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United States Government Accountability Office
Washington, DC 20548

February 27, 2008

The Honorable James L. Oberstar
Chairman
Committee on Transportation and Infrastructure
House of Representatives

Subject: *Transportation Safety: Medical Certification and Background Check Requirements for Pilots, Vessel Masters, and Commercial Drivers Vary*

Dear Mr. Chairman,

Federal laws and regulations require that safety-related transportation professionals undergo screening to ensure that they can safely perform their jobs. Medical certification and background checks of selected pilots,¹ vessel masters,² and commercial drivers are part of the requirements for licensing these workers. Certification or licensing also includes testing workers' knowledge and skills required for the jobs. These checks are critical because physically or mentally unfit transportation workers pose a danger to themselves and to the public.

Because of concerns raised by recent investigations of the reliability of pilot medical certifications,³ you asked us to first describe the requirements for medical and background checks for selected transportation workers. Accordingly, we addressed the following questions for (1) medical certification and (2) background checks: What are the regulations governing pilots, vessel masters, and commercial drivers and what role do government entities have in completing the certifications and background checks? A second report, which will be issued mid-2008, will provide information about the steps that the Federal Aviation Administration (FAA) takes to check the accuracy of pilot medical certificates.

To identify federal requirements and procedures for medical certification of pilots, vessel masters, and commercial drivers, we reviewed agency guidance and federal regulations and met with officials from FAA, the U.S. Coast Guard (Coast Guard), and

¹Federal regulations require background checks of selected pilots, such as those working for aircraft operators and pilots requiring unescorted access to secure areas of commercial airports.

²Vessel master is an occupational title referring to a deck officer responsible for navigating a vessel and managing the deck department.

³In 2005, an investigation by the Inspector General of the Department of Transportation found cases of pilots not disclosing disqualifying medical conditions on their medical certification applications and determined that the Federal Aviation Administration lacked a strategy for independently screening applicants and identifying false statements.

the Federal Motor Carrier Safety Administration (FMCSA) to discuss regulations and practices relating to assessing and certifying the physical condition of pilots, vessel masters, and commercial drivers. To identify federal requirements and procedures for background checks of pilots, vessel masters, and commercial drivers, we reviewed agency guidance and federal regulations and met with officials from FAA, Coast Guard, FMCSA, and the Transportation Security Administration (TSA) to discuss relevant regulations and practices. We conducted our performance audit from July 2007 through February 2008 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings based on our audit objectives.

Background

To obtain a professional certificate or license, pilots, vessel masters, and commercial drivers must meet a variety of minimum federal requirements that vary according to the type of certificate. Generally, the certification requirements for these transportation workers include skills and knowledge tests, medical examinations, and background checks.

Federal regulations require that pilots have both pilot certificates and medical certificates prior to operating an aircraft and meet several requirements, depending on the level of certificate FAA issues the applicant. In order for FAA to issue a pilot certificate, applicants must demonstrate various piloting skills; pass written tests of aeronautical knowledge; log specified hours of flying time; read, speak, write, and understand the English language; and meet certain age restrictions, in addition to meeting the physical qualifications for a medical certificate and undergoing certain background checks. FAA authorizes pilots to fly specific types of airplanes or use specific types of aeronautical instruments after they meet certain training and testing requirements. During calendar year 2006, FAA received 439,885 applications for medical certification, including applications for new certificates and renewals of certificates.

Coast Guard issues merchant mariner licenses and documents to officers such as vessel masters only after they meet certain regulatory requirements. For example, officers must meet physical requirements, pass written knowledge tests, and have specified amounts and types of experience and training, among other requirements. Vessel masters also must undergo certain background checks prior to obtaining a license or document to ensure they can safely assume the responsibilities of a credentialed mariner, do not present a threat to national or transportation security, and do not have connections to terrorism. According to Coast Guard officials, about 60,000 mariners apply for mariner credentials each year.⁴

Drivers of commercial motor vehicles must meet federal minimum requirements before operating a commercial vehicle. FMCSA develops requirements for operating commercial vehicles while states issue commercial drivers' licenses. Federal regulations

⁴According to Coast Guard officials, the term credentials generally refers to both merchant mariner documents and licenses.

require that drivers of commercial motor vehicles are 21 years old, can read and speak the English language, have a current and valid commercial motor vehicle operator's license, have successfully completed a driver's road test, and are physically qualified to drive, among other requirements. Federal regulations also require that state driver licensing agencies check applicants' driving records for safety violations before issuing a commercial driver's license and that motor carriers check drivers' employment histories before hiring them. In addition, federal regulations require that TSA complete a security check for drivers seeking an endorsement to haul hazardous materials. In most states, applicants seeking commercial drivers' licenses must certify that they meet the physical qualifications. According to FMCSA officials, in 2006, 12 states required applicants to provide evidence that they were examined by a medical professional and had a current medical certificate. Because this is a self-certification process in most states, there is no national data on the number of commercial drivers that annually apply for medical certification.⁵

Results

The Regulatory Requirements for Pilot, Vessel Master, and Commercial Driver Medical Certification Are Similar but Government Entities' Roles and Procedures Vary

Federal regulations require that pilots, vessel masters, and commercial drivers undergo physical examinations by licensed physicians or other health care professionals to ensure they meet minimum physical fitness standards. Vessel masters and commercial drivers select licensed medical professionals to complete the exam while pilots need to be examined by an FAA-certified aviation medical examiner. For these workers, the physical examination generally entails a review of the applicant's medical history, including prescribed medication, and a physical examination, including testing the applicant's vision and hearing acuity and measuring heart rate and blood pressure. Medical professionals generally look for signs of pathological or disqualifying conditions such as heart disease; diabetes; impaired vision or hearing; psychosis; drug or alcohol dependence; and any disease, condition, defect, or treatment that prevents or could prevent the applicant from safely performing his or her duties.

