

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3482
OFFERED BY M. _____**

Strike all after the enacting clause and insert the following:

1 SEC. 1. SHORT TITLE.

2 This Act may be cited as the “National Center for
3 the Advancement of Aviation Act of 2022”.

**4 SEC. 2. FEDERAL CHARTER FOR THE NATIONAL CENTER
5 FOR THE ADVANCEMENT OF AVIATION.**

6 (a) IN GENERAL.—Chapter 1 of title 49, United
7 States Code, is amended by adding at the end the fol-
8 lowing:

**9 “§ 120. National Center for the Advancement of Avia-
10 tion**

11 “(a) FEDERAL CHARTER AND STATUS.—

12 “(1) IN GENERAL.—The National Center for
13 the Advancement of Aviation (in this section re-
14 ferred to as the ‘Center’) is a federally chartered en-
15 tity. The Center is a private independent entity, not
16 a department, agency, or instrumentality of the
17 United States Government or a component thereof.
18 Except as provided in subsection (f)(1), an officer or

1 employee of the Center is not an officer or employee
2 of the Federal Government.

3 “(2) PERPETUAL EXISTENCE.—Except as oth-
4 erwise provided, the Center shall have perpetual ex-
5 istence.

6 “(b) GOVERNING BODY.—

7 “(1) IN GENERAL.—The Board of Directors (in
8 this section referred to as the ‘Board’) is the gov-
9 erning body of the Center.

10 “(2) AUTHORITY OF POWERS.—

11 “(A) IN GENERAL.—The Board shall adopt
12 a constitution, bylaws, regulations, policies, and
13 procedures to carry out the purpose of the Cen-
14 ter and may take any other action that it con-
15 sider necessary (in accordance with the duties
16 and powers of the Center) for the management
17 and operation of the Center. The Board is re-
18 sponsible for the general policies and manage-
19 ment of the Center and for the control of all
20 funds of the Center.

21 “(B) POWERS OF BOARD.—The Board
22 shall have the power to do the following:

23 “(i) Adopt and alter a corporate seal.

24 “(ii) Establish and maintain offices to
25 conduct its activities.

1 “(iii) Enter into contracts or agree-
2 ments as a private entity not subject to the
3 requirements of title 41.

4 “(iv) Acquire, own, lease, encumber,
5 and transfer property as necessary and ap-
6 propriate to carry out the purposes of the
7 Center.

8 “(v) Publish documents and other
9 publications in a publicly accessible man-
10 ner.

11 “(vi) Incur and pay obligations as a
12 private entity not subject to the require-
13 ments of title 31.

14 “(vii) Make or issue grants and in-
15 clude any conditions on such grants in fur-
16 therance of the purpose and duties of the
17 Center.

18 “(viii) Perform any other act nec-
19 essary and proper to carry out the pur-
20 poses of the Center as described in its con-
21 stitution and bylaws or duties outlined in
22 this section.

23 “(3) MEMBERSHIP OF THE BOARD.—

24 “(A) IN GENERAL.—The Board shall have
25 11 Directors as follows:

1 “(i) EX-OFFICIO MEMBERSHIP.—The
2 following individuals, or their designees,
3 shall be considered ex-officio members of
4 the Board:

5 “(I) The Administrator of the
6 Federal Aviation Administration.

7 “(II) The Executive Director,
8 pursuant to paragraph (5)(D).

9 “(ii) APPOINTMENTS.—

10 “(I) IN GENERAL.—From among
11 those members of the public who are
12 highly respected and have knowledge
13 and experience in the fields of avia-
14 tion, finance, or academia—

15 “(aa) the Secretary of
16 Transportation shall appoint 5
17 members to the Board;

18 “(bb) the Secretary of De-
19 fense shall appoint 1 member to
20 the Board;

21 “(cc) the Secretary of Vet-
22 erans Affairs shall appoint 1
23 member to the Board;

1 “(dd) the Secretary of Edu-
2 cation shall appoint 1 member to
3 the Board;

4 “(ee) the Administrator of
5 the National Aeronautics and
6 Space Administration shall ap-
7 point 1 member to the Board.

