           to reconsider the vote by which the motion is  
7           agreed to or disagreed to.

8           “(B) DEBATE.—Debate in the Senate on  
9           an approval resolution, and all debatable mo-  
10          tions and appeals in connection therewith, shall  
11          be limited to not more than 10 hours. The time  
12          shall be equally divided between, and controlled  
13          by, the majority leader and the minority leader  
14          or their designees.

15          “(C) APPEALS.—Debate in the Senate on  
16          any debatable motion or appeal in connection  
17          with an approval resolution shall be limited to  
18          not more than 1 hour, to be equally divided be-  
19          tween, and controlled by, the mover and the  
20          manager of the resolution, except that in the  
21          event the manager of the resolution is in favor  
22          of any such motion or appeal, the time in oppo-  
23          sition thereto, shall be controlled by the minor-  
24          ity leader or his designee. Such leaders, or ei-  
25          ther of them, may, from time under their con-



1           troll on the passage of an approval resolution,  
2           allot additional time to any Senator during the  
3           consideration of any debatable motion or ap-  
4           peal.

5           “(D) MOTION TO LIMIT DEBATE; MOTION  
6           TO RECOMMIT.—A motion in the Senate to fur-  
7           ther limit debate is not debatable. A motion to  
8           recommit an approval resolution is not in  
9           order.”.

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