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Report to the Chairman and Ranking Democratic Member, Subcommittee on Aviation, Committee on Transportation and Infrastructure, House of Representatives

August 2002

AVIATION SAFETY

Better Guidance and Training Needed on Providing Files on Pilots' Background Information

G A O

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GAO-02-722

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Highlights

AVIATION SAFETY
Better Guidance and Training Needed on Providing Files on Pilots' Background Information

Highlights of GAO-02-722, a report to the Chairman and Ranking Democratic Member, Subcommittee on Aviation, House Committee on Transportation and Infrastructure.

Why GAO Did This Study

In 1996, Congress enacted the Pilot Records Improvement Act to keep unsafe pilots out of the cockpits of commercial aircraft. GAO did this study to determine (1) whether air carriers have complied with the act by requesting and receiving key documents about pilots' qualifications, performance, and training from the Federal Aviation Administration (FAA), the National Driver Register (NDR), and other carriers and whether these documents have been provided on time; (2) whether carriers are aware of requirements for protecting pilots' rights; (3) what FAA has done to oversee compliance with the act; and (4) whether carriers believe the act has helped them make pilot-hiring decisions.

What GAO Recommends

To promote greater awareness of and compliance with the act, GAO recommends that the Secretary of Transportation direct the FAA Administrator to develop clarifying guidance for carriers on the contents of pilot records and on retaining the files of pilots hired, post information on pilots' rights on FAA's Web site, and incorporate the act's requirements into FAA inspectors' training and handbooks.

FAA agreed with GAO's recommendations.

What GAO Found

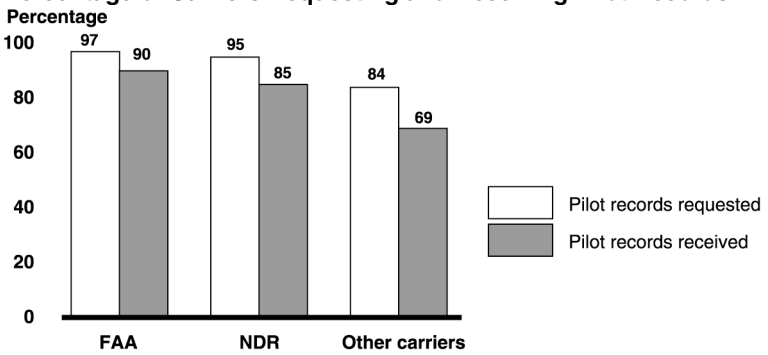
GAO found, from analyzing FAA and NDR databases and from surveying air carriers that had made at least one request to FAA for pilot records, that compliance has increased since the act took effect in 1997, but noncompliance is also occurring. For example, hiring carriers requested and received records less often from other carriers than from FAA and NDR, and other carriers provided records with more delays than the agencies. (See figure below.) Until they receive the required records, hiring carriers are not allowed to use pilots to fly passengers or cargo.

Carriers are not always aware of the act's requirements for protecting pilots' rights, especially of those for notifying pilots of requests for their records and for allowing them to review and submit written corrections before final hiring decisions are made. Pilots also lacked awareness that they could request copies of their records from current as well as former employers. However, if the records are inaccurate, the opportunity for pilots to submit corrections does not come until after hiring carriers have already received the records.

To oversee compliance with the act, FAA developed guidance but was slow to update it after the act was amended and has not included information on the act in the agency's training or handbooks for inspectors. As a result, carriers and pilots lack awareness of some provisions, and FAA inspectors are not prepared or prompted to review compliance. FAA's ability to enforce compliance is limited because carriers are not required to retain the files on pilots hired that FAA needs to monitor and enforce compliance.

While finding pilot records helpful, carriers found them less helpful than information from other sources, such as job interviews, flight evaluations, and training programs. The carriers were divided in their opinions on whether the records were worth the cost.

Percentage of Carriers Requesting and Receiving Pilot Records in 2000



Source: GAO analysis of survey responses from larger (Part 121) carriers.

This is a test for developing highlights for a GAO report. The full report, including GAO's objectives, scope, methodology, and analysis, is available at www.gao.gov/cgi-bin/getrpt? GAO-02-722. For additional information about the report, contact Gerald L. Dillingham at (202) 512-3650. To provide comments on this test highlights, contact Keith Fultz (202-512-3200) or e-mail HighlightsTest@gao.gov.

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Abbreviations

AOPA	Aircraft Owners and Pilots Association
ATOS	Air Transportation Oversight System
CFR	*Code of Federal Regulations*
DOT	Department of Transportation
FAA	Federal Aviation Administration
FOIA	Freedom of Information Act
NDR	National Driver Register
NTSB	National Transportation Safety Board
PRIA	Pilot Records Improvement Act

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United States General Accounting Office
Washington, D.C. 20548

August 30, 2002

The Honorable John L. Mica
Chairman
The Honorable William O. Lipinski
Ranking Democratic Member
Subcommittee on Aviation
Committee on Transportation and Infrastructure
House of Representatives

In response to your request, this report discusses the implementation of the Pilot Records Improvement Act of 1996. This report contains recommendations to the Secretary of Transportation.

Unless you publicly announce its contents earlier, we plan no further distribution of this report until 30 days from the date of this letter. At that time, we will send copies to interested congressional committees; the Secretary of Transportation; and the Administrator, Federal Aviation Administration. We will also make copies available to others upon request. In addition, this report will be available at no charge on the GAO Web site at http://www.gao.gov.

Please call me at (202) 512-3650 if you or your staff have any questions concerning this report. Major contributors to this report are listed in appendix VIII.

Gerald L. Dillingham

Gerald L. Dillingham, Ph.D.
Director, Physical Infrastructure Issues

Executive Summary

Purpose

The Pilot Records Improvement Act (PRIA), enacted on October 9, 1996, responded to seven fatal commercial air carrier accidents that were attributed, in part, to errors by pilots who had been hired without background checks. Subsequent reviews of these pilots' records revealed prior safety violations or training problems. PRIA, which took effect on February 6, 1997, requires air carriers (carriers), before making final hiring decisions, to obtain information for the past 5 years on a pilot applicant's performance, qualifications, and training from the Department of Transportation's Federal Aviation Administration (FAA), employers (often other carriers), and the National Driver Register (NDR).[1] The act also includes provisions to protect pilots' rights. FAA oversees compliance with the act and has broad responsibility for overseeing aviation safety.

Interested in how effective PRIA has been, the Chairman and Ranking Democratic Member of the Subcommittee on Aviation, House Committee on Transportation and Infrastructure, asked GAO to determine (1) whether hiring carriers have complied with the act by requesting pilots' records from FAA, NDR, and other carriers and whether these records were provided in a timely manner; (2) whether carriers, NDR, and FAA have complied with the act's requirements for protecting pilots' rights; (3) what FAA has done to oversee compliance with the act; and (4) whether carriers believe the act has been helpful to them in making pilot-hiring decisions and is worth the cost.

Background

PRIA applies to the vast majority of U.S. commercial air carriers that transport paying passengers or cargo. These include carriers operating interstate (1) under Part 121 of the *Code of Federal Regulations*, using largely jet aircraft with more than nine passenger seats, and (2) under Part 135, using primarily other types of aircraft with nine or fewer seats. A few carriers have dual certificates to operate under both Part 121 and Part 135.

To accomplish its objectives, in part, GAO conducted two nationwide, anonymous mail surveys of Part 121 and Part 135 carriers that had made at least one request to FAA for information under the act. This population included 124, or 86 percent, of the 144 carriers that operate under Part 121 or have dual operating certificates and 1,144, or 39 percent, of the 2,915

[1]NDR is maintained by the National Highway Traffic Safety Administration, which is within the Department of Transportation.

Part 135 carriers that had made at least one request to FAA for information. GAO mailed surveys to all 124 Part 121 or dual-certificate carriers and to a random sample of 350 Part 135 carriers. While the responses of the Part 121 carriers are representative of all such carriers, the responses of the Part 135 carriers are, subject to sampling error, representative of those Part 135 carriers that made at least one request to FAA but may not be representative of all Part 135 carriers.

Results in Brief

According to GAO's analyses of FAA and NDR databases and carriers' responses to GAO's surveys, compliance with the act has generally increased since it went into effect, but compliance is not always complete or timely. The available data are not adequate to determine industrywide compliance. Nevertheless, hiring carriers have increasingly requested and received pilot records from FAA, NDR, and other carriers, as required, and the agencies and other carriers have increasingly provided the required records within 30 days, as required. FAA, in particular, has accelerated its response time by developing a centralized database that enables the agency to generate up-to-date pilot records within minutes. However, hiring carriers have requested widely varying numbers of records from FAA, NDR, and other carriers, even though they are generally required to request records from all three sources for each pilot hired. Specifically, GAO's database analyses show that hiring carriers requested about 30,000 more records from FAA than from NDR from 1997 through 2001. During the same period, according to the survey responses, hiring carriers requested thousands fewer records from other carriers than from either agency. These large discrepancies in the number of requests indicate some degree of noncompliance—an indication consistent with data gathered by FAA inspectors at GAO's request, which show that hundreds of pilots were hired by Part 135 carriers that either requested no pilot records from FAA or requested records for fewer pilots than they hired. Additionally, a few carriers responding to GAO's surveys self-reported noncompliance, indicating that they had requested records from all three required sources for half or fewer of the pilots they hired. Finally, hiring carriers reported receiving pilot records less often from other carriers than from FAA and NDR and, in a few cases, reported never receiving the records. According to the hiring carriers, other carriers were also less likely than FAA and NDR to provide the records on time. Delays in providing the records can be costly for both carriers and pilots because, although a hiring carrier is allowed to make a conditional offer to a pilot and begin training the pilot before receiving the required records, the carrier is not allowed to make a

final hiring decision and use the pilot to fly passengers or cargo until the records have been received.

According to their responses to GAO's surveys, carriers are not always aware of PRIA's requirements for protecting pilots' rights. For example, many carriers said they were unaware of requirements for notifying pilots of requests for their records and for giving them opportunities to review their records and to submit written comments to correct any inaccuracies before final hiring decisions are made. Pilots also lacked awareness that they could request copies of their records from current as well as former employers, according to officials from the Airline Owners and Pilots Association and several pilots that GAO interviewed. Additionally, carrier officials and pilots told GAO that some files contain records that, under the act, should be excluded to protect pilots' rights. In reviewing a limited number of PRIA files, GAO identified some inappropriate records, including ones that were more than 5 years old, were unrelated to a pilot's performance as a pilot or a driver, or reported disciplinary actions that had been overturned. Removing inappropriate records or correcting inaccuracies is problematic because, although PRIA allows a pilot to review the records maintained by a current or former employer, the act does not establish procedures for removing any inappropriate records or correcting any inaccuracies, and it does not provide for the pilot to submit comments to correct any inaccuracies until the records have been sent to the hiring carrier—too late to prevent the carrier from seeing any potentially damaging information.

FAA has taken limited steps to oversee compliance with PRIA. Under the act and its broad responsibility for aviation safety, FAA can issue implementing regulations, develop guidance, conduct inspections to monitor carriers' compliance, and initiate enforcement actions when it finds evidence of noncompliance. FAA has not issued regulations because it regards the act as self-implementing and believes that its regulatory resources should be reserved for higher agency priorities. Although FAA provided guidance for carriers, it was slow to update the guidance after the act was amended. In addition, FAA e-mailed information on PRIA to its own staff, but it has not included this information in its training for inspectors or revised its inspection handbooks to include the act's requirements. Without information on the act in their training and inspection handbooks, FAA inspectors are not prepared or prompted to review carriers' compliance with the act. FAA's ability to oversee compliance with the act is also limited, since the act does not require carriers to retain the records FAA needs to monitor and enforce compliance. This report contains recommendations

designed to strengthen FAA's ability to oversee compliance with the act. FAA officials agreed with these recommendations.

While generally finding PRIA records useful in making hiring decisions, carriers were divided in their opinions on whether the records were worth the cost. Nearly three-quarters of the Part 121 carriers and about three-fifths of the Part 135 carriers that GAO surveyed found PRIA records helpful. However, both groups of carriers found information from other sources, such as the job interview, the carrier's flight evaluation of the pilot, and the results of the carrier's training program, more helpful. About half of the Part 121 carriers and about one-third of the Part 135 carriers considered the PRIA information they received in 2000 worth the cost.

Principal Findings

Actions to Comply with Background Check Requirements Are Increasing, but Compliance Is Not Always Complete or Timely

From PRIA's implementation in 1997 through 2001, carriers requested PRIA records from FAA, NDR, and other carriers for thousands of pilots. The number of requests generally increased each year until 2001, when the economic recession and September 11 terrorist attacks depressed the demand for air travel and slowed pilot hiring.

Although the available data are not adequate to determine overall compliance rates, carriers made varying numbers of requests for records to FAA, NDR, and other carriers. According to FAA and NDR data, carriers requested thousands more records from FAA than from NDR each year from 1997 through 2001. In addition, carriers responding to GAO's surveys reported receiving thousands fewer requests each year than FAA and NDR reported. Some carriers also reported requesting fewer records from other carriers than from FAA or NDR.

According to industry representatives and carrier hiring officials, most carriers received PRIA records from FAA and NDR, and carriers generally reported receiving these records on time. Although FAA initially had difficulty providing the records within 30 days, its Aviation Data Systems Branch consolidated three separate databases in 1998, and the agency is now generally able to generate a response letter for a carrier within minutes. Hiring carriers reported receiving records from other carriers less frequently, and a few said they never received the records. Hiring carriers also reported more delays in receiving records from other carriers. Without

complete PRIA information, carriers are not allowed to use pilots to fly passengers or cargo, and delays in receiving records can be costly to both carriers and pilots.

Carriers Reportedly Were Not Always Aware of and Did Not Always Follow PRIA's Requirements for Protecting Pilots' Rights

Carriers varied considerably in their awareness of PRIA's requirements for protecting pilots' rights, according to their responses to GAO's surveys. In general, their responses indicated more awareness of requirements that are applicable when hiring than of requirements that are applicable when responding to requests from other carriers. Hiring carriers were least often aware that they must give pilot applicants an opportunity to submit written comments to correct any inaccuracies in their PRIA records before making final hiring decisions, and responding carriers were least often aware that they must allow current or former pilot employees to review their records within 30 days of making a written request.

According to carrier officials, pilots, and GAO's review of a limited number of PRIA files, pilot records sometimes include outdated or inappropriate information, such as records of overturned disciplinary actions. If pilots are aware that PRIA gives them the right to review the records maintained by a current or former employer and if they exercise that right, they can determine whether any of the information in their records is inappropriate or inaccurate, and they may be able to persuade the employer to remove or correct the information. However, PRIA does not establish procedures for removing inappropriate or inaccurate information, and it does not give pilots an opportunity to submit written comments to correct any inaccuracies until after the records have been sent to the hiring carrier—too late to prevent the carrier from receiving information that may jeopardize the pilot's chances of being hired. Several carrier officials told GAO that they did not know how to remove records that they believed were unfair. Finally, when carriers and pilots disagree over PRIA records, there are no procedures for resolving their differences.

FAA Has Provided Limited Oversight of Compliance with PRIA

To promote compliance with PRIA, FAA issued an advisory circular for carriers in May 1997, but it did not revise the circular until September 2001, even though the law was amended in December 1997 and April 2000. In addition, the revised circular includes a sample form that requires pilots to waive two provisions of the law designed to protect pilots' rights and inappropriately shifts the responsibility for notifying the pilot of a request for records from the responding carrier to the hiring carrier. These changes are not in conformance with the act.

Although FAA has e-mailed guidance on PRIA to its own staff, it has not yet incorporated this guidance into its training classes for inspectors or into the handbooks that they use to monitor carriers. FAA inspectors have reported few violations of PRIA, and the agency has opened 10 enforcement cases against carriers, 7 of which resulted in warning letters or were closed with no action. This level of inspection and enforcement activity seems low compared with the indications of potential noncompliance that GAO identified during its review. Without information about PRIA in their training classes or inspection handbooks, FAA inspectors have no reminders to check for compliance with the act. Although FAA maintains that it monitors carriers' processes and procedures for complying with the law, FAA cannot determine whether carriers follow these processes and procedures unless it performs at least some spot checks. FAA's ability to enforce PRIA is also hampered by the absence of a requirement for carriers to maintain copies of the PRIA records they receive for pilots they hire.

Carriers Generally Found PRIA Helpful, but Were Divided on Whether It Is Worth the Cost

The majority of both the Part 121 and Part 135 carriers responding to GAO's surveys reported that PRIA records were helpful in making hiring decisions. In their view, FAA information on enforcement actions closed during the past 5 years was most helpful, and FAA's verification of the pilot's medical record and the pilot's NDR information were least helpful. The carriers also indicated that information from other sources, such as the job interview, the carrier's flight evaluation of the pilot, or the results of the carrier's training program, was more helpful than PRIA information.

The total costs of implementing PRIA, most of which are borne by carriers, are difficult to estimate, primarily because they often are not tracked separately from other costs. For 2000, the Part 121 carriers estimated spending $7,000, on average, to implement the act, while the Part 135 carriers estimated spending $1,000, on average. About half of the Part 121 carriers and about one-third of the Part 135 carriers believed their PRIA costs for 2000 were justified by the usefulness of the information received. The remaining carriers did not believe their PRIA costs were justified.

Recommendations for Executive Action

GAO recommends that the Secretary of Transportation direct the FAA Administrator to develop guidance for carriers on the information that is to be included in and excluded from PRIA files; have carriers put in place a system that will allow the carriers and FAA to check compliance with all

PRIA requirements, especially whether required pilot background checks have been completed for pilots hired; revise the sample form for hiring carriers to conform with the act's provisions; post information on pilots' rights under the act on FAA's Web site; and incorporate information on PRIA into the training classes and inspection handbooks for FAA inspectors.

Agency Comments

We provided the Department of Transportation with a copy of our draft report for review and comment. In our draft report, we recommended that FAA develop a regulation requiring that carriers maintain records of background checks on the pilots they hire for as long as the pilots remain in their employ. FAA agreed that carriers need to maintain these records so that it can monitor and enforce their compliance with the law, but it proposed a change in its administrative guidance rather than a regulation to achieve this goal. We agreed that such a change could accomplish the intent of our initial recommendation and revised the recommendation accordingly. FAA concurred with all other recommendations in our draft report.

Introduction

Between 1987 and 1994, errors by pilots whose backgrounds had not been checked prior to hiring were identified as contributing factors in seven crashes of scheduled carriers involving 111 fatalities. The National Transportation Safety Board (NTSB), which investigated these crashes, found that each of the pilots involved had been hired despite a poor performance history, prior safety violations, or both. In each case, NTSB reported, the carrier had lacked access to, or had failed to obtain, the pilot's records with previous employers before hiring. Accordingly, on four separate occasions between September 1988 and October 1995, NTSB recommended that carriers obtain information from the Federal Aviation Administration (FAA) and previous employers on a pilot's training, performance, and safety history before hiring.[2] NTSB later also recommended that information about the pilot's driving record be checked with the National Driver Register (NDR).[3] In June 1988, we likewise recommended, after surveying carriers' pilot-hiring practices, that FAA encourage carriers to review a pilot's safety history before making a hiring decision.[4]

On October 9, 1996, Congress enacted the Pilot Records Improvement Act (PRIA) to help ensure that fatal crashes would not again occur because, in part, carriers had not investigated the backgrounds of the pilots they hired.[5] The act, which took effect on February 6, 1997, requires that air carriers conduct background checks on all pilot applicants. The vast majority of commercial carriers carrying paying passengers or transporting cargo are classified as air carriers because these carriers meet specific statutory requirements that are discussed in more detail later in this chapter. These carriers are, therefore, subject to the act. Besides requiring that carriers obtain key records from FAA, past or current employers for whom the applicant worked as a pilot, and NDR, PRIA includes provisions to protect pilots' rights and to protect those furnishing records from liability for providing the information.

[2]See appendix I for a list of NTSB reports that recommended pilot background checks following four crashes.

[3]NDR is maintained by the National Highway Traffic Safety Administration, which is part of the Department of Transportation.

[4]U.S. General Accounting Office, *Aviation Safety: Air Carriers Should Check Pilot Applicants' Safety History*, GAO/RCED-88-154 (Washington, D.C.: June 7, 1988).

[5]None of NTSB's reports on commercial airplane crashes from January 1995 through July 2001 cite inadequate background checks on pilots as a contributing factor.

PRIA also gives FAA responsibility for overseeing compliance with the act, by stating that FAA may prescribe regulations as necessary to ensure compliance with the requesting and receiving of pilot records, protect the personal privacy of anyone whose records are requested as well as the confidentiality of those records, and preclude further dissemination of those records by the person requesting them. Furthermore, as the agency responsible for aviation safety, FAA has a broader responsibility to promote the safe flight of civil aircraft in air commerce by prescribing regulations and minimum standards for the aviation industry.[6] To carry out this responsibility, FAA issues regulations and develops guidance. FAA also performs inspections to ensure compliance with federal statutes and regulations and has the authority to take enforcement actions against violators. Specifically, FAA regulates and monitors the safety of air transportation and air commerce through its safety programs, which provide the initial certification, periodic surveillance, and inspection of airlines, airports, repair stations, and other aviation entities, including pilots. These inspections are intended to primarily detect actual violations of statutes or regulations. When safety inspectors identify violations, FAA guidance requires that such violations be investigated, appropriately addressed, and reported.

The Chairman and Ranking Democratic Member of the Subcommittee on Aviation, House Committee on Transportation and Infrastructure, asked us to review the status of PRIA since its enactment in October 1996. Specifically, they asked us to determine the following:

- whether (1) hiring air carriers have complied with the act by requesting and receiving key documents about pilot applicants before making final hiring decisions and (2) FAA, NDR, and other carriers have complied with the act by providing these documents in a timely manner;
- whether air carriers are aware of PRIA's requirements for protecting pilots' rights;
- what FAA has done to oversee compliance with the act; and
- whether air carriers believe PRIA has been helpful to them in making pilot-hiring decisions and is worth the cost.

