

109TH CONGRESS  
1ST SESSION

# S. 65

To amend the age restrictions for pilots.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 24, 2005

Mr. INHOFE (for himself, Mr. STEVENS, and Mr. BURNS) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## 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:

6 “(k) LIMITATION ON AGE RESTRICTIONS.—

7 “(1) IN GENERAL.—Notwithstanding any other  
8 provision of law, the Administrator may not, solely  
9 by reason of a person’s age, if such person has not  
10 attained the person’s social security retirement age

1 as defined in section 216(l) of the Social Security  
2 Act (42 U.S.C. 416(l))—

3 “(A) deny, defer as to, or fail to renew for,  
4 any such person an airman or medical certifi-  
5 cate to serve as a pilot of aircraft operated by  
6 an air carrier engaged in operations under part  
7 121 of title 14, Code of Federal Regulations, or  
8 take any other action by regulation or otherwise  
9 under this section, including the imposition of  
10 restrictions or limitations on an airman or med-  
11 ical certificate following initial or periodic com-  
12 petency or medical testing, which has the same  
13 age discriminatory effect on any such person; or

14 “(B) require an air carrier engaged in op-  
15 erations under part 121 of title 14, Code of  
16 Federal Regulations, to terminate the employ-  
17 ment of, or not to employ, any such person as  
18 a pilot of an aircraft operated by such air car-  
19 rier, or take any other action by regulation or  
20 otherwise under section 44705 of this title  
21 which has the same age discriminatory effect on  
22 any such person.

23 “(2) APPLICABILITY.—Nothing in paragraph  
24 (1) shall provide the basis for a claim of seniority  
25 under any labor agreement in effect between a rec-

1       ognized bargaining unit for pilots and an air carrier  
2       engaged in operations under part 121 of title 14,  
3       Code of Federal Regulations, made by any pilot  
4       seeking re-employment by such air carrier following  
5       the pilot's previous termination or cessation of em-  
6       ployment as mandated by section 121.383(e), title  
7       14, Code of Federal Regulations.

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

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