

NATIONAL CENTER FOR THE ADVANCEMENT OF
AVIATION ACT OF 2022

SEPTEMBER 28, 2022.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. DEFAZIO, from the Committee on Transportation and
Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 3482]

The Committee on Transportation and Infrastructure, to whom
was referred the bill (H.R. 3482) to establish the National Center
for the Advancement of Aviation, having considered the same, re-
ports favorably thereon with an amendment and recommends that
the bill as amended do pass.

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The amendment is as follows:

Strike all after the enacting clause and insert the following:

SEC. 1. SHORT TITLE.

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

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; and

“(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 reappointed.

“(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, including by developing a comprehensive workforce 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) DETAILEES.—

“(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 approval 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 (c).

“(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 (1)(2); and

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) FUNDING.—

“(1) IN GENERAL.—In order to carry out this section, notwithstanding any other provision of law, an amount equal to 3 percent of the interest from investment credited to the Airport and Airway Trust Fund shall be transferred annually from the Airport and Airway Trust Fund as a direct lump sum payment on the first day of October to the Center to carry out this section and shall be available until expended without further act of appropriation.

“(2) CALCULATION.—In carrying out paragraph (1), the Secretary of the Treasury shall calculate the transfer of funding based on the estimates of revenues into the Airport and Airway Trust Fund from the previous fiscal year.

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

“(1) an appropriation measure for a fiscal year is not enacted before the beginning of such fiscal year or a joint resolution making continuing appropriations is not in effect; or

“(2) a national emergency or other significant event that results in a significant loss in total funding to the Airport and Airway Trust Fund, as determined by the Secretary.

“(p) 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.”.

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

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).

PURPOSE OF LEGISLATION

The purpose of H.R. 3482, as amended, is to establish the National Center for the Advancement of Aviation to serve as a national independent forum for collaboration and cooperation among governmental, non-governmental, and private aviation sector stakeholders to advance the U.S. aviation workforce.

BACKGROUND AND NEED FOR LEGISLATION

According to the Federal Aviation Administration (FAA), more than 50 percent of the current science and engineering workforce

is forecasted to soon hit retirement age.¹ This wave of new retirements stands to compound the unique workforce challenges the U.S. aviation industry has experienced the past several years. For instance, half of the nearly 330,000 FAA-certificated mechanics and repairmen as of December 2018 were between 50 and 70 years old. Additionally, the coronavirus disease (COVID-19) pandemic significantly exacerbated the domestic aviation industry’s ongoing workforce challenges.

H.R. 3482, as amended, would help address these workforce issues by creating a “National Center for the Advancement of Aviation,” (hereinafter referred to as “the Center”) a federally chartered, private entity to support and promote the civil aviation and aerospace workforce. The bill would, among other things, provide resources to: help develop a skilled U.S. aviation workforce through scholarships, apprenticeships, aviation curriculum development, and other outreach efforts; serve as an educational research repository for workforce development and skills training; and provide a national independent forum to support collaboration between government and nongovernmental stakeholders.

The Center—which would be governed by an 11-member Board of Directors, including the FAA Administrator and the Center’s Executive Director serving as ex-officio members—would be funded through annual transfers from a small percentage of interest (3 percent) from investments into the Airport and Airway Trust Fund (AATF); with exceptions in certain circumstances. The Secretary of Transportation is required to appoint five members to the Board and the Secretaries of Defense, Veterans Affairs, and Education, and the Administrator of the National Aeronautics and Space Administration (NASA) are to each appoint one individual. The Department of Transportation’s Inspector General is directed to conduct an audit two years after the Center’s establishment to ensure the Center carries out its mission and the Board is required to report annually to Congress regarding its activities.

HEARINGS

For the purposes of rule XIII, clause 3(c)(6)(A) of the 117th Congress, the following hearing was used to develop or consider H.R. 3482:

On July 20, 2021, the Subcommittee held a hearing titled “Bridging the Gap: Improving Diversity and Inclusion in the U.S. Aviation Workforce.” The Subcommittee received testimony from Ms. Icema D. Gibbs, Vice President, Corporate Social Responsibility and Diversity, Equity and Inclusion, JetBlue Airways; Mr. Kyle J. Kaiser, President, Veteran Internships Providing Employment (VIPER) Transitions; Dr. Rebecca K. Lutte, Assistant Professor, Omaha Aviation Institute, University of Nebraska; Mr. Joel Webley, Chairman and Board of Directors, Organization of Black Aerospace Professionals; and, Ms. Claudia Zapata-Cardone, Executive Director, Community Relations and Outreach, Latino Pilots Association.

