

H.3074 SEC. 115. MULTICREW COVERED OPERATIONS SERVICE BY OLDER PILOTS . (a)
IN GENERAL- Chapter 447 of title 49, United States Code, is amended by
adding at the end thereof the following:

`Sec. 44729. Age standards for pilots

`(a) IN GENERAL- Subject to the limitation in subsection (c), a pilot may
serve in multicrew covered operations until attaining 65 years of age .

`(b) COVERED OPERATIONS DEFINED- In this section, the term `covered
operations' means operations under part 121 of title 14, Code of Federal
Regulations.

`(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 the Transportation, Housing and Urban Development, and Related Agencies
Appropriations Act, 2008, 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 the Transportation, Housing and Urban Development,
and Related Agencies Appropriations Act, 2008 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 the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2008 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 the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2008) 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) LINE EVALUATIONS- Not later than 6 months after the date of enactment of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2008, 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.

`(3) GAO REPORT- Not later than 24 months after the date of enactment of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2008, 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).'

(b) CLERICAL AMENDMENT- The chapter analysis for chapter 447 of title 49, United States Code, is amended by adding at the end the following:

`Sec. 44729. Age standards for pilots' .