[6] 49 U.S.C. 44701.

Until recently, pilot hiring was expected to keep pace over the next decade with projected growth in air traffic and anticipated pilot retirements. With the economic downturn in 2001 and the September 11, 2001, terrorist attacks, however, the demand for air travel declined. As a result of the September 11 attacks, concerns about aviation safety and security are likely to remain central, and pilot background checks, such as those required by PRIA, may assume even greater importance.

PRIA Requires Air Carriers to Conduct Background Checks on Pilot Job Applicants

PRIA requires that air carriers conduct background checks on a pilot job applicant. Specifically, PRIA requires them to request, from FAA, previous air carrier and other employers, and NDR, and review information about the applicant's qualifications, performance, and training over the past 5 years. This information is to be provided within 30 days, and a reasonable fee may be charged to the requesting carrier for the service. Table 1 identifies the information required from each source.

Table 1: Information Air Carriers Must Request and Review under PRIA

Source	Pilot information required
FAA	Certificate(s), medical certificate, aircraft type ratings with any limitations, and a summary of any legal enforcement action resulting in a violation that was not subsequently overturned.[a]
Air carriers and other previous employers	Records related to employment; training, qualifications, proficiency, or professional competency (including comments and evaluations by a check airman);[b] any disciplinary actions (that have not been overturned); any release from employment; and any other records related to the individual's performance as a pilot that are maintained by the employer, except records pertaining to flight time, duty time, or rest time.
NDR[c]	Driver identification information from states for probable matches with a pilot whose license has been revoked, suspended, canceled, or denied or who has been convicted of certain serious traffic-related violations, such as driving while impaired by alcohol or other drugs. Carriers are to then contact the state(s) involved for detailed violation information and to ensure that the information is for the pilot.

[a]FAA maintains this information in three databases: (1) the Comprehensive Airmen Information System contains information on all FAA-certificated pilots and can be used to verify a pilot's certificate and type rating, thereby verifying a pilot's qualification for flying a specific type of aircraft; (2) the Civil Aerospace Medical Institute's database contains information about the class of medical certificate held by the pilot, the date of issuance, and any limitations or restrictions that are based on a medical condition; and (3) the Enforcement Information System contains information on FAA's enforcement proceedings against a pilot, including warnings, certificate actions, and monetary penalties.

[b]Regulations require that a pilot's flying skills be tested during periodic "check rides" either by an FAA inspector or by a carrier's designated representative, called a check airman.

[c]Carriers usually obtain driver identification information from the chief driver-licensing official of a state. NDR is maintained by the National Highway Traffic Safety Administration within the Department of Transportation.

Source: GAO presentation of information from FAA and NDR.

PRIA Applies to Air Carriers

PRIA's definition of an air carrier is based on several statutes. An air carrier subject to PRIA

- is operated by a U.S. citizen[7] who directly or indirectly provides air transportation;
- provides interstate air transportation—that is, transports passengers or property across state lines by aircraft as a common carrier for compensation, or transports mail by aircraft; and
- operates as a common carrier—that is, advertises to the public to carry persons, property, or mail for hire.

To operate as an air carrier, a carrier must have an air carrier certificate issued by FAA under Part 119 of Title 14 of the *Code of Federal Regulations* (CFR). FAA issues a number of operating certificates under various parts of the CFR. FAA may require an aviation operator to have several of these certificates, depending on the number of passengers carried, the weight of the aircraft, and whether the aircraft is used to fly out of state or carry mail. For example, Part 121 certificates are generally issued to major carriers who operate turbojet-powered airplanes or airplanes with more than nine passenger seats, excluding crew members' seats, or airplanes having a payload capacity of more than 7,500 pounds. Part 135 certificates are generally issued to small carriers operating other than turbojet-powered airplanes having no more than nine passenger seats and a payload capacity of 7,500 pounds or less. The criteria for issuing certificates under Parts 121 and 135 have changed since the late 1980s and early 1990s, when the seven fatal accidents that led to PRIA's enactment occurred. At that time, all seven carriers operated under Part 135 certificates; however, under the

[7]The term "U.S. citizen" refers in this context to a person, partnership, or corporation.

new criteria, all of these carriers would operate under Part 121 certificates.[8]

As of April 13, 2001, FAA had identified 3,059 operators with active certificates to operate under Parts 121 and 135 or with dual certificates to operate under both. The vast majority of these operators are air carriers and thus are subject to PRIA. (See table 2.)

Table 2: Aviation Operators with Active Part 121 and/or Part 135 Certificates as of April 13, 2001

Certificate	Number of operators
Part 121	117
Part 135	2,915
Part 121/135[a]	27
Total	**3,059**

[a]These operators have dual certificates to operate under both Parts 121 and 135 of the Federal Aviation Regulations.

Source: FAA analysis of data in the Flight Standards Operations Specifications database.

PRIA Includes Provisions to Protect Pilots' Rights

PRIA includes several provisions to protect the privacy of a pilot's records during the hiring process and indicates how a pilot can obtain and comment on the records contained in PRIA files. First, PRIA specifies that, generally, only information covering a 5-year period preceding the date of the employment application or the date of the request is to be forwarded to the hiring air carrier. Second, to help ensure that a pilot's records are not requested without permission, a carrier must obtain the pilot's written consent before requesting the release of records from FAA, NDR, and

[8]In 1996, FAA issued a final rule requiring that commuter operations conducted in airplanes with 10 to 30 passenger seats be conducted under Part 121 of title 14 of the CFR. Previously, scheduled passenger-carrying operations in airplanes with over 30 seats or a payload capacity of more than 7,500 pounds were conducted under Part 121, and operations in airplanes with 30 or fewer seats and a payload capacity of 7,500 pounds or less were conducted under Part 135. Part 121, which provides the safety requirements for all major air carriers, was generally considered to have more restrictive requirements than Part 135. This change in the criteria was in response to several Part 135 commuter accidents that had occurred in previous years and the need to bring most passenger operations under one level of safety.

current or former employers. PRIA also includes provisions to protect air carriers from liability for providing a pilot's records and requires that they not provide records without first ensuring that the pilot's consent has been obtained. Finally, PRIA limits access to a pilot's records to those individuals directly involved in the hiring process and restricts the use of those records to assessing the pilot's qualifications as part of making a hiring decision. To further protect a pilot's privacy, a carrier must protect the confidentiality of these records.

PRIA also provides a pilot with access to his/her PRIA records. Whenever a request is received, a carrier, employer, or agency has 20 days to notify the pilot of the request and of the pilot's right to receive a copy of the PRIA file. If requested in writing by a pilot, a copy of the PRIA file must be provided within 30 days of the pilot's request. Under PRIA, a pilot has the right to submit written comments to correct inaccuracies in the records before a final hiring decision is made. To further protect the rights of pilots under PRIA, FAA may prescribe such regulations as may be necessary to protect the personal privacy of any pilots whose records are requested, preclude the further dissemination of records received, and ensure prompt compliance with requests for PRIA records.

PRIA Requires FAA to Provide Periodic Reports and Three Studies

PRIA required FAA to provide a written report to Congress on the act's implementation 18 months after the act was passed and at least once every 3 years thereafter on proposed changes to FAA's records, carriers' records, and other employers' records. If FAA does not recommend changes to PRIA, the act also requires the agency to give reasons for its position. FAA provided Congress with two reports that were issued in October 2000 and April 2002. Neither report recommends any change to (1) the agency's current system of collecting and maintaining certificate records on airmen or on legal enforcement actions and (2) air carrier and other records required to be furnished under PRIA. FAA did not recommend any change because it thought that the existing records and system were effective and met PRIA's requirements.

PRIA also required FAA to conduct three studies related to carriers' procedures for hiring pilots—two jointly with representatives of the aviation industry. The three studies that FAA transmitted to Congress[9] recommended additional research on, rather than changes to, carriers' pilot-hiring practices, but FAA has not yet begun any of the recommended research. According to officials in the Air Transportation Division, FAA has not pursued any of the proposed research because it has not yet heard whether Congress agrees with the studies' findings.

Congress Amended PRIA Twice

To clarify some of PRIA's requirements and to lessen the act's burden on smaller carriers, Congress passed amendments in December 1997 and April 2000 that narrowed and clarified PRIA's scope and provided some relief in areas that had proven burdensome to some carriers. The April 2000 amendment also directed FAA to carry out certain actions related to PRIA. Table 3 summarizes the major changes resulting from these amendments.

[9]Federal Aviation Administration, *Report to Congress: Pilot Pay-for-Training Study* (Washington, D.C.: February 1998); *Report to Congress: Pilot Minimum Flight Time Requirements Study* (Washington, D.C.: March 1998); and *Report to Congress: Air Carrier Pilot Pre-Employment Screening Standards and Study Criteria* (Washington, D.C.: March 2000).

Table 3: Key Changes to PRIA from Amendments

Amendments	Date	Key changes
P.L. 105-142	12/05/1997	• Changed the timing of when carriers must request and receive PRIA information from before hiring the pilot to before allowing the pilot to begin service. • Narrowed the requirement for background checks from all previous employers to just those who had employed the individual as a pilot of a civilian or public aircraft. • Established that carriers must maintain their own training and other records on pilots at least 5 years to bring that requirement in accordance with the time frame during which PRIA records may be requested. • Specified that copies of records be provided to pilots no later than 30 days following the receipt of a written request. • Allowed an exception to the requirement for obtaining background information when the former employer no longer exists, as long as the carrier can document a good-faith attempt to obtain such information. • Permitted some small operators, before receiving requested records, to allow a pilot to begin transporting passengers for a period of 90 days if the pilot would be flying nonscheduled operations.[a]
P.L. 106-181	4/5/2000	• Excluded the U.S. Armed Forces, the National Guard, or a reserve component of the U.S. Armed Forces from the sources from which a carrier must request and obtain a pilot's flight records. • Limited the types of records to be provided to those pertaining to an individual's competency and performance as a pilot. • Expanded the good-faith exception to allow carriers to begin using pilots whose records are sought from a foreign government or entity. • Directed FAA to provide carriers with electronic access to FAA records to make access to background information on pilots more efficient and timely and to develop regulations as necessary to protect the pilots' privacy.

[a]This exception applies to operators of aircraft with a payload capacity of 7,500 pounds or less, or of helicopters, on flights that are not scheduled operations.

Source: GAO summary of PRIA amendments.

The December 1997 amendment made a key change that allows a carrier to request and review a PRIA file after hiring an applicant as long as the carrier completes the background check before allowing the pilot to fly an aircraft with passengers or cargo. Initially, the act required all carriers to request and review a pilot's records from FAA, NDR, and previous employers before hiring the pilot. This requirement caused delays in hiring decisions because, at the time of the amendment's enactment, FAA and some carriers could not meet the 30-day deadline. As a result, Congress amended the act to permit a carrier to perform these background checks after the pilot was hired as long as they were completed before the carrier used the pilot to fly passengers or cargo—a step often referred to as the final hiring decision. In essence, this amendment gives carriers the option to use PRIA information not as part of a pilot's initial screening process but as a last check before the pilot is put into the cockpit.

Objectives, Scope, and Methodology

To meet our objectives, we gathered quantitative and qualitative information from a variety of sources for the period from PRIA's implementation in February 1997 through July 2002. Our primary method for addressing the four objectives was two nationwide, anonymous mail surveys—one for Part 121 carriers and one for Part 135 carriers. Carriers with dual certificates, that is, authorized to operate under both Part 121 and Part 135, received the Part 121 survey, and we include the responses of these carriers with the Part 121 responses throughout this report. The surveys, conducted from June through September 2001, provided data on the carriers'

- compliance with the act, including the timeliness with which they received records from FAA, NDR, and other carriers;
- use of information to hire pilots;
- costs incurred because of the act's requirements;
- awareness of actions to protect pilots' rights;
- views on PRIA's usefulness;
- opinions on which aspects of PRIA require more clarification or guidance; and
- recommendations for improving PRIA.

The survey population included the Part 121 and Part 135 air carriers that had made at least one request to FAA for PRIA information from July 1998, when FAA began tracking such requests electronically, through April 30, 2001. This population includes 124, or 86 percent, of the 144 carriers that operate under Part 121 or have dual certificates to operate under both Parts 121 and 135. All 124 of these carriers received the survey. However, the survey population covers only 1,144, or 39 percent, of the 2,915 Part 135 carriers. Of these 1,144 carriers, we randomly selected 350 to receive the survey. Although we would have preferred to survey a representative sample of all Part 135 carriers, we were unable to do so in a manner that would produce reliable data because we were unable to identify and pretest carriers that were out of compliance with the requirement to request documents from FAA. Thus, we cannot discuss the opinions and experiences of the 1,771 Part 135 carriers that did not submit requests to

FAA for PRIA information. The surveys requested historical data from PRIA's implementation in February 1997 through December 2000 for those questions to which carriers said during pretesting that they could provide more complete information. Where this was not the case, we requested that carriers provide data for calendar year 2000 to offer the most current and reliable perspective on carriers' compliance with the act. We did not verify the information provided in our surveys. (See app. II for a more detailed discussion of our methodology.)[10]

Besides analyzing our survey responses, we used other methods to address the first objective on the extent to which carriers have complied with the act by obtaining key documents about pilot applicants before making final hiring decisions and whether FAA, NDR, and carriers have provided these documents in a timely manner. Specifically, we interviewed carrier officials who were responsible for requesting and reviewing PRIA information as part of their hiring decisions. We also analyzed FAA and NDR data on carriers' PRIA requests. We performed limited internal testing of the database that FAA uses to respond to PRIA requests, but we did not independently review the validity of the data it derives from three other FAA databases. We also did not independently review the validity of the NDR database that states use to provide information to carriers about pilots' driving records. To obtain further information on compliance with PRIA by Part 135 carriers, FAA, at our request, asked its principal

[10]Data results from our surveys of Part 121 and Part 135 carriers are reported differently for the body of our report and for the two survey appendixes (see apps. III and IV). Survey results cited in this report may combine several individual questionnaire categories. For example, in asking about the degree that some non-PRIA information helped carriers make pilot-hiring decisions, we report percentages that are based on responses ranging from "very helpful" or "moderately helpful" to "not very helpful." Categories such as "other," "uncertain," and "did not do this" and missing responses are not included in these percentage calculations for the body of this report. This approach presents in the body the views of carriers that expressed an opinion on each question. In the survey appendixes, we do include these categories in the data reported, when they are present, in order to report the complete range of information generated. Their inclusion can cause a difference in the percentage calculations for those questions affected in the survey appendixes, as compared with the percentages for the same questions in the body of this report. Throughout this report, we include data on Part 121 carriers' responses to our surveys. If Part 135 carriers' responses were within the sampling error (plus or minus 7 percentage points for most survey questions), we note that the responses were similar and do not report them separately.

operations inspectors[11] in April 2001 for information on which Part 135 carriers should have made requests to FAA for PRIA records in calendar year 2000. Specifically, FAA asked these inspectors to determine how many pilots each of these Part 135 carriers had hired that year and how many of the carriers operated only intrastate and thus might be exempt from PRIA's requirements. FAA received information on about 842 of the 2,915 Part 135 carriers in operation, 798 of which were interstate carriers subject to PRIA. We analyzed the information about hiring and certification to operate interstate operations and compared it with requests for PRIA information made to FAA by these same carriers in 2000 to determine whether these 798 carriers had requested information from FAA for at least as many pilots as they had hired.

To help determine our second objective of whether FAA, NDR, and carriers were aware of PRIA's requirements to protect pilots' rights, we also interviewed officials from these two federal agencies, carrier hiring officials, aviation associations, representatives of a major pilot union, and private aviation attorneys to understand how well PRIA has been working, including the effectiveness of measures to protect pilots' rights. To understand pilots' views of PRIA, we interviewed a sample of 20 pilots at hiring fairs and carriers. We also interviewed and reviewed the PRIA files of 27 pilots whom we identified as having reported experiencing problems with their PRIA records because they had contacted FAA, congressional staff, or our office.

To determine our third objective of what FAA has done to oversee compliance with PRIA, we reviewed the agency's policies, guidance, and internal documents about implementation as well as the reports and studies to Congress that FAA generated in response to the act. We also interviewed program officials at the Department of Transportation (DOT), FAA headquarters, and FAA field offices responsible for responding to PRIA requests from carriers, generating the data needed for these responses, and overseeing the program's implementation. We also reviewed enforcement cases initiated by FAA against carriers that had violated PRIA's requirements.

[11]Principal operations inspectors lead teams of FAA inspectors that conduct inspections of such items as pilots' certification and performance, flight crews' training, and in-flight record keeping.

To address our fourth objective on the extent to which carriers believe the act has helped them make better pilot-hiring decisions, we surveyed Part 121 and Part 135 carriers, as previously stated. We also interviewed officials from aviation associations, representatives from a major pilot union, and private aviation attorneys to understand the impact of PRIA on making better pilot-hiring decisions. In addition, to obtain information on the act's costs to FAA, NDR, carriers, and pilots, we reviewed FAA's submissions on costs to the Office of Management and Budget, which are required under the Paperwork Reduction Act. We discussed the costs of PRIA with officials from all of these organizations as well as with officials from state motor vehicle agencies that process the vast majority of carriers' PRIA requests for pilots' NDR information.

We conducted our work from August 2000 through July 2002 in accordance with generally accepted government auditing standards.

Actions to Comply with Background Check Requirements Are Increasing, but Compliance Is Not Always Complete or Timely

Efforts to comply with PRIA have increased since the act took effect in February 1997, but compliance is not always complete or timely. Although available data are not adequate to determine the extent of industrywide compliance, our analyses indicate that hiring carriers have requested and agencies and other carriers have provided background checks on increasing numbers of pilots. However, our analyses also suggest greater compliance with some PRIA requirements than with others. Both FAA and NDR databases and carriers' responses to our surveys indicate that hiring carriers requested the required records more often from FAA than from NDR, even though the carriers are required to request records from both organizations for all prospective pilots. The survey responses further indicate that hiring carriers requested the required records still less frequently from other carriers. In general, the hiring carriers reported receiving the requested records on time more frequently from FAA and NDR than from other carriers. Delays in receiving these records can negatively affect both pilots and carriers.

Required Requests for Pilot Records Increased, but Available Data Are Not Adequate to Determine the Extent of Compliance

As discussed in chapter 1, PRIA, as amended, requires hiring carriers to request and review information for the past 5 years on a pilot applicant's qualifications, performance, and training. This information is to be obtained from FAA, NDR, and carriers and other employers, apart from the military, who employed the applicant to fly passengers or cargo. While FAA and NDR maintain data on the requests for PRIA records that they receive, there are no centralized data on requests between carriers.

According to our analyses of FAA and NDR databases and carriers' responses to our surveys, the number of requests for background checks increased steadily from 1997 through 2000. However, requests did fall in 2001, reflecting the downturn in air traffic resulting from the economic recession and the terrorist attacks of September 11. Although this generally steady growth in the number of requests suggests increasing compliance with PRIA's requirements for requesting records, we could not assess carriers' compliance because data are not available on how many and which pilots were hired each year by each carrier that is subject to PRIA and whether each subject carrier requested records from all three required sources for each pilot hired. When we began our review, FAA did not know which carriers were subject to PRIA, but following discussions with us, FAA agreed to analyze its Operations Specification database to make

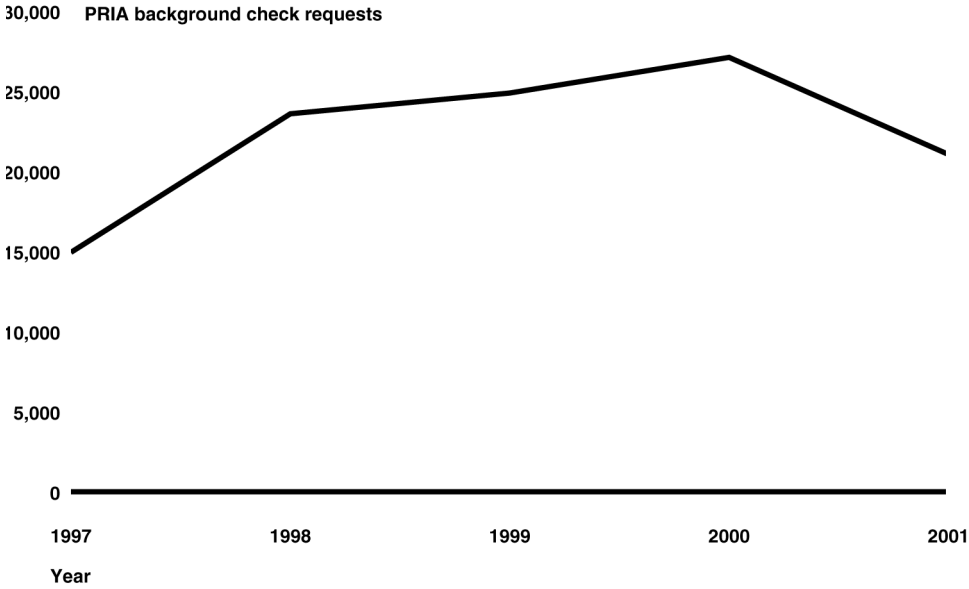
this determination.[12] Information regarding carriers' requests for records from the three required sources is not available because federal laws and regulations do not require that carriers report it to FAA or that FAA maintain it. FAA does not believe that the costs of gathering and maintaining these data would be worth the benefits to aviation safety.