The hearing provided Members an opportunity to hear from key stakeholders about the challenges with, and their recommendations

¹ FAA, *FAA Aviation Safety Workforce Plan Fiscal Years 2022 to 2031*, available at <https://www.faa.gov/sites/faa.gov/files/2022-06/2022-afn-avs-wp.pdf>.

for, developing a robust and diverse U.S. aviation workforce. Further, this hearing examined future workforce needs and current efforts to recruit, retain, and enhance the talent pipeline, including requirements under the *FAA Reauthorization Act of 2018*, and other related workforce priorities.

LEGISLATIVE HISTORY AND CONSIDERATION

H.R. 3482, the “*National Center for the Advancement of Aviation Act of 2021*”, was introduced in the House on May 25, 2021, by Mr. Carson, Mr. Young, Mr. Bost, Ms. Brownley, Mr. Fitzpatrick, Mr. Kahele, Mr. Larsen of Washington, Mr. Mullin, Ms. Norton, and Mr. Payne and referred to the Committee on Transportation. Within the Committee on Transportation and Infrastructure, H.R. 3482 was referred to the Subcommittee on Aviation.

The Subcommittee on Aviation was discharged from further consideration of H.R. 3482 on April 28, 2022.

The Committee considered H.R. 3482 on April 28, 2022, and ordered the measure to be reported to the House with a favorable recommendation, as amended, by voice vote.

The following amendments were offered:

An Amendment in the Nature of a Substitute to H.R. 3482, offered by Mr. Carson; was AGREED TO by voice vote.

An amendment to the Amendment in the Nature of a Substitute to H.R. 3482 offered by Mr. Perry (#1); was NOT AGREED TO by voice vote.

Page 2, strike lines 3 through 5; Page 24, after line 12, insert the following: (d) Sunset—Section 120 of title 49, United States Code (as added by this Act), shall be repealed on the date that is 15 years after the date of enactment of this Act.

An amendment to the Amendment in the Nature of a Substitute to H.R. 3482 offered by Mr. Perry (#2); was NOT AGREED TO by voice vote.

Page 22, strike line 16 and all that follows through page 23, line 16

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires each committee report to include the total number of votes cast for and against on each record vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against.

No recorded votes were requested during consideration of H.R. 3482.

COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee’s oversight findings and recommendations are reflected in this report.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements

of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has requested but not received a cost estimate for this bill from the Director of Congressional Budget Office. The Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. The Chairman of the Committee shall cause such estimate and statement to be printed in the *Congressional Record* upon its receipt by the Committee.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, a cost estimate provided by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974 was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

PERFORMANCE GOALS AND OBJECTIVES

With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goal and objective of this legislation is to create the National Center for the Advancement of Aviation to provide a national independent forum to facilitate collaboration and cooperation between aviation stakeholders to support and promote the U.S. civil aviation workforce.

DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, the Committee finds that no provision of H.R. 3482 as amended establishes or reauthorizes a program of the federal government known to be duplicative of another federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

In compliance with clause 9 of rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of the rule XXI.

FEDERAL MANDATES STATEMENT

An estimate of federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act was not made available to the Committee in time for the filing of this report. The Chairman of the

Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The Committee finds that H.R. 3482 as amended does not preempt any state, local, or tribal law.

ADVISORY COMMITTEE STATEMENT

Section 5(b) of the Federal Advisory Committee Act requires the report of any Committee establishing, or authorizing the establishment of any advisory committee, to include a statement as to whether the functions of the proposed advisory committee are being or could be performed by one or more agencies or by an advisory committee already in existence, or by enlarging the mandate of an existing advisory committee. The Committee finds under section 2(a) of H.R. 3482, as amended, a 15-member advisory committee—to be appointed by the Center’s executive director—established to provide recommendations to the Center’s board on an annual basis regarding priorities for the activities of the Center, consult with the Center’s board regarding purposes and duties of the Center; among other things. The Committee finds that some of the functions of the proposed advisory committee are similar to those of the Youth Access to American Jobs in Aviation Task Force and the Women in Aviation Advisory Board.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104–1).

