

Calendar No. 382

109TH CONGRESS
2ND SESSION

S. 65

[Report No. 109-225]

To amend the age restrictions for pilots.

IN THE SENATE OF THE UNITED STATES

JANUARY 24, 2005

Mr. INHOFE (for himself, Mr. STEVENS, Mr. BURNS, Ms. MURKOWSKI, Mr. GRASSLEY, Mr. KYL, Mr. COBURN, Mr. BUNNING, Mr. ISAKSON, Mr. CRAPO, Mr. THOMAS, Mr. COCHRAN, Mr. CORNYN, Mr. BROWNBACK, Mr. WARNER, Mr. SANTORUM, Mr. HATCH, Mr. ENSIGN, Mr. ENZI, Mr. ALLEN, Mr. CRAIG, and Mr. BENNETT) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

MARCH 30, 2006

Reported by Mr. STEVENS, with an amendment in the nature of a substitute
[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To amend the age restrictions for pilots.

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. LIMITATION ON AGE RESTRICTIONS.**

4 ~~Section 44703~~ of title 49, United States Code, is
5 amended by adding at the end the following:

1 “(k) LIMITATION ON AGE RESTRICTIONS.—

2 “(1) IN GENERAL.—Notwithstanding any other
3 provision of law, the Administrator may not, solely
4 by reason of a person’s age, if such person has not
5 attained the person’s social security retirement age
6 as defined in section 216(l) of the Social Security
7 Act (42 U.S.C. 416(l))—

8 “(A) deny, defer as to, or fail to renew for,
9 any such person an airman or medical certifi-
10 cate to serve as a pilot of aircraft operated by
11 an air carrier engaged in operations under part
12 121 of title 14, Code of Federal Regulations, or
13 take any other action by regulation or otherwise
14 under this section, including the imposition of
15 restrictions or limitations on an airman or med-
16 ical certificate following initial or periodic com-
17 petency or medical testing, which has the same
18 age discriminatory effect on any such person; or

19 “(B) require an air carrier engaged in op-
20 erations under part 121 of title 14, Code of
21 Federal Regulations, to terminate the employ-
22 ment of, or not to employ, any such person as
23 a pilot of an aircraft operated by such air ear-
24 rier, or take any other action by regulation or
25 otherwise under section 44705 of this title

1 which has the same age discriminatory effect on
2 any such person.

3 “(2) **APPLICABILITY.**—Nothing in paragraph
4 (1) shall provide the basis for a claim of seniority
5 under any labor agreement in effect between a rec-
6 ognized bargaining unit for pilots and an air carrier
7 engaged in operations under part 121 of title 14,
8 Code of Federal Regulations, made by any pilot
9 seeking re-employment by such air carrier following
10 the pilot’s previous termination or cessation of em-
11 ployment as mandated by section 121.383(e), title
12 14, Code of Federal Regulations.

13 “(3) **AMENDMENT OF REGULATION.**—Upon the
14 enactment of this subsection, the provisions of sec-
15 tion 121.383(e), title 14, Code of Federal Regula-
16 tions (as in effect on the day before the date of en-
17 actment of this subsection) shall cease to apply and
18 the Administrator shall take such action as is nec-
19 essary to carry out this subsection.”.

20 **SECTION 1. MODIFICATION OF FAA’S AGE-60 RULE.**

21 *Within 30 days after the effective date of action taken*
22 *by the International Civil Aviation Organization to amend*
23 *Annex 1 to the Convention on International Civil Aviation*
24 *to modify the international standard and recommended*
25 *practice for Member State curtailment of pilot privileges*

1 *by reason of age, as agreed and recommended by Air Navi-*
2 *gation Commission at the 10th meeting of its 167th session,*
3 *following its review of the recommendations of the Flight*
4 *Crew Licensing and Training Panel Working Group A's*
5 *report AN-WP/7982, the Secretary of Transportation shall*
6 *modify section 121.383(c) of the Federal Aviation Adminis-*
7 *tration regulations (14 C.F.R. 121.383(c)) to be consistent*
8 *with the amended standard or recommended practice—*

9 (1) *to provide that a pilot who has attained 60*
10 *years of age may serve as a pilot of an aircraft oper-*
11 *ated by an air carrier engaged in operations under*
12 *part 121 of title 14, Code of Federal Regulations,*
13 *until having attained 65 years of age on the condition*
14 *that such pilot may so serve only—*

15 (A) *as a required pilot in multi-crew air-*
16 *craft operations; and*

17 (B) *when another pilot serving as a re-*
18 *quired pilot in such multi-crew aircraft oper-*
19 *ations has not yet attained 60 years of age; and*

20 (2) *to eliminate the prohibition against an air*
21 *carrier engaged in such operations from using the*
22 *services of a pilot who has attained 60 years of age.*

23 **SEC. 2. APPLICABILITY.**

24 *The modification of the Federal Aviation Administra-*
25 *tion regulations under section 1 shall not provide the basis*

1 *for a claim of seniority under any labor agreement in effect*
2 *between a recognized bargaining unit for pilots and an air*
3 *carrier engaged in operations under part 121 of title 14,*
4 *Code of Federal Regulations, made by any pilot seeking re-*
5 *employment by such air carrier following the pilot's pre-*
6 *vious termination or cessation of employment as required*
7 *by section 121.323(c), title 14, Code of Federal Regulations,*
8 *as that section was in effect on the date of enactment of*
9 *this Act.*

10 **SEC. 3. NTSB REPORT AFTER MODIFICATION OF AGE-60**

11 **RULE.**

12 *Within 24 months after the date on which the Sec-*
13 *retary of Transportation modifies the Federal Aviation Ad-*
14 *ministration regulations under section 1, the National*
15 *Transportation Safety Board shall submit a report to the*
16 *Senate Committee on Commerce, Science, and Transpor-*
17 *tation and the House of Representatives Committee on*
18 *Transportation and Infrastructure concerning the effect, if*
19 *any, of the modification on aviation safety.*

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