Requests for FAA Background Checks Increased

According to FAA data, the number of requests for background checks nearly doubled from 14,938 in 1997 to 27,104 in 2000. With the recession and the terrorist attacks, the number dropped to 21,047 in 2001. From February 1997, when PRIA was implemented, through December 2001, carriers requested background checks on 111,552 pilots from FAA. (See fig. 1.) The required records include a pilot applicant's flight certificate, medical certificate, and enforcement history.

[12]Specifically, FAA determined that all 138 carriers with Part 121 or dual operating certificates and 2,550 Part 135 carriers are subject to PRIA because they are authorized to conduct interstate operations and therefore fit the act's definition of an "air carrier." Furthermore, according to FAA's analysis, only a handful of the remaining Part 135 carriers carry mail and are also subject to the act.

Figure 1: Carriers' Requests to FAA for PRIA Background Checks on Pilots, February 1997 through December 2001



Source: GAO analysis of FAA data.

Although the number of requests to FAA for background checks increased, not all carriers requested records. According to our analysis of FAA's records, fewer than half of the 3,059 carriers in operation as of April 13, 2001, requested PRIA background checks from FAA on at least one pilot from July 1998, when FAA began tracking PRIA requests by carrier,[13] through April 2001. Without data on how many pilots were hired or on how many carriers hired at least one pilot during the period of our review, we could not determine how many carriers should have requested records.

[13]Although FAA maintains data on the number of PRIA requests it has received since the act's implementation in February 1997, the agency did not begin automated tracking of requests by carrier until July 1998. Consequently, we were not able to determine how many carriers made PRIA requests during the first 16 months of the program or whether the requesting carriers were Part 121 or Part 135 carriers.

In addition, the Part 135 carriers were less likely than the Part 121 carriers to request records. According to our analysis of the available automated data for July 1998 through April 2001, 39 percent of the Part 135 carriers requested PRIA records from FAA at least once, compared with 86 percent of the Part 121 carriers. (See table 4.) Again, data were not available to determine whether or to what extent the lower percentage for Part 135 carriers was related to compliance. On the one hand, information provided by FAA indicated that over 900 Part 135 carriers have only one pilot, making it unlikely, FAA officials said, that they hired any pilots during this period. Furthermore, 4 percent of the Part 135 carriers we surveyed—all of whom had made at least one request to FAA for PRIA records—reported that they did not hire any pilots from 1997 through 2000. On the other hand, as discussed later in this chapter, we found evidence of Part 135 carriers that hired pilots but may not have complied fully with PRIA's background check requirements.

Table 4: Carriers That Made at Least One Request to FAA for Pilot Background Records, July 1998 through April 2001

Type of certificate	Number in operation	Number that made at least one request	Percentage
Part 121[a]	144	124	86
Part 135	2,915	1,144	39
Total	**3,059**	**1,268**	**41**

[a]For survey purposes, the responses of carriers that hold dual certificates as Part 121/135 carriers are combined with the responses of Part 121 carriers. As of April 13, 2001, there were 27 Part 121/135 carriers in operation and 117 Part 121 carriers. We deleted 5 Part 121 carriers because they subsequently went out of business and were not available to respond to the survey.

Source: GAO analysis of FAA data.

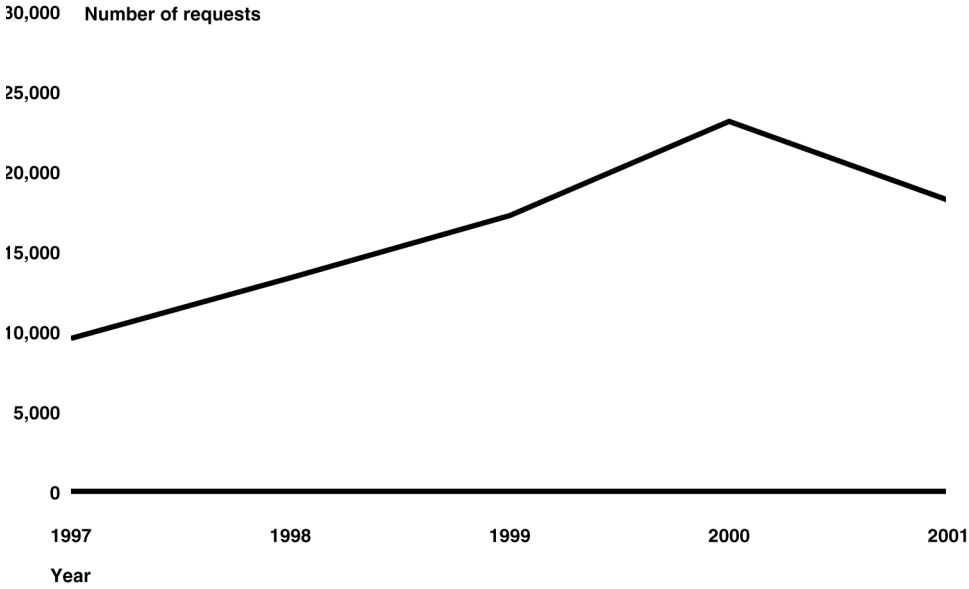
Requests for NDR Information Increased

The number of requests for NDR driver information records,[14] primarily from carriers but occasionally from pilots,[15] also increased, although NDR data, like FAA data, show a drop in 2001 in response to the recession and the September 11 terrorist attacks. Specifically, the number of requests increased from 9,549 in 1997 to 23,104 in 2000, but dropped to 18,175 in 2001. (See fig. 2.) According to NDR data, carriers and pilots made 81,509 requests for driver information from PRIA's implementation through December 2001. The NDR information required for PRIA purposes includes records of revocations or suspensions of a driver's license for such serious offenses as reckless driving, driving while intoxicated, or drug convictions.

[14]Throughout this report, we use the term "NDR information" to refer to NDR driver information records provided in response to PRIA requests, both by NDR and by state motor vehicle agencies, which largely assumed this responsibility in 1998.

[15]Although carriers are required to receive NDR information from NDR or a state motor vehicle agency, carriers sometimes ask pilot applicants to request the information. If the pilots identify themselves in their requests to NDR as pilots or specify that they are requesting the NDR information for PRIA purposes, NDR includes their requests in its PRIA database. Furthermore, indicating that the request is for NDR information ensures that the information provided includes records of convictions or suspensions in all 50 states, not just those in the state that supplies the information.

Figure 2: Carriers' and Pilots' Requests for Information on Pilots' NDR Information, February 1997 through December 2001

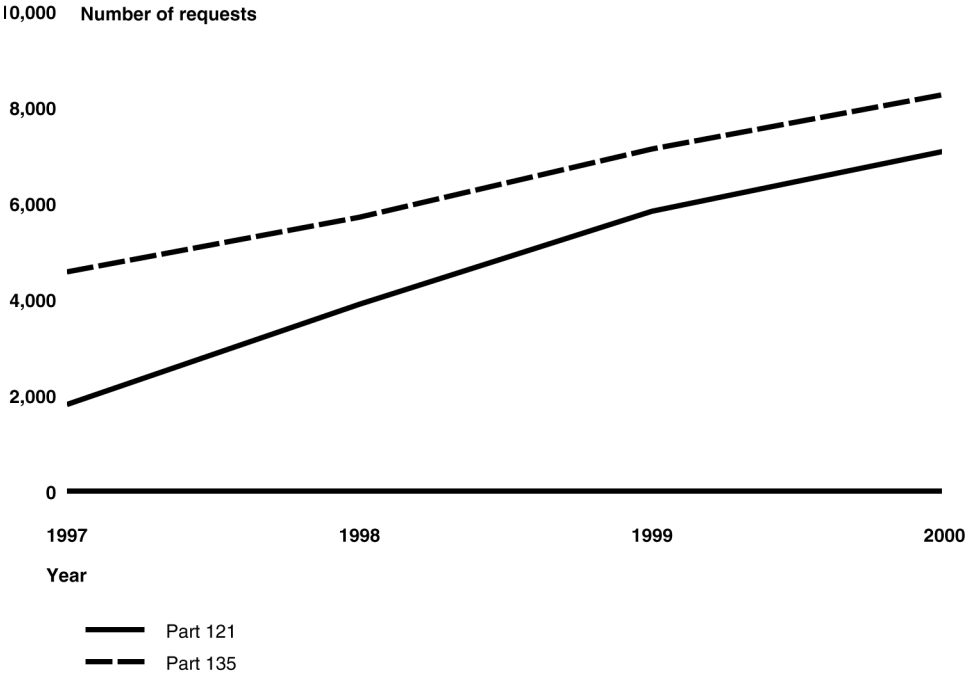


Source: GAO analysis of NDR data.

Carriers Reported Increased Requests for Pilot Records

The carriers we surveyed reported receiving increased numbers of requests for pilot records from hiring carriers for each year from PRIA's implementation through 2000, the last year covered by our survey. These requested records include information about a pilot's training and performance as well as the results of drug and alcohol testing. For the period from 1997 through 2000, the Part 121 carriers reported that the number of requests received nearly tripled, and the Part 135 carriers reported that the number of requests nearly doubled. (See fig. 3.) The number of Part 121 carriers that reported receiving such requests rose from 67 in 1997 to 91 in 2000, and we estimate that the number of Part 135 carriers receiving such requests increased from 461 to 931 during this period.

Figure 3: Number of Reported Requests for Pilot Records Received by Part 121 Carriers and Sampled Part 135 Carriers, 1997 through 2000



Note 1: As discussed in chapter 1 and appendix II, we surveyed only those carriers that made at least one request to FAA for pilot background checks.

Note 2: Numbers of records are reported for those carriers that said they had requested PRIA records for all or almost all pilots they hired.

Source: GAO analysis of survey data from Part 121 carriers and Part 135 carriers that had made at least one request to FAA for pilot background checks.

Hiring Carriers Requested the Most Records from FAA and Made the Fewest Requests to Other Carriers

Under PRIA, carriers that hire pilots should make the same number of requests to FAA and NDR, and they may be required to make more or fewer requests to other carriers, depending on how many employers their pilot applicants had in the preceding 5 years and whether records are required from those employers. According to our analysis of data from FAA and NDR and from our surveys of carriers, FAA received thousands more requests for records than NDR and carriers, and both FAA and NDR received thousands more requests than carriers.

Requests for FAA Records Far Exceeded Requests for NDR Information

According to FAA and NDR data, from 1997 through 2001, carriers requested records for about 30,000 more pilots from FAA than from NDR, and in each of those years, carriers made thousands more requests to FAA than to NDR. (See table 5.)

Table 5: Requests for FAA Records and NDR Driver Information Records, 1997 through 2001

Year	Requests to FAA by carriers[a]	Requests for NDR information by carriers and pilots[b]	Difference
1997	14,938	9,549	5,389
1998	23,584	13,333	10,251
1999	24,879	17,220	7,659
2000	27,104	23,104	4,000
2001	21,047	18,175	2,872
Total	**111,552**	**81,509**	**30,043**

[a]Yearly totals are based on the number of notification letters to pilots whose PRIA records were sent to carriers by FAA.

[b]Yearly totals include requests for NDR information by carriers to state motor vehicle agencies, by carriers directly to NDR, and by pilots directly to NDR under the Privacy Act when pilots indicated that they were requesting this information as required by PRIA.

Source: GAO analysis of FAA and NDR data on PRIA requests.

Although disparities of this magnitude would seem to indicate some degree of noncompliance with the requirement to request driver information from NDR, FAA and NDR data cannot readily be compared. First, NDR does not track its data by carrier or by pilot, as FAA does. Therefore, the two agencies' data cannot be matched to verify that a carrier has requested background checks on a pilot from both federal agencies. Second, NDR data are, to some extent, understated, partly because NDR cannot always identify requests from pilots for NDR information as PRIA requests and partly because NDR did not include known PRIA requests made by pilots under the Privacy Act in its PRIA database until 1999.[16] Although requests from carriers for NDR information are readily identifiable as PRIA requests, carriers sometimes delegate their responsibility for obtaining

[16]Under the Privacy Act, an individual may make a written, notarized request directly to NDR for a file search to determine whether NDR has provided the individual's driver information records to a third party.

NDR information to pilot applicants, even though PRIA requires that a carrier receive the records directly from NDR or the state agency. Pilots' requests for NDR information—whether made directly to NDR under the Privacy Act or to state motor vehicle agencies—are not identifiable as PRIA requests unless the pilots specify as much. From 1999, when NDR began tracking pilots' requests separately from other Privacy Act requests, through 2001, pilots made 1,187 (2 percent) of 58,627 requests to NDR for background checks under PRIA.

Carriers' delegation of their responsibility for obtaining NDR information to pilot applicants raises issues beyond how to account accurately for the number of PRIA requests made for NDR information. First, PRIA directs carriers to obtain the NDR information on each pilot with the pilot's consent. Although PRIA allows carriers to have a pilot applicant request that either NDR or a state motor vehicle agency provide the NDR information directly to the carrier, PRIA does not allow the pilot to obtain the information and then provide it to the carrier. This practice, which gives the pilot custody of the information, potentially compromises the reliability of the information. According to NDR officials, at least one major Part 121 carrier requires pilot applicants to obtain NDR information under the Privacy Act and bring it with them to an interview—a procedure that violates PRIA.

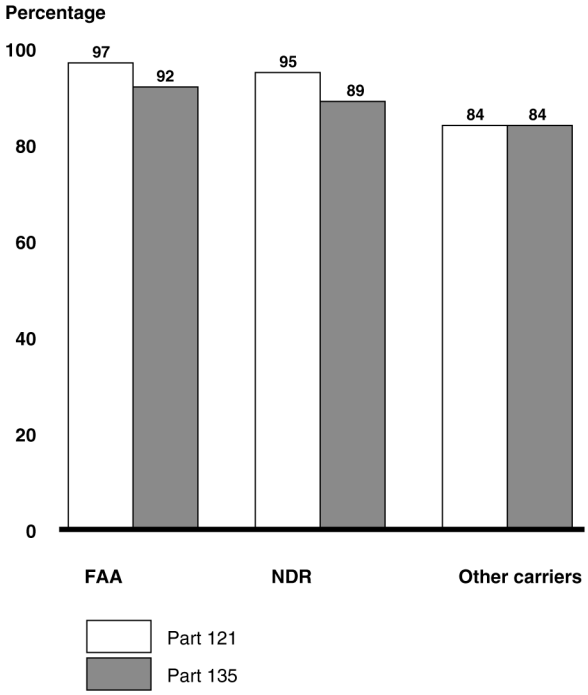
Reported Requests to Other Carriers Fell Short of Requests to FAA and NDR, but Records from Some Carriers Are Not Required

The carriers responding to our surveys reported receiving substantially fewer requests for background checks each year than did FAA and NDR. From 1997 through 2000, the last year covered by our surveys, the carriers reported receiving about 44,000 requests, compared with about 91,000 requests to FAA and about 63,000 requests to NDR. Again, disparities of this magnitude would seem to indicate some degree of noncompliance, but our analysis also identified other possible reasons for differences. First, carriers estimated the number of requests they received each year, whereas FAA and NDR tracked their requests electronically. Second, as previously explained, our survey covered only those carriers that had made at least one request to FAA for pilot records. Some carriers might have requested records from other carriers or NDR, but not from FAA. Finally, under PRIA, as amended, carriers do not need to request records from the military, from employers for whom pilot applicants worked in jobs unrelated to flying, or from certain types of aviation operators. Eighty-eight percent of the Part 121 carriers and 46 percent of the Part 135 carriers we surveyed reported hiring at least some pilots with military flight experience in 2000. In addition, many smaller Part 135 carriers may hire pilots whose recent

experience includes working for an aviation operator that is not required to maintain the kinds of information on training and performance included in PRIA records, such as a private flight school or an operator that provides agricultural crop dusting, banner towing, travel by corporate jet, or aerial surveying. Furthermore, PRIA requires only that carriers make a "good-faith" attempt to obtain records from foreign employers or bankrupt carriers.

Even though there are several reasons why carriers may have reported receiving fewer requests than FAA and NDR received, carriers' survey responses pointed to greater noncompliance with the requirement to request records from other carriers or employers than with the requirements to request records from FAA or NDR. For example, 57 percent of the Part 121 carriers reported requesting records from other carriers for all or almost all pilots they hired in 2000, compared with 97 percent for FAA and 95 percent for NDR. Similar percentages of the Part 135 carriers we surveyed reported requesting records from each of the three sources. (See fig. 4.)

Figure 4: Percentage of Carriers That Reported Requesting PRIA Records in 2000



Note 1: As discussed in chapter 1 and appendix II, we surveyed only those carriers that had made at least one request to FAA for pilot background checks.

Note 2: Percentages for other carriers reflect those carriers that reported requesting PRIA records for all or almost all of the pilots they hired.

Source: GAO analysis of survey data from Part 121 and Part 135 carriers that had requested at least one PRIA record from FAA.

Additional Evidence Suggests That Recent Compliance by Some Carriers Is Not Complete

Two types of evidence we gathered suggest that some carriers, especially some Part 135 carriers, may not have complied fully with requirements to complete background checks on pilots they hired in 2000. First, our analysis of hiring data gathered by FAA inspectors showed that hundreds of pilots were hired by Part 135 carriers that either had not requested PRIA records from FAA or had requested records for fewer pilots than they had hired. To better understand why many Part 135 carriers had not requested records, we asked FAA to have its inspectors determine how many pilots were hired in 2000 by Part 135 carriers that operate interstate and therefore are subject to PRIA's requirements. Data generated by the inspectors raised questions about the compliance of 227 (28 percent) of the 798 Part 135

carriers for which the inspectors obtained information. These 227 carriers had requested records for 318 pilots but had hired 1,078. While the carriers that hired some of the remaining 760 pilots might have complied with PRIA if the pilots were not placed in service in 2000 or if the pilots' records were requested at the end of 1999 or at the beginning of 2001, it is unlikely that these circumstances applied to all 760 pilots. According to FAA, its Office of Flight Standards Service has asked the regions responsible for overseeing these 227 carriers to review their compliance with PRIA.

Second, to obtain a snapshot of carriers' compliance with PRIA's requirements for obtaining background information, we asked our survey respondents about the records they requested for pilots hired in 2000. A few carriers self-reported significant noncompliance with PRIA's requirements for requesting records. Of the Part 121 carriers, 1 percent reported requesting FAA records less than half the time for the pilots hired in 2000, 3 percent reported requesting NDR information less than half the time for the pilots hired, and 6 percent reported requesting other employers' records for half or fewer of the pilots hired. The percentages for Part 135 carriers were generally comparable.

Carriers Said They Generally Receive Records on Time from FAA and NDR but Still Have Some Problems Obtaining Records from Other Carriers

PRIA requires FAA, NDR, and carriers to provide PRIA records to a hiring carrier within 30 days of receiving a written request. The act also requires hiring carriers to receive the records from all three sources for each pilot applicant before making a final hiring decision—that is, before using the pilot to fly passengers or cargo.

According to industry representatives and carrier hiring officials we surveyed or interviewed, most carriers received PRIA records from FAA and NDR, and, in the majority of instances, they reported receiving the records within 30 days, as required. However, in a few cases, carriers reported never receiving the required records. Furthermore, carriers said they sometimes needed more time to follow up with state motor vehicle agencies on the initial NDR information they received. Carriers reported more problems in receiving records on time from other carriers and, in a few cases, reported never receiving the required information. Without complete information, a carrier is not allowed to use a pilot to fly passengers or cargo, and delays in receiving the required information can be costly to both the carrier and the pilot.

FAA Has Largely Overcome Initial Delays in Providing PRIA Records to Carriers

During the first 6 months after PRIA was implemented, FAA said it was not always able to respond to requests for background checks within 30 days. FAA said it did not have enough staff to keep up with the volume of requests it received. In addition, the agency needed to gather the required records—pilot's flight certificates, medical certificates, and enforcement histories—from three separate databases maintained in three different offices. As a result, FAA's responses sometimes took months, delaying carriers' hiring of pilots.

To reduce the delays in responding to requests for records, Congress amended PRIA and FAA modified its procedures. Noting that delays in receiving records presented a particular burden to small aviation businesses, Congress amended PRIA in December 1997 to provide relief to the on-demand air carriers[17] by allowing them to use pilots to fly passengers for up to 90 days before receiving their PRIA records.[18] In the summer of 1997, FAA transferred the responsibility for responding to PRIA requests from its Civil Aerospace Medical Institute to its Aviation Data Systems Branch in the Office of Flight Standards, which had more staff available to respond to requests. In addition, in July 1998, FAA developed a centralized database that is automatically updated each night with new information from the three databases that contain FAA's flight, medical, and enforcement records. We observed FAA staff using this database and saw that they can, within minutes, generate a response letter for a carrier and a copy for a pilot.

Our review of FAA's response times for the 27,104 requests received in 2000 showed that FAA generally provided PRIA information in less than 2 work days after receiving a carrier's request. According to FAA staff responsible for responding to PRIA requests, delays can occur if information such as a pilot's name or certificate number is incorrect or illegible. In these instances, the staff said, they usually call the carrier to obtain the correct information so that they can process the requests on time. They further noted that some carriers reduce response times by transmitting requests to FAA by fax or Express Mail.

[17]On-demand carriers include carriers that operate under Part 135 for compensation, including (1) operations as a public charter with negotiated time and location of departure, (2) scheduled operations with limited frequency of operations, and (3) small all-cargo operations with a payload capacity of 7,500 pounds or less.

[18]*Clarifications to the Pilot Records Improvement Act of 1996*, H. Rpt. 105-372, House of Representatives, October 31, 1997.

In responding to our surveys, carriers also indicated that FAA generally provides records and provides them on time. Ninety percent of the Part 121 carriers reported receiving the required records from FAA for all or almost all pilots hired in 2000. Of these carriers, 71 percent reported receiving almost all records on time, and 4 percent reported receiving the records on time less than half the time. Of the Part 135 carriers we surveyed, 74 percent reported receiving almost all FAA records on time, and 12 percent reported receiving these records on time less than half the time.