For pilots and commercial drivers, the aviation medical examiner or licensed medical examiner, respectively, issues the medical certificates in cases where applicants pass a physical examination. Coast Guard issues mariner credentials for vessel masters once it receives and reviews a completed medical examination report from a licensed medical professional, when the applicant is found qualified in all other respects. In all cases, licensed medical professionals may deny or defer an applicant's certification when the applicant does not meet the physical standards. In such cases, applicants can appeal the decision. Federal regulations require that pilots and commercial drivers keep a copy of their medical certification in their possession when they are operating their respective vehicles. Employers of vessel masters on seagoing vessels must keep a copy of vessel masters' medical certification.

⁵ Although estimates vary, according to FMCSA, in December 2007, there were approximately 5 million drivers with commercial drivers' licenses.

The frequency with which pilots, vessel masters, and commercial drivers must apply for medical certification varies. For pilots, the frequency of their medical examination depends on the type of position they hold and their age.⁶ For example, federal regulations require pilots in command positions and exceeding certain age limits to undergo medical examinations more frequently. Required examination frequencies for pilots range from 6 months to 3 years.⁷ Vessel masters must undergo medical examinations every 5 years when they renew their professional credential, or more frequently when they apply for a license for a higher-grade position or hold a specialized position, such as first-class pilot. Commercial drivers must apply for a new medical certificate every 2 years, unless the driver has a condition that needs more frequent monitoring.

The role of federal agencies in reviewing the medical examination report varies. Both FAA and Coast Guard review medical examination reports for anomalies and questionable medical conditions. FMCSA is not responsible for reviewing medical examination reports. Federal regulations call for commercial drivers to self-certify that they meet the physical fitness standards or are exempt from them when they apply for a driver's license. However, federal regulations hold motor carriers (employers of commercial drivers) responsible for ensuring their drivers meet certain qualifications. Additional information about the procedures these agencies use to medically screen applicants is contained in enclosure I.

The Required Background Checks for Pilots, Vessel Masters, and Commercial Drivers Are Similar But Agencies' Roles and Procedures Vary

Federal regulations require government agencies and private employers to check the backgrounds of pilots, vessel masters, and commercial drivers to help ensure these workers can safely perform their jobs and do not pose a security risk. The required checks for these workers are similar, but the agencies' roles differ. Regulations require agencies and employers to check records for a variety of safety-related and other concerns, including driving safety records, criminal histories, evidence of illegal drug and alcohol use, and connections to terrorism, among other things.

TSA and Coast Guard are responsible for conducting background checks for selected pilots and vessel masters, respectively, while FMCSA is responsible for checking that state driver licensing agencies do not issue commercial licenses to drivers that have not undergone required checks. For example, TSA conducts criminal history and security checks for pilots working for aircraft operators and those requiring unescorted access to sensitive areas in commercial airports and vessel master license applicants applying for a Transportation Worker Identification Credential to ensure they are not threats to

⁶Airline transport pilots (i.e., pilots in command positions for scheduled air carriers) must hold class I medical certifications and undergo medical examination to renew their certificates every 6 months. Non-airline commercial pilots (i.e., pilots that fly for compensation or hire, such as crop dusters and corporate pilots), cargo pilots, flight engineers, flight navigators, and air traffic control tower operators must hold class II medical certifications and renew their certificates annually. Private, recreational, and student pilots (i.e., pilots that fly for pleasure or personal business without compensation) must hold class III medical certifications and renew their certificates every 2 years if 40 years of age or older and every 3 years if under 40 years of age.

⁷In April 2007, FAA issued a notice of proposed rule making to extend the duration of selected medical certificates. For class I medical certificates, FAA proposed to increase the duration of validity from 6 months to 1 year and for class III medical certificates, from 3 years to 5 years, for those under age 40. According to an FAA official, FAA is currently evaluating the comments it received and expects the rule to be final later in 2008.

national and transportation security. Coast Guard checks license applicants' criminal histories and driving records for convictions. While not required by regulation, FAA checks names appearing on government watch lists against its list of certified pilots as well as all new student pilots and foreign pilots applying for equivalent U.S. certificates against TSA-managed watch lists. According to FAA officials, they began doing the checks following the events of September 11, 2001.

The agencies complete the background checks for both pilots and vessel masters using many of the same databases. For example, criminal background checks for both positions make use of the Federal Bureau of Investigation Criminal Justice Information Center databases, as well as the National Driver Register.⁸ TSA's security checks for selected pilots and vessel masters include use of terrorist, criminal, and immigration watch lists. TSA conducts a comparable criminal and security check for commercial driver's license holders seeking a special endorsement for their commercial licenses enabling them to haul hazardous materials.

Unlike FAA and Coast Guard, FMCSA has no direct role in conducting background checks of commercial drivers. Federal regulations require state licensing agencies and employers to conduct various background checks for commercial license applicants, including driving record and employment history checks. Federal regulations require TSA to conduct security background checks for commercial license holders seeking a hazardous materials endorsement. FMCSA has the authority to regulate states' commercial driver's license programs and prescribe requirements and procedures for states to observe in order to issue commercial drivers' licenses. More information about the procedures these agencies and employers use to screen for criminal activity is located in enclosure I.