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Title

This section provides that this bill may be cited as the “National Center for the Advancement of Aviation Act of 2022”.

Sec. 2. Federal charter for the National Center for the Advancement of Aviation

This section creates the National Center for the Advancement of Aviation (“the Center”), a federally chartered, private independent entity to support and promote the civil aviation and aerospace workforce.

This section also establishes an 11-member Board of Directors (“the Board”)—including the FAA Administrator and the Center’s Executive Director, who can serve as ex-officio members for a term of three years and may be reappointed—to serve as the Center’s governing body. The Secretary of Transportation will appoint five members to the Board, the Secretary of Defense, the Secretary of Veterans Affairs, the Administrator of the National Aeronautics

and Space Administration, and the Secretary of Education will each appoint one member. The Chair will be appointed by the Board and the Board is directed to ensure that its overall composition adequately represents the fields of aviation and academia. This section also outlines administrative matters, such as public announcement of Board meetings and membership restrictions, among other things.

Under this section, the Center's purpose will (1) focus on the development of a skilled and robust U.S. aviation workforce; (2) provide a forum to support collaboration and cooperation between governmental, nongovernmental, and the private sector regarding the advancement of the U.S. aviation workforce and (3) serve as an educational research repository regarding the aviation workforce, or related technical and skills development.

This section also details the duties of the Center, which at a minimum will include (1) improving access to aviation education through grants to support the development of aviation and education curricula (e.g., syllabi and lesson plans for use by high schools, institutions of higher education, or technical training and vocational schools); (2) supporting the personnel or veterans of the Armed Forces seeking to transition to a career in civil aviation through outreach, training, or other means; and (3) amplifying and supporting the efforts conducted by the FAA's Centers of Excellence and Technical Centers.

Under this section, the Center's administrative matters, such as appointing detailees, and restrictions of the Center are described. The section also establishes a 15-member advisory committee—to be appointed by the Center's executive director—to provide recommendations to the Center's board on an annual basis regarding priorities for the activities of the Center and consult with the Center's board regarding the purposes and duties of the Center, among other things. The Board may also establish relevant working groups—representing various aviation industry and labor stakeholders—as determined necessary and appropriate to achieve the purpose of the Center.

This section also requires the Center to submit an annual report to Congress on the activities of the Center during the prior year and the Department of Transportation's Inspector General is directed to conduct an audit to ensure the Center carries out its mission. In addition, this section authorizes and provides the Center with 3 percent of the annual interest accrued by the Airport and Airway Trust Fund (AATF), with exceptions in the event of a lapse in an appropriation measure at the beginning of a fiscal year or a national emergency/significant event that results in a significant loss in total funding to the AATF as determined by the Secretary of Transportation.

Sec. 3. Prevention of duplicative programs

Under this section, the Board is directed to work with the FAA 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).

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

TITLE 49, UNITED STATES CODE

* * * * *

**SUBTITLE I—DEPARTMENT OF
TRANSPORTATION**

* * * * *

CHAPTER 1—ORGANIZATION

Sec.

101. Purpose.

* * * * *

120. *National Center for the Advancement of Aviation.*

* * * * *

§ 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; and

(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 reappointed.

(bb) STAGGERING TERMS.—To ensure subsequent appointments to the Board are stag-

gered, 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, including by developing a comprehensive workforce 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) DETAILEES.—

(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 incor-

porating 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 approval 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 (c).

(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) FUNDING.—

(1) IN GENERAL.—In order to carry out this section, notwithstanding any other provision of law, an amount equal to 3 percent of the interest from investment credited to the Airport and Airway Trust Fund shall be transferred annually from the Airport and Airway Trust Fund as a direct lump sum payment on the first day of October to the Center to carry out this section and shall be available until expended without further act of appropriation.