Most Carriers Said They Received NDR Information on Time, but Following Up on Information Can Be Time Consuming and Burdensome

Initially, NDR processed carriers' PRIA requests directly in Washington, D.C., because state motor vehicle agencies' computer systems were not yet set up to handle the requests electronically. Until December 31, 1997, carriers could submit PRIA requests directly to NDR for processing. Beginning in January 1998, state agencies largely assumed this responsibility, and in 2000, the state agencies processed 92 percent of carriers' 22,201 requests, while NDR processed 8 percent on an emergency basis. Six states now process over three-quarters of the requests for NDR information,[19] including most of the requests for residents of four states and the District of Columbia that do not process any requests because computer testing has not yet been completed to ensure the reliability of the NDR search process for those entities.

To gain perspective on recent NDR activity in response to carriers' PRIA requests, we asked carriers whether they had received the NDR information they had requested and whether they had received the information within 30 days. Those responding to our surveys generally reported receiving NDR information from state motor vehicle agencies in response to their requests. Specifically, 85 percent of the Part 121 carriers reported receiving NDR information for all or almost all pilots hired in 2000, as did 77 percent of the Part 135 carriers. Smaller percentages of carriers reported receiving the NDR information on time: 67 percent of the Part 121 carriers and 69 percent of the Part 135 carriers reported receiving all or almost all records on time. Furthermore, some carriers reported problems with timeliness: 4 percent of the Part 121 carriers and 18 percent of the Part 135 carriers reported receiving the records on time less than half the time.

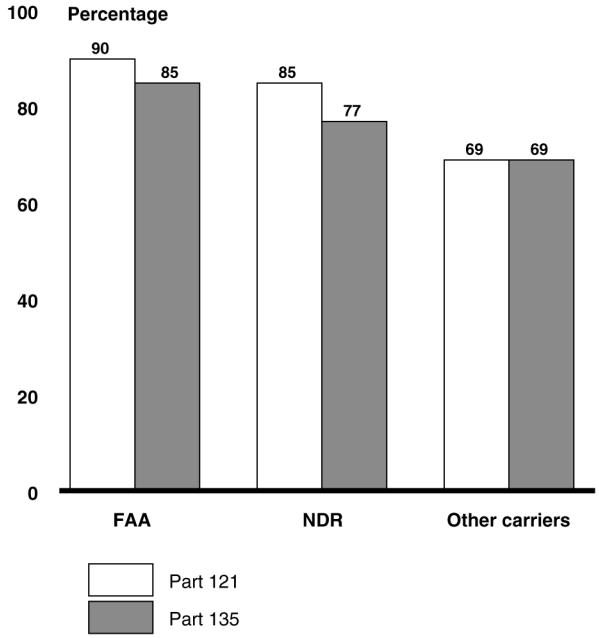
[19]The states are Florida, Hawaii, Ohio, Oklahoma, Texas, and Utah.

If a driver's license has been revoked or suspended for violations, the process of following up with the motor vehicle agency in each state where violations occurred can take much longer, particularly if the NDR information provided by a state motor vehicle agency does not include identifiers, such as the driver's Social Security number, height, weight, and eye color. Without such identifying information, the carrier must take additional steps to determine whether the pilot applicant or someone else committed the violation. Furthermore, when a state motor vehicle agency fails to provide the NDR information required under PRIA, a carrier cannot legally hire a pilot. The good-faith exception that Congress established for instances when carriers cannot obtain PRIA information from foreign carriers or from domestic carriers that have gone out of business does not apply to instances when carriers cannot obtain NDR information.

Smaller Percentages of Hiring Carriers Reported Receiving Records from Other Carriers Than from FAA and NDR

Over two-thirds of the carriers responding to our surveys reported receiving the PRIA records required from other carriers for all or almost all pilots hired in 2000, but the percentages that said they received these records were smaller than the percentages that said they received the records required from FAA and NDR. (See fig. 5.) Of the carriers that said they did not receive the required records from other carriers for all or almost all pilots hired in 2000, 2 percent of the Part 121 carriers and 10 percent of the Part 135 carriers reported receiving the records from other carriers for few or none of the pilots hired.

Figure 5: Percentage of Carriers Reporting the Receipt of PRIA Records in 2000



Source: GAO analysis of survey data from Part 121 and Part 135 carriers that had requested at least one PRIA record from FAA.

The responses to our surveys also indicated that carriers had more problems with receiving records on time from other carriers than from FAA or NDR. The Part 121 carriers reported that they were more likely to receive records within 30 days, as required, from major, regional, and commuter carriers than from small cargo or on-demand carriers. The information on timeliness reported by the Part 135 carriers was similar to the information reported by the Part 121 carriers, although the Part 135 carriers reported more problems with the timeliness of records from large cargo carriers than did the Part 121 carriers.

Many of the carrier hiring officials, aviation association officials, and pilots we interviewed voiced concerns about problems in obtaining PRIA records on time or at all from other carriers. Several of the carrier officials said they often need to follow up with additional telephone calls and letters when these records are not received within 30 days. Of the 400 comments about PRIA that the Aircraft Owners and Pilots Association (AOPA) has received from its members since PRIA's implementation in February 1997, the most common ones were that past employers did not send the requested records

to the hiring carrier at all or did not send them in a timely fashion and that no one was enforcing the 30-day mandate. Several of the pilots we interviewed also maintained that it took months to get current and former carrier employers to forward PRIA records to prospective employers.

Delays in Providing PRIA Records Can Negatively Affect Carriers and Pilots

Not providing PRIA records to hiring carriers or providing them late can adversely affect both carriers and pilots. In a few cases, carriers reported that they never received the required information. Hiring carriers are not allowed to use pilots to transport passengers or cargo until all PRIA records have been obtained and reviewed, except in the on-demand air charter industry, which allows carriers to use pilots for up to 90 days while completing background checks. Hiring officials at two carriers told us they had to let pilots go after providing expensive training. One Part 121 carrier official told us that the carrier had waited over 5 months for one pilot's records. In the interim, the carrier said it put this pilot through 70 days of training and then sent him back for more simulator training, since it could not use him for transporting passengers or cargo. Until this matter was settled, the carrier said it paid the pilot a weekly training salary of $200 instead of a much higher salary as a crew member. The carrier said it did not want to release the pilot because he was good and because it had spent more than $25,000 on his training. Although PRIA's good-faith exception covers instances when a hiring carrier cannot obtain records from a bankrupt or foreign carrier, this exception does not apply when an operating U.S. carrier fails to provide records.

Not providing a PRIA file or delays in providing it can also cost a pilot an opportunity for career advancement to a larger carrier. With delays, a pilot can lose a job offer or receive a lower seniority number, which in turn limits job security, choice of flights, and pay. For example, according to one pilot, delays by his former employer in forwarding his PRIA file postponed his training by 2 months, caused him to receive a less desirable seniority number, gave him less choice in assignments, and delayed his promotion to captain by 4 months. He said this delay in promotion alone cost him nearly $7,500. See chapter 4 for our analysis of how FAA could help to improve compliance with PRIA's requirements for providing pilot records within 30 days.

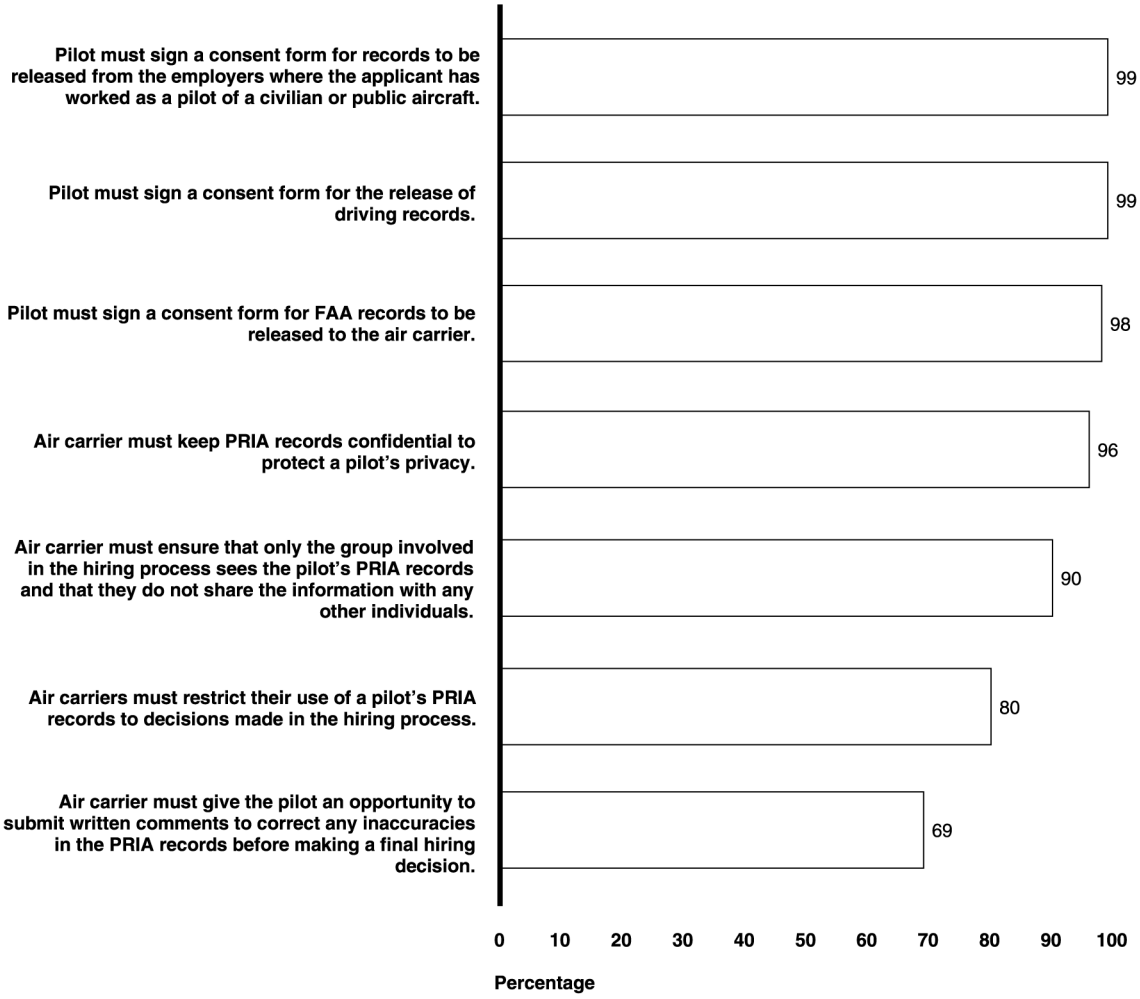
Air Carriers Have Not Consistently Followed PRIA's Requirements for Protecting Pilots' Rights

Some carriers indicated that they are not aware of some of PRIA's requirements to protect pilots' rights. For example, many carriers said they were unaware of requirements for notifying pilots and for giving them opportunities to review and submit corrections to their records. In addition, state motor vehicle agencies sometimes provided records to carriers that they should not have provided. As a result, hiring carriers sometimes received PRIA files that contained information that was outdated or was not related to an individual's performance as a pilot. While PRIA gives pilots an opportunity to submit written comments to correct records before final hiring decisions are made, this opportunity comes too late to prevent hiring carriers from seeing inappropriate information that could potentially jeopardize pilots' chances of being hired.

Some Carriers Said They Are Unaware of PRIA's Requirements for Protecting Pilots' Rights

Carriers' reported awareness of PRIA's requirements for protecting pilots' rights varied considerably. In general, carriers said they were more aware of requirements that are applicable when a carrier is hiring than they were of requirements that are applicable when a carrier is responding to a PRIA request. Nearly all of the Part 121 hiring carriers we surveyed said they were aware of PRIA's requirements to obtain a pilot's consent before seeking records from other carriers, NDR, and FAA and to keep those records confidential, as shown in figure 6. The carriers were somewhat less aware of requirements to limit access to those records and to use them only during the hiring process. They were least aware of the requirement to give the pilot an opportunity to correct inaccuracies in the PRIA records before making a final hiring decision. Specifically, 31 percent of the Part 121 carriers said they were unaware of the requirement to give the pilot an opportunity to correct inaccuracies in the PRIA records before making a final hiring decision, whereas 44 percent of the Part 135 carriers said they were unaware of this requirement.

Figure 6: Part 121 Carriers' Reported Awareness of Seven of PRIA's Requirements for Carriers When Hiring Pilots

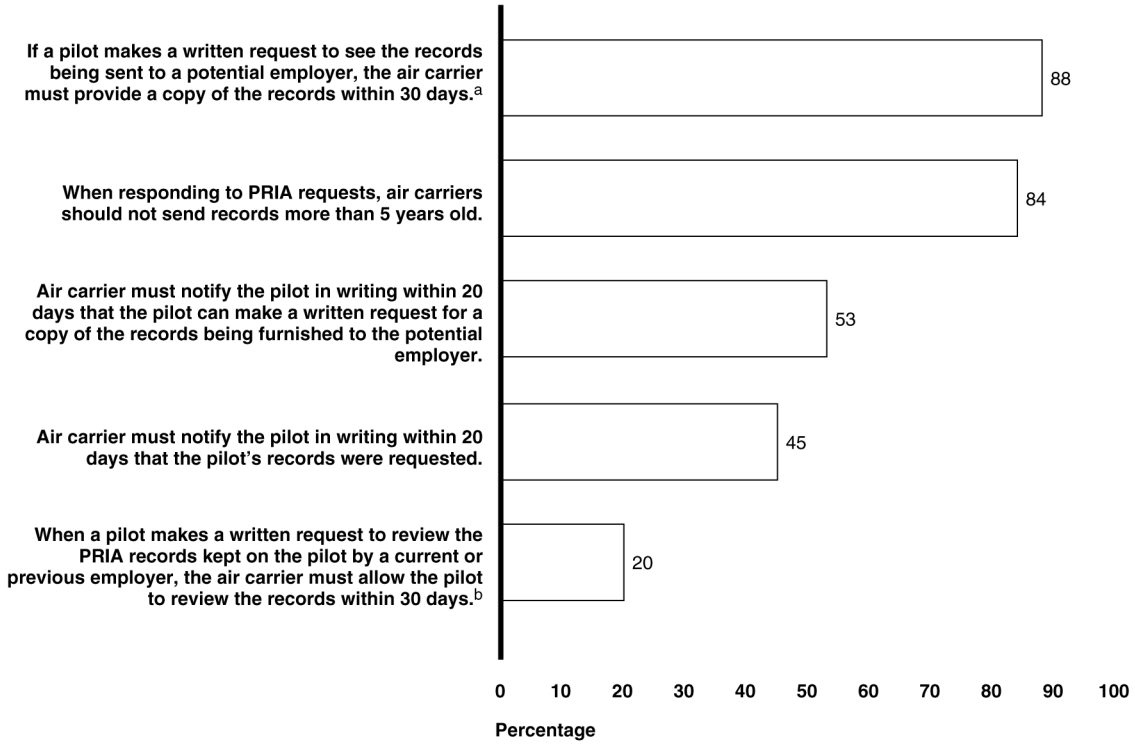


Source: GAO analysis of survey data from Part 121 carriers.

When responding to PRIA requests, as figure 7 shows, 88 percent of the Part 121 carriers responding to our survey said they were aware of PRIA's requirement that, within 30 days of receiving a pilot's written request, they provide the pilot with a copy of the PRIA records that they sent to a prospective employer. However, 80 percent of the Part 121 carriers were unaware of a requirement that gives a pilot the right to review the PRIA records kept by a current or former employer at any time. In addition,

about half of the carriers were unaware of two notification requirements designed to let the pilot know that a prospective employer had requested his or her records and to give the pilot an opportunity to review those records for accuracy and completeness. Under these requirements, a carrier must notify a pilot within 20 days of (1) a prospective employer's request for PRIA records and (2) the pilot's right to request a copy of the records that were sent. These notification requirements are especially important if a pilot's application and signed PRIA consent form have been on file with a carrier in a pool of possible candidates. The Part 135 carriers that we surveyed indicated similar levels of awareness of these provisions.

Figure 7: Part 121 Carriers' Reported Awareness of PRIA's Requirements for Carriers Responding to PRIA Requests



[a]This requirement allows a pilot to obtain a copy of the records that the current or former employer actually sent to the hiring carrier.

[b]In 1997, Congress amended the law to require former employers, as well as current employers, to allow a pilot to review PRIA records at any time and to provide the opportunity to do so within 30 days of a written request.

Source: GAO analysis of survey data from Part 121 carriers.

According to AOPA officials and several of the pilots we interviewed, many pilots as well as carriers were unaware of the PRIA provisions giving pilots opportunities to review their records. AOPA found that one of the most common questions raised by the 400 pilots who inquired about PRIA was how to obtain copies of their records. Several of the pilots who contacted us with concerns about their PRIA records also said they were uncertain about how to obtain copies of their records from their current and former employers. Some added that they had tried unsuccessfully to obtain their records.

Some PRIA Files Contained Inappropriate Information That Should Have Been Excluded

Several of the PRIA files that we reviewed contained information that should have been excluded, and carrier officials and pilots we interviewed also cited examples of inappropriate information in these files. To protect pilots' rights, PRIA specifies what records should and should not be included in pilot files. Although FAA met these criteria in the records it forwarded, NDR and other carriers did not consistently follow these criteria.

Both carrier officials and pilots we interviewed told us of instances in which outdated records were included in pilots' files. Officials at a Part 121 carrier explained that deleting older records can be difficult, especially if the records are part of computerized training reports that may cover much longer periods of time. How widespread the inclusion of outdated records in PRIA files may be is unknown; however, this practice raises concerns because there is no mechanism for a pilot to have them deleted until after the hiring carrier has seen them.

Outdated driver information may also sometimes be included in pilot files. According to the chief of NDR's Driver Register and Traffic Records Division, a number of states provide a driver's complete record rather than limit the information to 5 years. The Vice President of the Aviation Services Department at AOPA also noted that the inclusion of old driving information has been a problem with PRIA files. One pilot who contacted us complained that his driving record still showed a violation from about 20 years earlier for having unopened beer in his car when he was 18. NDR officials explained that if a pilot requests driver information directly from NDR or through a state motor vehicle agency without specifying that the information is needed for PRIA, the information provided may include information older than the 5 years required by this law.

Although an amendment to PRIA in April 2000 limits the records to be provided by a former employer to those directly related to a pilot's performance as a pilot, we found limited evidence that at least three carriers had forwarded unrelated records to hiring carriers. In reviewing the PRIA files of the 27 pilots who contacted us, we found one file that contained the pilot's personal bankruptcy papers. Another file contained copies of documents from a dispute between the pilot and the carrier about unemployment compensation. A third file included court records of a carrier's suit against a pilot for failing to repay training funds but excluded the judge's ruling that the pilot did not have to repay those funds. These court documents were unrelated to the pilot's flying abilities. About 29 percent of the Part 121 carriers we surveyed indicated a great need for clarification of which records are related to an individual's performance as a pilot and thus should be included in the files forwarded to hiring carriers. The Part 135 carriers we surveyed indicated a similar need for clarification.

Information unrelated to a pilot's driving record is also sometimes included in the files NDR and states send to hiring carriers, according to the Chief of NDR's Driver Register and Traffic Records Division. For example, he said that some states have included information on nonmoving violations, such as parking tickets, as well as on tax liens, nonpayment of child support, and unpaid library fines. Such information can appear in PRIA files because NDR gives the states some flexibility in determining what information they submit to its computerized registry. NDR requires the states to submit the names of persons whose driver licenses have been denied, canceled, revoked, or suspended for cause as well as of those who have been convicted of certain serious traffic offenses, such as driving while impaired by alcohol or other drugs. However, NDR also allows the states to submit information on convictions and withdrawals of licenses for other offenses. While NDR limits the information provided in response to a PRIA request to the most recent 5 years, it does not otherwise screen the information provided. In contrast, when FAA reviews a pilot's fitness to hold a medical certificate to fly, it obtains driver information from NDR that is screened to include only certain serious moving violations and drug- and alcohol-related convictions over a 3-year period. FAA must then obtain detailed information about the pilot's driving record from any states where violations occurred.

Some of the PRIA files we reviewed included records of disciplinary actions that were subsequently overturned. Although PRIA requires carriers to include records of disciplinary actions that were not overturned, carrier officials, aviation attorneys, and one pilot who contacted us raised

concerns about including records of overturned disciplinary actions. For example, the file for one pilot showed he was suspended briefly for departing late, but did not show that his suspension was later overturned and he was paid in full after providing copies of air traffic control tapes showing that he had departed on time. But because a copy of the final ruling that cleared him was not included in his file, the prospective employer did not hire him, according to the pilot. This example shows how any reference in a pilot's file to a past problem, even a problem that has been resolved in the pilot's favor, can be damaging to the pilot's chances of being hired.

In another case, one of the pilots who contacted us with concerns about PRIA said that his current employer had provided inconsistent records to carriers to which he had applied. Our review of his records sent to a major carrier indicated that he had tested positive on a required drug or alcohol test, while his records sent to a small Part 135 carrier indicated that he had submitted to and passed all such tests. In such a case, inaccurate information could potentially cause a carrier to unfairly reject a competent pilot whose record is clean or to unknowingly hire a pilot who has tested positive. One aviation attorney we interviewed also told us that carriers have provided inconsistent PRIA records for the same pilot to different hiring carriers.

