

116TH CONGRESS
2D SESSION

S. 3360

To establish the National Center for the Advancement of Aviation.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 27, 2020

Mr. INHOFE (for himself and Ms. DUCKWORTH) introduced the following bill;
which was read twice and referred to the Committee on Finance

A BILL

To establish the National Center for the Advancement of
Aviation.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Center for
5 the Advancement of Aviation Act of 2020”.

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

8 (a) IN GENERAL.—Chapter 1 of Subtitle I of title
9 49, United States Code, is amended by adding at the end
10 the following new section:

1 **“SEC. 118. NATIONAL CENTER FOR THE ADVANCEMENT OF**
2 **AVIATION.**

3 “(a) FEDERAL CHARTER AND STATUS.—

4 “(1) IN GENERAL.—The National Center for
5 the Advancement of Aviation (in this section re-
6 ferred to as the ‘Center’) is a Federally chartered
7 entity. The Center is a private entity, not a depart-
8 ment, agency, or instrumentality of the United
9 States Government. Except as provided in subsection
10 (f)(1), an officer or employee of the Center is not an
11 officer or employee of the Federal Government.

12 “(2) PERPETUAL EXISTENCE.—Except as oth-
13 erwise provided, the Center has perpetual existence.

14 “(b) GOVERNING BODY.—

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

18 “(2) AUTHORITY AND POWERS.—

19 “(A) IN GENERAL.—The Board shall adopt
20 a constitution, bylaws, regulations, policies, and
21 procedures to carry out the purpose of the Cen-
22 ter and may take any other action that it con-
23 siders necessary (in accordance with the duties
24 and powers of the Center) for the management
25 and operation of the Center. The Board is re-
26 sponsible for the general policies and manage-

1 ment of the Center and for the control of all
2 funds of the Center.

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

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

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

8 “(iii) Enter into contracts.

9 “(iv) Acquire, own, lease, encumber,
10 and transfer property as necessary and ap-
11 propriate to carry out the purposes of the
12 Center.

13 “(v) Publish documents and other
14 publications in a publicly accessible man-
15 ner.

16 “(vi) Incur and pay obligations.

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

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

1 “(3) MEMBERSHIP OF THE BOARD.—

2 “(A) IN GENERAL.—The Board shall have
3 11 Directors as follows:

4 “(i) EX-OFFICIO MEMBERSHIP.—The
5 following individuals, or their designees,
6 shall serve as ex-officio members of the
7 Board:

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

10 “(II) The Director of the William
11 J. Hughes Technical Center within
12 the Federal Aviation Administration.

13 “(III) The Director of the Mike
14 Monroney Aeronautical Center within
15 the Federal Aviation Administration.

16 “(ii) APPOINTMENTS.—

17 “(I) IN GENERAL.—From among
18 those members of the public who are
19 highly respected and have knowledge
20 and experience in the fields of avia-
21 tion, finance, or academia—

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

1 “(bb) the Secretary of De-
2 fense shall appoint 1 member to
3 the Board; and

4 “(cc) the Secretary of Vet-
5 erans Affairs shall appoint 1
6 member to the Board.

7 “(II) TERMS.—The members ap-
8 pointed under subclause (I) shall serve
9 for a term of 3 years and may be re-
10 appointed. To ensure subsequent ap-
11 pointments to the Board are stag-
12 gered, of the 7 members first ap-
13 pointed under subclause (I), 2 shall be
14 appointed for a term of 1 year, 2 shall
15 be appointed for a term of 2 years,
16 and 3 shall be appointed for a term of
17 3 years.

18 “(III) CONSIDERATION.—When
19 considering whom to appoint to the
20 Board, the Secretary of Transpor-
21 tation and Secretary of Defense shall
22 ensure the overall composition of the
23 Board remains balanced between and
24 within the fields of aviation, finance,
25 and academia.

1 “(iii) EXECUTIVE DIRECTOR.—The
2 Executive Director of the Center shall be a
3 member of the Board pursuant to para-
4 graph (5)(D).