(2) CALCULATION.—In carrying out paragraph (1), the Secretary of the Treasury shall calculate the transfer of funding based on the estimates of revenues into the Airport and Airway Trust Fund from the previous fiscal year.

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

(1) an appropriation measure for a fiscal year is not enacted before the beginning of such fiscal year or a joint resolution making continuing appropriations is not in effect; or

(2) a national emergency or other significant event that results in a significant loss in total funding to the Airport and Airway Trust Fund, as determined by the Secretary.

(p) 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.

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INTERNAL REVENUE CODE OF 1986

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Subtitle I—Trust Fund Code

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CHAPTER 98—TRUST FUND CODE

* * * * *

Subchapter A—ESTABLISHMENT OF TRUST FUNDS

* * * * *

SEC. 9502. AIRPORT AND AIRWAY TRUST FUND.

(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the “Airport and Airway Trust Fund”, consisting of such amounts as may be appropriated, credited, or paid into the Airport and Airway Trust Fund as provided in this section, section 9503(c)(5), or section 9602(b).

(b) TRANSFERS TO AIRPORT AND AIRWAY TRUST FUND.—There are hereby appropriated to the Airport and Airway Trust Fund amounts equivalent to—

- (1) the taxes received in the Treasury under—
 - (A) section 4041(c) (relating to aviation fuels),
 - (B) section 4043 (relating to surtax on fuel used in aircraft part of a fractional ownership program),
 - (C) sections 4261 and 4271 (relating to transportation by air), and
 - (D) section 4081 with respect to aviation gasoline and kerosene to the extent attributable to the rate specified in section 4081(a)(2)(C), and
- (2) the amounts determined by the Secretary of the Treasury to be equivalent to the amounts of civil penalties collected under section 47107(m) of title 49, United States Code.

There shall not be taken into account under paragraph (1) so much of the taxes imposed by section 4081 as are determined at the rate specified in section 4081(a)(2)(B).

(c) APPROPRIATION OF ADDITIONAL SUMS.—There are hereby authorized to be appropriated to the Airport and Airway Trust Fund such additional sums as may be required to make the expenditures referred to in subsection (d) of this section.

(d) EXPENDITURES FROM AIRPORT AND AIRWAY TRUST FUND.—

(1) AIRPORT AND AIRWAY PROGRAM.—Amounts in the Airport and Airway Trust Fund shall be available, as provided by appropriation Acts, for making expenditures before October 1, 2023, to meet those obligations of the United States—

(A) incurred under title I of the Airport and Airway Development Act of 1970 or of the Airport and Airway Development Act Amendments of 1976 or of the Aviation Safety and Noise Abatement Act of 1979 or under the Fiscal Year 1981 Airport Development Authorization Act or the provisions of the Airport and Airway Improvement Act of 1982 or the Airport and Airway Safety and Capacity Expansion Act of 1987 or the Federal Aviation Administration Re-

search, Engineering, and Development Authorization Act of 1990 or the Aviation Safety and Capacity Expansion Act of 1990 or the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992 or the Airport Improvement Program Temporary Extension Act of 1994 or the Federal Aviation Administration Authorization Act of 1994 or the Federal Aviation Reauthorization Act of 1996 or the provisions of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 providing for payments from the Airport and Airway Trust Fund or the Interim Federal Aviation Administration Authorization Act or section 6002 of the 1999 Emergency Supplemental Appropriations Act, Public Law 106–59, or the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century or the Aviation and Transportation Security Act or the Vision 100—Century of Aviation Reauthorization Act or any joint resolution making continuing appropriations for the fiscal year 2008 or the Department of Transportation Appropriations Act, 2008 or the Airport and Airway Extension Act of 2008 or the Federal Aviation Administration Extension Act of 2008 or the Federal Aviation Administration Extension Act of 2008, Part II or the Federal Aviation Administration Extension Act of 2009 or any joint resolution making continuing appropriations for the fiscal year 2010 or the Fiscal Year 2010 Federal Aviation Administration Extension Act or the Fiscal Year 2010 Federal Aviation Administration Extension Act, Part II or the Federal Aviation Administration Extension Act of 2010 or the Airport and Airway Extension Act of 2010 or the Airport and Airway Extension Act of 2010, Part II or the Airline Safety and Federal Aviation Administration Extension Act of 2010 or the Airport and Airway Extension Act of 2010, Part III or the Airport and Airway Extension Act of 2010, Part IV or the Airport and Airway Extension Act of 2011 or the Airport and Airway Extension Act of 2011, Part II or the Airport and Airway Extension Act of 2011, Part III or the Airport and Airway Extension Act of 2011, Part IV or the Airport and Airway Extension Act of 2011, Part V or the Airport and Airway Extension Act of 2012 or the FAA Modernization and Reform Act of 2012 or the Airport and Airway Extension Act of 2015 or the Airport and Airway Extension Act of 2016 or the FAA Extension, Safety, and Security Act of 2016 or the Disaster Tax Relief and Airport and Airway Extension Act of 2017 or the Airport and Airway Extension Act of 2018 or the Airport and Airway Extension Act of 2018, Part II or the FAA Reauthorization Act of 2018[;] or the National Center for the Advancement of Aviation Act of 2022;

