

119TH CONGRESS
2D SESSION

S. _____

To establish an expert review panel to make recommendations for a comprehensive agency-wide safety management system at the FAA.

IN THE SENATE OF THE UNITED STATES

Ms. CANTWELL (for herself, Ms. DUCKWORTH, Mr. MARKEY, and Mr. WARNER) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To establish an expert review panel to make recommendations for a comprehensive agency-wide safety management system at the FAA.

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 “FAA SMS Compliance
5 Review Act of 2026”.

6 **SEC. 2. EXPERT COMPLIANCE REVIEW OF FAA SAFETY**
7 **MANAGEMENT SYSTEM.**

8 (a) EXPERT COMPLIANCE REVIEW.—

9 (1) ESTABLISHMENT.—

1 (A) IN GENERAL.—Not later than 60 days
2 after the date of enactment of this section, the
3 Administrator shall convene an independent ex-
4 pert panel (in this section referred to as the
5 “review panel”) to review and make findings
6 and recommendations on the matters listed in
7 paragraph (2).

8 (B) PURPOSE.—The purpose of the review
9 panel is to review and evaluate FAA orders and
10 policies to inform the FAA’s implementation of
11 a comprehensive and integrated SMS within the
12 FAA.

13 (2) CONTENTS OF REVIEW.—The review panel
14 shall review the following:

15 (A) The extent to which the FAA’s SMS
16 complies with relevant FAA orders and policies.

17 (B) The actual and projected safety en-
18 hancements achieved through the FAA’s prior
19 implementation of SMS.

20 (C) The effectiveness of SMS, including
21 with respect to the implementation of the fol-
22 lowing 4 components:

23 (i) Safety policy.

24 (ii) Safety risk management.

25 (iii) Safety assurance.

1 (iv) Safety promotion.

2 (D) The extent to which the FAA's safety
3 culture promotes or fosters the SMS consistent
4 with the principles of the ICAO's Safety Man-
5 agement Manual (Doc. 9859) or any similar
6 successor document.

7 (E) The effectiveness of FAA's internal
8 audit process to determine, at minimum, the
9 performance of FAA's SMS.

10 (F) The extent to which SMS and each of
11 the 4 components described in subparagraph
12 (C) are integrated appropriately among and
13 across lines of business of the FAA.

14 (G) The extent to which SMS and each of
15 the 4 components so described are understood
16 by, communicated to, and included in training
17 for, personnel at the FAA.

18 (H) The efficacy of existing SMS in place
19 at applicable lines of business at the FAA in-
20 cluding, but not limited to, the Air Traffic Or-
21 ganization, the Aviation Safety Office, and the
22 Office of Airports.

23 (I) The efficacy of the FAA's Voluntary
24 Safety Reporting Programs as part of SMS, in-
25 cluding the efficacy of specific voluntary safety

1 reporting programs at applicable lines of busi-
2 ness, and any actions taken by the FAA in re-
3 sponse to reports filed under such programs.

4 (J) Whether the Federal Government
5 should advocate for changes to Annex 19—Safe-
6 ty Management of the ICAO to ensure appro-
7 priate updates to the State Safety Program
8 standards and recommended practices, includ-
9 ing—

10 (i) a systems-level approach to evalu-
11 ating and improving SMS for air naviga-
12 tion service providers; and

13 (ii) the implementation of SMS for
14 civil aviation regulators.

15 (K) Any other matter determined by the
16 Administrator for which review by the review
17 panel would be consistent with the public inter-
18 est in aviation safety.

19 (3) COMPOSITION OF REVIEW PANEL.—

20 (A) APPOINTED MEMBERS.—The review
21 panel shall consist of the following members ap-
22 pointed by the Administrator:

23 (i) Two representatives of the Na-
24 tional Aeronautics and Space Administra-
25 tion with expertise in SMSs.