8 “(II) TERMS.—

9 “(aa) IN GENERAL.—The
10 members appointed under sub-
11 clause (I) shall serve for a term
12 of 3 years and may be re-
13 appointed.

14 “(bb) STAGGERING
15 TERMS.—To ensure subsequent
16 appointments to the Board are
17 staggered, of the 9 members first
18 appointed under subelause (I), 3
19 shall be appointed for a term of
20 1 year, 3 shall be appointed for a
21 term of 2 years, and 3 shall be
22 appointed for a term of 3 years.

23 “(III) CONSIDERATION.—In con-
24 sidering whom to appoint to the
25 Board, the Secretaries and Adminis-

1 trator referenced in subclause (I)
2 shall, to the maximum extent prac-
3 ticable, ensure the overall composition
4 of the Board adequately represents
5 the fields of aviation and academia.

6 “(B) VACANCIES.—A vacancy on the
7 Board shall be filled in the same manner as the
8 initial appointment.

9 “(C) STATUS.—All Members of the Board
10 shall have equal voting powers, regardless if
11 they are ex-officio members or appointed.

12 “(4) CHAIR OF THE BOARD.—The Board shall
13 choose a Chair of the Board from among the mem-
14 bers of the Board that are not ex-officio members
15 under paragraph (3)(A)(i).

16 “(5) ADMINISTRATIVE MATTERS.—

17 “(A) MEETINGS.—

18 “(i) IN GENERAL.—The Board shall
19 meet at the call of the Chair but not less
20 than 2 times each year and may, as appro-
21 priate, conduct business by telephone or
22 other electronic means.

23 “(ii) OPEN.—

24 “(I) IN GENERAL.—Except as
25 provided in subclause (II), a meeting

1 of the Board shall be open to the pub-
2 lic.

3 “(II) EXCEPTION.—A meeting,
4 or any portion of a meeting, may be
5 closed if the Board, in public session,
6 votes to close the meeting because the
7 matters to be discussed—

8 “(aa) relate solely to the in-
9 ternal personnel rules and prac-
10 tices of the Center;

11 “(bb) may result in disclo-
12 sure of commercial or financial
13 information obtained from a per-
14 son that is privileged or confiden-
15 tial;

16 “(cc) may disclose informa-
17 tion of a personal nature where
18 disclosure would constitute a
19 clearly unwarranted invasion of
20 personal privacy; or

21 “(dd) are matters that are
22 specifically exempted from disclo-
23 sure by Federal or State law.

24 “(iii) PUBLIC ANNOUNCEMENT.—At
25 least 1 week before a meeting of the

1 Board, and as soon as practicable there-
2 after if there are any changes to the infor-
3 mation described in subclauses (I) through
4 (III), the Board shall make a public an-
5 nouncement of the meeting that de-
6 scribes—

7 “(I) the time, place, and subject
8 matter of the meeting;

9 “(II) whether the meeting is to
10 be open or closed to the public; and

11 “(III) the name and appropriate
12 contact information of a person who
13 can respond to requests for informa-
14 tion about the meeting.

15 “(iv) RECORD.—The Board shall keep
16 a transcript of minutes from each Board
17 meeting. Such transcript shall be made
18 available to the public in an accessible for-
19 mat, except for portions of the meeting
20 that are closed pursuant to subparagraph
21 (A)(ii)(II).

22 “(B) QUORUM.—A majority of members of
23 the Board shall constitute a quorum.

24 “(C) RESTRICTION.—No member of the
25 Board shall participate in any proceeding, ap-

1 plication, ruling or other determination, con-
2 tract claim, scholarship award, controversy, or
3 other matter in which the member, the mem-
4 ber’s employer or prospective employer, or the
5 member’s spouse, partner, or minor child has a
6 direct financial interest. Any person who vio-
7 lates this subparagraph may be fined not more
8 than \$10,000, imprisoned for not more than 2
9 years, or both.

10 “(D) EXECUTIVE DIRECTOR.—The Board
11 shall appoint and fix the pay of an Executive
12 Director of the Center (in this section referred
13 to as the ‘Executive Director’) who shall—

14 “(i) serve as a Member of the Board;

15 “(ii) serve at the pleasure of the
16 Board, under such terms and conditions as
17 the Board shall establish;

18 “(iii) is subject to removal by the
19 Board at the discretion of the Board; and

20 “(iv) be responsible for the daily man-
21 agement and operation of the Center and
22 for carrying out the purposes and duties of
23 the Center.

