

119TH CONGRESS  
2D SESSION

**S.**

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

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IN THE SENATE OF THE UNITED STATES

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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 \_\_\_\_\_

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**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.—

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 business,  
2 and any actions taken by the FAA in response to reports filed under such programs.  
3

4 (J) Whether the Federal Government  
5 should advocate for changes to Annex 19—Safety  
6 Management of the ICAO to ensure appropriate  
7 updates to the State Safety Program  
8 standards and recommended practices, including—  
9

10 (i) a systems-level approach to evaluating and improving SMS for air navigation service providers; and  
11 (ii) the implementation of SMS for civil aviation regulators.  
12

13 (K) Any other matter determined by the  
14 Administrator for which review by the review panel would be consistent with the public interest in aviation safety.  
15

16 (3) COMPOSITION OF REVIEW PANEL.—  
17

18 (A) APPOINTED MEMBERS.—The review panel shall consist of the following members appointed by the Administrator:  
19

20 (i) Two representatives of the National Aeronautics and Space Administration with expertise in SMSs.  
21  
22  
23  
24  
25



whose job responsibilities include administration 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.

(viii) A representative from the National Transportation Safety Board, as a non-voting member.

14 (B) ADVISORY MEMBERS.—

15 (i) IN GENERAL.—In addition to the  
16 appointed members described in subparagraph  
17 (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.

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 participating  
19 on the review panel, each individual  
20 serving on the review panel representing  
21 a non-Federal entity shall execute an  
22 agreement with the Administrator in  
23 which the individual shall be prohibited  
24 from disclosing at any time, except as  
25 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.

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.