

110<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 4343

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IN THE SENATE OF THE UNITED STATES

DECEMBER 12, 2007

Received

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## 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       ceived 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:

LORRAINE C. MILLER,

*Clerk.*