24 “(E) APPOINTMENT OF PERSONNEL.—The
25 Board shall designate to the Executive Director

1 the authority to appoint additional personnel as
2 the Board considers appropriate and necessary
3 to carry out the purposes and duties of the
4 Center.

5 “(F) PUBLIC INFORMATION.—Nothing in
6 this section may be construed to withhold dis-
7 closure of information or records that are sub-
8 ject to disclosure under section 552 of title 5.

9 “(c) PURPOSE OF THE CENTER.—The purpose of the
10 Center is to—

11 “(1) develop a skilled and robust U.S. aviation
12 and aerospace workforce;

13 “(2) provide a forum to support collaboration
14 and cooperation between governmental, non-govern-
15 mental, and private aviation and aerospace sector
16 stakeholders regarding the advancement of the U.S.
17 aviation and aerospace workforce, including general,
18 business, and commercial aviation, education, labor,
19 manufacturing and international organizations; and

20 “(3) serve as a repository for research con-
21 ducted by institutions of higher education, research
22 institutions, or other stakeholders regarding the
23 aviation and aerospace workforce, or related tech-
24 nical and skill development.

1 “(d) DUTIES OF THE CENTER.—In order to accom-
2 plish the purpose described in subsection (c), the Center
3 shall perform the following duties:

4 “(1) Improve access to aviation and aerospace
5 education and related skills training to help grow the
6 U.S. aviation and aerospace workforce, including—

7 “(A) assessing the current U.S. aviation
8 and aerospace workforce challenges and identi-
9 fying actions to address these challenges, in-
10 cluding by developing a comprehensive work-
11 force strategy;

12 “(B) establishing scholarship, apprentice-
13 ship, internship or mentorship programs for in-
14 dividuals who wish to pursue a career in an
15 aviation- or aerospace-related field, including
16 individuals in economically disadvantaged areas
17 or individuals who are members of underrep-
18 resented groups in the aviation and aerospace
19 sector;

20 “(C) supporting the development of avia-
21 tion and aerospace education curricula, includ-
22 ing syllabi, training materials, and lesson plans,
23 for use by middle schools and high schools, in-
24 stitutions of higher education, secondary edu-

1 cation institutions, or technical training and vo-
2 cational schools; and

3 “(D) building awareness of youth-oriented
4 aviation and aerospace programs and other out-
5 reach programs.

6 “(2) Support the personnel or veterans of the
7 Armed Forces seeking to transition to a career in
8 civil aviation or aerospace through outreach, train-
9 ing, apprenticeships, or other means.

10 “(3) Amplify and support the research and de-
11 velopment efforts conducted as part of the National
12 Aviation Research Plan, as required under section
13 44501(c), and work done at the Centers of Excel-
14 lence and Technical Centers of the Federal Aviation
15 Administration regarding the aviation and aerospace
16 workforce, or related technical and skills develop-
17 ment, including organizing and hosting symposiums,
18 conferences, and other forums as appropriate, be-
19 tween the Federal Aviation Administration, aviation
20 and aerospace stakeholders, and other interested
21 parties, to discuss current and future research ef-
22 forts and technical work.

23 “(e) GRANTS.—

24 “(1) IN GENERAL.—In order to accomplish the
25 purpose under subsection (e) and duties under sub-

1 section (d), the Center may issue grants to eligible
2 entities to—

3 “(A) create, develop, deliver, or update—

4 “(i) middle and high school aviation
5 curricula, including syllabi, training mate-
6 rials, equipment and lesson plans, that are
7 designed to prepare individuals to become
8 aircraft pilots, aerospace engineers, un-
9 manned aircraft system operators, aviation
10 maintenance technicians, or other aviation
11 maintenance professionals, or to support
12 the continuing education of any of the
13 aforementioned individuals; or