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

8 “(4) CHAIRMAN OF THE BOARD.—The Board
9 shall choose a Chairman of the Board from among
10 the members of the Board.

11 “(5) ADMINISTRATIVE MATTERS.—

12 “(A) MEETINGS.—

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

18 “(ii) OPEN.—

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

22 “(II) EXCEPTION.—A meeting,
23 or any portion of a meeting, may be
24 closed if the Board, in public session,

1 votes to close the meeting because the
2 matters to be discussed—

3 “(aa) relate solely to the in-
4 ternal personnel rules and prac-
5 tices of the Center;

6 “(bb) may result in dislo-
7 sure of commercial or financial
8 information obtained from a per-
9 son that is privileged or confiden-
10 tial;

11 “(cc) may disclose informa-
12 tion of a personal nature where
13 disclosure would constitute a
14 clearly unwarranted invasion of
15 personal privacy; or

16 “(dd) are matters that are
17 specifically exempted from dislo-
18 sure by Federal or State law.

19 “(iii) PUBLIC ANNOUNCEMENT.—At
20 least 1 week before a meeting, and as soon
21 as practicable thereafter if there are any
22 changes, the Board shall make a public an-
23 nouncement of the meeting that de-
24 scribes—

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

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

5 “(III) the name and appropriate
6 contact information of a person who
7 can respond to requests for informa-
8 tion about the meeting.

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

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

18 “(C) RESTRICTION.—No member of the
19 Board shall participate in any proceeding, ap-
20 plication, ruling or other determination, con-
21 tract claim, scholarship award, controversy, or
22 other matter in which the member, the mem-
23 ber’s employer or prospective employer, or the
24 member’s spouse, partner, or minor child has a
25 direct financial interest. Any person who vio-

1 lates this subparagraph shall be subject to ap-
2 plicable Federal and State laws and may be
3 fined not more than \$10,000, imprisoned for
4 not more than 2 years, or both.

5 “(D) EXECUTIVE DIRECTOR.—The Board
6 shall appoint and fix the pay of an Executive
7 Director of the Center (in this section referred
8 to as the ‘Executive Director’) who shall also
9 become a member of the Board. The Executive
10 Director serves at the pleasure of the Board,
11 under such terms and conditions as the Board
12 shall establish and is subject to removal by the
13 Board at its discretion. The Executive Director
14 shall be responsible for the daily management
15 and operation of the Center and for carrying
16 out the purposes and duties of the Center. The
17 Board shall designate to the Executive Director
18 the authority to appoint additional personnel as
19 the Board considers appropriate and necessary
20 to carry out the purposes and duties of the
21 Center.

22 “(c) PURPOSE OF THE CENTER.—The purpose of the
23 Center is to provide a forum to facilitate collaboration and
24 cooperation between aviation and aerospace private sector
25 stakeholders, including general, business, and commercial

1 aviation, education, labor, manufacturing, the Armed
2 Forces, and other governmental, non-governmental, and
3 international organizations, for the purpose of supporting
4 and promoting civil and military aviation and aerospace
5 in order to address the demands and challenges associated
6 with ensuring a safe and vibrant national aviation system
7 as identified by the Board. In furtherance of that purpose,
8 the constitution and bylaws of the Center shall direct the
9 Center to focus on the following:

10 “(1) The development and sustainability of a
11 well-qualified, well-trained civil and military aviation
12 and aerospace workforce.

13 “(2) The conduct of research and development
14 of new aviation and aerospace training materials and
15 products.

16 “(3) The coordination of the dissemination of
17 grants for the development of aviation and aerospace
18 oriented high school STEM education curriculum.

19 “(4) The facilitation of collaboration between
20 institutions of higher education or other research in-
21 stitutions engaged in aviation, aerospace or related
22 research or technical development, including those
23 institutions designated as Centers of Excellence or
24 Test Centers of the Federal Aviation Administration
25 and aviation and aerospace stakeholders.

1 “(5) The engagement in other workforce devel-
2 opment activities consistent with addressing the de-
3 mands and challenges facing the aviation and aero-
4 space industry.