1 (ii) Five appropriately qualified rep-
2 resentatives of aviation labor organizations
3 (designated by the applicable represented
4 organization), including—

5 (I) organizations representing
6 certified collective bargaining rep-
7 resentatives of airline pilots; and

8 (II) the exclusive bargaining rep-
9 resentatives of FAA air traffic con-
10 trollers certified under section 7111 of
11 title 5, United States Code.

12 (iii) Not less than 5 independent sub-
13 ject matter experts in safety management
14 systems who—

15 (I) have not served as a political
16 appointee in the FAA; and

17 (II) have a minimum of 10 years
18 of relevant applied experience.

19 (iv) Two air carrier employees whose
20 job responsibilities include administration
21 of a SMS.

22 (v) Two individuals representing hold-
23 ers of a certificate issued under part 21 of
24 title 14, Code of Federal Regulations,

1 whose job responsibilities include adminis-
2 tration of a SMS.

3 (vi) Two other representatives from
4 the aerospace industry that do not meet
5 the criteria described in clause (iv) or (v)
6 and who have expertise in SMS or whose
7 job responsibilities include administration
8 of a SMS.

9 (vii) A representative of the United
10 States Mission to the ICAO.

11 (viii) A representative from the Na-
12 tional Transportation Safety Board, as a
13 non-voting member.

14 (B) ADVISORY MEMBERS.—

15 (i) IN GENERAL.—In addition to the
16 appointed members described in subpara-
17 graph (A), the review panel shall be ad-
18 vised by up to 5 employees of the FAA, at
19 least 3 of whom shall be subject matter ex-
20 perts in implementing SMS at the FAA.

21 (ii) DUTIES.—The advisory members
22 may take part in deliberations of the re-
23 view panel and provide subject matter ex-
24 pertise with respect to the review panel's
25 work.

1 (4) RECOMMENDATIONS.—The review panel
2 shall issue recommendations to the Administrator
3 based on the review of the matters listed in para-
4 graph (2) in order to inform the FAA’s implementa-
5 tion of a comprehensive and integrated SMS for
6 lines of business within the FAA.

7 (5) REPORT.—

8 (A) SUBMISSION.—Not later than 180
9 days after the date of the first meeting of the
10 review panel, the review panel shall submit to
11 the Administrator and the appropriate commit-
12 tees of Congress a report containing the find-
13 ings and recommendations regarding the mat-
14 ters listed in paragraph (2) that are endorsed
15 by a majority of the appointed members of the
16 review panel.

17 (B) DISSENTING VIEWS.—In submitting
18 the report under subparagraph (A), the review
19 panel shall append to such report the dissenting
20 views of any individual appointed member or
21 group of appointed members of the review panel
22 regarding the findings or recommendations of
23 the review panel.

24 (C) PUBLICATION.—Not later than 5 days
25 after receiving the report under subparagraph

1 (A), the Administrator shall publish such re-
2 port, including any dissenting views appended
3 to the report, on the website of the FAA.

4 (D) TERMINATION.—The review panel
5 shall terminate upon the submission of the re-
6 port under subparagraph (A).

7 (6) ADMINISTRATIVE PROVISIONS.—

8 (A) ACCESS TO INFORMATION.—

9 (i) IN GENERAL.—The review panel
10 shall have the authority to perform the fol-
11 lowing actions if a majority of the ap-
12 pointed members of the review panel con-
13 sider each action necessary and appro-
14 priate:

15 (I) Entering onto the premises of
16 the FAA for access to and inspection
17 of records or other purposes.

18 (II) Notwithstanding any other
19 provision of law, except as provided in
20 clause (ii), accessing and inspecting
21 de-identified, but otherwise
22 unredacted, records directly necessary
23 for the completion of the review pan-
24 el's work under this section that are
25 in the possession of the FAA.

1 (III) Interviewing employees of
2 the FAA as necessary for the review
3 panel to complete its work.

