

118TH CONGRESS
1ST SESSION

S. 893

To amend title 49, United States Code, to raise the retirement age for pilots engaged in commercial aviation operations, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 21, 2023

Mr. GRAHAM (for himself, Mr. MANCHIN, Mr. GRASSLEY, Ms. LUMMIS, Mrs. BLACKBURN, Mr. KELLY, and Mrs. FISCHER) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend title 49, United States Code, to raise the retirement age for pilots engaged in commercial aviation operations, and for other purposes.

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. SHORT TITLE.**

4 This Act may be cited as the “Let Experienced Pilots
5 Fly Act”.

6 **SEC. 2. INCREASED RETIREMENT AGE FOR PILOTS.**

7 Section 44729 of title 49, United States Code, is
8 amended to read as follows:

1 **“§ 44729. Age standards for pilots**

2 “(a) IN GENERAL.—A pilot may serve in multicrew
3 covered operations until attaining 67 years of age.

4 “(b) COVERED OPERATIONS DEFINED.—In this sec-
5 tion, the term ‘covered operations’ means operations under
6 part 121 of title 14, Code of Federal Regulations, unless
7 the operation takes place in—

8 “(1) the territorial airspace of a foreign country
9 where such operations are prohibited by the foreign
10 country; or

11 “(2) international airspace where such oper-
12 ations are not in compliance with the Annexes to the
13 Convention on International Civil Aviation.

14 “(c) REGULATIONS.—On and after the date of enact-
15 ment of the Let Experienced Pilots Fly Act, subsections
16 (d) and (e) of section 121.383 of title 14, Code of Federal
17 Regulations, shall be deemed to have been amended to in-
18 crease the age listed in such subsections to 67 years of
19 age.

20 “(d) APPLICABILITY.—

21 “(1) NONRETROACTIVITY.—No person who has
22 attained 65 years of age before the date of enact-
23 ment of the Let Experienced Pilots Fly Act may
24 serve as a pilot for an air carrier engaged in covered
25 operations unless—

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

5 “(B) such person is newly hired by an air
6 carrier as a pilot on or after such date of enact-
7 ment without credit for prior seniority or prior
8 longevity for benefits or other terms related to
9 length of service prior to the date of rehire
10 under any labor agreement or employment poli-
11 cies of the air carrier.

12 “(2) PROTECTION FOR COMPLIANCE.—An ac-
13 tion taken in conformance with this section, taken in
14 conformance with a regulation issued to carry out
15 this section, or taken prior to the date of enactment
16 of the Let Experienced Pilots Fly Act in conform-
17 ance with subsection (d) or (e) of section 121.383 of
18 title 14, Code of Federal Regulations (as in effect
19 before such date), may not serve as a basis for liabil-
20 ity or relief in a proceeding, brought under any em-
21 ployment law or regulation, before any court or
22 agency of the United States or of any State or local-
23 ity.

24 “(e) AMENDMENTS TO LABOR AGREEMENTS AND
25 BENEFIT PLANS.—Any amendment to a labor agreement

1 or benefit plan of an air carrier that is required to conform
2 with the requirements of this section or a regulation issued
3 to carry out this section, and is applicable to pilots rep-
4 resented for collective bargaining, shall be made by agree-
5 ment of the air carrier and the designated bargaining rep-
6 resentative of the pilots of the air carrier.

7 “(f) MEDICAL STANDARDS AND RECORDS.—

8 “(1) MEDICAL EXAMINATIONS AND STAND-
9 ARDS.—Except as provided by paragraph (2), a per-
10 son serving as a pilot for an air carrier engaged in
11 covered operations shall not be subject to different
12 medical standards, or different, greater, or more fre-
13 quent medical examinations, on account of age un-
14 less the Administrator of the Federal Aviation Ad-
15 ministration determines (based on data received or
16 studies published after the date of enactment of the
17 Let Experienced Pilots Fly Act) that different med-
18 ical standards, or different, greater, or more fre-
19 quent medical examinations, are needed to ensure an
20 adequate level of safety in flight.

21 “(2) DURATION OF FIRST-CLASS MEDICAL CER-
22 TIFICATE.—No person who has attained 60 years of
23 age may serve as a pilot of an air carrier engaged
24 in covered operations unless the person has a first-
25 class medical certificate. Such a certificate shall ex-

1 pire on the last day of the 6-month period following
2 the date of examination shown on the certificate.

3 “(g) SAFETY TRAINING.—Each air carrier engaged
4 in covered operations shall continue to use pilot training
5 and qualification programs approved by the Federal Avia-
6 tion Administration.”.

○