(B) heretofore or hereafter incurred under part A of subtitle VII of title 49, United States Code, which are attributable to planning, research and development, construction, or operation and maintenance of—

- (i) air traffic control,
- (ii) air navigation,

(iii) communications, or
 (iv) supporting services,
 for the airway system; or

(C) for those portions of the administrative expenses of the Department of Transportation which are attributable to activities described in subparagraph (A) or (B).

Any reference in subparagraph (A) to an Act shall be treated as a reference to such Act and the corresponding provisions (if any) of title 49, United States Code, as such Act and provisions were in effect on the date of the enactment of the last Act referred to in subparagraph (A).

(2) TRANSFERS FROM AIRPORT AND AIRWAY TRUST FUND ON ACCOUNT OF CERTAIN REFUNDS.—The Secretary of the Treasury shall pay from time to time from the Airport and Airway Trust Fund into the general fund of the Treasury amounts equivalent to the amounts paid after August 31, 1982, in respect of fuel used in aircraft, under section 6420 (relating to amounts paid in respect of gasoline used on farms), 6421 (relating to amounts paid in respect of gasoline used for certain non-highway purposes), or 6427 (relating to fuels not used for taxable purposes) (other than subsection (l)(4) thereof).

(3) TRANSFERS FROM THE AIRPORT AND AIRWAY TRUST FUND ON ACCOUNT OF CERTAIN SECTION 34 CREDITS.—The Secretary of the Treasury shall pay from time to time from the Airport and Airway Trust Fund into the general fund of the Treasury amounts equivalent to the credits allowed under section 34 (other than payments made by reason of paragraph (4) of section 6427(l)) with respect to fuel used after August 31, 1982. Such amounts shall be transferred on the basis of estimates by the Secretary of the Treasury, and proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the credits allowed.

(4) TRANSFERS FOR REFUNDS AND CREDITS NOT TO EXCEED TRUST FUND REVENUES ATTRIBUTABLE TO FUEL USED.—The amounts payable from the Airport and Airway Trust Fund under paragraph (2) or (3) shall not exceed the amounts required to be appropriated to such Trust Fund with respect to fuel so used.

(5) TRANSFERS FROM AIRPORT AND AIRWAY TRUST FUND ON ACCOUNT OF REFUNDS OF TAXES ON TRANSPORTATION BY AIR.—The Secretary of the Treasury shall pay from time to time from the Airport and Airway Trust Fund into the general fund of the Treasury amounts equivalent to the amounts paid after December 31, 1995, under section 6402 (relating to authority to make credits or refunds) or section 6415 (relating to credits or refunds to persons who collected certain taxes) in respect of taxes under sections 4261 and 4271.

(6) TRANSFERS FROM THE AIRPORT AND AIRWAY TRUST FUND ON ACCOUNT OF CERTAIN AIRPORTS.—The Secretary of the Treasury may transfer from the Airport and Airway Trust Fund to the Secretary of Transportation or the Administrator of the Federal Aviation Administration an amount to make a payment to an airport affected by a diversion that is the subject of an administrative action under paragraph (3) or a civil

action under paragraph (4) of section 47107(m) of title 49, United States Code.

