

110th CONGRESS
1ST SESSION

H.R. 3074

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3074) "making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

1 prior permission rules at Teterboro airport in Teterboro,
2 New Jersey.

3 SEC. 116. ~~MULTICREW COVERED OPERATIONS~~

4 ~~SERVICE BY OLDER PILOTS.~~ (a) IN GENERAL.—Chapter
5 447 of title 49, United States Code, is amended by adding
6 at the end thereof the following:

7 **“§ 44729. Age standards for pilots**

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

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

14 “(c) LIMITATION FOR INTERNATIONAL FLIGHTS.—

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

21 “(2) SUNSET OF LIMITATION.—Paragraph (1)
22 shall cease to be effective on such date as the Con-
23 vention on International Civil Aviation provides that
24 a pilot who has attained 60 years of age may serve
25 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 the Transportation,
6 Housing and Urban Development, and Related Agencies
7 Appropriations Act, 2008, section 121.383(c) of title 14,
8 Code of Federal Regulations, shall cease to be effective.

9 “(e) APPLICABILITY.—

10 “(1) NONRETROACTIVITY.—No person who has
11 attained 60 years of age before the date of enact-
12 ment of the Transportation, Housing and Urban De-
13 velopment, and Related Agencies Appropriations
14 Act, 2008 may serve as a pilot for an air carrier en-
15 gaged in covered operations unless—

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

20 “(B) such person is newly hired by an air
21 carrier as a pilot on or after such date of enact-
22 ment without credit for prior seniority or prior
23 longevity for benefits or other terms related to
24 length of service prior to the date of rehire

1 under any labor agreement or employment poli-
2 cies of the air carrier.

3 “(2) PROTECTION FOR COMPLIANCE.—An ac-
4 tion taken in conformance with this section, taken in
5 conformance with a regulation issued to carry out
6 this section, or taken prior to the date of enactment
7 of the Transportation, Housing and Urban Develop-
8 ment, and Related Agencies Appropriations Act,
9 2008 in conformance with section 121.383(c) of title
10 14, Code of Federal Regulations (as in effect before
11 such date of enactment), may not serve as a basis
12 for liability or relief in a proceeding, brought under
13 any employment law or regulation, before any court
14 or agency of the United States or of any State or
15 locality.

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

24 “(g) MEDICAL STANDARDS AND RECORDS.—

1 “(1) MEDICAL EXAMINATIONS AND STAND-
2 ARDS.—Except as provided by paragraph (2), a per-
3 son serving as a pilot for an air carrier engaged in
4 covered operations shall not be subject to different
5 medical standards, or different, greater, or more fre-
6 quent medical examinations, on account of age un-
7 less the Secretary determines (based on data re-
8 ceived or studies published after the date of enact-
9 ment of the Transportation, Housing and Urban De-
10 velopment, and Related Agencies Appropriations
11 Act, 2008) that different medical standards, or dif-
12 ferent, greater, or more frequent medical examina-
13 tions, are needed to ensure an adequate level of safe-
14 ty in flight.

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

22 “(h) SAFETY.—

23 “(1) TRAINING.—Each air carrier engaged in
24 covered operations shall continue to use pilot train-
25 ing and qualification programs approved by the Fed-

1 eral Aviation Administration, with specific emphasis
2 on initial and recurrent training and qualification of
3 pilots who have attained 60 years of age, to ensure
4 continued acceptable levels of pilot skill and judg-
5 ment.

6 “(2) LINE EVALUATIONS.—Not later than 6
7 months after the date of enactment of the Transpor-
8 tation, Housing and Urban Development, and Re-
9 lated Agencies Appropriations Act, 2008, and every
10 6 months thereafter, an air carrier engaged in cov-
11 ered operations shall evaluate the performance of
12 each pilot of the air carrier who has attained 60
13 years of age through a line check of such pilot. Not-
14 withstanding the preceding sentence, an air carrier
15 shall not be required to conduct for a 6-month pe-
16 riod a line check under this paragraph of a pilot
17 serving as second-in-command if the pilot has under-
18 gone a regularly scheduled simulator evaluation dur-
19 ing that period.

20 “(3) GAO REPORT.—Not later than 24 months
21 after the date of enactment of the Transportation,
22 Housing and Urban Development, and Related
23 Agencies Appropriations Act, 2008, the Comptroller
24 General shall submit to the Committee on Transpor-
25 tation and Infrastructure of the House of Represent-

1 atives and the Committee on Commerce, Science,
2 and Transportation of the Senate a report con-
3 cerning the effect, if any, on aviation safety of the
4 modification to pilot age standards made by sub-
5 section (a).”.

6 (b) CLERICAL AMENDMENT.—The chapter analysis
7 for chapter 447 of title 49, United States Code, is amend-
8 ed by adding at the end the following:

“§ 44729. Age standards for pilots”.

9 FEDERAL HIGHWAY ADMINISTRATION

10 LIMITATION ON ADMINISTRATIVE EXPENSES

11 Not to exceed \$377,556,000, together with advances
12 and reimbursements received by the Federal Highway Ad-
13 ministration, shall be paid in accordance with law from
14 appropriations made available by this Act to the Federal
15 Highway Administration for necessary expenses for ad-
16 ministration and operation.

17 FEDERAL-AID HIGHWAYS

18 (LIMITATION ON OBLIGATIONS)

19 (HIGHWAY TRUST FUND)

20 (INCLUDING TRANSFER OF FUNDS)

21 None of the funds in this Act shall be available for
22 the implementation or execution of programs, the obliga-
23 tions for which are in excess of \$40,216,051,359 for Fed-
24 eral-aid highways and highway safety construction pro-
25 grams for fiscal year 2008: *Provided*, That within the