Agency Comments and Our Evaluation

We provided a draft of this report to FAA and FMCSA within the Department of Transportation and Coast Guard and TSA within the Department of Homeland Security for review and comment. FMCSA, Coast Guard, and TSA officials provided technical clarifications, which we incorporated as appropriate. FAA officials provided technical clarifications as well as information about their background check activities, which we incorporated into the report.

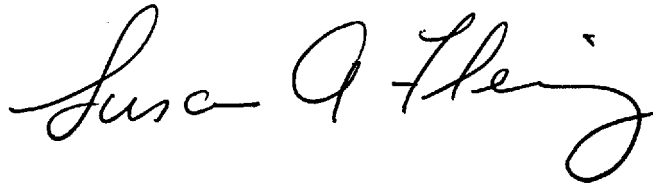
We will send copies of this report to congressional committees and subcommittees with responsibilities for aviation, commercial motor vehicle, and maritime safety issues; the Secretary of Transportation; and Secretary of Homeland Security. We will also make copies available to others upon request. In addition, the report will be available at no charge on GAO's Web site at <http://www.gao.gov>.

Should you or your staff have any questions on matters discussed in this report, please contact me at (202) 512-2834 or flemings@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page

⁸The National Driver Register is a computerized database of information about drivers who have had their licenses revoked or suspended. The Register also shows driver convictions for serious traffic violations such as driving while impaired by alcohol or drugs. State motor vehicle agencies provide the National Driver Register with information.

of this report. Key contributors to this report were Cathy Colwell (Assistant Director), Gail Marnik, Michael Mgebroff, Elizabeth A. Marchak, Tina Paek, Colin Fallon, and Crystal Wesco.

Sincerely,

A handwritten signature in black ink that reads "Susan Fleming". The signature is written in a cursive style with a large, looping 'S' and 'F'.

Susan Fleming
Director, Physical Infrastructure Issues

Enclosure

Medical and Background Check Requirements and Procedures

Federal Aviation Administration Screening Procedures

Pilot Medical Certification Requirements

Federal regulations establish three classes of medical certification that correspond to the duties that pilots perform. (See table 1.) Airline transport pilots that serve as pilots in command of scheduled air carriers must hold class I medical certificates. Pilots that fly for compensation or hire and serve as non-airline commercial pilots, cargo pilots, flight engineers, flight navigators, and air traffic control tower operators must hold class II certificates. Private, recreational, and student pilots that fly for pleasure or personal business without compensation must hold class III certificates. Pilots must undergo medical examinations to renew medical certificates.

Table 1: Frequency of Pilot Medical Examinations

Class of certificate	Frequency
Class I	Every 6 months
Class II	Every year
Class III	Every 2 years if 40 years of age or older. Every 3 years if under 40 years of age.

Source: GAO analysis of federal regulations and FAA information. See 14 CFR Part 61.23

Federal regulations require that Federal Aviation Administration- (FAA) designated physicians (aviation medical examiners) examine pilot license candidates to ensure they meet the medical standards for certification. Aviation medical examiners are physicians whom FAA has delegated the authority to perform physical examinations to determine if applicants are qualified to receive airman medical certificates and student pilot certificates. A pilot must have both a pilot certificate and a medical certificate in order to fly an aircraft, with the exception of sport, glider, and balloon pilots, who are not required to have a medical certificate.

Federal regulations also require that pilots disclose to FAA drug- or alcohol-related convictions, including convictions for drug- and alcohol-related driving offenses. Convictions or failure to report such convictions to FAA can result in denial, suspension, or revocation of a pilot's license. Additionally, FAA can revoke, suspend, or modify a pilot's medical certificate for failing to provide medical information necessary to determine whether the pilot meets FAA medical standards. (See table 2.)

Table 2: Summary of Federal Regulations Governing Pilot Medical Fitness Requirements

Regulation	Description of Requirements
14 CFR Part 67	Requires that FAA-designated physicians examine pilot license candidates to ensure they meet the medical standards for certification. The standards for medical certification include visual, auditory, cardiovascular, and mental health standards, among other things. The regulation also requires that applicants grant FAA access to their National Driver Register ^a records to determine whether the applicant has convictions for drug- and alcohol-related driving offenses.
14 CFR Part 61	Requires pilots to have a medical certificate before acting as pilot in command or as a crew member of an aircraft. Also requires that pilots report to FAA drug- or alcohol-related convictions, including convictions for drug- and alcohol-related driving offenses within 60 days of conviction.

Source: GAO analysis of federal regulations and FAA information.

^aThe National Driver Register is a computerized database of information about drivers who have had their licenses revoked or suspended. The Register also shows driver convictions for serious traffic violations such as driving while impaired by alcohol or drugs. State motor vehicle agencies provide the National Driver Register with information.