(e) LIMITATION ON TRANSFERS TO TRUST FUND.—

(1) IN GENERAL.—Except as provided in paragraph (2), no amount may be appropriated or credited to the Airport and Airway Trust Fund on and after the date of any expenditure from the Airport and Airway Trust Fund which is not permitted by this section. The determination of whether an expenditure is so permitted shall be made without regard to—

(A) any provision of law which is not contained or referenced in this title or in a revenue Act; and

(B) whether such provision of law is a subsequently enacted provision or directly or indirectly seeks to waive the application of this subsection.

(2) EXCEPTION FOR PRIOR OBLIGATIONS.—Paragraph (1) shall not apply to any expenditure to liquidate any contract entered into (or for any amount otherwise obligated) before October 1, 2023, in accordance with the provisions of this section.

(f) ADDITIONAL TRANSFER TO TRUST FUND.—Out of money in the Treasury not otherwise appropriated, there is hereby appropriated \$14,000,000,000 to the Airport and Airway Trust Fund.

COMMITTEE CORRESPONDENCE

EDDIE BERNICE JOHNSON, Texas
CHAIRWOMAN

FRANK D. LUCAS, Oklahoma
RANKING MEMBER

Congress of the United States
House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

2321 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6301

(202) 225-6375
www.science.house.gov

September 27, 2022

Chairman Peter A. DeFazio
Committee on Transportation and Infrastructure
U.S. House of Representatives
2165 Rayburn House Office Building
Washington, DC 20515

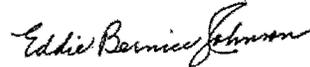
Dear Chairman DeFazio,

I am writing to you concerning H.R. 3482, the “National Center for the Advancement of Aviation Act of 2022,” which was referred to the Committee on Transportation and Infrastructure. I requested a sequential referral of this bill on July 23, 2022. However, in an effort to expedite consideration of this measure, I agree to withdraw my request for a sequential referral.

The Committee takes this action with our mutual understanding that by foregoing consideration of H.R. 3482 at this time, we do not waive any jurisdiction over the subject matter contained in this or similar legislation. I also ask to be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any remaining issues that fall within our Rule X jurisdiction.

I would appreciate your response to this letter confirming this understanding and ask that a copy of our exchange of letters on this matter be included in the bill report filed by the Committee on Transportation and Infrastructure, as well as inserted in the *Congressional Record* during floor consideration to memorialize our understanding. Thank you for your cooperation on this legislation.

Sincerely,



Eddie Bernice Johnson
Chairwoman

cc: Ranking Member Frank D. Lucas, Committee on Science, Space, and Technology
Ranking Member Sam Graves, Committee on Transportation and Infrastructure
Jason Smith, Parliamentarian



Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington DC 20515

Peter A. DeFazio
Chair
Katherine W. Dedrick
Staff Director

Sam Graves
Ranking Member
Jack Ruddy
Republican Staff Director

September 27, 2022

The Honorable Eddie Bernice Johnson
Chairwoman, Committee on Science, Space, and Technology
U.S. House of Representatives
2321 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairwoman Johnson:

I write to you concerning H.R. 3482, the *National Center for the Advancement of Aviation Act of 2022*, which was introduced on May 21, 2021, and solely referred to the Committee on Transportation and Infrastructure.

I appreciate you agreeing to withdraw your request for a sequential referral of H.R. 3482 so that the bill may be considered expeditiously. I acknowledge that forgoing your referral claim now does not waive the right to jurisdictional claims in the future on subject matter contained in this bill or similar legislation. Further, I will appropriately consult and involve the Committee on Science, Space, and Technology as the bill moves forward on issues that fall within your Rule X jurisdiction.

Finally, I will include of copy of our letter exchange in the committee report and the *Congressional Record* when the bill is considered on the floor.

Thank you again for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter A. DeFazio".

Peter A. DeFazio
Chair

cc: The Honorable Sam Graves
The Honorable Frank Lucas
Mr. Jason Smith, Parliamentarian

