

FAA), which clarifies that safety is the organization's highest priority.

(g) PROTECTION OF SAFETY INFORMATION.—Section 44735(a) of title 49, United States Code, is amended—

(1) by striking “title 5 if the report” and inserting the following: “title 5—

“(1) if the report”;

(2) by striking the period at the end and inserting “; or”;

and

(3) by adding at the end the following:

“(2) if the report, data, or other information is submitted to the Federal Aviation Administration pursuant to section 102(e) of the Aircraft Certification, Safety, and Accountability Act.”.

SEC. 103. EXPERT REVIEW OF ORGANIZATION DESIGNATION AUTHORIZATIONS FOR TRANSPORT AIRPLANES.

(a) EXPERT REVIEW.—

(1) ESTABLISHMENT.—Not later than 30 days after the date of enactment of this title, the Administrator shall convene an expert panel (in this section referred to as the “review panel”) to review and make findings and recommendations on the matters listed in paragraph (2).

(2) CONTENTS OF REVIEW.—With respect to each holder of an organization designation authorization for the design and production of transport airplanes, the review panel shall review the following:

(A) The extent to which the holder's safety management processes promote or foster a safety culture consistent with the principles of the International Civil Aviation Organization Safety Management Manual, Fourth Edition (International Civil Aviation Organization Doc. No. 9859) or any similar successor document.

(B) The effectiveness of measures instituted by the holder to instill, among employees and contractors of such holder that support organization designation authorization functions, a commitment to safety above all other priorities.

(C) The holder's capability, based on the holder's organizational structures, requirements applicable to officers and employees of such holder, and safety culture, of making reasonable and appropriate decisions regarding functions delegated to the holder pursuant to the organization designation authorization.

(D) Any other matter determined by the Administrator for which inclusion in the review would be consistent with the public interest in aviation safety.

(3) COMPOSITION OF REVIEW PANEL.—The review panel shall consist of—

(A) 2 representatives of the National Aeronautics and Space Administration;

(B) 2 employees of the Administration's Aircraft Certification Service with experience conducting oversight of persons not involved in the design or production of transport airplanes;

(C) 1 employee of the Administration's Aircraft Certification Service with experience conducting oversight of persons involved in the design or production of transport airplanes;

(D) 2 employees of the Administration's Flight Standards Service with experience in oversight of safety management systems;

(E) 1 appropriately qualified representative, designated by the applicable represented organization, of each of—

(i) a labor union representing airline pilots involved in both passenger and all-cargo operations;

(ii) a labor union, not selected under clause (i), representing airline pilots with expertise in the matters described in paragraph (2);

(iii) a labor union representing employees engaged in the assembly of transport airplanes;

(iv) the certified bargaining representative under section 7111 of title 5, United States Code, for field engineers engaged in the audit or oversight of an organization designation authorization within the Aircraft Certification Service of the Administration;

(v) the certified bargaining representative for safety inspectors of the Administration; and

(vi) a labor union representing employees engaged in the design of transport airplanes;

(F) 2 independent experts who have not served as a political appointee in the Administration and—

(i) who hold either a baccalaureate or postgraduate degree in the field of aerospace engineering or a related discipline; and

(ii) who have a minimum of 20 years of relevant applied experience;

(G) 4 air carrier employees whose job responsibilities include administration of a safety management system;

(H) 4 individuals representing 4 different holders of organization designation authorizations, with preference given to individuals representing holders of organization designation authorizations for the design or production of aircraft other than transport airplanes or for the design or production of aircraft engines, propellers, or appliances; and

(I) 1 individual holding a law degree and who has expertise in the legal duties of a holder of an organization designation authorization and the interaction with the FAA, except that such individual may not, within the 10-year period preceding the individual's appointment, have been employed by, or provided legal services to, the holder of an organization designation authorization referenced in paragraph (2).

(4) RECOMMENDATIONS.—The review panel shall make recommendations to the Administrator regarding suggested actions to address any deficiencies found after review of the matters listed in paragraph (2).

(5) REPORT.—

(A) SUBMISSION.—Not later than 270 days after the date of the first meeting of the review panel, the review

panel shall transmit to the Administrator and the congressional committees of jurisdiction a report containing the findings and recommendations of the review panel regarding the matters listed in paragraph (2), except that such report shall include—

(i) only such findings endorsed by 10 or more individual members of the review panel; and

(ii) only such recommendations described in paragraph (4) endorsed by 18 or more of the individual members of the review panel.

