

August 8, 2012
Fair Treatment of Experienced Pilots Act
(The Age 65 Law)
Information, Questions and Answers

General

This document contains information relating to the Fair Treatment of Experienced Pilots Act (the Act) that was signed into law by the President on December 13, 2007. That Act is recorded as Public Law 110-135, and became effective immediately.

The Act is self-explanatory and clear in most respects, but it raises some questions. In an effort to promote uniform understanding of the Act, and uniform implementation of its provisions, the FAA is consolidating in this document questions and answers relating to safety issues, as those questions are received and resolved. The date of the current revision is shown at the top of each page, and is updated each time this document is revised with new or amended content.

For any question not addressed here, a Web visitor may address the question to the following FAA email address: **9-awa-avs-afs-200-age65@faa.gov**

Your question will be acknowledged and answered as quickly as possible.

Please do not address questions to the FAA regarding § 44729(e) or § 44729(f) of the Act. Those subparagraphs concern issues beyond the scope of the FAA's safety mission.

Background

In November, 2006, the International Civil Aviation Organization (ICAO) revised the maximum age for certain pilots in international operations from age 60 to age 65. Until December 13, 2007, the United States, an ICAO member state, limited its pilots operating under Title 14 of the Code of Federal Regulations (14 CFR) part 121 to age 60. Now those pilots may continue until age 65, as specified in the Act.

The exact language of the Act can be downloaded at the following public website:

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=110_cong_public_laws&docid=f:publ135.110.pdf

Key provisions of the Act include the following:

- As of December 13, 2007, part 121, § 121.383(c), specifying age 60, ceased to be effective.
- A pilot age 60+ acting as pilot in command (PIC) in international operations must be paired with a pilot under age 60 (consistent with the current ICAO requirement).
- In domestic operations both pilots may be age 60+.
- It permits the continued employment of a pilot who reaches age 60 on or after 12/13/07.
- It permits the employment as a new-hire a pilot who reached age 60 before 12/13/07.
- Any pilot age 60+ must hold a first-class medical certificate, with a duration of 6 months.
- Any air carrier employing pilots age 60+ must adjust its training program to ensure such pilots' skill and judgment continue at acceptable levels.
- No air carrier may use the services of any person as a pilot on an airplane engaged in operations under part 121 if that person has reached his or her 65th birthday.

Questions and Answers

Question #1: During international operations, must a pilot younger than age 60 be on the flight deck at all times when a PIC over age 60 is on the flight deck?

Answer: No. A pilot younger than age 60 does not have to be on the flight deck at all times when a PIC over age 60 is on the flight deck. When there is an augmented flight deck crew assigned to a flight, that assigned flight deck crew must include one pilot who is licensed, current, qualified, appropriately rated for all phases of flight, and younger than age 60. Under Title 49 of the United States Code (49 U.S.C.), § 44729(c)(1), a pilot who has attained 60 years of age may serve as a PIC for part 121 operations between the United States and another country only if there is another pilot assigned to the flight deck crew who has not yet attained 60 years of age. This section reflects Congress's intent to follow the recommend International Civil Aviation Organization (ICAO) standard for international operations.

However, ICAO and the FAA suggest that a pilot under age 60 be at the controls (a crew duty position) during critical phases of the flight (such as below 10,000 feet). The FAA expects air carriers and PICs to use best scheduling practices and crew management to ensure maximum compliance with this recommendation to have a pilot under age 60 be at the controls (a crew duty position) during critical phases of the flight (such as below 10,000 feet). Issues such as pilot seniority are not considered valid reasons for noncompliance.

The minimum requirement for international operations, however, is that a flight may not depart unless the flight deck crew includes one pilot who is licensed, current, qualified, appropriately rated for all phases of flight, and younger than age 60.

Question #2: A part 121 flight departs from a point in the United States, transits international airspace, and then lands at a point in the United States without making an intermediary stop. Under US code (Title 49) if the PIC is over age 60 does one member of the assigned flight deck crew have to be under age 60?

Answer: No. In accordance with the Fair Treatment of Experienced Pilots Act, now codified at 49 USC Section 44729 (also known as the age 65 law), all pilots could be over age 60 as long as they had not attained age 65. For example, for a flight from the continental US to Alaska, Hawaii, Puerto Rico, the US Virgin Islands, or Guam, the US code would not require a pilot under the age of 60.

Question #3:

The Fair Treatment for Experienced Pilots Act (The Act), 49 U.S.C. § 44729(g)(2), states: “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.”

Under the provisions of this section, when do first-class medical certificates expire for pilots over the age of 60?

Answer: The FAA interprets the “6-month period” referenced in Section 44729 (g)(2) to mean that first-class medical certificates for pilots over age 60 expire at the end of the last day of the 6th calendar month after the month of the date of examination shown on the medical certificate.

Question #4: Does this provision change how expiration of a first-class medical certificate is calculated for pilots over age 60?

Answer: No. The expiration date of a First Class medical certificate for a pilot over age 60 is calculated in the same way as the expiration date of a First Class medical certificate for a pilot under age 60.

Question #5: Currently, 14 CFR Section 61.77(e) prohibits a person who holds a special purpose pilot authorization from serving as a pilot in certain international air services and air transportation operations if the pilot has reached the age of 60.

Since the passage of the Fair Treatment for Experienced Pilots Act, may the holder of a special purpose pilot authorization serve as a pilot on a civil airplane of U.S. registry until the age of 65?

Answer: Yes. Pilots holding a special purpose pilot authorization are not explicitly addressed by the new law. However, the FAA finds no basis in safety for prohibiting them from flying until age 65 and believes that Congress intended that they be permitted to do so in drafting the Fair Treatment for Experienced Pilots Act. The intent of Congress was to bring the United States into conformity with the standard ratified by the member states of ICAO (International Civil Aviation Organization) and adopted in November of 2007. Accordingly, the FAA interprets the law permissively in this respect, and is currently amending its own regulations to reflect that interpretation.

Question #6: The Act required that any pilot age 60+ must undergo a line check at 6-month intervals however, on February 14, 2012, Congress enacted the FAA Modernization and Reform Act of 2012. Section 305 of the FAA Modernization and Reform Act removed this line check requirement from the statute.

What steps has the FAA taken to conform its regulatory requirements to this statutory change?

Answer: The FAA has not enforced the line check requirements for pilots who have attained 60 years of age since February 14, 2012, the date of enactment of the FAA Modernization and Reform Act. Further, the agency made conforming changes to 14 C.F.R. § 121.440 by removing paragraphs (d) through (f), effective June 12, 2012.