

106TH CONGRESS  
1ST SESSION

# H. R. 1845

To amend title 49, United States Code, to provide for congressional review of civil aviation agreements.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 18, 1999

Mr. LIPINSKI (for himself, Mr. TRAFICANT, Mr. DEFazio, Mr. DUNCAN, Mr. EVANS, Mr. RUSH, Mr. GUTIERREZ, Mr. DAVIS of Illinois, Ms. SCHAKOWSKY, Mr. COSTELLO, Mr. PHELPS, Mr. BORSKI, Mr. HOLDEN, and Mr. MCGOVERN) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Rules, for a period to be subsequently 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 provide for congressional review 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 1999”.

1 **SEC. 2. CIVIL AVIATION AGREEMENTS.**

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

4 “(e) CONGRESSIONAL REVIEW.—

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

9 “(A) the Secretary involved transmits to  
10 Congress a document containing a copy of the  
11 final text of the agreement, together with an ex-  
12 planation of the agreement; and

13 “(B)(i) a disapproval resolution is not in-  
14 troduced in either House of Congress on or be-  
15 fore the last day of a 20-day period of contin-  
16 uous session of Congress following the date on  
17 which Congress receives the agreement under  
18 subparagraph (A);

19 “(ii) if a disapproval resolution is intro-  
20 duced in either House, the disapproval resolu-  
21 tion is not enacted on or before the last day of  
22 a 90-day period of continuous session of Con-  
23 gress following the date on which Congress re-  
24 ceives the agreement under subparagraph (A)  
25 and is not vetoed by the President; or

1           “(iii) if the President vetoes the dis-  
2           approval resolution, both Houses of Congress  
3           do not vote to override the veto on or before the  
4           later of the last day of the 90-day period re-  
5           ferred to in clause (ii) or the last day of a 30-  
6           day period of continuous session of Congress  
7           following the date Congress receives the veto  
8           message from the President.

9           “(2) COMPUTING NUMBER OF DAYS.—For pur-  
10          poses of paragraphs (1) and (6), the continuity of a  
11          session of Congress is broken only by an adjourn-  
12          ment of the Congress sine die, and the number of  
13          days on which either House is not in session because  
14          of an adjournment of more than 3 days to a day cer-  
15          tain are excluded in the computation of the period  
16          specified.

17          “(3) RULES OF HOUSE OF REPRESENTATIVES  
18          AND SENATE.—This subsection is enacted by  
19          Congress—

20               “(A) as an exercise of the rulemaking  
21               power of the House of Representatives and the  
22               Senate, respectively, and as such these provi-  
23               sions are deemed a part of the rules of each  
24               House, respectively, but applicable only with re-  
25               spect to the procedure to be followed in that

1 House in the case of disapproval resolutions de-  
 2 scribed in paragraph (4); and they supersede  
 3 other rules only to the extent that they are in-  
 4 consistent therewith; and

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

11 “(4) DISAPPROVAL RESOLUTION DEFINED.—  
 12 The term ‘disapproval resolution’ means only a joint  
 13 resolution of the two Houses of Congress, the matter  
 14 after the resolving clause of which is as follows:  
 15 ‘That Congress disapproves the civil aviation agree-  
 16 ment between the United States and  
 17 \_\_\_\_\_ transmitted by  
 18 \_\_\_\_\_ to the Congress on  
 19 \_\_\_\_\_.’, the first blank space being  
 20 filled with the name of the country involved, the sec-  
 21 ond blank space being filled with the title of the Sec-  
 22 retary involved, and the third blank space being  
 23 filled with the appropriate date.

24 “(5) REFERRAL.—A disapproval resolution in-  
 25 troduced in the House of Representatives shall be

1 referred to the Committee on Transportation and  
2 Infrastructure and a disapproval resolution intro-  
3 duced in the Senate shall be referred to the Com-  
4 mittee on Commerce, Science, and Transportation.

5 “(6) AUTOMATIC DISCHARGE.—If the com-  
6 mittee of either House to which a disapproval resolu-  
7 tion has been referred has not reported the resolu-  
8 tion on or before the 45th day after its introduction,  
9 the committee shall be automatically discharged  
10 from further consideration of the resolution.

11 “(7) AMENDMENTS PROHIBITED.—No amend-  
12 ment to a disapproval resolution shall be in order in  
13 either the House of Representatives or the Senate;  
14 and no motion to suspend the application of this  
15 subsection shall be in order in either House, nor  
16 shall it be in order in either House for the Presiding  
17 Officer to entertain a request to suspend the appli-  
18 cation of this paragraph by unanimous consent.

19 “(8) PRIOR ACTION BY OTHER HOUSE.—If  
20 prior to the passage by one House of a disapproval  
21 resolution of that House, that House receives the  
22 same disapproval resolution from the other House,  
23 then—

1           “(A) the procedure in that House shall be  
2           the same as if no disapproval resolution had  
3           been received from the other House; but

4           “(B) any vote on final passage shall be on  
5           the disapproval resolution of the other House.

6           “(9) FLOOR CONSIDERATION IN THE HOUSE.—

7           “(A) MOTION TO PROCEED.—A motion in  
8           the House of Representatives to proceed to the  
9           consideration of a disapproval resolution that  
10          has been reported by the Committee on Trans-  
11          portation and Infrastructure or received by the  
12          other House shall be highly privileged and not  
13          debatable. An amendment to the motion shall  
14          not be in order, nor shall it be in order to move  
15          to reconsider the vote by which the motion is  
16          agreed to or disagreed to.

17          “(B) DEBATE.—Debate in the House of  
18          Representatives on a disapproval resolution  
19          shall be limited to not more than 5 hours,  
20          which shall be divided equally between those fa-  
21          voring and those opposing the resolution. A mo-  
22          tion further to limit debate shall not be debat-  
23          able. It shall not be in order to move to recom-  
24          mit a disapproval resolution or to move to re-

1 consider the vote by which a disapproval resolu-  
2 tion is agreed to or disagreed to.

3 “(C) MOTIONS TO POSTPONE.—Motions to  
4 postpone, made in the House of Representatives  
5 with respect to the consideration of a dis-  
6 approval resolution, and motions to proceed to  
7 the consideration of other business, shall be de-  
8 cided without debate.

9 “(D) APPEALS.—All appeals from the deci-  
10 sions of the Chair relating to the application of  
11 the Rules of the House of Representatives to  
12 the procedure relating to a disapproval resolu-  
13 tion shall be decided without debate.

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

21 “(10) FLOOR CONSIDERATION IN THE SEN-  
22 ATE.—

23 “(A) MOTION TO PROCEED.—A motion in  
24 the Senate to proceed to the consideration of a  
25 disapproval resolution that has been reported by

1 the Committee on Commerce, Science, and  
2 Transportation or received by the other House  
3 shall be privileged and not debatable. An  
4 amendment to the motion shall not be in order,  
5 nor shall it be in order to move to reconsider  
6 the vote by which the motion is agreed to or  
7 disagreed to.

8 “(B) DEBATE.—Debate in the Senate on a  
9 disapproval 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 a disapproval 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 a disapproval 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 a disapproval resolution is not in  
9           order.”.

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