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

8 “(1) Support the development of aviation and
9 aerospace education curricula, including syllabuses
10 and lesson plans, for use by high schools, institu-
11 tions of higher education, secondary education insti-
12 tutions, or technical training and vocational schools
13 that are designed to prepare students to enter the
14 aviation or aerospace workforce by becoming aircraft
15 pilots, aerospace engineers, unmanned aircraft sys-
16 tem operators, aviation maintenance technicians, or
17 other aviation maintenance professionals, or to re-
18 fresh the knowledge of pilots or any of the aforemen-
19 tioned individuals working in the aviation or aero-
20 space sector.

21 “(2) Support the professional development of
22 educators using the curriculum described in para-
23 graph (1) and subparagraphs (A) and (B) of sub-
24 section (e)(1) by organizing symposiums designed to

1 assist educators who are teaching or who wish to
2 teach the aviation curriculum.

3 “(3) Promote aviation and aerospace employ-
4 ment opportunities generally, including building
5 awareness of youth oriented aviation and aerospace
6 programs (such as the Civil Air Patrol, Young Ea-
7 gles program, and Reserve Officers Training Corps)
8 and establishing scholarships, apprenticeships, or
9 mentorship programs for individuals, including indi-
10 viduals in economically disadvantaged areas or indi-
11 viduals who are underrepresented in the aviation in-
12 dustry and who wish to pursue a career in an
13 aviation- or aerospace-related field.

14 “(4) Support of Armed Forces personnel seek-
15 ing to transition to a career in civil aviation or an
16 aerospace related field through outreach, training,
17 apprenticeships, or other means.

18 “(5) Serve as a central repository for publicly
19 available economic data, safety data, and research
20 efforts related to the aviation and aerospace sectors
21 in order to make available to the public information
22 that highlights the economic impact of aviation and
23 aerospace and information that would improve the
24 safety of aviation and aerospace. The Center shall
25 periodically, as appropriate, publicize an analysis of

1 such data in an accessible format. In particular, the
2 Center shall coordinate with existing FAA Centers
3 of Excellence to do the following:

4 “(A) Ensure research and development ef-
5 forts conducted at Centers of Excellence of the
6 Federal Aviation Administration are tracked,
7 collected, and amplified across the aviation and
8 aerospace community.

9 “(B) Provide a repository of pertinent rec-
10 ommendations or other action items from all
11 Centers of Excellence for public review.

12 “(C) Serve as a collaborative forum for
13 Centers of Excellence institution researchers,
14 stakeholders, and other interested parties for
15 the purpose of discussing research efforts.

16 “(6) Serve as a forum, through symposiums,
17 conferences, and other means as appropriate, for
18 cross-disciplinary collaboration among aviation and
19 aerospace stakeholders to consider the near-term
20 and long-term future of aviation and aerospace gen-
21 erally with respect to new training materials and
22 products.

23 “(e) GRANTS.—

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

1 section (d), the Center shall have the authority and
2 ability to issue grants to organizations that have ex-
3 perience in, and knowledge of, creating, developing,
4 and delivering or updating—

5 “(A) high school aviation curricula, includ-
6 ing syllabuses and lesson plans, that are de-
7 signed to prepare students to become aircraft
8 pilots, aerospace engineers, unmanned aircraft
9 system operators, aviation maintenance techni-
10 cians, or other aviation maintenance profes-
11 sionals, or to refresh the knowledge of out-of-
12 practice pilots or any of the aforementioned in-
13 dividuals; or

14 “(B) aviation curricula, including sylla-
15 buses and lesson plans, used at institutions of
16 higher education, secondary education institu-
17 tions, or by technical training and vocational
18 schools, that are designed to prepare students
19 to become aircraft pilots, aerospace engineers,
20 unmanned aircraft system operators, or aviation
21 maintenance technicians, or to refresh the
22 knowledge of out-of-practice pilots or any of the
23 aforementioned individuals.