(B) DISSENTING VIEWS.—In submitting the report required under this paragraph, the review panel shall append to such report the dissenting views of any individual member or group of members of the review panel regarding the findings or recommendations of the review panel.

(C) PUBLICATION.—Not later than 5 days after receiving the report under subparagraph (A), the Administrator shall publish such report, including any dissenting views appended to the report, on the website of the Administration.

(D) TERMINATION.—The review panel shall terminate upon submission of the report under subparagraph (A).

(6) ADMINISTRATIVE PROVISIONS.—

(A) ACCESS TO INFORMATION.—The review panel shall have authority to perform the following actions if a majority of the total number of review panel members consider each action necessary and appropriate:

(i) Entering onto the premises of a holder of an organization designation authorization referenced in paragraph (2) for access to and inspection of records or other purposes.

(ii) Notwithstanding any other provision of law, accessing and inspecting unredacted records directly necessary for the completion of the panel's work under this section that are in the possession of such holder of an organization designation authorization or the Administration.

(iii) Interviewing employees of such holder of an organization designation authorization or the Administration as necessary for the panel to complete its work.

(B) DISCLOSURE OF FINANCIAL INTERESTS.—Each individual serving on the review panel shall disclose to the Administrator any financial interest held by such individual, or a spouse or dependent of such individual, in a business enterprise engaged in the design or production of transport airplanes, aircraft engines designed for transport airplanes, or major systems, components, or parts thereof.

(C) PROTECTION OF PROPRIETARY INFORMATION; TRADE SECRETS.—

(i) MARKING.—The custodian of a record accessed under subparagraph (A) may mark such record as proprietary or containing a trade secret. A marking under this subparagraph shall not be dispositive with respect to whether such record contains any information subject to legal protections from public disclosure.

(ii) NONDISCLOSURE FOR NON-FEDERAL GOVERNMENT PARTICIPANTS.—

(I) NON-FEDERAL GOVERNMENT PARTICIPANTS.—Prior to participating on the review panel, each individual serving on the review panel representing a non-Federal entity, including a labor union, shall execute an agreement with the Administrator in which the individual shall be prohibited from disclosing at any time, except as required by law, to any person, foreign or domestic, any non-public information made accessible to the panel under subparagraph (A).

(II) FEDERAL EMPLOYEE PARTICIPANTS.—Federal employees serving on the review panel as representatives of the Federal Government and who are required to protect proprietary information and trade secrets under section 1905 of title 18, United States Code, shall not be required to execute agreements under this subparagraph.

(iii) PROTECTION OF VOLUNTARILY SUBMITTED SAFETY INFORMATION.—Information subject to protection from disclosure by the Administration in accordance with sections 40123 and 44735 of title 49, United States Code, is deemed voluntarily submitted to the Administration under such sections when shared with the review panel and retains its protection from disclosure (including protection under section 552(b)(3) of title 5, United States Code). The custodian of a record subject to such protection may mark such record as subject to statutory protections. A marking under this subparagraph shall not be dispositive with respect to whether such record contains any information subject to legal protections from public disclosure. Members of the review panel will protect voluntarily submitted safety information and other otherwise exempt information to the extent permitted under applicable law.

(iv) PROTECTION OF PROPRIETARY INFORMATION AND TRADE SECRETS.—Members of the review panel will protect proprietary information, trade secrets, and other otherwise exempt information to the extent permitted under applicable law.

(v) RESOLVING CLASSIFICATION OF INFORMATION.—If the review panel and a holder of an organization designation authorization subject to review under this section disagree as to the proper classification of information described in this subparagraph, then an employee of the Administration who is not a political appointee shall determine the proper classification of such information and whether such information will be withheld, in part or in full, from release to the public.

(D) APPLICABLE LAW.—Public Law 92-463 shall not apply to the panel established under this subsection.

(E) FINANCIAL INTEREST DEFINED.—In this paragraph, the term “financial interest”—

(i) excludes securities held in an index fund; and

(ii) includes—

- (I) any current or contingent ownership, equity, or security interest;
- (II) an indebtedness or compensated employment relationship; or
- (III) any right to purchase or acquire any such interest, including a stock option or commodity future.

