

White House Signs Age 65 into Law

Bill includes ALPA Executive Board Recommendations.

On Dec. 13, 2007, President Bush signed into law a bill to raise the mandatory retirement age for U.S. airline pilots to 65. Both the U.S. Senate and U.S. House of Representatives had unanimously approved H.R.4343 (to read the bill, visit Crewroom.alpa.org and click on the Advocacy tab).

The Fair Treatment of Experienced Pilots Act immediately raised from 60 to 65 the mandatory retirement age for pilots engaged in FAR Part 121 operations and incorporated ALPA's Executive Board recommendations for protecting pilots' interests affected by the change. While the bill was passed as a stand-alone, the omnibus legislation that it was part of passed as well and was signed into law later in December 2007.

"I am pleased to report to our members that, pursuant to ALPA's Executive Board decision to change ALPA's policy on Age 60 in the face of legislation to change the mandatory retirement age that was rapidly moving through Congress, your union's leaders exerted extensive influence on the legislation that is now law," Capt. John Prater says. "The bill's language to raise the upper age limit for airline pilots to 65 is consistent with ALPA's Executive Board resolution adopted on May 23, 2007, in the face of a change that was certain to come, given the harmonization with the International Civil Aviation Organization standard. The law represents months of hard work, from both fellow pilots and our Government Affairs Department, which produced a tangible result."

Age 65: How it works

Many questions about the new law's implementation remain. The following

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—Capt. John Prater

list of facts answers some questions, but most of the Act's implications for pilots will be clarified only in the coming weeks and months.

- Effective Dec. 13, 2007, the date the president signed the bill, FAR Part 121 pilots may fly to age 65.
- The law became effective immediately upon signing by the president and supersedes the FAA Age 60 regulation (FAR Part 121.383c), and in fact sunsets the regulation out of existence.

RETIRING AGE 60—THE TIME LINE

2006

Nov.

November 23—New ICAO standard on airline pilots' mandatory retirement age goes into effect.



2007

Jan.

January 30—Then-FAA Administrator Marion Blakey announces that the FAA will issue an NPRM on the Age 60 rule.



Feb.

February 21–22—ALPA Age 60 Blue Ribbon Panel, established by Capt. Prater, has its first meeting.



April

April 23—The Blue Ribbon Panel presents its findings to the ALPA Executive Council.



May

May 16—The Senate Commerce, Science, and Transportation Committee passes FAA reauthorization bill that includes S.65, a bill to raise airline pilots' mandatory retirement age. **May 23**—ALPA Executive Board modifies its policy to enable the Association to influence legislation and regulatory efforts.



House Takes Action

On Dec. 11, 2007, the U.S. House of Representatives passed, by a unanimous vote of 390–0, H.R.4343, which would raise the airline pilot mandatory retirement age to 65. The measure, introduced by House Transportation & Infrastructure Committee Chairman James Oberstar (D-Minn.), was identical to the language already included in the House and Senate Transportation Appropriations conference report, which was ensnared in the larger, unrelated fight over completing 2007's spending bills. Instrumental in achieving passage of the legislation were House Aviation Subcommittee Chairman Jerry Costello (D-Ill.) and Committee members Reps. Robin Hayes (R-N.C.) and John Mica (R-Fla.).

- Pilots age 60 and older who were flying on the enactment date as "required flightdeck crewmembers" in FAR Part 121 operations (e.g., flight engineers or second officers) may continue to fly.
- Airlines must bargain over changes

to collective bargaining agreements. Specifically, the law requires that any amendments to any labor agreements or benefit plans that are necessary to conform with the new law, or any regulation issued to carry out this law, must be made by agreement between the airline and the union. In other words, airline managements may not make unilateral changes to collective bargaining agreements to implement the new pilot retirement age.

- Pilots who reached age 60 before Dec. 13, 2007, may be rehired, or hired by another airline, but at the bottom of the seniority list.
- The law provides for an "over/under" split for international operations, as ICAO does, meaning that one pilot can be over 60 (up to 65) if the other pilot is under 60. That split does not apply to domestic operations.
- The law will require all FAR Part 121 pilots older than 60 to have a first-class

Senate Approves

On Dec. 12, 2007, the U.S. Senate unanimously passed legislation that would raise the pilot mandatory retirement age to 65.

Once before, on September 11, during debate of the Transportation Appropriations bill, the Senate had unanimously approved the language of H.R.4343 in the form of the Stevens amendment.

medical certificate renewed every 6 months and may require additional line and/or simulator evaluations every 6 months.

- The Act bars lawsuits or other legal proceedings for actions taken in compliance with the Age 60 rule or the new Age 65 retirement law.

June

June 29—The House Transportation & Infrastructure Committee passes FAA reauthorization bill that includes the ALPA-endorsed Oberstar (D-Minn.) language to raise the upper age limit.



James Oberstar

July

July 12—The Senate Appropriations Committee adopts S.65 during consideration of the Transportation Appropriations bill.



Sept.

September 11—The full U.S. Senate strips S.65 from the Transportation Appropriations bill and substitutes it with the House Oberstar language in the form of the Stevens (R-Alaska) amendment.

September 20—The House passes the FAA reauthorization bill with the Oberstar language intact.



Nov.

November 12—House and Senate conferees include the Stevens amendment as part of the Transportation Appropriations conference report.



Sen Ted Stevens (R-Alaska)

Dec.

December 11—Oberstar language is brought to the House floor as free-standing legislation in the form of H.R.4343 and passes unanimously.

December 12—Senate follows suit and unanimously approves H.R.4343.

December 13—White House signs Age 65 into law.