24 “(2) LIMITATION.—No organization that re-
25 ceives a grant under this subsection shall sell or

1 make a profit from the creation, development, deliv-
2 ery, or updating of aviation curricula.

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

4 “(1) DETAILEES.—

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

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

14 “(2) NAMES AND SYMBOLS.—The Center may
15 use proceeds derived from the Center’s use of the ex-
16 clusive right to use its name and seal, emblems, and
17 badges incorporating such name as lawfully adopted
18 by the Board of Directors in furtherance of the pur-
19 pose and duties of the Center.

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

1 in furtherance of the purpose and duties of the Cen-
2 ter.

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

7 “(g) RESTRICTIONS ON THE CENTER.—

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

10 “(2) STOCKS AND DIVIDENDS.—The Center
11 may not issue stock or declare or pay a dividend.

12 “(3) POLITICAL ACTIVITIES.—The Center shall
13 be nonpolitical and may not provide financial aid or
14 assistance to, or otherwise promote the candidacy of,
15 an individual seeking elective public office. The Cen-
16 ter may not engage in activities that are, directly, or
17 indirectly, intended to be or likely to be perceived as
18 advocating or influencing the legislative process.

19 “(4) DISTRIBUTION OF INCOME OR ASSETS.—
20 The assets of the Center may not inure to the ben-
21 efit of a member of the Board, or an officer or em-
22 ployee of the Center or be distributed to any person.
23 This subsection does not prevent the payment of
24 reasonable compensation to an officer, employee, or

1 other person or reimbursement for actual and nec-
2 essary expenses in amounts approved by the Board.

3 “(5) LOANS.—The Center may not make a loan
4 to a member of the Board or an officer or employee
5 of the Center.

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

10 “(h) ADVISORY COMMITTEE.—

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

16 “(2) MEMBERSHIP.—The advisory committee
17 shall consist of 15 members who represent a balance
18 of various aviation stakeholder groups. The advisory
19 committee shall choose a Chairman and Vice Chair-
20 man of the advisory committee from among mem-
21 bers of the advisory committee. Members of the ad-
22 visory committee shall be appointed for a term of 5
23 years.

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

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

4 “(B) provide advice to the Board on an on-
5 going basis regarding the appropriate powers of
6 the Board to accomplish the purposes and du-
7 ties of the Center;

8 “(C) provide data and information to the
9 Center to aid the Center in carrying out its du-
10 ties; and

11 “(D) nominate United States citizens for
12 consideration by the Board to be honored by
13 the Center for their work in promoting aviation
14 or aviation education in the United States.

15 “(4) MEETINGS.—The provisions for meetings
16 of the Board under subsection (c)(1) shall apply to
17 meetings of the advisory committee.

18 “(i) WORKING GROUPS.—

19 “(1) IN GENERAL.—The Board may establish
20 and appoint the membership of working groups for
21 a time and for a specific reason as necessary and ap-
22 propriate.

23 “(2) MEMBERSHIP.—Any working group estab-
24 lished by the Board shall have members representing
25 a balance of various aviation stakeholder groups.

1 Once established, the membership of such working
2 group shall choose a Chairman from among the
3 members of the working group.

4 “(3) TERMINATION.—Any working group estab-
5 lished by the Board under this subsection shall be
6 constituted for a time period of not more than 3
7 years.

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

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

15 “(l) ANNUAL REPORT.—The Center shall submit an
16 annual report to Congress on the activities of the Center
17 during the prior year.

18 “(m) FUNDING.—In order to carry out this section,
19 notwithstanding any other provision of law, an amount
20 equal to 5 percent of the interest from investment credited
21 to the Airport and Airway Trust Fund established under
22 such section shall be transferred annually as a direct lump
23 sum payment on the first day of October to the Center
24 to carry out this section and shall be available until ex-
25 pended without further act of appropriation.”.

1 (b) CLERICAL AMENDMENT.—The analysis for chap-
2 ter 1 of subtitle 1 of title 49, United States Code, is
3 amended by inserting after the item relating to section
4 117 the following:

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

