

110TH CONGRESS
1ST SESSION

H. R. 4343

AN ACT

To amend title 49, United States Code, to modify age standards for pilots engaged in commercial aviation operations.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Fair Treatment for
3 Experienced Pilots Act”.

4 **SEC. 2. AGE STANDARDS FOR PILOTS.**

5 (a) IN GENERAL.—Chapter 447 of title 49, United
6 States Code, is amended by adding at the end the fol-
7 lowing:

8 **“§ 44729. Age standards for pilots**

9 “(a) IN GENERAL.—Subject to the limitation in sub-
10 section (e), a pilot may serve in multicrew covered oper-
11 ations until attaining 65 years of age.

12 “(b) COVERED OPERATIONS DEFINED.—In this sec-
13 tion, the term ‘covered operations’ means operations under
14 part 121 of title 14, Code of Federal Regulations.

15 “(c) LIMITATION FOR INTERNATIONAL FLIGHTS.—

16 “(1) APPLICABILITY OF ICAO STANDARD.—A
17 pilot who has attained 60 years of age may serve as
18 pilot-in-command in covered operations between the
19 United States and another country only if there is
20 another pilot in the flight deck crew who has not yet
21 attained 60 years of age.

22 “(2) SUNSET OF LIMITATION.—Paragraph (1)
23 shall cease to be effective on such date as the Con-
24 vention on International Civil Aviation provides that
25 a pilot who has attained 60 years of age may serve
26 as pilot-in-command in international commercial op-

1 erations without regard to whether there is another
2 pilot in the flight deck crew who has not attained
3 age 60.

4 “(d) SUNSET OF AGE 60 RETIREMENT RULE.—On
5 and after the date of enactment of this section, section
6 121.383(e) of title 14, Code of Federal Regulations, shall
7 cease to be effective.

8 “(e) APPLICABILITY.—

9 “(1) NONRETROACTIVITY.—No person who has
10 attained 60 years of age before the date of enact-
11 ment of this section may serve as a pilot for an air
12 carrier engaged in covered operations unless—

13 “(A) such person is in the employment of
14 that air carrier in such operations on such date
15 of enactment as a required flight deck crew
16 member; or

17 “(B) such person is newly hired by an air
18 carrier as a pilot on or after such date of enact-
19 ment without credit for prior seniority or prior
20 longevity for benefits or other terms related to
21 length of service prior to the date of rehire
22 under any labor agreement or employment poli-
23 cies of the air carrier.

24 “(2) PROTECTION FOR COMPLIANCE.—An ac-
25 tion taken in conformance with this section, taken in

1 conformance with a regulation issued to carry out
2 this section, or taken prior to the date of enactment
3 of this section in conformance with section
4 121.383(e) of title 14, Code of Federal Regulations
5 (as in effect before such date of enactment), may
6 not serve as a basis for liability or relief in a pro-
7 ceeding, brought under any employment law or regu-
8 lation, before any court or agency of the United
9 States or of any State or locality.

10 “(f) AMENDMENTS TO LABOR AGREEMENTS AND
11 BENEFIT PLANS.—Any amendment to a labor agreement
12 or benefit plan of an air carrier that is required to conform
13 with the requirements of this section or a regulation issued
14 to carry out this section, and is applicable to pilots rep-
15 resented for collective bargaining, shall be made by agree-
16 ment of the air carrier and the designated bargaining rep-
17 resentative of the pilots of the air carrier.

18 “(g) MEDICAL STANDARDS AND RECORDS.—

19 “(1) MEDICAL EXAMINATIONS AND STAND-
20 ARDS.—Except as provided by paragraph (2), a per-
21 son serving as a pilot for an air carrier engaged in
22 covered operations shall not be subject to different
23 medical standards, or different, greater, or more fre-
24 quent medical examinations, on account of age un-
25 less the Secretary determines (based on data re-

1 received or studies published after the date of enact-
2 ment of this section) that different medical stand-
3 ards, or different, greater, or more frequent medical
4 examinations, are needed to ensure an adequate level
5 of safety in flight.

6 “(2) DURATION OF FIRST-CLASS MEDICAL CER-
7 TIFICATE.—No person who has attained 60 years of
8 age may serve as a pilot of an air carrier engaged
9 in covered operations unless the person has a first-
10 class medical certificate. Such a certificate shall ex-
11 pire on the last day of the 6-month period following
12 the date of examination shown on the certificate.

13 “(h) SAFETY.—

14 “(1) TRAINING.—Each air carrier engaged in
15 covered operations shall continue to use pilot train-
16 ing and qualification programs approved by the Fed-
17 eral Aviation Administration, with specific emphasis
18 on initial and recurrent training and qualification of
19 pilots who have attained 60 years of age, to ensure
20 continued acceptable levels of pilot skill and judg-
21 ment.

22 “(2) LINE EVALUATIONS.—Not later than 6
23 months after the date of enactment of this section,
24 and every 6 months thereafter, an air carrier en-
25 gaged in covered operations shall evaluate the per-

1 performance of each pilot of the air carrier who has at-
2 tained 60 years of age through a line check of such
3 pilot. Notwithstanding the preceding sentence, an air
4 carrier shall not be required to conduct for a 6-
5 month period a line check under this paragraph of
6 a pilot serving as second-in-command if the pilot has
7 undergone a regularly scheduled simulator evalua-
8 tion during that period.

9 “(3) GAO REPORT.—Not later than 24 months
10 after the date of enactment of this section, the
11 Comptroller General shall submit to the Committee
12 on Transportation and Infrastructure of the House
13 of Representatives and the Committee on Commerce,
14 Science, and Transportation of the Senate a report
15 concerning the effect, if any, on aviation safety of
16 the modification to pilot age standards made by sub-
17 section (a).”

1 (b) CLERICAL AMENDMENT.—The analysis for chap-
2 ter 447 of title 49, United States Code, is amended by
3 adding at the end the following:

“44729. Age standards for pilots.”.

Passed the House of Representatives December 11,
2007.

Attest:

Clerk.

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