14 “(ii) aviation curricula, including syl-
15 labi, training materials, equipment and les-
16 son plans, used at institutions of higher
17 education, secondary education institu-
18 tions, or by technical training and voca-
19 tional schools, that are designed to prepare
20 individuals to become aircraft pilots, aero-
21 space engineers, unmanned aircraft system
22 operators, aviation maintenance techni-
23 cians, or other aviation maintenance pro-
24 fessionals, or to refresh the knowledge of
25 any of the aforementioned individuals; or

1 “(B) support the professional development
2 of educators using the curriculum in subpara-
3 graph (A);

4 “(C) establish new education programs
5 that teach technical skills used in aviation
6 maintenance, including purchasing equipment,
7 or to improve existing programs;

8 “(D) establish scholarships, internships or
9 apprenticeships for individuals pursuing em-
10 ployment in the aviation maintenance industry;

11 “(E) support outreach about educational
12 opportunities and careers in the aviation main-
13 tenance industry, including in economically dis-
14 advantaged areas; or

15 “(F) support the transition to careers in
16 aviation maintenance, including for members of
17 the Armed Forces.

18 “(2) ELIGIBLE ENTITIES.—An eligible entity
19 under this subsection includes—

20 “(A) an air carrier, as defined in section
21 40102, an air carrier engaged in intrastate or
22 intra-U.S. territorial operations, an air carrier
23 engaged in commercial operations covered by
24 part 135 or part 91 of title 14, Code of Federal

1 Regulations, operations, or a labor organization
2 representing aircraft pilots;

3 “(B) an accredited institution of higher
4 education or a high school or secondary school
5 (as defined in section 8101 of the Higher Edu-
6 cation Act of 1965 (20 U.S.C. 7801));

7 “(C) a flight school that provides flight
8 training, as defined in part 61 of title 14, Code
9 of Federal Regulations, or that holds a pilot
10 school certificate under part 141 of title 14,
11 Code of Federal Regulations;

12 “(D) a State or local governmental entity;
13 or

14 “(E) an organization representing aircraft
15 users, aircraft owners, or aircraft pilots;

16 “(F) a holder of a certificate issued under
17 part 21, 121, 135, or 145 of title 14, Code of
18 Federal Regulations or a labor organization
19 representing aviation maintenance workers; or

20 “(G) other organizations at the discretion
21 of the Board.

22 “(3) LIMITATION.—No organization that re-
23 ceives a grant under this section may sell or make
24 a profit from the creation, development, delivery, or
25 updating of high school aviation curricula.

1 “(f) ADMINISTRATIVE MATTERS OF THE CENTER.—

2 “(1) DETAILEES.—

3 “(A) IN GENERAL.—At the request of the
4 Center, the head of any Federal agency or de-
5 partment may, at the discretion of such agency
6 or department, detail to the Center, on a reim-
7 bursable basis, any employee of the agency or
8 department.

9 “(B) CIVIL SERVANT STATUS.—The detail
10 of an employee under subparagraph (A) shall be
11 without interruption or loss of civil service sta-
12 tus or privilege.

13 “(2) NAMES AND SYMBOLS.—The Center may
14 accept, retain, and use proceeds derived from the
15 Center’s use of the exclusive right to use its name
16 and seal, emblems, and badges incorporating such
17 name as lawfully adopted by the Board in further-
18 ance of the purpose and duties of the Center.

19 “(3) GIFTS, GRANTS, BEQUESTS, AND DE-
20 VISES.—The Center may accept, retain, use, and
21 dispose of gifts, grants, bequests, or devises of
22 money, services, or property from any public or pri-
23 vate source for the purpose of covering the costs in-
24 curred by the Center in furtherance of the purpose
25 and duties of the Center.

1 “(4) VOLUNTARY SERVICES.—The Center may
2 accept from any person voluntary services to be pro-
3 vided in furtherance of the purpose and duties of the
4 Center.

5 “(g) RESTRICTIONS OF THE CENTER.—

6 “(1) PROFIT.—The Center may not engage in
7 business activity for profit.

8 “(2) STOCKS AND DIVIDENDS.—The Center
9 may not issue any shares of stock or declare or pay
10 any dividends.