Pilot Medical Certification Procedures

In general, the medical certification procedures include the following steps:

- On the FAA airman medical examination form, applicants provide medical examiners information about their medical history, drug-related convictions, drug- and alcohol-related driving offenses, felony convictions, and any government action that resulted in denial, suspension, cancellation, or revocation of driving privileges or that resulted in attendance at an educational or a rehabilitation program.
- As part of the examination, examiners review applicants' medical histories and responses to questions about convictions, driving privileges, and attendance at educational or rehabilitation programs.
- Examiners verify applicants' identities by matching names provided on examination forms with names on government-issued identification, such as state-issued drivers' licenses, and examine the applicant.
- During the medical examination, examiners measure applicants' vision, hearing, height, and weight, and perform a general physical examination, looking for signs of pathological conditions. Conditions that disqualify applicants for medical certification include, among other things:
 - heart disease;
 - diabetes;
 - impaired hearing or vision;
 - psychosis;
 - drug or alcohol dependence; and

- any disease, condition, defect, or treatment that prevents or could prevent the pilot from safely performing duties.
- Aviation medical examiners transmit their reports to FAA electronically.
- If the medical examination provides a reason to doubt a response to questions on the FAA medical certification form, FAA can investigate further to determine the veracity of the response.
- Aviation medical examiners issue the medical certification for applicants that meet medical qualification standards.⁹
- Aviation medical examiners can deny or defer medical certification for applicants that do not meet medical qualification standards.
- FAA stores examination data in its Document Imaging Workflow System Airmen Medical Certification Subsystem.

FAA also checks the National Driver Register to determine whether medical certification applicants' driving records contain convictions for drug- and alcohol-related driving offenses. FAA staff provide the names, dates of birth, and Social Security numbers of new or renewing applicants to the National Driver Register. If the search results show applicant convictions for drug- and alcohol-related driving offenses, FAA staff verify that the record is for the applicant. When applicants do not provide Social Security numbers, FAA staff use applicants' demographic information to validate identities.¹⁰ If individual records do not match applicants' identities, FAA staff conduct additional research that could include requesting additional personal information. FAA staff review applicants' medical applications to determine whether applicants disclosed to FAA all license actions or driving-under-the-influence convictions. If an applicant did not report the convictions or license actions on the application for medical certification but was aware of the action, FAA can begin an investigation that could result in denial, suspension, or revocation of the applicant's certificates. Applicants can appeal certificate denials, suspensions, and revocations.

In addition, FAA staff use Department of Justice data to determine whether applicants have unreported, nontraffic felony and misdemeanor convictions on their applications for medical certificates. The Department of Justice provides federal inmate data to FAA twice each year. FAA staff check applicants' medical certification forms to determine whether they disclosed any reported convictions. If an applicant did not disclose a conviction, FAA investigates the applicant for falsification of official records, which can result in FAA denying, suspending, or revoking his or her FAA certificates. If the applicant is in prison, FAA staff place a

⁹Regulations provide selected FAA physicians discretion in issuing medical certificates when applicants do not meet normal medical standards. 14 CFR Part 67.401

¹⁰The Privacy Act of 1974 places limitations on the ability of agencies to enforce a Social Security number disclosure requirement by denying a license to an applicant for refusing to disclose his or her Social Security number. The Privacy Act states that an agency cannot "deny to any individual any right, benefit or privilege provided by law because of such individual's refusal to disclose his Social Security number" unless authorized by statute.

warning in the applicant’s medical file to alert FAA’s Security and Investigations Division of the conviction should the applicant apply again for a medical certificate.

Pilot Background Check Requirements

The Transportation Security Administration (TSA) checks selected pilots’ backgrounds to ensure they do not present a threat to transportation or national security. (See table 3.) TSA reviews a variety of federal, state, and international databases for criminal convictions and connections to organized crime and terrorist groups. TSA performs the checks for pilots that work for aircraft operators or require unescorted access to secure airport areas, and for foreign student pilots. FAA can suspend or revoke a pilot’s certificate if TSA finds that the person poses a security threat. In addition to the required checks, FAA checks names appearing on government “no fly” and terrorist watch lists against its list of certified pilots as well as checks the names of new student pilots and foreign pilots against TSA-managed watch lists.¹¹

Table 3: Summary of Federal Regulations Governing Selected Pilot Background Check Requirements

Regulation	Description of Requirements
49 CFR Part 1544.230	Requires aircraft operators to conduct criminal history records checks on their flight crew members and restrict access to the flight deck. Pilots cannot act as flight crew members prior to the check. Pilots must inform their employers of convictions of any disqualifying offense within 24 hours of conviction or finding of not guilty because of insanity.
49 CFR Part 1540.203	Requires operators to ensure that pilots with unescorted access to secure areas of commercial airports undergo a TSA security threat assessment. The check is to ensure that these pilots do not represent threats to national or transportation security and do not have connections to terrorism.
49 CFR Part 1552	Prohibits flight training providers from providing training to non-U.S. citizens without a TSA background check.

Source: GAO analysis of federal regulations and FAA and TSA information.

Pilot Background Check Procedures

In general, the background check procedures include the following steps:

- *Criminal history records check procedures.* Aircraft operators transmit employee fingerprints to TSA in order to obtain a criminal history records check for their pilots. TSA sends the fingerprints to the Federal Bureau of Investigation (FBI), who in turn compares them with those in criminal databases and notifies employers of the results. TSA checks pilot identification information against terrorist watch lists and determines whether the pilot poses a threat to national or transportation security. TSA notifies operators of the results of its determination. Operators must suspend or revoke the privileges of crew members that have disqualifying felony or misdemeanor convictions.
- *TSA security threat assessment procedures.* Operators must ensure that pilots with unescorted access to sensitive cargo areas undergo a TSA security threat

¹¹The “no fly” list includes people the Department of Homeland Security, TSA, and other federal agencies have determined present an unacceptable risk if allowed on an airplane.

assessment to ensure they do not pose a threat to national or transportation security. TSA staff use pilot personal information to search domestic and international government databases, including terrorist screening data. TSA determines whether the applicant is a threat and informs the applicant about its determination, and about the basis of its determination and appeal procedures. The applicant generally has 60 days to appeal the TSA determination. If the applicant does not appeal the determination or the appeal does not result in a determination of no security threat, TSA informs the operator that the applicant may not have access to sensitive cargo areas.