The Opportunity for Pilots to Correct Their Records May Come Too Late

Though enacted to keep unsafe pilots from being hired to fly commercial flights, PRIA may have some unintended negative effects. While PRIA allows pilots to review their records at any time, it does not require that they have an opportunity to submit written comments to correct their records before a hiring carrier receives their file. Thus, corrections, if submitted, may come too late to prevent the hiring carrier from seeing inaccuracies; information that should not, under PRIA, have been included in the files; or disputed information presented only from the carrier's perspective.

The timing of the opportunity to correct records can create problems for both pilots and carriers. Several of the pilots we interviewed said that after successfully completing interviews, simulator testing, or other screening procedures, carriers declined to hire them because of incorrect records in their PRIA records. Some of these pilots said they were unaware of the incorrect information in their PRIA records and had no opportunity to correct it before the hiring carrier turned them down. The potential costs to both the pilot and the hiring carrier are even greater if the pilot has already

accepted a position with the carrier, begun training, and given up a previous job before the PRIA records are reviewed. Eighty-two percent of the Part 121 carriers and 73 percent of the Part 135 carriers we surveyed reported that they do not have the PRIA records to review until after the pilot has accepted a conditional job offer and/or begun training.

In addition to the timing of the opportunity to correct records, PRIA does not indicate, and FAA has provided no guidance on, how to submit corrections to PRIA records. As a result, even when carrier officials concur with a pilot and are willing to remove or correct a record, some said they are unsure whether the act allows them to do so. Several carrier officials said they were unsure how to remove records that they believed were unfair. For example, the president, attorney, and chief pilot for one Part 121 carrier fully concurred with a pilot that the record of a failed check ride should be removed from the pilot's file because the training manager who had administered this and other check rides had subsequently been fired for being sexist and racist. The carrier consulted with FAA and aviation attorneys but could not determine whether it could remove the questionable training record. Instead, the carrier said it included a cover memorandum explaining why the training manager was fired, affirming the pilot's skills, and describing an emergency evacuation in which the pilot saved the lives of two other pilots.

Moreover, PRIA does not establish any procedures for arbitrating disagreements between a pilot and a current or former employer over PRIA records. Several of the pilots who contacted us described problems they had experienced in getting explanations or rebuttals to specific records included in their files. Six of these pilots knew of the incorrect information but said that they had little success in removing or rebutting disputed records. PRIA establishes no remedy for wrong or unjust entries in a pilot's records or for failing to provide an opportunity for record correction, if the carrier obtained a release of liability.

According to a law review article,[20] several carrier officials and private aviation attorneys we interviewed, and some of the pilots who contacted us with concerns about the law, another unintended consequence of PRIA is that it can be used in ways that can diminish safety. Specifically, the weight

[20]John J. Nance and Charles David Thompson, "The Pilot Records Improvement Act of 1996: Unintended Consequences," *Journal of Air Law and Commerce*, Southern Methodist University School of Law (Summer 2001).

that the act gives to records from current and former employers can be used as leverage in disputes between pilots and carriers over safety issues. According to the previously mentioned law review article, disagreements over "how much safety is enough against the background of economic competition," can pit pilots against managers "who also happen to hold the trump card of the pilot's job in their hands." In these instances, the article argues that pilots may feel compelled to subordinate their concerns about safety to their employers' economic interests to avoid having negative information placed in their PRIA files.

In addition, we found some limited indication that PRIA could be used in ways that could potentially reduce aviation safety, rather than enhance it as intended. Several of the pilots who contacted us said they had been threatened with having negative records placed in their PRIA files if they did not take actions that violated FAA's safety regulations. Although we could not corroborate them, largely because discussing them with the carriers could have further jeopardized these pilots' careers, we raised them with FAA because these allegations involve potentially serious safety issues. For example, one pilot said he was pressured to fly an aircraft with serious maintenance problems, including an inoperable radar and autopilot, during bad weather. This pilot and another pilot who flew for the same carrier also said they had been pressured to identify mechanical problems informally on post-it notes instead of recording the problems in the aircraft's maintenance log, as FAA requires. We provided FAA with information about the carriers involved that were still in business, but FAA was unable to substantiate the allegations, and the carriers denied them.

Finally, according to the previously cited law review article, the inclusion of negative information in a PRIA file effectively negates the pilot's ability to quit and go elsewhere. Several of the pilots who contacted us said they had been threatened with negative records in their PRIA files if they did not repay the costs of their training before leaving. Some carriers require that pilots sign training contracts and remain with the carriers for a prescribed period of months or years, after which time the cost of training is considered paid in full. According to the pilots, these contracts make it difficult to leave a carrier, especially if the carrier does not prorate the cost of training, because if a pilot departs early, he or she will owe all or a disproportionate amount of the total cost. Contract disputes about training costs were included in several PRIA files that we reviewed. For example, one pilot earning an annual salary of $15,000 said he quit after being pressured to commit safety violations. He offered in writing to repay a prorated portion of the $4,000 remaining on his training contract, but the

carrier sued him. The judge ruled that the training costs did not have to be repaid. Although the broken training contract was not related to the pilot's professional competence and the carrier lost the case, the carrier included a record of the lawsuit in the pilot's file without reference to the judge's ruling in the pilot's favor. See chapter 4 for our analysis of how FAA could help to improve carriers' awareness of PRIA's requirements for protecting pilots' rights and better inform pilots of their options for obtaining, reviewing, and correcting their records.

FAA Oversight of PRIA Implementation Has Been Limited

FAA has taken limited steps to oversee PRIA implementation and to monitor this program as part of its broader responsibility for aviation safety. To promote compliance with PRIA, FAA developed some guidance for carriers and its own staff, but the advisory circular that it issued for carriers in 1997 was soon outdated. A revised circular, which FAA produced in September 2001, addressed some of the issues on which carriers had sought clarification. FAA's guidance also includes a new form for carriers that inappropriately (1) requires a pilot applicant to waive the rights provided by PRIA to be notified about requests and (2) changes the party PRIA makes responsible for notifying the pilot of a request for records. Although FAA has periodically provided its own inspectors with updated information on PRIA, it has not revised its handbooks or training for operations inspectors to incorporate PRIA's requirements. To date, few inspections have identified problems with carriers' implementation of PRIA, even though FAA's inspectors at our request identified hundreds of Part 135 carriers that had hired pilots but did not request PRIA records from FAA. FAA has seldom initiated enforcement actions against carriers for PRIA violations.

FAA Has Specific Responsibilities under PRIA as Well as Broad Responsibility for Aviation Safety

Congress gave FAA exclusive authority to oversee the implementation of PRIA by authorizing FAA to issue regulations to (1) protect the personal privacy of the pilots whose records are disseminated and the confidentiality of those records, (2) preclude the further dissemination of PRIA records, and (3) ensure prompt compliance with any request for records. Congress gave FAA discretion in deciding whether to use this authority to issue regulations. To date, FAA has not used this authority. According to FAA's Deputy Associate Administrator for Regulation and Certification, the agency views PRIA as self-implementing because it places the responsibility for collecting pilot records on the carriers, not on the government. In addition, FAA has not issued PRIA regulations because it has allocated its regulatory resources to other priorities.

In addition to the specific responsibilities given to FAA by PRIA, FAA has broad oversight responsibility and authority for aviation safety. This broad responsibility and authority apply to PRIA as well as to other aviation safety programs. Specifically, in carrying out its mission to ensure a safe and efficient national air space system, FAA is responsible for issuing regulations and developing implementation guidance. FAA also performs inspections to ensure compliance with federal statutes such as PRIA and under FAA's general civil penalty authority in 49 U.S.C. 46301 has the authority to take enforcement action against violators.

FAA Has Developed Guidance on PRIA

FAA issued guidance for carriers in the form of an advisory circular. FAA issued this circular in May 1997, 3 months after PRIA went into effect, and revised the circular in September 2001. The revised circular incorporates information on the December 1997 and April 2000 amendments to PRIA, which Congress enacted, in part, to clarify aspects of the law. For example, the revised circular includes a copy of the law, as amended; provides sample forms that hiring carriers may use in requesting pilot records; and discusses each of the key changes to PRIA made in the 1997 and 2000 amendments. (See table 3.)

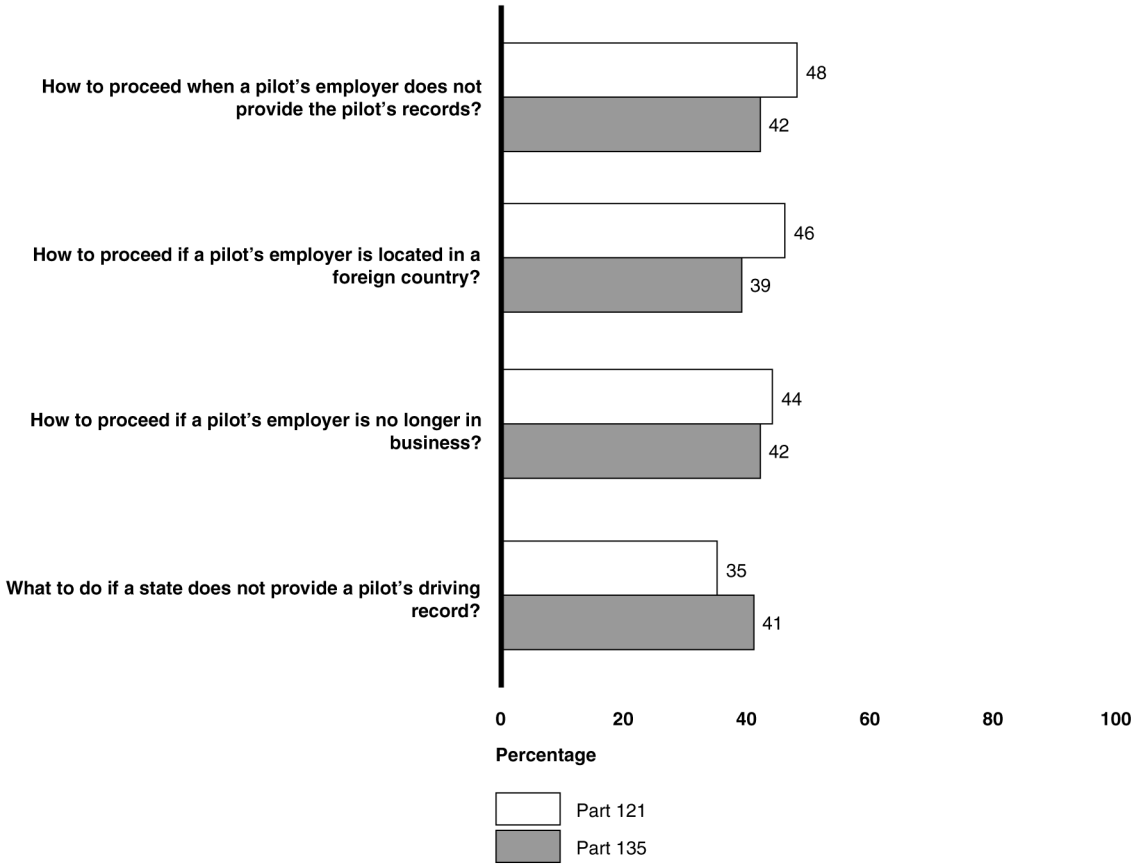
Revised Advisory Circular Addresses Some Issues on Which Carriers Sought Clarification

In our survey, which we sent to carriers before FAA issued its revised advisory circular, we asked which aspects of PRIA's hiring requirements carriers thought needed further clarification. Hiring carriers we contacted had preliminarily identified 17 key issues that they thought warranted further clarification. However, a majority of the Part 121 and Part 135 carriers indicated little or no need for clarification on the majority of these issues, including whether they were subject to PRIA, which records they were required to maintain, how long they were required to maintain the records, how they should store the records, who should be allowed to see the records, and whether the carriers could charge a fee for supplying the records. In contrast, many carriers indicated a great or very great need for clarification on how to proceed when the hiring carrier cannot obtain requested records and how to handle situations involving disciplinary actions taken against a pilot. (App. V presents complete information on which of the 17 key issues carrier hiring officials view as most in need of clarification.) FAA's revised advisory circular addresses some, but not all, of carriers' issues related to the need for clarification.

Many carriers said there was a great need for clarification on how to proceed in four situations when they are unable to obtain records from other carriers. These situations and the percentages of Part 121 carriers identifying them as greatly needing clarification are shown in figure 8. Similar percentages of the Part 135 carriers we surveyed expressed a great need to clarify how to proceed in these four situations. FAA's revised circular explains how to proceed in two of these situations—when a hiring carrier cannot obtain a pilot's records from a carrier that has gone out of business or from a foreign entity—both of which were outlined in good-faith exceptions in the 1997 and 2000 amendments, respectively. However, neither PRIA, as amended, nor the revised advisory circular offers guidance

on how carriers should proceed when they are unable to obtain records from other carriers that are still in business or driving records from a state.

Figure 8: Percentage of Part 121 Carriers That Identified a Great or Very Great Need for Clarification of How to Proceed in Certain Situations



Source: GAO analysis of survey data from Part 121 and Part 135 carriers that had made at least one request to FAA for PRIA records.

Many carriers also sought clarification on handling situations involving disciplinary actions taken against a pilot by another carrier. Of the Part 121 carriers, 43 percent identified a great or very great need to clarify which disciplinary actions are related to an individual's performance as a pilot and therefore should be provided to carriers interested in hiring their current and former employees. In addition, 39 percent of the Part 121 carriers

identified a great or very great need to clarify how carriers should handle pilot records when a disciplinary action is resolved through a negotiated settlement. Similar percentages of Part 135 carriers sought clarification on the handling of these situations. However, neither PRIA, as amended, nor FAA's revised advisory circular defines disciplinary actions, specifies which ones should be considered relevant and documented in PRIA records, or discusses how to remove records of disciplinary actions that have been resolved through a negotiated settlement.

Resolving carriers' questions about how to proceed when other carriers do not provide required records and how to determine what information about disciplinary actions should be provided to hiring carriers is important because such questions, if unresolved, can delay or preclude final hiring decisions.

FAA's Revised Circular Includes a Sample Form That Requires Pilot Applicants to Waive Some Protections and Alters Notification Provisions Required in the Law

FAA's guidance to carriers on PRIA includes a new sample form that requires a pilot applicant to waive certain rights provided by PRIA. The form also changes the party responsible for notifying the pilot of a request for records. In September 2001, FAA revised its advisory circular on PRIA and included the sample form for hiring carriers to use when requesting records from current and former employers. (App. VI includes a copy of FAA Form 8060-11, Air Carrier and Other Records Request (PRIA)—Pilot Records Improvement Act of 1996.) Part III of the form requires the pilot to waive PRIA's requirement that the current or former employer receiving the request for records notify the pilot within 20 days of the request and of the pilot's right to receive a copy of the records. The form does, however, provide information on the pilot's right to receive a copy of the records within 30 days of requesting them in writing. FAA made these changes in the form to simplify and expedite the hiring process, according to the official in the Air Transportation Division who is responsible for overseeing policy decisions related to PRIA.

In addition to violating provisions in the act, part III of form 8060-11 is problematic for several reasons and could reduce a pilot's chances of knowing when records are actually forwarded to hiring carriers and of receiving a copy of the records. First, the form makes the hiring carrier responsible for notifying a pilot of a request rather than the current or

former employer as PRIA specifies.[21] Shifting responsibility for notifying the pilot does not follow the process outlined in the law, which requires the current or former employer to provide this notification. Second, as we learned in interviewing pilots and hiring officials, forms completed at the time of application sometimes remain on file for months or years before being activated and submitted to current and former employers, particularly when the hiring carrier is a major carrier. Officials in FAA's Aviation Data Systems Branch confirmed that the pilot often signs these forms months or even years before the hiring carrier submits them. In such cases, a pilot might not know whether and when the hiring carrier actually submits the request to the current and former employer. Furthermore, the revised form no longer includes a place for the pilot's address, which makes it more difficult for former employers to obtain correct mailing information to notify the pilot of the hiring carrier's request and to provide a copy of the records to the pilot, if requested.

FAA Has Developed Some Guidance on PRIA for Its Own Staff but Has Not Incorporated the Guidance into Its Handbooks and Training Classes

FAA has developed some additional guidance for its own staff. For example, the agency prepared draft guidance for its staff before PRIA took effect in February 1997, even though it did not issue the original advisory circular until May 1997. In addition, FAA has used E-mails and memorandums to its regional and field offices to further clarify PRIA's requirements. Finally, FAA has assigned responsibility for responding to PRIA requests from carriers to staff in the Aviation Data Systems Branch and primary responsibility for answering policy questions about PRIA to the Air Transportation Division, both of which are within FAA's Office of Flight Standards.

FAA's efforts to disseminate guidance on PRIA to its staff have not yet extended to revisions of the handbook that its operations inspectors are to use to monitor carriers' training and use of pilots.[22] Furthermore, the agency has not yet incorporated information on PRIA into its training classes for operations inspectors. FAA uses its handbooks and training classes to familiarize inspectors with laws, regulations, and inspection protocols and to enhance their oversight and monitoring of carriers' compliance with aviation laws and regulations. Without such information,

[21] 49 U.S.C. Sec. 44936 (f)(6).

[22] Operations inspectors conduct inspections of such items as pilots' certification and performance, flight crews' training, and in-flight record keeping.

inspectors may be unaware of PRIA and amendments to the law. FAA officials said they believe information on PRIA should be included in the handbooks and training, but they are awaiting the publication of our report to ensure that all relevant information is included. In the meantime, inspectors have been addressing their questions about PRIA to staff in the Aviation Data Systems Branch.

On March 22, 2002, FAA activated a new Web site with information about PRIA for carriers and pilots. The site provides brief answers to frequently asked questions about how PRIA works, which records must be provided, and what protections are afforded to pilots under the law. It also includes links to a copy of the law, to FAA's advisory circular that provides guidance on PRIA, and to forms used by carriers to request records. As of May 1, 2002, FAA had not linked the PRIA Web site to the agency's home site or to the Web information that FAA maintains for carriers and pilots. Linking these sites would enhance the accessibility of the PRIA information.

In the spring of 2000, FAA began drafting guidance on which penalties are appropriate when carriers violate PRIA's requirements, according to attorneys in FAA's Office of Chief Counsel. They said that this effort has become part of a larger one to revise penalty guidance in the agency's enforcement handbook, which is being coordinated with other FAA offices. However, this coordination stopped after September 11, 2001, because of uncertainty about FAA's future role in aviation and airport security. These officials said the coordination would proceed once this issue is resolved.

We reviewed the draft guidance that had been completed and determined that it covers most PRIA provisions and should provide inspectors with a clearer basis for identifying and, where appropriate, for taking enforcement actions against carriers for violations of PRIA's requirements. The draft guidance proposes penalties when a carrier fails to

- obtain the pilot's consent to release records,
- provide the records within 30 days of a request,
- provide a copy of the records to the pilot, and
- provide the pilot with an opportunity to correct any inaccuracies in those records before making a final hiring decision.

Several Factors May Hamper FAA's Operations Inspection Ability to Monitor Compliance with PRIA

Several factors may explain why FAA's operations inspectors, who conduct many thousands of inspections on carriers each year, have noted few problems with carriers' compliance with PRIA. First, information on PRIA is not incorporated into the inspection handbooks and training classes, consequently these inspectors have no reminders to check for compliance with PRIA. Second, FAA lacks the information needed to assess compliance with PRIA's requirements for requesting records because PRIA does not require that this information be reported (see ch. 2). Thus FAA may lack evidence that carriers have obtained the required records before making final hiring decisions because PRIA does not require carriers to retain the records they have received.

As of July 3, 2001, FAA's Air Transportation Oversight System (ATOS) database,[23] which tracks inspections of the nation's 10 major passenger carriers, showed no entries related to PRIA. FAA's older Program Reporting and Tracking Subsystem database, which tracks some limited information on the 10 major carriers, as well as the results of inspections on all other carriers, contained 76 inspection entries related to PRIA since the law's implementation in 1997. Two of these entries identified possible noncompliance with PRIA and led to the opening of enforcement cases, while the remaining 74 noted that the inspectors had provided information on PRIA to the carriers but did not identify any noncompliance. One additional entry, dated June 15, 1999, identified noncompliance but did not lead to the opening of an enforcement case. According to the entry, a random inspection of the records of 169 pilots with a large Part 121 carrier revealed noncompliance with PRIA, which the inspector reported to the carrier's Vice President of Operations and to the responsible Principal Operations Inspector at FAA.

Since PRIA's implementation in February 1997, FAA has initiated 10 enforcement cases against six carriers. In the 3 most serious cases, which resulted in fines ranging from $2,500 to $30,000, the carriers failed to request PRIA background checks for 12 pilots they hired and, in 1 case, the carrier falsified documents related to providing PRIA checks. The remaining 7 cases resulted either in warning letters or were closed with no action.

[23]In October 1998, FAA began using ATOS, a new approach to overseeing the nation's 10 largest passenger air carriers—Alaska, America West, American, Continental, Delta, Northwest, Southwest, Trans World, United, and US Airways. Trans World subsequently merged with American.

Although the number of inspection findings and enforcement actions could be indicative of widespread compliance with the act, our analyses of carriers' requests for PRIA records and of carriers' awareness of PRIA's requirements for protecting pilots' rights indicate that carriers are not always requesting the required records, especially from other carriers, and are not always sufficiently aware of the pilots' rights protections to comply with them (see chs. 2 and 3). Alternatively, FAA inspectors may not be regularly reviewing carriers' compliance. Without information on PRIA in their inspection handbooks and training classes, these inspectors have no reminders to check for compliance with PRIA. According to FAA's Deputy Associate Administrator, Office of Regulation and Certification, FAA's monitoring focuses on a carrier's processes and procedures for complying with PRIA, not on checks of records for individual pilots. Although we concur with the importance of checking carriers' processes and procedures for complying with laws, FAA cannot determine whether a carrier actually follows its processes and procedures without performing at least limited spot checks. This system safety approach with compliance checks is the basis for the new ATOS inspection system that FAA uses to oversee the nation's 10 major air carriers.

