Suspend the Rules and Pass the Bill, H. R. 3482, With an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

117TH CONGRESS 2D SESSION

H. R. 3482

To establish the National Center for the Advancement of Aviation.

IN THE HOUSE OF REPRESENTATIVES

MAY 25, 2021

Mr. CARSON (for himself, Mr. YOUNG, Mr. BOST, Ms. BROWNLEY, Mr. FITZPATRICK, Mr. KAHELE, Mr. LARSEN of Washington, Mr. MULLIN, Ms. NORTON, and Mr. PAYNE) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To establish the National Center for the Advancement of Aviation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

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

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

(a) In General.—Chapter 1 of title 49, United States Code, is amended by adding at the end the following:

“§ 120. National Center for the Advancement of Aviation

(a) Federal Charter and Status.—

“(1) In General.—The National Center for the Advancement of Aviation (in this section referred to as the ‘Center’) is a federally chartered entity. The Center is a private independent entity, not a department, agency, or instrumentality of the United States Government or a component thereof. Except as provided in subsection (f)(1), an officer or employee of the Center is not an officer or employee of the Federal Government.

“(2) Perpetual Existence.—Except as otherwise provided, the Center shall have perpetual existence.

(b) Governing Body.—

“(1) In General.—The Board of Directors (in this section referred to as the ‘Board’) is the governing body of the Center.

“(2) Authority of Powers.—
“(A) IN GENERAL.—The Board shall adopt a constitution, bylaws, regulations, policies, and procedures to carry out the purpose of the Center and may take any other action that it considers necessary (in accordance with the duties and powers of the Center) for the management and operation of the Center. The Board is responsible for the general policies and management of the Center and for the control of all funds of the Center.

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

“(i) Adopt and alter a corporate seal.

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

“(iii) Enter into contracts or agreements as a private entity not subject to the requirements of title 41.

“(iv) Acquire, own, lease, encumber, and transfer property as necessary and appropriate to carry out the purposes of the Center.

“(v) Publish documents and other publications in a publicly accessible manner.
“(vi) Incur and pay obligations as a private entity not subject to the requirements of title 31.

“(vii) Make or issue grants and include any conditions on such grants in furtherance of the purpose and duties of the Center.

“(viii) Perform any other act necessary and proper to carry out the purposes of the Center as described in its constitution and bylaws or duties outlined in this section.

“(3) MEMBERSHIP OF THE BOARD.—

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

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

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

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

“(ii) APPOINTMENTS.—
“(I) IN GENERAL.—From among those members of the public who are highly respected and have knowledge and experience in the fields of aviation, finance, or academia—

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

“(bb) the Secretary of Defense shall appoint 1 member to the Board;

“(cc) the Secretary of Veterans Affairs shall appoint 1 member to the Board;

“(dd) the Secretary of Education shall appoint 1 member to the Board;

“(ee) the Administrator of the National Aeronautics and Space Administration shall appoint 1 member to the Board.

“(II) TERMS.—

“(aa) IN GENERAL.—The members appointed under subclause (I) shall serve for a term
of 3 years and may be re-appointed.

“(bb) Staggering terms.—To ensure subsequent appointments to the Board are staggered, of the 9 members first appointed under subclause (I), 3 shall be appointed for a term of 1 year, 3 shall be appointed for a term of 2 years, and 3 shall be appointed for a term of 3 years.

“(III) Consideration.—In considering whom to appoint to the Board, the Secretaries and Administrator referenced in subclause (I) shall, to the maximum extent practicable, ensure the overall composition of the Board adequately represents the fields of aviation and academia.

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

“(C) Status.—All Members of the Board shall have equal voting powers, regardless if they are ex-officio members or appointed.
“(4) CHAIR OF THE BOARD.—The Board shall choose a Chair of the Board from among the members of the Board that are not ex-officio members under paragraph (3)(A)(i).

“(5) ADMINISTRATIVE MATTERS.—

“(A) MEETINGS.—

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

“(ii) OPEN.—

“(I) IN GENERAL.—Except as provided in subclause (II), a meeting of the Board shall be open to the public.

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

“(aa) relate solely to the internal personnel rules and practices of the Center;
“(bb) may result in disclosure of commercial or financial information obtained from a person that is privileged or confidential;

“(cc) may disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy; or

“(dd) are matters that are specifically exempted from disclosure by Federal or State law.

“(iii) PUBLIC ANNOUNCEMENT.—At least 1 week before a meeting of the Board, and as soon as practicable thereafter if there are any changes to the information described in subclauses (I) through (III), the Board shall make a public announcement of the meeting that describes—

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

“(II) whether the meeting is to be open or closed to the public; and
“(III) the name and appropriate contact information of a person who can respond to requests for information about the meeting.