- *TSA Alien Flight Student Program security threat assessment procedures.* Non-U.S. citizens seeking flight training with FAA-certified flight training providers must undergo a TSA security check to ensure they are not threats to national or aviation security prior to obtaining flight training. Non-U.S. citizens must apply online through the TSA Alien Flight Student Program Web site and provide TSA their fingerprints, biographical information, security documents including passport copies, and specific information about their desired training. TSA compares the prospective student's information such as name, date of birth, gender, and other biographic information to terrorism, criminal, and immigration watch lists and determines if the prospective student is a security threat. If TSA determines that the prospective student is a threat, it informs the prospective student and the flight trainer of its determination that the individual cannot receive flight training in the United States. If a prospective student has a record of criminal convictions, FAA may initiate regulatory action if the prospective student did not disclose convictions in the medical certification application.
- *FAA pilot vetting activities.* Following the events of September 11, 2001, FAA began checking names appearing on government "no fly" and other watch lists against its list of certified pilots and other aviation workers (called the airman database), as well as checking the names of new student pilots and foreign pilots applying for equivalent U.S. certificates against TSA-managed watch lists. In July 2007, FAA and TSA signed an interagency reimbursable agreement to transfer these vetting activities to TSA. Under this agreement, TSA would integrate the FAA airman data into its automated screening systems, which would automatically recheck pilots every time terrorist screening databases are updated. This transfer was to occur in January 2008, but it has not been completed.

U.S. Coast Guard Screening Procedures

Vessel Master Medical Evaluation Requirements

Federal regulations require vessel masters to meet physical standards and undergo a medical examination by a medical professional before the U.S. Coast Guard (Coast Guard) can issue them merchant mariner licenses or documents. (See table 4.) Professionals that can perform the medical examinations include physicians, physicians' assistants, and nurse practitioners. Vessel masters must renew their

merchant mariner credential every 5 years and must undergo medical examinations to ensure they meet physical standards as part of the credential renewal process.¹²

Table 4: Summary of Federal Regulation Governing Vessel Master Medical Fitness Requirements

Regulation	Description of Requirement
46 CFR Part 10.205 (d); 46 CFR Part 10.207 (e); 46 CFR Part 10.209 (d); 46 CFR Part 12.02-27 (d); 46 CFR Part 12.05-5	Requires vessel masters to undergo a medical examination and meet physical standards prior to receiving mariner licenses or documents. Establishes physical standards for mariners that include visual, auditory, and mental health standards, among other standards.

Source: GAO analysis of federal regulations and Coast Guard information.

Vessel Master Medical Evaluation Procedures

In general, the medical evaluation procedures include the following steps:

- Vessel masters complete the top portion of the medical examination report.
- The applicant selects a licensed physician, physician’s assistant, or nurse practitioner to perform the examination.
- To begin the examination, medical examiners verify applicants’ identities by matching names provided on examination forms with names on government-issued identification, such as state-issued drivers’ licenses.
- The medical examiner completes the examination and the medical examination report, and the applicant transmits the report to Coast Guard, through 1 of 17 regional centers, as part of the individual’s application for a mariner credential.¹³
- Coast Guard guidance identifies potentially disqualifying conditions. Such conditions may include:
 - specified levels of vision or hearing impairment;
 - cardiac surgery or heart irregularities;
 - lung disease, including tuberculosis;
 - amputations, deformities, or arthritis resulting in impairment of limb motion;
 - diabetes;

¹²Federal regulations generally require mariners to have a physical examination every 5 years or within 3 years when applying for a license for a higher-grade position. Vessel pilots are required to have a physical examination annually. If a mariner has a medical problem, Coast Guard can require the mariner to submit periodic physical examination reports and other medical information as a condition of the credential.

¹³Coast Guard is consolidating its medical examination review processes from regional centers into the National Maritime Center at Martinsburg, West Virginia.

- history of tumor within the last 5 years;
 - acute or chronic disease that may disturb equilibrium; and
 - drug or alcohol dependence.
- Coast Guard reviewers examine the completed reports.
 - If the reviewer detects questionable information in a report, Coast Guard can require applicants to undergo further medical examination.
 - Reviewers check the veracity of the medical checks by calling medical examiners and can consult additional reliable information sources for information verification.
 - After Coast Guard staff complete the reviews and find the applicants medically qualified, Coast Guard issues mariner credentials, if the applicants are found qualified in all other respects.

Vessel Master Background Check Requirements

Federal regulations establish that Coast Guard and TSA check vessel masters’ backgrounds to ensure they do not endanger public safety or security, respectively. (See table 5.) The agencies review a variety of federal, state, and international databases for criminal convictions and connections to organized crime and terrorist groups. Coast Guard performs the checks for all merchant mariner license and document applicants.