Regardless of whether FAA operations inspectors attempt to monitor carriers' compliance with PRIA, they may not have sufficient evidence to do so. Just as FAA lacks information needed to assess compliance with PRIA's requirements for requesting records because PRIA does not require that this information be reported (see ch. 2), FAA also may lack evidence that carriers have obtained the required records before making final hiring decisions because PRIA does not require carriers to retain the records they have received. According to an attorney from FAA's Office of Chief Counsel, nothing in the PRIA statute requires carriers to maintain the pilot records they receive from FAA, NDR, or other carriers. The statute requires carriers to maintain the records they generate on their pilot employees for 5 years, but it does not require them to store or maintain the PRIA records they receive when they hire pilots. Without these records, he noted, it is very difficult for FAA to determine a carrier's compliance with PRIA. According to another official in FAA's Air Transportation Division, carriers have an incentive to dispose of these records to avoid any liability resulting from their hiring decisions. Nonetheless, he observed that some carriers still keep these records, and he agreed that it would be almost impossible to complete an enforcement action against a carrier without them. Requiring carriers to maintain the PRIA records they receive could, however, be costly, especially for smaller carriers, according to the Deputy Associate Administrator, and these costs would not be warranted by the

safety benefits achieved. According to FAA, it has not identified pilot performance during past training events as a high-risk area because of the extensive training, testing, and checking required for pilots.

We believe it is important for FAA to be able to enforce the law. As previously discussed, FAA is responsible for overseeing PRIA's implementation and has the authority to issue regulations or establish procedures for carriers to maintain the records needed for FAA to monitor and enforce compliance with the act. FAA has not issued regulations on PRIA because it believes that carriers, not the government, are responsible for collecting PRIA information. Furthermore, FAA believes that it should focus its regulatory resources on higher aviation-safety priorities. FAA officials agreed, however, that it was important for carriers to maintain records of background checks on pilots they hire to enable both the carriers and FAA to monitor PRIA's implementation.

Conclusions

By making information about pilots' qualifications, performance, and training available to hiring carriers, PRIA improves carriers' ability to screen pilots and may help keep unsafe pilots out of the cockpits of commercial aircraft. However, FAA's limited oversight of the act's implementation, together with carriers' incomplete compliance with the requirements of the law, may have prevented PRIA from being as effective or as protective of pilots' rights as it could be. For example:

- Unresolved procedural issues—such as how to correct errors in pilot records, especially before hiring carriers see inaccurate information; how to remove inappropriate records; and how to handle disputes between pilots and carriers—effectively limit pilots' rights. As individuals, pilots have less power than carriers, and without procedures for resolving these issues, they cannot compel carriers to correct or remove inaccurate records or settle disputes. Moreover, even when carriers are willing to make changes, they may not know how to do so. Inaccurate or inappropriate information may jeopardize a pilot's chances of being hired.

- FAA has not taken advantage of its Web site to make information about pilots' rights readily available. Because the act does not mandate when pilots are to be given an opportunity to correct their records, except that it come before the final hiring decision, many pilots do not seek to correct their records until after the records have been sent to the hiring carrier. It is critical that FAA do what it can to make pilots aware of their

rights to review and correct the records maintained by their current employer at any time. With knowledge of their rights, pilots can take responsibility for reviewing the accuracy of their records before the records are sent to hiring carriers.

- The sample form that FAA designed for hiring carriers and included in its revised guidance for carriers, though intended to streamline the hiring process, weakens pilots' rights and inappropriately shifts the responsibility for notifying pilots of requests for their records from current or former employers to hiring carriers. If carriers follow the procedures set forth in the sample form, they will not be in compliance with PRIA's notification provision, and pilots may not know when records are sent to hiring carriers.

- Although FAA has updated its information on PRIA for carriers, it has not yet included this information in key guidance for its own staff. Until the agency incorporates its guidance on the act into its inspector handbooks and provides its inspectors with appropriate training, the inspectors may not be sufficiently aware of PRIA's provisions to review carriers' compliance. We do not know whether the limited number of inspection findings related to PRIA is indicative of widespread compliance, infrequent compliance reviews, or a lack of evidence to determine compliance. However, there is sufficient evidence—from the discrepancies in the number of records requested from FAA, NDR, and carriers; from the reviews of 798 Part 135 carriers conducted by FAA inspectors at our request; and from carriers' responses to our survey questions about their requests for records in 2000—to suggest that noncompliance is occurring.

- The number of enforcement actions taken is also difficult to evaluate, given the number of inspection findings. However, FAA has said that it cannot enforce compliance because carriers are not required to retain the records that would demonstrate their compliance. We agree. Unless carriers retain the records they receive on pilots they hire, FAA cannot monitor or enforce their compliance with PRIA's background check requirements. As the agency with exclusive responsibility for overseeing PRIA's implementation, FAA has the authority and, we believe the obligation, to ensure that carriers have a system that will allow the carriers and FAA to check compliance with all PRIA requirements, especially whether required pilot background checks have been completed for pilots hired.

Recommendations for Executive Action

To assist FAA in overseeing the implementation of PRIA and to enable FAA to determine whether carriers have conducted the required background checks on pilots before making final hiring decisions on pilots, we recommend that the Secretary of Transportation direct the FAA Administrator to

- update FAA's advisory circular on PRIA to (1) clarify which records to include in PRIA files that are forwarded to hiring carriers and which records to exclude and (2) have carriers put in place a system that will allow the carriers and FAA to check compliance with all PRIA requirements, especially whether required pilot background checks have been completed for pilots hired;
- incorporate information on PRIA's Web site that informs pilots of their rights, including the right to review and correct their records under PRIA;
- revise the Air Carrier and Other Records Request form (FAA Form 8060-11) to conform with the law's provisions for notification, review, and correction of records by pilots; and
- incorporate information on PRIA into the handbooks, inspection guidance, and training for FAA's operations inspectors.

Agency Comments

We provided DOT with a copy of our draft report for review and comment. In our draft report, we recommended that FAA develop a regulation requiring that carriers maintain records of background checks on the pilots they hire for as long as the pilots remain in their employ. While FAA agreed that carriers need to maintain the records for the agency to monitor and enforce their compliance with the law, FAA proposed a change in its administrative guidance rather than a regulation to achieve this goal. We agreed that such a change could accomplish the intent of our initial recommendation and revised the recommendation accordingly. FAA concurred with all other recommendations in our draft report and suggested technical changes that we incorporated in this report where appropriate.

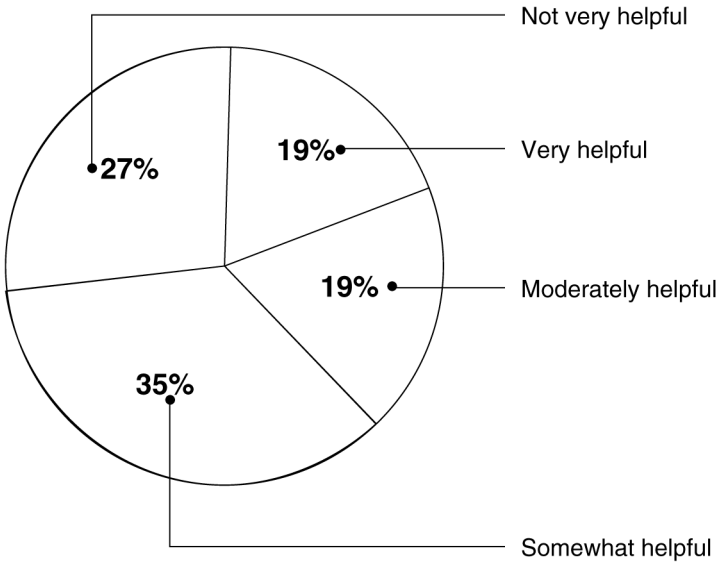
Most Carriers Found PRIA Records Helpful but Were Divided on Whether They Were Worth the Cost

Most carriers found PRIA records at least somewhat helpful, but they were divided on whether the records were worth the cost. The majority of the carriers favored changes that would make additional information available. Nearly three-quarters of the Part 121 carriers and about three-fifths of the Part 135 carriers that had made at least one request to FAA for PRIA information found PRIA records to be helpful in making their hiring decisions. Both groups of carriers found information from other sources, such as the job interview, the carrier's flight evaluation of the pilot, and the results of the carrier's training program, more helpful. Since PRIA's costs are difficult to determine, Part 121 and Part 135 carriers were divided on whether the PRIA information they received in 2000 was worth the cost. Substantial majorities of both Part 121 and Part 135 carriers told us they would support changes to PRIA that would enable them to obtain additional information (1) from FAA on aviation accidents and incidents and on open, pending, and reopened enforcement cases and (2) from the Department of Defense on military pilots' histories.

Carriers Generally Found PRIA Records Helpful in Making Hiring Decisions but Less Helpful than Information from Other Sources

Seventy-three percent of the Part 121 carriers found PRIA records at least somewhat helpful in making hiring decisions, and 27 percent said these records were not very helpful, as shown in figure 9. Among the Part 121 carriers, those with more than 1,000 pilots were more likely than smaller carriers to say that PRIA records were helpful in making hiring decisions, and 61 percent of these larger carriers rated PRIA as very helpful.

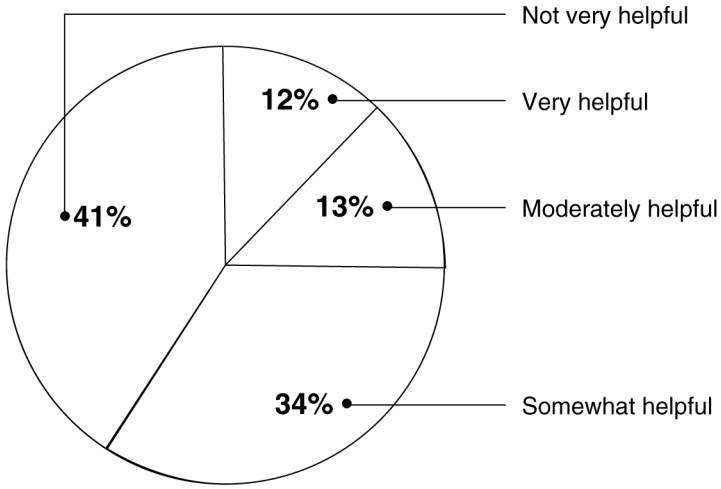
Figure 9: Views of Part 121 Carriers on the Helpfulness of PRIA Information in Making Hiring Decisions



Source: GAO analysis of survey data from Part 121 carriers.

Compared with Part 121 carriers, Part 135 carriers found PRIA less helpful in making hiring decisions: 59 percent of the Part 135 carriers found PRIA at least somewhat helpful, and 41 percent said that PRIA was not very helpful. (See fig. 10.)

Figure 10: Views of Sampled Part 135 Carriers on the Helpfulness of PRIA Information in Making Hiring Decisions



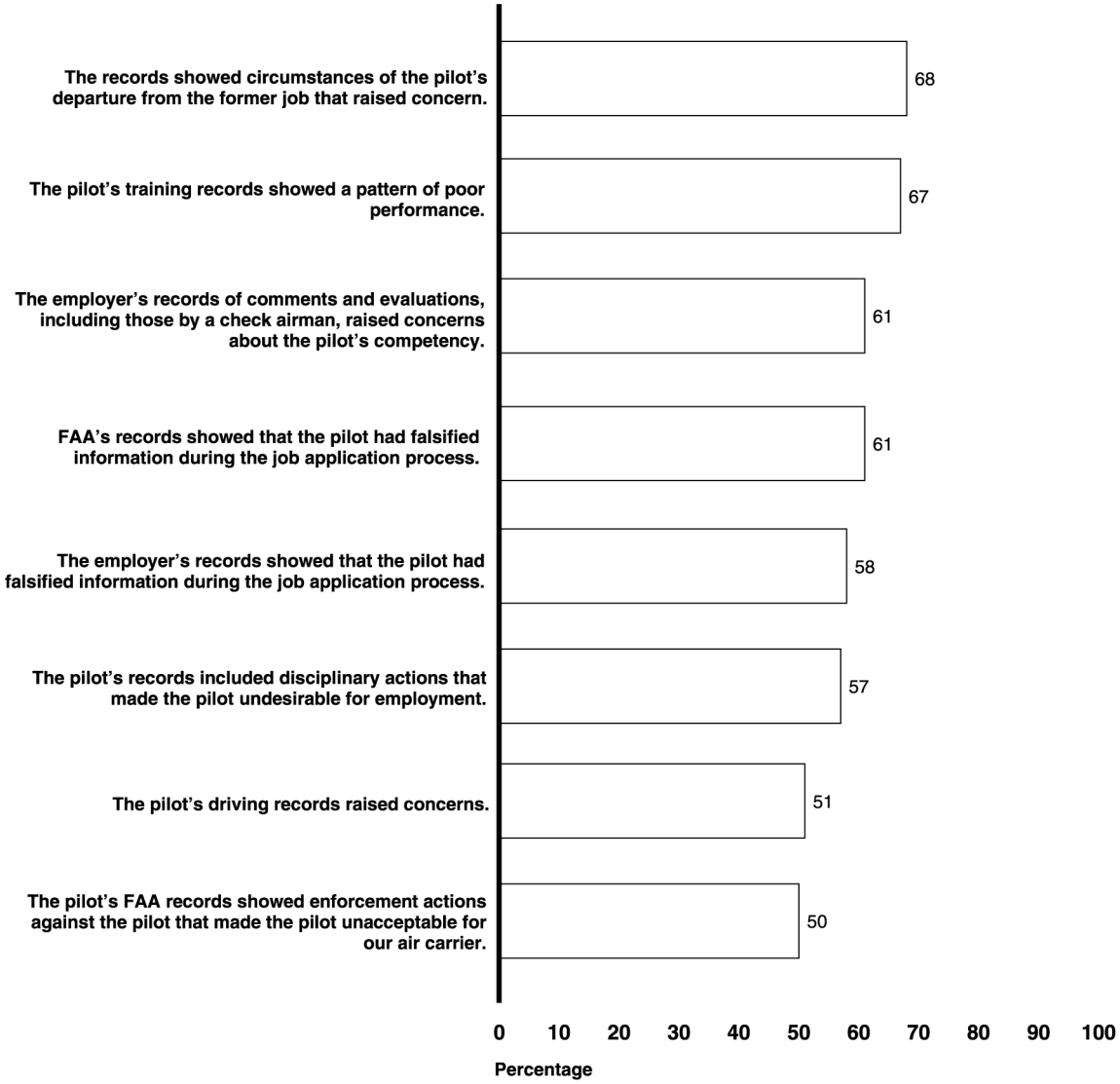
Source: GAO analysis of survey data from Part 135 carriers that had requested at least one PRIA record from FAA.

The Part 121 carriers found PRIA more useful in encouraging pilots to be honest about their background and experiences than did the Part 135 carriers we surveyed. Sixty-eight percent of the Part 121 carriers rated PRIA as moderately or very useful in this regard, compared with 49 percent of the Part 135 carriers. Because PRIA records allow carriers to verify pilots' statements, receiving the records increases the likelihood that carriers will detect false statements. Nonetheless, 11 percent of the Part 121 carriers and 25 percent of the Part 135 carriers indicated that PRIA was not very useful in encouraging pilots to be honest.

According to carriers' responses to our surveys, PRIA information played a greater role in decisions not to hire pilots for Part 121 carriers than for Part 135 carriers. In 2000, 43 percent of the Part 121 carriers said they decided not to hire pilots because of PRIA information, compared with 9 percent of the Part 135 carriers we surveyed. The Part 121 carriers said they decided not to hire 156 pilots in 2000 because of PRIA information, while we estimate that the far more numerous Part 135 carriers decided not to hire 162 pilots. About two-thirds of the Part 121 carriers that said they did not hire a pilot because PRIA information indicated that the circumstances surrounding the pilot's departure from a previous employer and the pilot's training records were major or moderate factors that influenced their

decisions. About half of these carriers identified the pilot's driving records or enforcement history as a factor, as shown in figure 11. Similar percentages of Part 135 carriers reported being influenced by the circumstances surrounding a pilot's departure and by a pilot's training records. Evidence of falsification, employers' records of comments and evaluations, and driving records were, however, much less influential for the few Part 135 carriers that did not hire pilots because of PRIA information than they were for the Part 121 carriers, and such evidence played a smaller role in their hiring decisions than did the pilot's enforcement history.

Figure 11: Extent to Which Part 121 Carriers Reported That PRIA Records Were a Factor in Decisions Not to Hire a Pilot

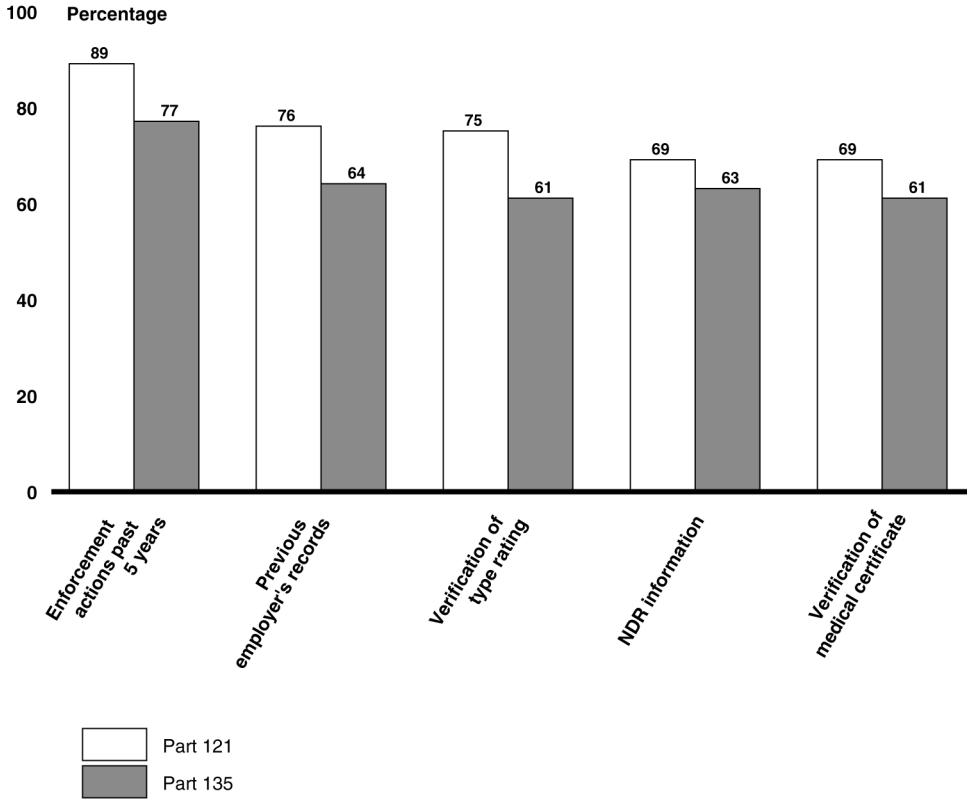


Source: GAO analysis of survey data from Part 121 carriers.

Both the Part 121 carriers and the Part 135 carriers we surveyed reported that they found some PRIA records more helpful in making their hiring decisions than others. Specifically, as shown in figure 12, they found FAA information on closed enforcement actions during the past 5 years the most

helpful and FAA's verification of the pilot's medical record and the pilot's NDR information the least helpful.

Figure 12: Views of Part 121 Carriers and Sampled Part 135 Carriers on the Helpfulness of PRIA Records in Making Hiring Decisions

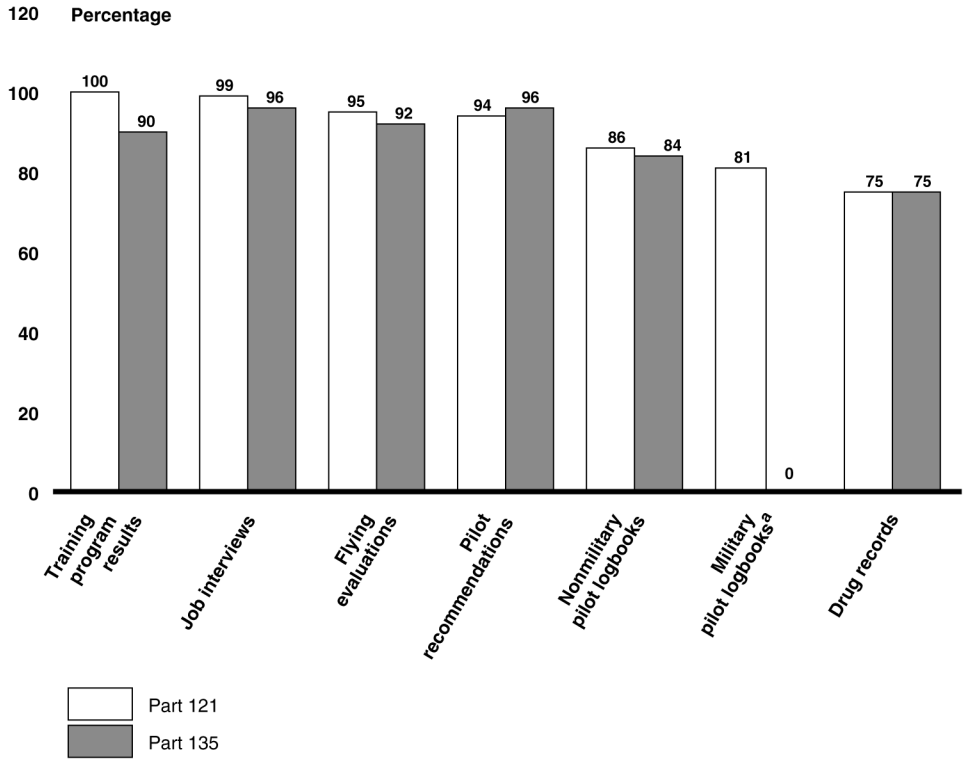


Source: GAO analysis of survey data from Part 121 carriers and Part 135 carriers that had requested at least one PRIA record from FAA.