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

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

“(C) RESTRICTION.—No member of the Board shall participate in any proceeding, application, ruling or other determination, contract claim, scholarship award, controversy, or other matter in which the member, the member’s employer or prospective employer, or the member’s spouse, partner, or minor child has a direct financial interest. Any person who violates this subparagraph may be fined not more than $10,000, imprisoned for not more than 2 years, or both.
“(D) EXECUTIVE DIRECTOR.—The Board shall appoint and fix the pay of an Executive Director of the Center (in this section referred to as the ‘Executive Director’) who shall—

“(i) serve as a Member of the Board;
“(ii) serve at the pleasure of the Board, under such terms and conditions as the Board shall establish;
“(iii) is subject to removal by the Board at the discretion of the Board; and
“(iv) be responsible for the daily management and operation of the Center and for carrying out the purposes and duties of the Center.

“(E) APPOINTMENT OF PERSONNEL.—The Board shall designate to the Executive Director the authority to appoint additional personnel as the Board considers appropriate and necessary to carry out the purposes and duties of the Center.

“(F) PUBLIC INFORMATION.—Nothing in this section may be construed to withhold disclosure of information or records that are subject to disclosure under section 552 of title 5.
“(c) PURPOSE OF THE CENTER.—The purpose of the Center is to—

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

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

“(3) serve as a repository for research conducted by institutions of higher education, research institutions, or other stakeholders regarding the aviation and aerospace workforce, or related technical and skill development.

“(d) DUTIES OF THE CENTER.—In order to accomplish the purpose described in subsection (c), the Center shall perform the following duties:

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

“(A) assessing the current U.S. aviation and aerospace workforce challenges and identifying actions to address these challenges, in-
including by developing a comprehensive work-force strategy;

“(B) establishing scholarship, apprenticeship, internship or mentorship programs for individuals who wish to pursue a career in an aviation- or aerospace-related field, including individuals in economically disadvantaged areas or individuals who are members of underrepresented groups in the aviation and aerospace sector;

“(C) supporting the development of aviation and aerospace education curricula, including syllabi, training materials, and lesson plans, for use by middle schools and high schools, institutions of higher education, secondary education institutions, or technical training and vocational schools; and

“(D) building awareness of youth-oriented aviation and aerospace programs and other outreach programs.

“(2) Support the personnel or veterans of the Armed Forces seeking to transition to a career in civil aviation or aerospace through outreach, training, apprenticeships, or other means.
“(3) Amplify and support the research and development efforts conducted as part of the National Aviation Research Plan, as required under section 44501(c), and work done at the Centers of Excellence and Technical Centers of the Federal Aviation Administration regarding the aviation and aerospace workforce, or related technical and skills development, including organizing and hosting symposiums, conferences, and other forums as appropriate, between the Federal Aviation Administration, aviation and aerospace stakeholders, and other interested parties, to discuss current and future research efforts and technical work.

“(e) GRANTS.—

“(1) IN GENERAL.—In order to accomplish the purpose under subsection (c) and duties under subsection (d), the Center may issue grants to eligible entities to—

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

“(i) middle and high school aviation curricula, including syllabi, training materials, equipment and lesson plans, that are designed to prepare individuals to become aircraft pilots, aerospace engineers, unmanned aircraft system operators, aviation
maintenance technicians, or other aviation maintenance professionals, or to support the continuing education of any of the aforementioned individuals; or

“(ii) aviation curricula, including syllabi, training materials, equipment and lesson plans, used at institutions of higher education, secondary education institutions, or by technical training and vocational schools, that are designed to prepare individuals to become aircraft pilots, aerospace engineers, unmanned aircraft system operators, aviation maintenance technicians, or other aviation maintenance professionals, or to refresh the knowledge of any of the aforementioned individuals; or

“(B) support the professional development of educators using the curriculum in subparagraph (A);

“(C) establish new education programs that teach technical skills used in aviation maintenance, including purchasing equipment, or to improve existing programs;
“(D) establish scholarships, internships or apprenticeships for individuals pursuing employment in the aviation maintenance industry;

“(E) support outreach about educational opportunities and careers in the aviation maintenance industry, including in economically disadvantaged areas; or

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

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

“(A) an air carrier, as defined in section 40102, an air carrier engaged in intrastate or intra-U.S. territorial operations, an air carrier engaged in commercial operations covered by part 135 or part 91 of title 14, Code of Federal Regulations, operations, or a labor organization representing aircraft pilots;

“(B) an accredited institution of higher education or a high school or secondary school (as defined in section 8101 of the Higher Education Act of 1965 (20 U.S.C. 7801));

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

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

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

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

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

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

“(f) ADMINISTRATIVE MATTERS OF THE CENTER.—

“(1) DETAILLEES.—

“(A) IN GENERAL.—At the request of the Center, the head of any Federal agency or department may, at the discretion of such agency or department, detail to the Center, on a reimbursable basis, any employee of the agency or department.
“(B) CIVIL SERVANT STATUS.—The detail of an employee under subparagraph (A) shall be without interruption or loss of civil service status or privilege.

