

flight attendant until completion by that individual of the required recurrent or requalification training and subsequent certification under this section.

(3) **TREATMENT OF FLIGHT ATTENDANT AFTER NOTIFICATION.**—On the date that the Administrator is notified by an air carrier that an individual has the demonstrated proficiency to be a flight attendant, the individual shall be treated for purposes of this section as holding a certificate issued under the section.

(b) **ISSUANCE OF CERTIFICATE.**—The Administrator shall issue a certificate of demonstrated proficiency under this section to an individual after the Administrator is notified by the air carrier that the individual has successfully completed all the training requirements for flight attendants approved by the Administrator.

(c) **DESIGNATION OF PERSON TO DETERMINE SUCCESSFUL COMPLETION OF TRAINING.**—In accordance with part 183 of title 14, Code of Federal Regulation,¹ the director of operations of an air carrier is designated to determine that an individual has successfully completed the training requirements approved by the Administrator for such individual to serve as a flight attendant.

(d) **SPECIFICATIONS RELATING TO CERTIFICATES.**—Each certificate issued under this section shall—

(1) be numbered and recorded by the Administrator;

(2) contain the name, address, and description of the individual to whom the certificate is issued;

(3) be similar in size and appearance to certificates issued to airmen;

(4) contain the airplane group for which the certificate is issued; and

(5) be issued not later than 120 days after the Administrator receives notification from the air carrier of demonstrated proficiency and, in the case of an individual serving as flight attendant on the effective date of this section, not later than 1 year after such effective date.

(e) **APPROVAL OF TRAINING PROGRAMS.**—Air carrier flight attendant training programs shall be subject to approval by the Administrator. All flight attendant training programs approved by the Administrator in the 1-year period ending on the date of enactment of this section shall be treated as providing a demonstrated proficiency for purposes of meeting the certification requirements of this section.

(f) **MINIMUM LANGUAGE SKILLS.**—

(1) **IN GENERAL.**—No person may serve as a flight attendant aboard an aircraft of an air carrier, unless that person has demonstrated to an individual qualified to determine proficiency the ability to read, speak, and write English well enough to—

(A) read material written in English and comprehend the information;

(B) speak and understand English sufficiently to provide direction to, and understand and answer questions from, English-speaking individuals;

(C) write incident reports and statements and log entries and statements; and

(D) carry out written and oral instructions regarding the proper performance of their duties.

(2) **FOREIGN FLIGHTS.**—The requirements of paragraph (1) do not apply to a flight attendant serving solely between points outside the United States.

(g) **FLIGHT ATTENDANT DEFINED.**—In this section, the term “flight attendant” means an individual working as a flight attendant in the cabin of an aircraft that has 20 or more seats and is being used by an air carrier to provide air transportation.

(Added Pub. L. 108–176, title VIII, §814(a), Dec. 12, 2003, 117 Stat. 2590; amended Pub. L. 112–95, title III, §304(a), Feb. 14, 2012, 126 Stat. 58; Pub. L. 115–254, div. B, title V, §539(i), Oct. 5, 2018, 132 Stat. 3371.)

Editorial Notes

REFERENCES IN TEXT

For effective date of this section, referred to in subsecs. (a)(2) and (d)(5), see Effective Date note below.

The date of enactment of this section, referred to in subsec. (e), is the date of enactment of Pub. L. 108–176, which was approved Dec. 12, 2003.

AMENDMENTS

2018—Subsec. (c). Pub. L. 115–254, §539(i)(1), substituted “title 14” for “chapter 14”.

Subsec. (d)(3). Pub. L. 115–254, §539(i)(2), substituted “be” for “is”.

2012—Subsecs. (f), (g). Pub. L. 112–95 added subsec. (f) and redesignated former subsec. (f) as (g).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Pub. L. 108–176, title VIII, §814(c), Dec. 12, 2003, 117 Stat. 2592, provided that: “The amendments made by subsections (a) and (b) [enacting this section and amending the analysis to this chapter] shall take effect on the 365th day following the date of enactment of this Act [Dec. 12, 2003].”

FACILITATION

Pub. L. 112–95, title III, §304(b), Feb. 14, 2012, 126 Stat. 58, provided that: “The Administrator of the Federal Aviation Administration shall work with air carriers to facilitate compliance with the requirements of section 44728(f) of title 49, United States Code (as amended by this section).”

§ 44729. Age standards for pilots

(a) **IN GENERAL.**—Subject to the limitation in subsection (c), a pilot may serve in multicrew covered operations described in subsection (b)(1) until attaining 65 years of age. Air carriers that employ pilots who serve in covered operations described in subsection (b)(2) may elect to implement an age restriction to prohibit employed pilots from serving in such covered operations after attaining 70 years of age by delivering written notice to the Administrator of the Federal Aviation Administration. Such election—

(1) shall take effect 1 year after the date of delivery of written notice of the election; and

(2) may not be terminated after the date on which such election takes effect by the air carrier.