Table 5: Summary of Federal Regulations Governing Vessel Master Background Check Requirements

Regulation	Description of Requirements
46 CFR Part 12.02-4; 46 CFR Part 10.201 (h)	Establishes that Coast Guard reviews various criminal and security databases for all merchant mariner credential (merchant mariner documents, licenses, and license upgrades and renewals) applicants. The regulations require a “fingerprint-based” check.
46 CFR Part 12.02-4 (d); 46 CFR Part 10.201 (i)	Establishes that Coast Guard checks the National Driver Register records of all merchant mariner credential applicants and for all applicants for renewal or upgrade of a license or document, for alcohol- and drug-related traffic offenses.
46 CFR Part 12.01-11; 49 CFR Part 1572; 46 CFR Part 10.113	Establishes a requirement that every credentialed merchant mariner must obtain a Transportation Worker Identification Credential by September 25, 2008. The check, conducted by TSA, is both a “fingerprint- and name-based” criminal records check and an intelligence-related check.

Source: GAO analysis of federal regulations and Coast Guard information.

Vessel Master Background Check Procedures

In general, the background check procedures include the following steps:

- *Coast Guard criminal history check.* Coast Guard reviews various criminal and security databases for all merchant mariner document, license, license upgrade, and renewal applicants. The regulations require a “fingerprint-based” check. Applicants for merchant mariner licenses and documents must appear at 1 of 17 Coast Guard regional offices to provide their fingerprints and other personal information. Applicants also must disclose prior criminal convictions, serious drug violations, or use of drugs including marijuana. Coast Guard then transmits applicants’ fingerprints to FBI, which checks its National Crime Information Center for criminal records and notifies Coast Guard if it identifies an applicant as a terrorist or discovers that an applicant is associated with terrorism or other crimes. Apart from fingerprint checks, Coast Guard staff review the information that applicants submit to ensure it is accurate. If Coast Guard finds information during the investigation that warrants further review, investigators contact the applicant, courts, probation officers, local law enforcement agencies, sheriffs’ offices, the U.S. Drug Enforcement Agency, or state agencies, as appropriate. Coast Guard can deny the application if the applicant has prior criminal convictions. However, if a time period specified in the regulations has elapsed since a prior conviction, and Coast Guard may consider the applicant suitable for service, the applicant might be approved. Coast Guard notifies the applicant in writing if it denies the application; the applicant can appeal the decision.
- *Coast Guard National Driver Register check procedures.* Coast Guard also must check the driving records of all applicants for mariner licenses and documents. Applicants must provide personal information, including full legal name, mailing address, and driver’s license number, among other information, to Coast Guard Regional Centers on a notarized letter or using a Coast Guard-provided form. Coast Guard provides the applicant information to the National Driver Register. The National Driver Register queries state agencies to determine whether the applicant’s driving record contains convictions for operating a motor vehicle while under the influence of, or impaired by, alcohol or a controlled substance; traffic violations arising in connection with a fatal traffic accident; or reckless driving. Coast Guard cannot consider applicant civil convictions that are more than 3 years older than the date of the request unless that information relates to a current suspension or revocation of an applicant driver’s license. Coast Guard can deny an application if information from the check suggests that Coast Guard cannot trust the applicant with the duties and responsibilities of a mariner license or document. If Coast Guard denies an application, it notifies the applicant in writing of the reasons for disapproval and advises the applicant that he or she can request his or her National Driver Register records and appeal the decision.
- *TSA security threat assessment procedures.* By September 25, 2008, all credentialed merchant mariners holding a license or document must obtain a TSA-issued Transportation Worker Identification Credential (TWIC). Failure to obtain or hold a valid TWIC after that date may serve as a basis for suspension or revocation of a mariner license or document. To obtain a TWIC, applicants must

undergo a TSA security threat assessment to determine whether they are a security risk. A TWIC expires every 5 years and mariners must undergo a TSA security check to renew their card every 5 years. Applicants undergoing a TSA security check supply TSA their fingerprints, personal information, the reason they require a TWIC, including, as applicable, job descriptions and the primary facilities, vessels, or ports where they will serve. TSA transmits the fingerprints and applicant information to the FBI, which conducts a criminal history records check and provides TSA with the results. TSA checks applicants' biographic information against various intelligence databases for connections to terrorism as well as to criminal and immigration databases for applicable disqualifying offenses. TSA determines applicants' status using the results of the check and informs applicants of its decision. Applicants can appeal the decision within 60 days or seek a waiver.

Federal Motor Carrier Safety Administration Screening Procedures

Commercial Driver Medical Certification Requirements

The Federal Motor Carrier Safety Administration's (FMCSA) role in helping ensure that interstate commercial motor vehicle drivers, including commercial driver's license holders, are physically qualified consists of establishing physical standards for commercial motor vehicle drivers and regulating state commercial driver's license programs. (See table 6.)

Federal regulations establish standards for the physical qualifications of drivers who operate commercial motor vehicles in interstate commerce.¹⁴ Commercial motor vehicle drivers must obtain from a medical examiner a certification indicating that they are physically qualified to operate a commercial motor vehicle. With limited exceptions, all drivers who operate commercial motor vehicles in interstate commerce must comply with the qualification requirements.¹⁵ These drivers may be required to show evidence of their medical certification to inspectors if they are pulled over for a roadside check and must provide copies to employers (e.g., motor carrier companies).

¹⁴The physical qualification standard applies to drivers that operate motor vehicles (1) with a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, whichever is greater, of at least 10,001 pounds; (2) used to transport for compensation more than eight passengers; or (3) used to transport hazardous materials. In addition, drivers must use the vehicles in these categories on the highways in interstate commerce to transport passengers or property.

¹⁵For the purposes of this report, we are focusing our review on commercial motor vehicle drivers who also hold a commercial driver's license.

