

AMENDMENT TO RULES COMMITTEE PRINT 119-8
OFFERED BY MR. GARBARINO OF NEW YORK

Add at the end of subtitle B of title XVII the following:

1 **SEC. 17 ____ . ACCELERATING BRAND-NEW AIR TRAFFIC CON-**
2 **TROL SYSTEM.**

3 (a) IN GENERAL.—Chapter 401 of title 49, United
4 States Code, is amended by adding, after section 40110,
5 the following:

6 **“§ 40110a. Special procurement for new air traffic**
7 **control system**

8 “(a) IN GENERAL.—The Administrator of the Fed-
9 eral Aviation Administration shall immediately undertake
10 the actions described in subsection (b) in accordance with
11 the requirements of this section, making maximum use of
12 the flexibilities provided in subsection (c), to begin or ac-
13 celerate—

14 “(1) construction, and

15 “(2) acquisition and deployment,

16 of new air navigation facilities necessary to achieve the
17 objectives of the Administrator with respect to moderniza-
18 tion of the air traffic control system.

19 “(b) COVERED ACTIONS.—

1 “(1) MANDATORY ACTIONS.—The actions de-
2 scribed in this subsection are as follows:

3 “(A) Construction of new air navigation
4 facilities (including replacement facilities and
5 demolition of existing facilities as necessary).

6 “(B) Acquisition and disposal of such real
7 property as is necessary for construction re-
8 quired under subparagraph (A).

9 “(C) Acquisition and deployment of ad-
10 vanced technologies used in the provision of air
11 navigation services.

12 “(D) Continued development of perform-
13 ance-based navigation and other instrument
14 flight procedures that will improve the capacity
15 of the air traffic control system.

16 “(2) SPECIAL RULE FOR EQUIPMENT.—An air
17 navigation facility described in subparagraphs (B),
18 (C), (D), or (E) of section 40102(a)(4) and acquired
19 under this section shall be sustainable and
20 upgradeable to the maximum extent practicable, for
21 the purpose of ensuring that such air navigation fa-
22 cility is likely to remain compatible with future air
23 traffic control system requirements through modular
24 or iterative upgrades.

25 “(c) PROJECT ACCELERATION.—

1 “(1) IN GENERAL.—Notwithstanding any other
2 provision of law, in carrying out any activity de-
3 scribed in this section, the Administrator may waive
4 all legal requirements that the Administrator, in the
5 sole discretion of the Administrator, determines nec-
6 essary to carry out the section. Any determination to
7 waive such legal requirements by the Administrator
8 shall be effective upon publication in the Federal
9 Register.

10 “(2) FEDERAL COURT REVIEW.—

11 “(A) IN GENERAL.—The Courts of Ap-
12 peals for the United States shall have exclusive
13 jurisdiction to hear all causes or claims arising
14 from any action undertaken, or any decision
15 made, by the Administrator, or his designee,
16 pursuant to subsection (a). A cause of action or
17 claim may only be brought alleging a violation
18 of the Constitution of the United States. The
19 court shall not have jurisdiction to hear any
20 claim not specified in this subparagraph. No
21 provision of law shall be construed to supersede,
22 alter the application of, or amend this section
23 except one that expressly cites to this para-
24 graph.

1 “(B) TIME FOR FILING OF COMPLAINT.—

2 Any cause or claim brought pursuant to sub-
3 paragraph (A) shall be filed not later than 60
4 days after the date of the action or decision
5 made by the Administrator, or his designee. A
6 claim shall be barred unless it is filed within
7 the time specified.

8 “(d) DEFINITION OF AIR NAVIGATION SERVICES.—

9 In this section, the term ‘air navigation services’ means
10 services provided by personnel of the Federal Aviation Ad-
11 ministration to ensure the safe and orderly separation and
12 navigation of aircraft in the air traffic control system, to
13 manage the flow of air traffic, and to perform other func-
14 tions necessary for operation of such system.”.

15 (b) CONFORMING AMENDMENT.—The analysis for
16 chapter 401 of title 49, United States Code, is amended
17 by inserting, after the item related to section 40110, the
18 following:

 “40110a. Special procurement for new air traffic control system.”.