According to the Part 121 carriers, the information not required by PRIA was generally far more helpful than PRIA records in making final hiring decisions. Virtually all of the Part 121 carriers reported that they found the results of job interviews, their own training programs, evaluations of a pilot's flying skills, and recommendations from other pilots at least somewhat helpful in making these decisions. (See fig. 13.) This seems reasonable, given that most carriers make a conditional job offer to, and begin training, a pilot on the basis of non-PRIA information and have made

their hiring decision by the time they receive and review PRIA files. According to our survey results, 82 percent of the Part 121 carriers had PRIA records available for review after a pilot had accepted a conditional job offer or begun training. Moreover, some carrier officials said, in survey comments and interviews, that they view training and performance records from other carriers as subjective. They said that PRIA information rarely changes their hiring decision unless they see multiple problems in a pilot's file.

Figure 13: Views of Part 121 Carriers and Sampled Part 135 Carriers on the Helpfulness of Non-PRIA Information in Making Hiring Decisions



[a]Because few Part 135 carriers review military pilot logbooks, we excluded this question from our survey of these carriers.

Source: GAO analysis of survey data from Part 121 and Part 135 carriers that had requested at least one PRIA record from FAA.

Similarly, in making their final hiring decisions, the Part 135 carriers that had requested PRIA files from FAA generally reported finding information

not required by PRIA to be more helpful than PRIA records. At least 94 percent of these Part 135 carriers said they found the results of job interviews, their own evaluations of a pilot's flying skills, and recommendations from other pilots at least somewhat helpful in making these decisions. About 73 percent of the Part 135 carriers said they had PRIA records available for review late in the hiring process—after a pilot had accepted a conditional job offer or begun training.

Carriers Differed on Whether PRIA Is Worth the Cost

Although the total costs of implementing PRIA are difficult to estimate, carriers bear the largest portion of these costs. According to our survey results, the Part 121 carriers spent substantially more, on average, than the Part 135 carriers to comply with PRIA in 2000, and the Part 121 carriers were more likely to view their costs as justified by the usefulness of the information received.

Costs of Implementing PRIA Are Difficult to Determine

The costs of implementing PRIA—to carriers, pilots, and federal and state agencies—are difficult to determine. In December 2000, FAA estimated $5.3 million in implementation costs, including the costs to carriers, pilots, and the agency itself; however, this estimate did not include a number of costs to these entities and individuals, and it did not include the costs of providing and obtaining NDR information. For carriers, the full costs of implementing PRIA are difficult to determine because they often are not tracked separately from other hiring and record-keeping costs. For FAA and NDR, the costs are also difficult to determine because complete data are not available.

FAA estimated that carriers, in requesting and responding to requests for PRIA records, incurred $4.6 million, or about 86 percent, of the estimated $5.3 million in total implementation costs. This estimate covered the costs of

- staff time to obtain a pilot's signatures on release forms, to request the records, and to follow up on records that do not arrive within 30 days;
- staff time to review and evaluate an applicant's file once it is received;
- staff time needed to prepare, copy, review the contents of, and mail PRIA records; and

- the maintenance of records related to PRIA's requirements.

FAA's estimate did not include the fees that hiring carriers pay to background investigation companies and to those carrier employers and state motor vehicle agencies that charge a fee for providing records. About 46 percent of the Part 121 carriers and about 26 percent of the Part 135 carriers responding to our survey reported hiring background investigation companies to obtain at least some PRIA records. Most carriers—81 percent of the Part 121 carriers and 94 percent of the Part 135 carriers we surveyed—said they do not charge a fee for providing records. Two of the six[24] state motor vehicle agencies that respond to the vast majority of carriers' requests for NDR information charge for this service.

In responding to our survey, the Part 121 carriers indicated that they spent an average of $7,000 to comply with PRIA in 2000. The Part 135 carriers said they spent an average of $1,000 or less. The total costs for individual Part 121 carriers ranged from $1,000 or less to $100,001 to $1 million. The total costs for individual Part 135 carriers ranged from $1,000 or less to $10,001 to $50,000. (For more detailed cost information, see app. VII.)

Carrier officials told us that the costs for PRIA are difficult to distinguish from other hiring costs, partly because most carriers do not have staff dedicated to carrying out PRIA requirements and use the same staff to perform both PRIA and other responsibilities. In addition, the fees that background investigation companies charge to obtain PRIA information may not be billed separately from their fees for performing other services that are not required by PRIA, such as consumer credit or criminal records checks.

For 2000, FAA estimated that pilots whose PRIA files were requested incurred total costs of nearly $436,000, or about 8 percent of the estimated $5.3 million total cost. This estimate did not include the pilots' costs to obtain copies of their employment and training records from carriers for review and to obtain copies of their driving records.

Complete data are not available on the costs to FAA, NDR, and state motor vehicle agencies of implementing PRIA. For fiscal year 2000, when FAA provided a more complete estimate of its PRIA costs than it had developed

[24]Florida and Texas charge for providing NDR information, while Hawaii, Ohio, Oklahoma, and Utah do not.

in previous years, the agency estimated its own costs at about $312,000, or about 6 percent of the $5.3 million total estimate. However, according to staff in FAA's Aviation Data Systems Branch, this estimate did not include about $40,000 that FAA spent in fiscal year 2000 for the initial development and maintenance of its automated system for responding to PRIA requests. NDR officials reported spending $318 to complete 17,000 requests from carriers in 1999, but this figure did not include any portion of the $1 million that NDR spends annually to maintain its computer system or of the costs that NDR incurs to hand-process pilots' requests for driver information under the Privacy Act. None of the six state motor vehicle agencies that respond to most carriers' requests for NDR information could identify the costs of providing the information, according to responsible state officials.

Carriers Were Divided on Whether PRIA's Costs Were Justified

Compared with the Part 135 carriers we surveyed, the Part 121 carriers were more persuaded that the PRIA information they received was worth the cost, but even the Part 121 carriers were split in their views. Specifically, 52 percent of the Part 121 carriers believed that their PRIA costs in 2000 were justified by the usefulness of the information received, while 48 percent did not. Conversely, nearly two-thirds of the Part 135 carriers did not believe that their PRIA costs were justified, whereas about one-third did.

Most Carriers Favored Changes That Would Make Additional Information Available under PRIA

Substantial majorities of both Part 121 and Part 135 carriers told us they would support changes to PRIA that would enable them to obtain additional information from FAA on aviation accidents and incidents and on open, pending, and reopened enforcement cases. Carriers can obtain this information from FAA under a Freedom of Information Act (FOIA) request, but pilots are not informed of FOIA requests and are not provided copies of the FOIA files that are sent to potential employers. FOIA records also have not undergone as much legal review as PRIA records. The majority of Part 121 carriers also told us they would support changes to PRIA that would enable them to obtain flight records from the military. Such records are not available through FOIA requests.

Carriers Can Request More Safety Information on Pilots under FOIA Than under PRIA

Currently, carriers can obtain more extensive information on a pilot's safety history from FAA under a FOIA request than under a PRIA request. In responding to a FOIA request, FAA can release information on all open, closed, and pending enforcement cases from which the pilot's identity has not been expunged, even if those cases are more than 5 years old. In responding to a PRIA request, however, FAA is precluded by the act from releasing any records more than 5 years old. In addition, as a matter of law, FAA provides information only on those accidents and incidents that have resulted in a legal enforcement action. Under PRIA, FAA is not required to provide other records that it maintains on aviation accidents and incidents as well as on open, pending, and reopened enforcement cases. According to FAA's analysis, nearly 20,000 more records were available in response to FOIA requests than to PRIA requests as of January 10, 2002. (See table 6.) These include 9,885 records of enforcement cases that have been closed but from which the pilot's name has not been expunged as well as of open, pending, or reopened enforcement cases. The remaining records that FAA could provide were of accidents and incidents.

Table 6: Records Releasable under PRIA and FOIA from PRIA's Implementation on February 6, 1997, through January 11, 2002

Information system	Records releasable under PRIA	Records releasable under FOIA	Difference
Accident/Incident records	0	9,694	9,694
Enforcement records	2,312	12,197	9,885
Total	**2,312**	**21,891**	**19,579**

Source: FAA analysis of information from the agency's Accident/Incident Data System and Enforcement Information System.

According to an analysis done by staff in FAA's Aviation Data Systems Branch, fewer than one-quarter of the 1,726 carriers that requested PRIA records between February 6, 1997, when the law went into effect, and January 11, 2002, requested additional safety information under FOIA. The analysis concluded that the majority of carriers are unaware that they are receiving incomplete safety records from FAA under PRIA. Additionally, the report noted that, under FOIA, there are no requirements to notify a pilot of a request for records, to obtain the pilot's consent for the release of those records, or to provide the pilot with a copy of the records that were released.

FAA does not support for a variety of reasons a change in the law that would provide carriers with more complete safety information on pilot applicants if it released its records of accidents; incidents; and open, pending, or reopened enforcement cases. According to FAA's Office of Chief Counsel, using the reports of accidents and incidents in FAA's data system to evaluate pilots' performance could be unfair because these reports may not involve pilot error. Moreover, even if they do, pilots identified in accident and incident reports do not receive the same due process protections that pilots receive when they are subject to legal enforcement actions. Additionally, enforcement actions that have not been closed have not been fully reviewed by FAA, NTSB, and perhaps a U.S. Court of Appeals. These cases could eventually be dropped or dismissed.

Carriers Favored Receiving Additional Information in Response to PRIA Requests

Over three-quarters of the Part 121 carriers and about two-thirds of the Part 135 carriers we surveyed supported having FAA include additional information on accidents and incidents and on open, pending, and reopened enforcement cases in response to PRIA requests. However, the carriers were much less supportive of including enforcement information over 5 years old. (See table 7.)

Table 7: Percentage of Carriers That Supported Including Additional FAA Information in Response to PRIA Requests

Information	Percentage of Part 121 carriers	Percentage of Part 135 carriers that had made PRIA requests to FAA
Accident/Incident data related to pilot error	80	66
Open, pending, and reopened enforcement cases	78	62
Enforcement data over 5 years old	36	27

Source: GAO analysis of survey data from Part 121 and Part 135 carriers that had made at least one request to FAA for PRIA records.

Although Congress excluded military flight records from the sources of PRIA information in April 2000, 62 percent of the Part 121 carriers and 56 percent of the Part 135 carriers we surveyed supported a change in the law that would enable them to receive these records. Currently, carriers can

review a military pilot's logbook to obtain information on the pilot's flight hours, types of equipment flown, and rate of progress in mastering new aircraft as well as any flight-related disciplinary actions. While substantial majorities of both Part 121 and Part 135 carriers that had hired military pilots found the military logbook helpful in making their hiring decision, the carriers nevertheless favored receiving flight records directly from the military.

Military records are important to carriers because they hire many pilots with military flight experience. Eighty-eight percent of the Part 121 carriers reported hiring at least some pilots with military flight experience in 2000, and the largest Part 121 carriers, with more than 1,000 pilots, reported that about 40 percent of the pilots they hired in 2000 had military experience. Forty-six percent of the Part 135 carriers that had requested PRIA files from FAA hired pilots with military flying experience in 2000.

Fatal Aviation Accidents That Involved Pilots with Prior Safety Problems Were Cited in Passing PRIA Legislation

Date	National Transportation Safety Board (NTSB) report number	Flight and location	Fatalities	Cause and pilot history
11/15/1987	NTSB/AAR-88-09[a]	Continental Air Carriers 1713; Denver, Colorado	28	The plane crashed on takeoff due to the captain's failure to have it deiced a second time after a delay before takeoff. This resulted in a loss of control during rapid takeoff rotation by the first officer. The first officer had shown significant shortcomings during his training. The carrier was unaware that a previous employer had discharged the first officer for inability to pass a flight check ride.
1/19/1988	NTSB/AAR-94-05	Trans-Colorado Air Carriers 2286 (Continental Express); Bayfield, Colorado	9	The plane went below minimum descent altitude then struck terrain. The captain had used cocaine prior to this flight. The first officer's record prior to his employment with this carrier and during his training indicated deficiencies in performing instrument procedures. Records of both pilots revealed prior traffic violations and accidents and a previous aircraft accident for the captain. The carrier was unaware that both pilots had received warning letters from the Federal Aviation Administration (FAA).
2/19/1988	NTSB/AAR-88-16	Air Virginia, Inc. (American Eagle); Cary, North Carolina	12	The plane crashed shortly after takeoff because of the pilots' failure to maintain a proper flight path because of the first officer's inappropriate instrument scan, the captain's inadequate monitoring of the flight, and the crew's response to a perceived fault in the airplane's stall avoidance system. Company records showed instances of substandard performance by the copilot, who was flying the plane at the time of the accident.
10/28/89	NTSB/AAR-90-05[a]	Aloha Island Air 1712; Molokai, Hawaii	20	The captain continued flight under visual flight rules at night into instrument meteorological conditions that obscured rising mountainous terrain. The captain's FAA records showed one previous incident attributed to a brake malfunction and the suspension of his commercial pilot certificate for 180 days for not meeting required flight-time requirements and tests.
4/22/92	NTSB/AAR-93-01[a]	Tomy International 22 (Scenic Air Tours); Maui, Hawaii	9	The captain decided to continue visual flight into instrument meteorological conditions that obscured rising mountainous terrain and failed to properly use available navigational equipment to remain clear of the Island of Maui. The carrier was unaware that the captain had been dismissed by five previous carriers for misrepresentation of qualifications and experience, failure to report for duty, disciplinary action, poor training performance, and work performance below standards.

(Continued From Previous Page)

12/1/1993	NTSB/AAR-89-01	Express II 5719; Hibbing, Minnesota	18	An excessively steep landing approach, a lack of proper crew coordination, and a loss of altitude awareness contributed to the plane's descending short of the runway at night. The carrier did not adequately address previously identified deficiencies in the captain's airmanship and crew resource management. Deficiencies included multiple check ride failures, difficulties during transition and upgrade training, letters of complaint and reprimand for his behavior toward company employees, allegation of sexual harassment toward female employees, and a reputation among first officers as an intimidating captain.
12/13/1994	NTSB/AAR-95-07[a]	Flagship Air Carriers (American Eagle 3379); Morrisville, North Carolina	15	The plane crashed short of the runway during an instrument-landing approach. The captain improperly assumed that the engine had failed and subsequently failed to follow approved procedures for engine failure, single-engine approach and go-around, and stall recovery. The carrier did not identify, document, monitor, or remedy deficiencies in the pilot's performance and training at the previous carrier.

[a]NTSB reports that included recommendations for pilot background checks.

Source: GAO summary of accident report data from NTSB.

Methodology

This appendix provides additional information on the design and implementation of our mail surveys of Part 121 and Part 135 carriers on their experiences of hiring pilots under the Pilot Records Improvement Act of 1996 (PRIA). It also discusses database analyses we performed for our review; an electronic survey done by FAA of its principal operating inspectors to obtain information on pilot hiring by some Part 135 carriers in 2000; and interviews we conducted with pilots on their hiring experiences, especially their experiences with PRIA background checks.

Mail Surveys of Carriers

To support our responses to the four research questions asked by the Subcommittee on Aviation, House Committee on Transportation and Infrastructure, we conducted two separate nationwide mail surveys of Part 121 and Part 135 carriers from June through September, 2001. The surveys provided data on carriers' compliance with PRIA, the types of information carriers use in hiring pilots, the costs they have incurred, and their awareness of the pilots' rights set forth in PRIA. In addition, the surveys provided data on carriers' views on the need for clarifying some of those rights, PRIA's usefulness in the pilot-hiring process, FAA's oversight of compliance with the law, aspects of PRIA that require more clarification or guidance, and ways of improving PRIA.

We obtained data from FAA on Part 121 carriers, Part 135 carriers, those carriers that have dual certificates to operate as either Part 121 or Part 135 carriers, and those carriers that made requests to FAA for PRIA records. FAA data from November 13, 2000, identified 120 Part 121, 23 Part 121/135, and 2,717 Part 135 carriers. Our review of FAA's Civil Aviation Registry found that 5 of these Part 121 carriers were no longer operating. We were unable to identify all of the active Part 135 carriers at that time because FAA did not maintain that information in its database. Our analysis of FAA's PRIA request data identified individual carriers that had made at least one request to FAA for PRIA records from July 1998, when FAA's automated system began tracking these requests by carrier, through April 30, 2001. We used this information in creating our mailing lists for the two surveys. We combined the lists of Part 121 carriers and of Part 121/135 carriers to create a list of 124 carriers that had made at least one PRIA request to FAA. We sent the Part 121 carrier survey to all 124 of these carriers. Of the 2,717 Part 135 carriers, 1,144 (39 percent) had made at least one PRIA request to FAA. We selected a random sample of 350 of these carriers and sent the Part 135 survey to them.

During pretesting, we found that we needed procedures to guarantee the anonymity of survey respondents because of the sensitive nature of some questions on carriers' awareness of and implementation of certain PRIA requirements. To guarantee anonymity, we retained no means of identifying the respondent on the survey booklet or the return envelope. This procedure precluded our knowing the identity of any respondent for the surveys mailed to us in Washington, D.C. The use of a separate return postcard, which was to be detached from the survey by the respondent and sent to our Seattle, Wash., office for follow-up, allowed us to track which respondents did and did not mail back a survey response. The response rates were 81 percent for the Part 121 survey and 75 percent for the Part 135 survey. Tabulated copies of the surveys of Part 121 and Part 135 carriers appear in appendixes III and IV, respectively.

We randomly selected the sample used for this study on the basis of a probability procedure. As a result, our sample is only one of a large number of samples that we might have drawn from the total population of 1,144 Part 135 air carriers that had made at least one PRIA request to FAA. If different samples had been taken from the same population, it is likely that the results (i.e., the estimates) would be different. We therefore express our confidence in our particular sample's results as 95 percent confidence intervals—bounded by lower and upper confidence limits. These are intervals that would contain the actual population values for 95 percent of the samples we could have drawn. As a result, we can say we are 95 percent confident that each of the confidence intervals presented in this report includes the true values in the study population.

The responses for the survey of Part 135 carriers involve sampling errors. The sampling error (confidence limits) for all percentages (except those shown for questions 22 and 25) does not exceed plus or minus 7 percentage points. The confidence limits for the percentage estimates for question 22 are shown in parentheses in table 8. These sampling errors are shown separately because the number of respondents is much smaller for this item than for all other items; and therefore, the confidence intervals are larger. The sampling error for all percentage estimates for question 25 does not exceed plus or minus 10 percentage points. The confidence limits for the median estimates for questions 6, 9, and 21 are shown in tables 9, 10, and 11 respectively.

Table 8: Confidence Limits for the Percentage Estimates for Question 22

	Reasons for termination	Percentage estimate (confidence limit) Major reason	Moderate reason	Minor reason	Not a reason	Uncertain
a.	FAA's records showed that the pilot had falsified information during the job application process. **N=16**	19% (6%, 42%)	6% (1%, 27%)	0% (0%, 18%)	69% (45%, 87%)	6% (1%, 27%)
b.	The employer's records showed that the pilot had falsified information during the job application process. **N=15**	13% (3%, 37%)	0% (0%, 19%)	7% (1%, 29%)	67% (42%, 86%)	13% (3%, 37%)
c.	The pilot's FAA records showed enforcement actions against the pilot that made the pilot unacceptable for our air carrier. **N=15**	27% (10%, 52%)	20% (6%, 45%)	0% (0%, 19%)	47% (24%, 70%)	7% (1%, 29%)
d.	The employer's records of comments and evaluations, including those by a check airman, raised concerns about the pilot's competency. **N=14**	7% (1%, 31%)	29% (11%, 55%)	29% (11%, 55%)	29% (11%, 55%)	7% (1%, 31%)
e.	The pilot's training records showed a pattern of poor performance. **N=14**	29% (11%, 55%)	29% (11%, 55%)	7% (1%, 31%)	29% (11%, 55%)	7% (1%, 31%)
f.	The pilot's records included disciplinary actions that made the pilot undesirable for employment. **N=15**	20% (6%, 45%)	27% (10%, 52%)	7% (1%, 29%)	40% (19%, 64%)	7% (1%, 29%)
g.	The records showed circumstances of the pilot's departure from the former job that raised concerns. **N=17**	35% (17%, 59%)	29% (13%, 53%)	18% (5%, 40%)	12% (3%, 33%)	6% (1%, 26%)
h.	The pilot's driving records raised concerns. **N=15**	7% (1%, 29%)	27% (10%, 52%)	7% (1%, 29%)	53% (30%, 76%)	7% (1%, 29%)
i.	You may list other reasons below. **N=18**	6% of the respondents listed one or more reasons. The 95% confidence interval for this estimate ranges from 1% to 25%.				