(b) **COVERED OPERATIONS DEFINED.**—In this section, the term “covered operations” means—

¹ So in original. Probably should be “Regulations.”

(1) operations under part 121 of title 14, Code of Federal Regulations; or

(2) operations by a person that—

(A) holds an air carrier certificate issued pursuant to part 119 of title 14, Code of Federal Regulations, to conduct operations under part 135 of such title;

(B) holds management specifications under subpart K of title 91 of title 14, Code of Federal Regulations; and

(C) performed an aggregate total of at least 75,000 turbojet operations in calendar year 2019 or any subsequent year.

(c) **LIMITATION FOR INTERNATIONAL FLIGHTS.**—

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

(2) **SUNSET OF LIMITATION.**—Paragraph (1) shall cease to be effective on such date as the Convention on International Civil Aviation provides that a pilot who has attained 60 years of age may serve as pilot-in-command in international commercial operations without regard to whether there is another pilot in the flight deck crew who has not attained age 60.

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

(e) **APPLICABILITY.**—

(1) **NONRETROACTIVITY.**—No person who has attained 60 years of age before the date of enactment of this section may serve as a pilot for an air carrier engaged in covered operations unless—

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

(B) such person is newly hired by an air carrier as a pilot on or after such date of enactment without credit for prior seniority or prior longevity for benefits or other terms related to length of service prior to the date of rehire under any labor agreement or employment policies of the air carrier.

(2) **PROTECTION FOR COMPLIANCE.**—An action taken in conformance with this section, taken in conformance with a regulation issued to carry out this section, or taken prior to the date of enactment of this section in conformance with section 121.383(c) of title 14, Code of Federal Regulations (as in effect before such date of enactment), may not serve as a basis for liability or relief in a proceeding, brought under any employment law or regulation, before any court or agency of the United States or of any State or locality.

(f) **AMENDMENTS TO LABOR AGREEMENTS AND BENEFIT PLANS.**—Any amendment to a labor agreement or benefit plan of an air carrier that is required to conform with the requirements of this section or a regulation issued to carry out this section, and is applicable to pilots represented for collective bargaining, shall be made

by agreement of the air carrier and the designated bargaining representative of the pilots of the air carrier.

(g) **MEDICAL STANDARDS AND RECORDS.**—

(1) **MEDICAL EXAMINATIONS AND STANDARDS.**—Except as provided by paragraph (2), a person serving as a pilot for an air carrier engaged in covered operations shall not be subject to different medical standards, or different, greater, or more frequent medical examinations, on account of age unless the Secretary determines (based on data received or studies published after the date of enactment of this section) that different medical standards, or different, greater, or more frequent medical examinations, are needed to ensure an adequate level of safety in flight.

(2) **DURATION OF FIRST-CLASS MEDICAL CERTIFICATE.**—No person who has attained 60 years of age may serve as a pilot of an air carrier engaged in covered operations unless the person has a first-class medical certificate. Such a certificate shall expire on the last day of the 6-month period following the date of examination shown on the certificate.

(h) **SAFETY.**—

(1) **TRAINING.**—Each air carrier engaged in covered operations shall continue to use pilot training and qualification programs approved by the Federal Aviation Administration, with specific emphasis on initial and recurrent training and qualification of pilots who have attained 60 years of age, to ensure continued acceptable levels of pilot skill and judgment.

(2) **GAO REPORT.**—Not later than 24 months after the date of enactment of this section, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report concerning the effect, if any, on aviation safety of the modification to pilot age standards made by subsection (a).

(Added Pub. L. 110-135, §2(a), Dec. 13, 2007, 121 Stat. 1450; amended Pub. L. 112-95, title III, §305, Feb. 14, 2012, 126 Stat. 58; Pub. L. 117-328, div. Q, §107(a), (b), Dec. 29, 2022, 136 Stat. 5257, 5258.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of this section and such date of enactment, referred to in subsecs. (d), (e), (g)(1) and (h)(2), is the date of enactment of Pub. L. 110-135, which was approved Dec. 13, 2007.

AMENDMENTS

2022—Subsec. (a). Pub. L. 117-328, §107(a), substituted “covered operations described in subsection (b)(1) until attaining 65 years of age. Air carriers that employ pilots who serve in covered operations described in subsection (b)(2) may elect to implement an age restriction to prohibit employed pilots from serving in such covered operations after attaining 70 years of age by delivering written notice to the Administrator of the Federal Aviation Administration. Such election—” and pars. (1) and (2) for “covered operations until attaining 65 years of age.”

Subsec. (b). Pub. L. 117-328, §107(b), substituted “means—” and pars. (1) and (2) for “means operations under part 121 of title 14, Code of Federal Regulations.”