Table 6: Summary of Federal Regulations Governing Commercial Driver Medical Fitness Requirements

Regulation	Description of Requirements
49 CFR Part 391.41-.49	Requires drivers of commercial motor vehicles to be physically qualified and have a copy of a medical examiner’s certificate indicating that the driver is qualified. The regulations also describe the physical requirements that drivers must meet.
49 CFR Part 392.3	Describes that a driver should not operate a commercial motor vehicle while his or her ability or alertness is impaired or may become impaired due to such causes as fatigue or illness when it becomes unsafe for him or her to begin or continue to operate the commercial motor vehicle.
49 CFR Part 383.71	Requires that a driver seeking a commercial driver’s license must certify that he or she meets the qualifications in 49 CFR 391, including the physical qualification, or that he or she is exempt from 49 CFR 391.
49 CFR Part 384.201	Establishes that states should test the fitness of commercial motor vehicle operators applying for commercial drivers’ licenses to ensure they meet the established federal fitness level.

Source: GAO analysis of federal regulations and FMCSA information.

Drivers of commercial motor vehicles who operate in interstate commerce must meet a number of physical qualifications, including:

- no loss of physical limbs, including a foot, a leg, a hand, or an arm;
- no impairment of limbs that would interfere with grasping or one’s ability to perform normal tasks;
- no established medical history or clinical diagnosis of diabetes currently requiring insulin for control, respiratory dysfunction, or high blood pressure that would affect one’s ability to control or drive a commercial motor vehicle;
- no current diagnosis of a variety of coronary conditions and cardiovascular disease including congestive heart failure;
- no mental disease or psychiatric disorder that would interfere with one’s ability to drive a commercial vehicle safely;
- has distant visual acuity and hearing ability that meet stated standards;
- does not use a controlled substance or habit-forming drug; and
- has no current clinical diagnosis of alcoholism.

FMCSA has exemption programs for drivers with special medical conditions, such as drivers who use insulin or have vision deficiencies, as well as alternative standards for selected drivers, such as limb amputee drivers.

Commercial Driver Medical Certification Procedures

Federal regulations require that commercial drivers be examined and certified by a licensed medical examiner, such as a licensed physician, physician’s assistant, or nurse practitioner, to ensure they meet minimum physical qualifications prior to

driving. It is the responsibility of both drivers and motor carriers employing drivers to ensure that drivers' medical certificates are current. The purpose of the examination is to determine a driver's physical qualification to operate a commercial motor vehicle in interstate commerce. According to regulations, the medical examiner must be knowledgeable about the regulatory physical qualifications and guidelines as well as the driver's responsibilities and work environment. In general, the medical certification procedures include the following steps:

- The driver provides the medical examiner with a medical certification form provided by the medical examiner or employer. The form includes information about the driver's name, address, Social Security number, birth date, age, health history, and statement certifying the completeness of the information.¹⁶
- The medical examiner discusses the driver's health history and the side effects of prescribed medication and common over-the-counter medications.
- The medical examiner tests the driver's vision, hearing, blood pressure and pulse rate, and urine (for sugar and protein levels).
- The medical examiner conducts a physical examination and makes a determination on driver fitness.
- If the medical examiner determines the driver is fit to drive, the examiner signs the medical certificate, which the driver must carry with his or her license. The certificate must be dated. The medical examiner keeps a copy in his or her records, and provides the driver's employer with a copy, if authorized by the driver. In other cases, the driver provides a copy to his or her employer.
- Under current regulations, the certificate is valid for 2 years unless the driver has a medical condition that requires more frequent monitoring.
- When the medical examiner finds medical conditions that prevent certification of the physical condition of the driver and this finding is in conflict with the findings of another medical examiner or the driver's personal physician, the driver can apply to FMCSA for a determination.

When operating a commercial motor vehicle, drivers must have a copy of the medical examiner's certificate in their possession. Motor carriers, in turn, are required to maintain a copy of the certificate in their files. When drivers are stopped for a

¹⁶According to FMCSA officials, the Social Security number is one of several personal identifiers that drivers provide on the medical physical examination form, to employers when applying for a job, and to state driver licensing agencies when applying for a commercial driver's license. There is no federal regulation that requires a commercial driver to provide a Social Security number on the medical examination report form and medical examiners are not required to verify a driver's Social Security number if it is provided. Federal regulations do require drivers to provide their Social Security numbers to prospective employers (49 CFR Part 391.21(b) (2)) as well as to the state driver licensing agency when they apply for a commercial driver's license. Federal regulations do not require nonresident commercial driver's license applicants to submit their Social Security numbers to the state driver licensing agency when applying for a commercial driver's license.

roadside inspection, state inspectors can review the medical examiner's certificate. During compliance reviews of motor carriers, FMCSA investigators may verify there is a medical certificate on file with the motor carrier. In addition, the inspector or investigator may verify whether the medical practitioner is authorized to conduct physical examinations in the state. The investigator also may contact or visit the medical examiner to review a driver's case.

Under current regulations, states are not required to verify the medical certification of drivers applying for a commercial driver's license, although some states do so. Federal regulations require that commercial driver's license applicants certify either that they meet the physical qualification requirements or certify that they are exempt from federal qualification requirements (e.g., government employees, intrastate-only drivers) when they apply for a commercial license. According to FMCSA, in 2006, 12 states reported that they require (and review) the driver medical certificate: Alabama, Arizona, California, Indiana, Louisiana, Maryland, Massachusetts, Nevada, New Mexico, Rhode Island, Utah, and West Virginia. Of these states, all but Maryland also require the driver medical examination report form as a condition for issuance of the commercial driver's license. Alabama only requires the medical examination report form upon initial application.