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

“(3) GIFTS, GRANTS, BEQUESTS, AND DEVISES.—The Center may accept, retain, use, and dispose of gifts, grants, bequests, or devises of money, services, or property from any public or private source for the purpose of covering the costs incurred by the Center in furtherance of the purpose and duties of the Center.

“(4) VOLUNTARY SERVICES.—The Center may accept from any person voluntary services to be provided in furtherance of the purpose and duties of the Center.

“(g) RESTRICTIONS OF THE CENTER.—

“(1) PROFIT.—The Center may not engage in business activity for profit.
“(2) Stocks and dividends.—The Center may not issue any shares of stock or declare or pay any dividends.

“(3) Political activities.—The Center shall be nonpolitical and may not provide financial aid or assistance to, or otherwise contribute to or promote the candidacy of, any individual seeking elective public office or political party. The Center may not engage in activities that are, directly, or indirectly, intended to be or likely to be perceived as advocating or influencing the legislative process.

“(4) Distribution of income or assets.—The assets of the Center may not inure to the benefit of any member of the Board, or any officer or employee of the Center or be distributed to any person. This subsection does not prevent the payment of reasonable compensation to any officer, employee, or other person or reimbursement for actual and necessary expenses in amounts approved by the Board.

“(5) Loans.—The Center may not make a loan to any member of the Board or any officer or employee of the Center.

“(6) No claim of governmental approval or authority.—The Center may not claim ap-
proval of Congress or of the authority of the United States for any of its activities.

“(h) ADVISORY COMMITTEE.—

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

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

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

“(A) provide recommendations to the Board on an annual basis regarding the priorities for the activities of the Center;

“(B) consult with the Board on an ongoing basis regarding the appropriate powers of the Board to accomplish the purposes and duties of the Center;
“(C) provide relevant data and information to the Center in order to carry out the duties set forth in subsection (d); and

“(D) nominate United States citizens for consideration by the Board to be honored annually by the Center for such citizens’ efforts in promoting U.S. aviation or aviation education and enhancing the aviation workforce in the United States.

“(4) MEETINGS.—The provisions for meetings of the Board under subsection (b)(5) shall apply as similarly as is practicable to meetings of the advisory committee.

“(i) WORKING GROUPS.—

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

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

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

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

“(k) DUTY TO MAINTAIN TAX-EXEMPT STATUS.—The Center shall be operated in a manner and for purposes that qualify the Center for exemption from taxation under the Internal Revenue Code as an organization described in section 501(c)(3) of such Code.

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

“(1) includes a review and examination of—

“(A) the activities performed as set forth in subsections (d) and (e) during the prior fiscal year;

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

“(C) the working groups as described under subsection (i); and
“(2) provides recommendations to improve the role, responsibilities, and functions of the Center to achieve the purpose set forth in subsection (c).

“(m) AUDIT BY THE DEPARTMENT OF TRANSPORTATION INSPECTOR GENERAL.—

“(1) IN GENERAL.—Not later than 2 years after the date on which the Center is established under subsection (a), the inspector general of the Department of Transportation shall conduct a review of the Center.

“(2) CONTENTS.—The review shall—

“(A) include, at a minimum—

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

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

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

“(3) REPORT ON AUDIT.—

“(A) REPORT TO SECRETARY.—Not later than 30 days after the date of completion of the audit, the inspector general shall submit to the Secretary a report on the results of the audit.
“(B) REPORT TO CONGRESS.—Not later than 60 days after the date of receipt of the report under subparagraph (A), the Secretary shall submit to the appropriate committees of Congress a copy of the report, together with, if appropriate, a description of any actions taken or to be taken to address the results of the audit.

“(n) AUTHORIZATION OF APPROPRIATIONS.—In order to carry out this section, there is authorized to be appropriated for fiscal year 2023 and each fiscal year thereafter an amount equal to 3 percent of the interest from investment credited to the Airport and Airway Trust Fund.

“(o) DEFINITIONS.—In this section:

“(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ‘appropriate committees of Congress’ means the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

“(2) INSTITUTION OF HIGHER EDUCATION.—The term ‘institution of higher education’ has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).
“(3) STEM.—The term ‘STEM’ means science, technology, engineering, and mathematics.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 49, United States Code, is amended by inserting after the item relating to section 119 the following:

“120. National Center for the Advancement of Aviation.”.

SEC. 3. PREVENTION OF DUPLICATIVE PROGRAMS.

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

SEC. 4. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.