2012—Subsec. (h)(2), (3). Pub. L. 112-95 redesignated par. (3) as (2) and struck out former par. (2). Prior to amendment, text of par. (2) read as follows: “Not later than 6 months after the date of enactment of this section, and every 6 months thereafter, an air carrier engaged in covered operations shall evaluate the performance of each pilot of the air carrier who has attained 60 years of age through a line check of such pilot. Notwithstanding the preceding sentence, an air carrier shall not be required to conduct for a 6-month period a line check under this paragraph of a pilot serving as second-in-command if the pilot has undergone a regularly scheduled simulator evaluation during that period.”

Statutory Notes and Related Subsidiaries

PROTECTION FOR COMPLIANCE

Pub. L. 117-328, div. Q, §107(c), Dec. 29, 2022, 136 Stat. 5258, provided that: “An action or election taken in conformance with the amendments made by this section [amending this section], or taken in conformance with a regulation issued to carry out the amendments made by this section, may not serve as a basis for liability or relief in a proceeding brought under any employment law or regulation before any court or agency of the United States or of any State or locality.”

§ 44730. Helicopter air ambulance operations

(a) COMPLIANCE REGULATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 180 days after the date of enactment of this section, a part 135 certificate holder providing air ambulance services shall comply, whenever medical personnel are onboard the aircraft, with regulations pertaining to weather minimums and flight and duty time under part 135.

(2) EXCEPTION.—If a certificate holder described in paragraph (1) is operating, or carrying out training, under instrument flight rules, the weather reporting requirement at the destination shall not apply if authorized by the Administrator of the Federal Aviation Administration.

(b) FINAL RULE.—Not later than June 1, 2012, the Administrator shall issue a final rule, with respect to the notice of proposed rulemaking published in the Federal Register on October 12, 2010 (75 Fed. Reg. 62640), to improve the safety of flight crewmembers, medical personnel, and passengers onboard helicopters providing air ambulance services under part 135.

(c) MATTERS TO BE ADDRESSED.—In conducting the rulemaking proceeding under subsection (b), the Administrator shall address the following:

(1) Flight request and dispatch procedures, including performance-based flight dispatch procedures.

(2) Pilot training standards, including establishment of training standards in—

(A) preventing controlled flight into terrain; and

(B) recovery from inadvertent flight into instrument meteorological conditions.

(3) Safety-enhancing technology and equipment, including—

(A) helicopter terrain awareness and warning systems;

(B) radar altimeters; and

(C) devices that perform the function of flight data recorders and cockpit voice recorders, to the extent feasible.

(4) Such other matters as the Administrator considers appropriate.

(d) MINIMUM REQUIREMENTS.—In issuing a final rule under subsection (b), the Administrator, at a minimum, shall provide for the following:

(1) FLIGHT RISK EVALUATION PROGRAM.—The Administrator shall ensure that a part 135 certificate holder providing helicopter air ambulance services—

(A) establishes a flight risk evaluation program, based on FAA Notice 8000.301 issued by the Administration on August 1, 2005, including any updates thereto;

(B) as part of the flight risk evaluation program, develops a checklist for use by pilots in determining whether a flight request should be accepted; and

(C) requires the pilots of the certificate holder to use the checklist.

(2) OPERATIONAL CONTROL CENTER.—The Administrator shall ensure that a part 135 certificate holder providing helicopter air ambulance services using 10 or more helicopters has an operational control center that meets such requirements as the Administrator may prescribe.

(e) SUBSEQUENT RULEMAKING.—

(1) IN GENERAL.—Upon completion of the rulemaking required under subsection (b), the Administrator shall conduct a follow-on rulemaking to address the following:

(A) Pilot training standards, including—

(i) mandatory training requirements, including a minimum time for completing the training requirements;

(ii) training subject areas, such as communications procedures and appropriate technology use; and

(iii) establishment of training standards in—

(I) crew resource management;

(II) flight risk evaluation;

(III) operational control of the pilot in command; and

(IV) use of flight simulation training devices and line-oriented flight training.

(B) Use of safety equipment that should be worn or used by flight crewmembers and medical personnel on a flight, including the possible use of shoulder harnesses, helmets, seatbelts, and fire resistant clothing to enhance crash survivability.

(2) DEADLINES.—Not later than 180 days after the date of issuance of a final rule under subsection (b), the Administrator shall initiate the rulemaking under this subsection.

(3) LIMITATION ON CONSTRUCTION.—Nothing in this subsection shall be construed to require the Administrator to propose or finalize any rule that would derogate or supersede the rule required to be finalized under subsection (b).

(f) DEFINITIONS.—In this section, the following definitions apply:

(1) PART 135.—The term “part 135” means part 135 of title 14, Code of Federal Regulations.

(2) PART 135 CERTIFICATE HOLDER.—The term “part 135 certificate holder” means a person