FMCSA is finalizing a proposed rule to merge information from the medical examiner's certificate into the commercial driver's license process as required by the Motor Carrier Safety Improvement Act of 1999. The new rule would require interstate drivers of commercial motor vehicles who hold a commercial driver's license and are subject to physical qualifications to provide a copy of their current medical examiner's certificate to their state driver licensing agency. This new rule would make the state driver licensing agencies responsible for ensuring that holders of commercial driver's licenses have current medical certificates.¹⁷ As of December 2007, the final rule is under agency review.

Commercial Driver Background Check Requirements

FMCSA has no direct role in conducting background checks of commercial drivers, although it oversees state commercial driver licensing programs.¹⁸ Federal regulations establish background check requirements to be performed by other government agencies, such as states and TSA, and employers. (See table 7.)

¹⁷The proposed rule also requires states to record on a national commercial driver information system drivers' certification as to whether they fall under driver qualifications, and if applicable, their medical status.

¹⁸FMCSA performs state commercial driver's license compliance reviews every 3 years on each state, or sooner if a problem or issue is raised. The purpose of the review is to determine whether states are substantially complying with the requirements of the commercial driver's license program. During a review, FMCSA investigators review state statutes, rules, and regulations related to testing and issuing a commercial driver's license; sample transactions; and observe the process.

Table 7. Summary of Federal Regulations Governing Commercial Driver Background Checks

Regulation	Description of Requirements
49 CFR Part 383.73	Establishes minimum standards for states for issuing commercial drivers' licenses including that states complete a check of the applicant's driving record to ensure that the driver does not have any disqualifying traffic violations, a suspended or revoked license, or a driver's license from more than one state.
49 CFR Part 391.21-.27	Requires employers to check a driver's employment history and driving record, prior to employment.
49 CFR Part 383.141	Indicates that that states may issue, renew, upgrade, or transfer a hazardous materials endorsement for a commercial driver's license only if TSA has determined that the person does not pose a security risk warranting denial of the endorsement.

Source: GAO analysis of federal regulations and FMCSA information.

Commercial Driver Background Check Procedures

For a commercial motor vehicle driver applying for a commercial driver's license, federal regulation requires states to check applicants' driving records. In addition, employers must conduct background checks of commercial drivers applying for jobs. Drivers seeking an endorsement to their commercial license that enables them to haul hazardous materials must undergo a TSA security check. In general, the background check procedures include the following steps:

- State driving record check procedures.* State licensing agencies complete checks of applicants' driving records, which include checking the records maintained by states that issued current licenses.¹⁹ State agencies check the Commercial Driver's License Information System to determine whether a state has issued applicants' commercial licenses; whether the applicants' licenses have been suspended, revoked, or cancelled; or whether states have disqualified applicants from operating commercial motor vehicles.²⁰ States check the National Driver Register to determine whether applicants have been disqualified by any other states from driving any motor vehicle; had licenses other than commercial licenses suspended, revoked, or cancelled during the 3-year period ending on the date of the application; or been convicted of other offenses. States also request driving records for the last 10 years from states that licensed applicants.
- TSA hazardous materials endorsement background check procedures.* Federal regulations require that states may not issue, renew, or transfer a hazardous materials endorsement unless TSA has determined that the applicant poses no security risk. A hazardous materials endorsement authorizes an individual to transport placarded hazardous materials for commerce, and state licensing agencies indicate that drivers hold the endorsement on each driver's commercial license. Applicants apply for a security threat assessment at a TSA- or state-

¹⁹Federal regulations (49 CFR Part 384.225) require that states record and maintain as part of the driver history all convictions, disqualifications, and other licensing actions for violations of any state or local law relating to motor vehicle traffic control committed in any type of vehicle from another state or with the state. 49 CFR Part 284.206 requires the state to take prompt action on any adverse information received in these record checks.

²⁰The Commercial Driver's License Information System is a nationwide information system that state licensing agencies must use to exchange information on applicants who may hold commercial licenses in other states or have driving infractions that make them ineligible for licensing.

managed enrollment center. They provide biographical information and fingerprints to TSA. TSA checks the biographical information against intelligence databases for connections to terrorism, as well as to criminal and immigration databases for applicable disqualifying offenses. FBI processes the fingerprints, checking them against criminal history records. TSA evaluates the data and informs the applicant of its determination. Applicants may appeal the determination or seek a waiver. After the appeal or waiver process, TSA makes a final determination and notifies the state and the applicant of its final determination.

- *Employer background check procedures.* Federal regulations require employers of commercial motor vehicle drivers to make several inquiries regarding commercial drivers' background and employment history. Employers obtain a list of past employers and check the driver's safety performance from employers going back 10 years. The employers complete a check of the driving record for the last 3 years in each state that the driver held a motor vehicle license. In addition, they check the results of drug and alcohol tests performed by the driver's previous employers within the previous 3 years, and annually check the driving record for every state in which the driver has held a commercial license. Employers also annually check the driver's record to determine whether it contains convictions for violations of motor vehicle traffic laws or any situation for which the driver had to forfeit bond or collateral during the previous 12 months. Employers check records directly with the state licensing agency in states where a driver has held a commercial driver's license. According to FMCSA officials, employers use third parties to conduct these checks. Employers must maintain copies of documentation they obtain during the background check in employee files.

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