4 (ii) NON-FEDERAL GOVERNMENT
5 MEMBERS.—Members of the review panel
6 who are not officers or employees of the
7 Federal Government shall only have access
8 to, and be allowed to inspect, information
9 provided to the FAA pursuant to section
10 40123 of title 49, United States Code, and
11 part 193 of title 14, Code of Federal Regu-
12 lations, in a de-identified form.

13 (B) NONDISCLOSURE OF CONFIDENTIAL
14 INFORMATION.—

15 (i) NONDISCLOSURE FOR NON-FED-
16 ERAL GOVERNMENT MEMBERS.—

17 (I) NON-FEDERAL GOVERNMENT
18 PARTICIPANTS.—Prior to partici-
19 pating on the review panel, each indi-
20 vidual serving on the review panel rep-
21 resenting a non-Federal entity shall
22 execute an agreement with the Admin-
23 istrator in which the individual shall
24 be prohibited from disclosing at any
25 time, except as required by law, to

1 any person, foreign or domestic, any
2 non-public information made available
3 to the panel under subparagraph (A).

4 (II) FEDERAL GOVERNMENT
5 PARTICIPANTS.—Federal officers or
6 employees serving on the review panel
7 as representatives of the Federal Gov-
8 ernment and subject to the require-
9 ment to protect confidential informa-
10 tion (including proprietary informa-
11 tion and trade secrets under section
12 1905 of title 18, United States Code)
13 shall not be required to execute agree-
14 ments under this clause.

15 (ii) PROTECTION OF INFORMATION.—
16 Information that is obtained or reviewed
17 by the review panel shall not constitute a
18 waiver of the protections applicable to the
19 information under section 552 of title 5,
20 United States Code (commonly referred to
21 as the “Freedom of Information Act”).
22 Members of the review panel shall protect
23 such information to the extent required
24 under applicable law.

1 (iii) PROTECTION OF PROPRIETARY
2 INFORMATION AND TRADE SECRETS.—
3 Members of the review panel shall protect
4 proprietary information, trade secrets, and
5 other information otherwise exempt under
6 section 552 of title 5, United States Code,
7 to the extent permitted under applicable
8 law.

9 (7) INAPPLICABILITY OF FACA.—The review
10 panel shall not be subject to chapter 10 of title 5,
11 United States Code (commonly referred to as the
12 “Federal Advisory Committee Act”).

13 (8) CONGRESSIONAL BRIEFINGS.—Not later
14 than 180 days after the submission of the rec-
15 ommendations under paragraph (4), and every 90
16 days thereafter, the Administrator shall report to
17 the appropriate committees of Congress on the sta-
18 tus of any ongoing actions in response to such rec-
19 ommendations, including the status of implementa-
20 tion of each of the recommendations of the review
21 panel, if any, with which the Administrator concurs.

22 (b) NON-CONCURRENCE WITH RECOMMENDA-
23 TIONS.—Not later than 6 months after submission of the
24 recommendations under subsection (a)(4), with respect to
25 each recommendation of the review panel with which the

1 Administrator does not concur, if any, the Administrator
2 shall publish on the website of the FAA and submit to
3 the appropriate committees of Congress a detailed expla-
4 nation for such determination.

5 (c) DEFINITIONS.—In this section:

6 (1) ADMINISTRATOR.—The term “Adminis-
7 trator” means the Administrator of the Federal
8 Aviation Administration.

9 (2) APPROPRIATE COMMITTEES OF CON-
10 GRESS.—The term “appropriate committees of Con-
11 gress” means the Committee on Commerce, Science,
12 and Transportation of the Senate and the Com-
13 mittee on Transportation and Infrastructure of the
14 House of Representatives.

15 (3) FAA.—The term “FAA” means the Fed-
16 eral Aviation Administration.

17 (4) ICAO.—The term “ICAO” means the
18 International Civil Aviation Organization.

19 (5) SMS.—The term “SMS” means a safety
20 management system.