11 “(3) POLITICAL ACTIVITIES.—The Center shall
12 be nonpolitical and may not provide financial aid or
13 assistance to, or otherwise contribute to or promote
14 the candidacy of, any individual seeking elective pub-
15 lic office or political party. The Center may not en-
16 gage in activities that are, directly, or indirectly, in-
17 tended to be or likely to be perceived as advocating
18 or influencing the legislative process.

19 “(4) DISTRIBUTION OF INCOME OR ASSETS.—
20 The assets of the Center may not inure to the ben-
21 efit of any member of the Board, or any officer or
22 employee of the Center or be distributed to any per-
23 son. This subsection does not prevent the payment
24 of reasonable compensation to any officer, employee,
25 or other person or reimbursement for actual and

1 necessary expenses in amounts approved by the
2 Board.

3 “(5) LOANS.—The Center may not make a loan
4 to any member of the Board or any officer or em-
5 ployee of the Center.

6 “(6) NO CLAIM OF GOVERNMENTAL APPROVAL
7 OR AUTHORITY.—The Center may not claim ap-
8 proval of Congress or of the authority of the United
9 States for any of its activities.

10 “(h) ADVISORY COMMITTEE.—

11 “(1) IN GENERAL.—The Executive Director
12 shall appoint members to an advisory committee
13 subject to approval by the Board. Members of the
14 Board may not sit on the advisory committee.

15 “(2) MEMBERSHIP.—The advisory committee
16 shall consist of 15 members who represent various
17 aviation industry and labor stakeholders, stakeholder
18 associations, and others as determined appropriate
19 by the Board. The advisory committee shall select a
20 Chair and Vice Chair from among its members by
21 majority vote. Members of the advisory committee
22 shall be appointed for a term of 5 years.

23 “(3) DUTIES.—The advisory committee shall—

1 “(A) provide recommendations to the
2 Board on an annual basis regarding the prior-
3 ities for the activities of the Center;

4 “(B) consult with the Board on an ongoing
5 basis regarding the appropriate powers of the
6 Board to accomplish the purposes and duties of
7 the Center;

8 “(C) provide relevant data and information
9 to the Center in order to carry out the duties
10 set forth in subsection (d); and

11 “(D) nominate United States citizens for
12 consideration by the Board to be honored annu-
13 ally by the Center for such citizens’ efforts in
14 promoting U.S. aviation or aviation education
15 and enhancing the aviation workforce in the
16 United States.

17 “(4) MEETINGS.—The provisions for meetings
18 of the Board under subsection (b)(5) shall apply as
19 similarly as is practicable to meetings of the advi-
20 sory committee.

21 “(i) WORKING GROUPS.—

22 “(1) IN GENERAL.—The Board may establish
23 and appoint the membership of the working groups
24 as determined necessary and appropriate to achieve
25 the purpose of the Center under subsection (c).

1 “(2) MEMBERSHIP.—Any working group estab-
2 lished by the Board shall have members representing
3 various aviation industry and labor stakeholders,
4 stakeholder associations, and others, as determined
5 appropriate by the Board. Once established, the
6 membership of such working group shall choose a
7 Chair from among the members of the working
8 group by majority vote.

9 “(3) TERMINATION.—Unless determined other-
10 wise by the Board, any working group established by
11 the Board under this subsection shall be constituted
12 for a time period of not more than 3 years.

13 “(j) RECORDS OF ACCOUNTS.—The Center shall keep
14 correct and complete records of accounts.

15 “(k) DUTY TO MAINTAIN TAX-EXEMPT STATUS.—
16 The Center shall be operated in a manner and for pur-
17 poses that qualify the Center for exemption from taxation
18 under the Internal Revenue Code as an organization de-
19 scribed in section 501(c)(3) of such Code.

20 “(l) ANNUAL REPORT.—The Board shall submit an
21 annual report to the appropriate committees of Congress
22 that, at minimum,—

23 “(1) includes a review and examination of—

1 “(A) the activities performed as set forth
2 in subsections (d) and (e) during the prior fis-
3 cal year;

4 “(B) the advisory committee as described
5 under subsection (h); and

6 “(C) the working groups as described
7 under subsection (i); and

8 “(2) provides recommendations to improve the
9 role, responsibilities, and functions of the Center to
10 achieve the purpose set forth in subsection (c).