(b) FAA AUTHORITY.—

(1) IN GENERAL.—After reviewing the findings of the review panel submitted under subsection (a)(5), the Administrator may limit, suspend, or terminate an organization designation authorization subject to review under this section.

(2) REINSTATEMENT.—The Administrator may condition reinstatement of a limited, suspended, or terminated organization designation authorization on the holder's implementation of any corrective actions determined necessary by the Administrator.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the Administrator's authority to take any action with respect to an organization designation authorization, including limitation, suspension, or termination of such authorization.

(c) ORGANIZATION DESIGNATION AUTHORIZATION PROCESS IMPROVEMENTS.—Not later than 1 year after receipt of the recommendations submitted under subsection (a)(5), the Administrator shall report to the congressional committees of jurisdiction on—

(1) whether the Administrator has concluded that such holder is able to safely and reliably perform all delegated functions in accordance with all applicable provisions of chapter 447 of title 49, United States Code, title 14, Code of Federal Regulations, and other orders or requirements of the Administrator, and, if not, the Administrator shall outline—

(A) the risk mitigations or other corrective actions, including the implementation timelines of such mitigations or actions, the Administrator has established for or required of such holder as prerequisites for a conclusion by the Administrator under this paragraph; or

(B) the status of any ongoing investigatory actions;

(2) the status of implementation of each of the recommendations of the review panel, if any, with which the Administrator concurs;

(3) the status of procedures under which the Administrator will conduct focused oversight of such holder's processes for performing delegated functions with respect to the design of new and derivative transport airplanes and the production of such airplanes; and

(4) the Administrator's efforts, to the maximum extent practicable and subject to appropriations, to increase the number of engineers, inspectors, and other qualified technical experts, as necessary to fulfill the requirements of this section, in—

(A) each office of the Administration responsible for dedicated oversight of such holder; and

(B) the System Oversight Division, or any successor division, of the Aircraft Certification Service.

(d) **NON-CONCURRENCE WITH RECOMMENDATIONS.**—Not later than 6 months after receipt of the recommendations submitted under subsection (a)(5), with respect to each recommendation of the review panel with which the Administrator does not concur, if any, the Administrator shall publish on the website of the Administration and submit to the congressional committees of jurisdiction a detailed explanation as to why, including if the Administrator believes implementation of such recommendation would not improve aviation safety.

SEC. 104. CERTIFICATION OVERSIGHT STAFF.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Administrator \$27,000,000 for each of fiscal years 2021 through 2023 to recruit and retain engineers, safety inspectors, human factors specialists, chief scientific and technical advisors, software and cybersecurity experts, and other qualified technical experts who perform duties related to the certification of aircraft, aircraft engines, propellers, appliances, and new and emerging technologies, and perform other regulatory activities.

(b) **IN GENERAL.**—Not later than 60 days after the date of enactment of this title, and without duplicating any recently completed or ongoing reviews, the Administrator shall initiate a review of—

(1) the inspectors, human factors specialists, flight test pilots, engineers, managers, and executives in the FAA who are responsible for the certification of the design, manufacture, and operation of aircraft intended for air transportation for purposes of determining whether the FAA has the expertise and capability to adequately understand the safety implications of, and oversee the adoption of, new or innovative technologies, materials, and procedures used by designers and manufacturers of such aircraft; and

(2) the Senior Technical Experts Program to determine whether the program should be enhanced or expanded to bolster and support the programs of the FAA's Office of Aviation Safety, with particular focus placed on the Aircraft Certification Service and the Flight Standards Service (or any successor organizations), particularly with respect to understanding the safety implications of new or innovative technologies, materials, aircraft operations, and procedures used by designers and manufacturers of such aircraft.

(c) **DEADLINE FOR COMPLETION.**—Not later than 270 days after the date of enactment of this title, the Administrator shall complete the review required by subsection (b).

(d) **BRIEFING.**—Not later than 30 days after the completion of the review required by subsection (b), the Administrator shall brief the congressional committees of jurisdiction on the results of the review. The briefing shall include the following:

(1) An analysis of the Administration's ability to hire safety inspectors, human factors specialists, flight test pilots, engineers, managers, executives, scientists, and technical advisors, who have the requisite expertise to oversee new developments in aerospace design and manufacturing.

(2) A plan for the Administration to improve the overall expertise of the FAA's personnel who are responsible for the oversight of the design and manufacture of aircraft.