11 “(m) AUDIT BY THE DEPARTMENT OF TRANSPOR-
12 TATION INSPECTOR GENERAL.—

13 “(1) IN GENERAL.—Not later than 2 years
14 after the date on which the Center is established
15 under subsection (a), the inspector general of the
16 Department of Transportation shall conduct a re-
17 view of the Center.

18 “(2) CONTENTS.—The review shall—

19 “(A) include, at a minimum—

20 “(i) an evaluation of the efforts taken
21 at the Center to achieve the purpose set
22 forth in subsection (c); and

23 “(ii) the recommendations provided by
24 the Board in subsection (l)(2); and

1 “(B) provide any other information that
2 the inspector general determines is appropriate.

3 “(3) REPORT ON AUDIT.—

4 “(A) REPORT TO SECRETARY.—Not later
5 than 30 days after the date of completion of the
6 audit, the inspector general shall submit to the
7 Secretary a report on the results of the audit.

8 “(B) REPORT TO CONGRESS.—Not later
9 than 60 days after the date of receipt of the re-
10 port under subparagraph (A), the Secretary
11 shall submit to the appropriate committees of
12 Congress a copy of the report, together with, if
13 appropriate, a description of any actions taken
14 or to be taken to address the results of the
15 audit.

16 “(n) FUNDING.—

17 “(1) IN GENERAL.—In order to carry out this
18 section, notwithstanding any other provision of law,
19 an amount equal to 3 percent of the interest from
20 investment credited to the Airport and Airway Trust
21 Fund shall be transferred annually from the Airport
22 and Airway Trust Fund as a direct lump sum pay-
23 ment on the first day of October to the Center to
24 carry out this section and shall be available until ex-
25 pended without further act of appropriation.

1 “(2) CALCULATION.—In carrying out para-
2 graph (1), the Secretary of the Treasury shall cal-
3 culate the transfer of funding based on the estimates
4 of revenues into the Airport and Airway Trust Fund
5 from the previous fiscal year.

6 “(o) EXCEPTION.—The Secretary of Transportation
7 may temporarily waive expenditures or obligations under
8 subsection (n) in the case of—

9 “(1) an appropriation measure for a fiscal year
10 is not enacted before the beginning of such fiscal
11 year or a joint resolution making continuing appro-
12 priations is not in effect; or

13 “(2) a national emergency or other significant
14 event that results in a significant loss in total fund-
15 ing to the Airport and Airway Trust Fund, as deter-
16 mined by the Secretary.

17 “(p) DEFINITIONS.—In this section:

18 “(1) APPROPRIATE COMMITTEES OF CON-
19 GRESS.—The term ‘appropriate committees of Con-
20 gress’ means the Committee on Transportation and
21 Infrastructure of the House of Representatives and
22 the Committee on Commerce, Science, and Trans-
23 portation of the Senate.

24 “(2) INSTITUTION OF HIGHER EDUCATION.—
25 The term ‘institution of higher education’ has the

1 meaning given such term in section 101 of the High-
2 er Education Act of 1965 (20 U.S.C. 1001).

3 “(3) STEM.—The term ‘STEM’ means science,
4 technology, engineering, and mathematics.”.

5 (b) CLERICAL AMENDMENT.—The analysis for chap-
6 ter 1 of title 49, United States Code, is amended by insert-
7 ing after the item relating to section 119 the following:
“120. National Center for the Advancement of Aviation.”.

8 (c) EXPENDITURE AUTHORITY FROM THE AIRPORT
9 AND AIRWAYS TRUST FUND.—Section 9502(d)(1)(A) of
10 the Internal Revenue Code of 1986 is amended by striking
11 the semicolon at the end and inserting “or the National
12 Center for the Advancement of Aviation Act of 2022;”.

13 **SEC. 3. PREVENTION OF DUPLICATIVE PROGRAMS.**

14 The Board of Directors of the National Center for
15 the Advancement of Aviation established under section
16 120 of title 49, United States Code (as added by this Act),
17 shall coordinate with the Administrator of the Federal
18 Aviation Administration to prevent any programs of the
19 Center from duplicating programs established under sec-
20 tion 625 of the FAA Reauthorization Act of 2018 (49
21 U.S.C. 40101 note).