Table 9: Confidence Limits for the Percentage Estimates for Question 6

	N	Median (*95 percent confidence limits)*
Question 6 (total)	253	9% (7, 11)
Question 6 x 2000	252	3% (2, 3)
Question 6 x 1999	232	2% (2, 3)
Question 6 x 1998	216	2% (2, 3)
Question 6 x 1997	208	2% (2, 3)

Table 10: Confidence Limits for the Percentage Estimates for Question 9

	N	Median (*95 percent confidence limits*)
Question 9 (total)	252	7% (5, 8)
Question 9A (2000)	250	3% (2, 3)
Question 9B (1999)	233	2% (2, 3)
Question 9C (1998)	214	2% (1, 2)
Question 9D (1997)	200	1% (0, 2)

Table 11: Confidence Limits for the Percentage Estimates for Question 21

	N	Median (*95 percent confidence limits*)
Question 21	208	0% (0, 0)

Our two 20-page surveys were identical except for two questions. First, during pretests, Part 121 carriers told us that responses to the question on the number of new pilots hired from 1997 through 2000 could identify certain major Part 121 carriers and might lead to their not completing our survey. Because of concerns about maintaining anonymity for Part 121 carriers, we omitted the question from our survey of these carriers. However, we included the question in our survey of Part 135 carriers because they did not express concern about its effects on their anonymity during pretesting. (See app. IV, question 6.) Second, for question 3 in both surveys, on the relative helpfulness of non-PRIA information to an air carrier's hiring decisions, we did not include one item—"The pilot's own record of military flying"—in the Part 135 survey because we were told that few Part 135 carriers hire military pilots.

Early in designing our surveys, we interviewed three carriers to help determine the appropriate topics for the surveys. Next, we met with 14 air carriers to pretest the surveys. We selected a wide variety of carriers for these meetings, including cargo and passenger carriers; carriers located around the nation; and small, medium, and large carriers. In the pretests, a printed survey, which was similar in appearance to our final product, was filled out by one or more representatives selected by each carrier for their knowledge of and work with the pilot background checks required by PRIA. The carrier representative(s) filled out the questionnaire in the

presence of two GAO observers. The observers then interviewed the carrier representative(s) to ensure that (1) the questions were readable and clear, (2) the terms were precise, (3) the survey did not place an undue burden on carriers that would discourage their participation, and (4) the survey appeared independent and unbiased in its point of view. We revised the final survey to reflect the results of the pretests.

Besides pretesting the surveys, we interviewed and obtained reviews of them from industry trade representatives for small, medium, and large carriers. These representatives included AOPA, the Airline Industrial Relations Conference, the National Air Carrier Association, the National Air Transportation Association, the National Business Aviation Association, and the Regional Airline Association. We also met with FAA officials involved in implementing FAA's PRIA requirements. We incorporated comments from these reviews as appropriate.

To increase our survey response rates, we mailed a prenotification letter to the respondents 1 week before mailing the surveys themselves. We mailed the Part 121 surveys on June 8, 2001, and the Part 135 surveys on June 21, 2001. We then mailed (1) reminder postcards 1 week after mailing each of the surveys and (2) reminder letters 10 days after mailing the reminder postcards to those carriers that had not yet responded. To ensure a better response from the Part 121 carriers, we telephoned about 40 carriers to ensure that they had received the survey instead of mailing reminder letters to them. Finally, 10 days after mailing the reminder letters, we again mailed the surveys to those carriers that had not yet responded. We received the last surveys included in our analysis on September 6, 2001.

We received responses to our surveys from 101 Part 121 carriers and 261 Part 135 carriers for response rates of 81 percent and 75 percent, respectively. Table 12 summarizes the survey returns.

Table 12: Summary of Survey Returns for Carriers That Made PRIA Requests to FAA

	Part 121 and Part 121/135 carriers	Part 135 carriers
Initial population size	143	2,717
Number of carriers that made at least one PRIA request to FAA	124	1,144
Total sample size[a]	124	350
Surveys returned	101	261
Eligible	100	258
Not eligible	1	3
Surveys not returned	23	89
Undeliverable	0	17
No response[b]	23	72
Response rate[c]	**81%**	**75%**

[a]Does not include surveys that were returned but not filled out.

[b]Includes surveys returned blank, surveys received after our deadline, and surveys not received.

[c]Equals the number of surveys returned divided by the number mailed.

Source: GAO.

Database Analyses

To determine whether carriers had complied with PRIA's requirements to request and review background information on pilots, we analyzed data from three DOT databases. These include the Airline Certification, NDR, and PRIA databases. (See table 13.)

Table 13: Databases Used in GAO Analyses

Database	Office responsible for the database	Purpose of the database
Airline Certification	FAA's Office of Flight Standards Service	Provides information on the type of operation authorized for the carrier.
NDR	NDR in DOT's National Highway Traffic Safety Administration	Tracks and maintains driver traffic violation indicators reported by the states and territories to a national database.
PRIA	Aviation Data Systems Branch in FAA's Office of Flight Standards Service	Tracks carriers' requests to FAA and provides pilots' certificate and medical information as well as any closed enforcement actions for findings of violation.

Sources: FAA and the National Highway Traffic Safety Administration.

To assess the reliability of the database that FAA uses to respond to carriers' PRIA requests, we interviewed officials from FAA's Aviation Data Systems Branch, which is responsible for the development, maintenance, and operation of this database, and the branch's contractors. We also obtained data on PRIA requests to FAA from the initiation of the agency's automated tracking system in July 1998 through June 2001. For 1998 through early April 2001, this system included about 79,350 requests. We examined these data for consistency and completeness. When we found that the requesting carrier's certificate designation or Part designation was missing, we requested this information from FAA. In addition, FAA determined for us whether a carrier had requested PRIA information directly or through a third party. We tested the reliability of FAA's data at selected sites and performed our own electronic data testing. The data elements that we selected for testing were, in our opinion, sufficiently complete and consistent to fairly characterize the types and extent of the PRIA requests to which FAA responded during the period of our review. We did not independently review the validity of the three databases from which the PRIA database derives its data. Because the Airline Certification and NDR databases contain information available only from these sources, we were unable to verify the quality of their data.

Using these databases, we performed several analyses to determine which carriers are subject to PRIA and how many requests each had made for

PRIA background checks. To identify those carriers that are air carriers and are therefore required to conduct background checks on pilots under PRIA, we analyzed FAA data on which Part 121 and Part 135 carriers have certificates to fly interstate and are subject to PRIA. We analyzed trends in the number of requests made by carriers from PRIA's implementation in February 1997 through April 2001. To determine the number of requests made by each carrier, we analyzed data on requests made by carriers since the initiation of FAA's automated PRIA database in July 1998 through April 2001. FAA does not have automated data on requests by individual carriers for the first year of PRIA's implementation.

We analyzed available information on pilot hiring to gain insight into the extent to which Part 135 carriers have implemented PRIA by requesting background check information from FAA for pilots hired in 2000. In April 2001, we briefed FAA on the percentage of Part 135 carriers that had made at least one request to FAA for PRIA information in 2000. Because only 39 percent had made at least one request, FAA, in April 2001, asked its principal operations inspectors, who are responsible for overseeing Part 135 carriers, to provide information on how many pilots these carriers had hired in 2000 and whether the carriers operated only intrastate and thus were potentially not subject to PRIA. By June 1, 2001, FAA had received responses from 83 inspectors responsible for overseeing 842 Part 135 carriers. FAA provided us with copies of their responses for analysis. Using data from the inspectors' responses and the PRIA database, we eliminated those 44 carriers that operate only intrastate and compared data on the number of pilots hired in 2000 by each of the remaining 798 carriers with the number of PRIA requests made by that carrier that year.

To gain perspective on the safety histories of carrier pilots, we obtained relevant accident reports from NTSB, reviewed a 1988 GAO report[25] on pilot hiring, and asked FAA to provide updated data on pilots qualified to fly commercial aircraft. FAA provided updated data from its Civil Aviation Registry, Accident and Incident Data System, and Enforcement Information System databases, including (1) how many pilots are qualified to fly for commercial carriers; (2) how many of these pilots have been involved in aviation accidents or incidents; (3) how many have had their certificates revoked or suspended or have received fines; and (4) how many

[25]U.S. General Accounting Office, *Aviation Safety: Airlines Should Check Pilot Applicants' Safety History*, GAO/RCED-88-154 (Washington, D.C.: Oct. 21, 1988).

enforcement cases that are open, pending, reopened, or expunged involved these pilots.

We met with FAA program managers to discuss the results of our surveys and database analyses and to obtain their insights on the findings.

Pilot Interviews

To understand the perspectives of pilots involved in hiring under PRIA, we interviewed a sample of 20 pilots at hiring fairs and carriers. We also interviewed 27 pilots whom we identified as having reported experiencing problems with their PRIA records because they had contacted FAA, congressional staff, or our office. Most of these 27 pilots provided copies of the PRIA records prepared by their current or former employers for our review and analysis.

Survey of Part 121s: Pilot Records Improvement Act

United States General Accounting Office

GAO Survey of Part 121s: Pilot Records Improvement Act

Introduction

The U.S. General Accounting Office (GAO) is an agency of the legislative branch that reviews federal programs for the U.S. Congress. We are currently surveying air carriers as part of a study on federal requirements for hiring pilots. We are asking all Part 121 air carriers for information on their experiences with the Pilot Records Improvement Act (PRIA) and for their opinions on how the Congress and the Federal Aviation Administration (FAA) might improve this process.

This survey is completely anonymous. There is no identification of your company on the questionnaire. You are asked to return the attached postcard separately after completing the questionnaire. The number on the postcard will let us know which companies participated in our survey. There is no information that can link the postcard with your questionnaire.

Without your air carrier's response, we will not be able to accurately report to the Congress on how PRIA is working nationwide. Please answer all the questions that apply to your air carrier. Your participation is vital so that we can report to the Congress on what works well and what could be improved.

It takes about 30 to 45 minutes to complete the questionnaire, depending on the company's experiences. We made every effort to minimize the amount of information requested. Your prompt participation will help us avoid costly follow-up mailings. If you have any questions about our review or this survey, please contact Nancy Boardman via our toll-free number at 1-877-312-7705 or via e-mail at BoardmanN@gao.gov.

If the envelope is missing, please return your survey to:

Ms. Nancy Boardman
U.S. General Accounting Office
441 G Street NW, Room 2T23
Washington, DC 20548

Thank you very much for taking time to contribute to this study.

Experiences with Pilot Records Improvement Act

1. Under PRIA, air carriers are currently required to check a pilot's background by reviewing three types of records during the hiring process—FAA records, employers' records, and vehicle driving records. Overall, how helpful is this PRIA information for making pilot hiring decisions that improve the safety of your air carrier's operations? *(Check one.)* **N=98**

   1. 18% Very helpful
   2. 18% Moderately helpful
   3. 34% Somewhat helpful
   4. 25% Not very helpful
   5. 2% *Uncertain*
   6. 2% Other *(Please describe.)*

Note: Percentages may not add to 100 due to rounding.

As noted in chapter 1, footnote 9, data results from our surveys of Part 121 and Part 135 carriers are reported differently for the body of our report and for the two survey appendixes.

2. For the period from February 1997 through December 2000, please rate the relative level of helpfulness for your air carrier's hiring decisions of the types of PRIA information listed below. *(Check one for each row.)*

PRIA information	Very helpful (1)	Moderately helpful (2)	Somewhat helpful (3)	Not very helpful (4)	**Did not receive this** (5)	*Uncertain (6)*
a. FAA's letter of verification for the pilot's medical certificate **N=96**	29%	17%	23%	30%		1%
b. FAA's letter of verification for the pilot's type rating **N=97**	29%	22%	24%	25%		1%
c. FAA's records of closed enforcement actions in the last 5 years **N=97**	37%	31%	17%	10%		4%
d. The pilot's driving records from the National Driver Register (NDR) **N=96**	15%	28%	26%	30%		1%
e. The pilot's records from previous employers **N=97**	29%	22%	26%	24%	0%	0%

As noted in chapter 1, footnote 9, data results from our surveys of Part 121 and Part 135 carriers are reported differently for the body of our report and for the two survey appendixes.

3. For the period from February 1997 through December 2000, please rate the relative level of helpfulness for your air carrier's hiring decisions of the types of non-PRIA information listed below. *(Check one for each row.)*

Information from Non-PRIA sources	Very helpful (1)	Moderately helpful (2)	Somewhat helpful (3)	Not very helpful (4)	**Did not do this** (5)	*Uncertain (6)*
a. Job interview with the pilot **N=97**	72%	20%	7%	1%	0%	0%
b. Results of our air carrier's evaluation of the pilot's flying in an aircraft N=**96**	54%	13%	5%	4%	21%	2%
c. ***(If you hire conditionally:)*** Results of our air carrier's training program **N=90**	43%	16%	3%	0%	31%	7%
d. The pilot's logbook from nonmilitary flying **N=97**	24%	33%	23%	12%	6%	2%
e. Results of our pre-employment drug tests **N=97**	39%	20%	12%	24%	3%	2%
f. Recommendations from other pilots **N=97**	44%	27%	20%	6%	2%	1%
g. The pilot's own record of military flying **N=97**	13%	29%	30%	16%	7%	4%

h. You may describe others below. **N=0**

As noted in chapter 1, footnote 9, data results from our surveys of Part 121 and Part 135 carriers are reported differently for the body of our report and for the two survey appendixes.

4. Please rate the usefulness of PRIA to your air carrier, considering the extent to which it encourages pilots to be honest about their background and experiences. *(Check one.)* **N=98**

   1. 36% Very useful
   2. 32% Moderately useful
   3. 20% Somewhat useful
   4. 11% Not very useful
   5. 0% *Uncertain*
   6. 1% Other *(Please describe.)*

5. Of the PRIA records you received from pilots' employers in calendar year 2000, how many contained the level of detail and candid evaluation that your air carrier needed for hiring decisions? *(Check one.)* **N=98**

   1. 1% ***Does not apply: No PRIA records received from employers in 2000***
   2. 6% All of the records
   3. 17% Almost all
   4. 12% More than half
   5. 15% About half
   6. 15% Less than half
   7. 25% Few/None of the records
   8. 5% *Uncertain*
   9. 2% Other *(Please describe.)*

6. How many pilots worked for your air carrier as of December 31, 2000? *(Check one.)* **N=98**

   1. 5% 10 or fewer
   2. 19% 11 to 50
   3. 15% 51 to 100
   4. 36% 101 to 500
   5. 6% 501 to 1,000
   6. 18% Over 1,000
   7. 0% Other *(Please describe.)*

As noted in chapter 1, footnote 9, data results from our surveys of Part 121 and Part 135 carriers are reported differently for the body of our report and for the two survey appendixes.

7. Please rate the helpfulness of each of the following for helping you understand the requirements of PRIA. *(Check one for each row.)*

	Very helpful (1)	Moderately helpful (2)	Somewhat helpful (3)	Not very helpful (4)	**Do not use** (5)	*Uncertain (6)*
a. The FAA principal operations inspector (POI) for our air carrier **N=98**	23%	11%	17%	20%	19%	8%
b. The FAA Oklahoma City office **N=97**	13%	12%	20%	16%	32%	6%
c. FAA regional offices **N=98**	3%	11%	16%	20%	42%	7%
d. FAA headquarters **N=96**	2%	8%	11%	23%	49%	6%
e. The FAA Advisory Circular for PRIA **N=98**	18%	32%	31%	6%	10%	3%
f. Our trade association (ATA, Air Con, AOPA, HAI, NATA, NACA, NBAA, RAA, etc.) **N=98**	25%	20%	15%	6%	28%	5%
g. Our air carrier's legal counsel **N=97**	21%	15%	17%	6%	36%	4%

h. You may list other helpful sources below. **N=0**

As noted in chapter 1, footnote 9, data results from our surveys of Part 121 and Part 135 carriers are reported differently for the body of our report and for the two survey appendixes.

Providing PRIA information to other air carriers

8. For each calendar year from 1997 through 2000, please estimate the number of PRIA requests received about your current or former pilots from prospective employers. Please report the number of requests rather than the number of pilots for whom you received requests. *(Enter number. If none, enter "0.")*

Calendar year	Number of PRIA requests received by your air carrier
a. 2000 **N=91**	Range: 0 – 950 Median: 30
b. 1999 **N=86**	Range: 0 – 1000 Median: 24
c. 1998 **N=74**	Range: 0 – 800 Median: 20
d. 1997 **N=67**	Range: 0 – 300 Median 6

9. What fee, if any, does your air carrier currently charge to provide a pilot's PRIA information to other air carriers? *(Check one.)* **N=98**

1. 81% ***Do not charge a fee***
2. 0% Copying costs—depend on amount copied
3. 18% Standard amount per request
4. 1% Other *(Please describe.)*

As noted in chapter 1, footnote 9, data results from our surveys of Part 121 and Part 135 carriers are reported differently for the body of our report and for the two survey appendixes.

PRIA information you requested in 2000

10. Did your air carrier hire any new pilots during calendar year 2000? *(Check one.)* **N=98**

    1. 98% Yes **Please continue with survey.**

    2. 2% No **Skip to Question 25.**

11. We are trying to determine how many air carriers were able to comply with PRIA requirements for obtaining background information on pilots. For the pilots hired in calendar year 2000, how often did your air carrier request the types of PRIA records below? *(Check one for each row.)*

    Reminder: Your answers to this question, or any other, cannot be associated with your air carrier because of our survey's procedures for ensuring anonymity.

Type of PRIA records	How often did you request this information for pilots hired in calendar year 2000?					
	Always (1)	More than half the time (2)	About half the time (3)	Less than half the time (4)	Rarely/ Never (5)	*Uncertain (6)*
a. FAA **N=95**	96%	2%	0%	1%	0%	1%
b. National Driver Register (NDR) **N=95**	95%	2%	0%	1%	2%	0%

12. For how many of the pilots hired in calendar year 2000 were you able to obtain a complete set of PRIA-required information for a) FAA records, and b) NDR records? *(Check one for each row.)*

Type of PRIA records	For how many pilots did you receive information in Calendar year 2000?					
	All/ Almost all (1)	More than half (2)	About half (3)	Under half (4)	Few/ None (5)	*Uncertain (6)*
a. FAA **N=94**	88%	8%	1%	0%	0%	2%
b. National Driver Register (NDR) **N=93**	85%	11%	1%	0%	3%	0%

As noted in chapter 1, footnote 9, data results from our surveys of Part 121 and Part 135 carriers are reported differently for the body of our report and for the two survey appendixes.

13. What percentage of your air carrier's pilots hired during calendar 2000 had experience as a military pilot? *(Check one.)* **N=95**

1. 12% None
2. 32% 1% to 10%
3. 14% 11% to 20%
4. 14% 21% to 30%
5. 5% 31% to 40%
6. 4% 41% to 50%
7. 9% 51% to 60%
8. 3% 61% to 70%
9. 0% 71% to 80%
10. 0% 81% to 90%
11. 0% 91% to 95%
12. 1% 96% to 100%
13. 6% *Uncertain*
14. 0% Other *(Please describe.)*

14. Of the pilots you hired in calendar year 2000, for how many did you request PRIA records from their previous employers? **Reminder:** You may not have requested this information from employers such as the military, Part 91 operators, etc. *(Check one.)* **N=96**

1. 56% All pilots
2. 27% Almost all
3. 6% More than half
4. 3% About half
5. 5% Under half
6. 1% Few/None of pilots
7. 1% *Uncertain*
8. 0% Other *(Please describe.)*

15. Of the pilots you hired in calendar year 2000, for how many did you actually receive any records from their previous employers? **Reminder:** You may not have received this information from employers such as foreign carriers, bankrupt carriers, the military, Part 91 operators, etc. *(Check one.)* **N=96**

1. 18% All pilots
2. 50% Almost all
3. 17% More than half
4. 7% About half
5. 4% Under half
6. 2% Few/None of pilots
7. 1% *Uncertain*
8. 1% Other *(Please describe.)*

As noted in chapter 1, footnote 9, data results from our surveys of Part 121 and Part 135 carriers are reported differently for the body of our report and for the two survey appendixes.

16. During calendar year 2000, how many FAA responses to your air carrier's ***PRIA requests*** did you receive within 30 days? *(Check one.)* **N=95**

PRIA requests to FAA ***include*** the pilot's medical certificate, airman's certificates and ratings, and enforcement history.

PRIA requests to FAA ***exclude*** FOIA requests for accident and incident data and additional enforcement information.

1. 0% ***Does not apply: Did not receive any FAA information in calendar year 2000***
2. 29% All responses received in 30 days
3. 39% Almost all
4. 17% More than half
5. 7% About half
6. 3% Under half
7. 1% Few/None
8. 3% *Uncertain*
9. 0% Other *(Please describe.)*

17. During calendar year 2000, for how many National Driver Register (NDR) requests did your air carrier receive the response within 30 days of your initial request? *(Check one.)* **N=95**

1. 1% ***Does not apply: Did not receive any NDR information in calendar year 2000***
2. 26% All responses received in 30 days
3. 37% Almost all
4. 18% More than half
5. 8% About half
6. 2% Under half
7. 2% Few/None
8. 2% *Uncertain*
9. 3% Other *(Please describe.)*

As noted in chapter 1, footnote 9, data results from our surveys of Part 121 and Part 135 carriers are reported differently for the body of our report and for the two survey appendixes.

18. During calendar year 2000, how many of the PRIA responses from the types of employers listed below did your air carrier receive within 30 days? Requests to the pilot's employers would include records of training, proficiency, or other records from the places where the applicant has worked as a pilot. *(Check one for each row.)*

Type of employer	How many requests received within 30 days? *(Check one for each type of employer.)*						
	Did not make requests (1)	All (2)	Almost all (3)	More than half (4)	About half (5)	Under half (6)	Few/ None (7)
a. Major passenger air carrier **N=88**	35%	18%	29%	6%	3%	4%	3%
b. Regional passenger air carrier **N=88**	16%	18%	41%	10%	8%	3%	3%
c. Commuter passenger air carrier **N=86**	12%	13%	44%	16%	7%	3%	5%
d. On-demand (non-scheduled) air carrier **N=89**	12%	9%	27%	20%	11%	13%	7%
e. Large cargo air carrier (Part 121) **N=88**	16%	12%	36%	20%	6%	3%	6%
f. Small cargo air carrier (Part 135) **N=86**	8%	10%	29%	15%	8%	19%	10%

g. Please describe others below. **N=96 (1% gave comments)**

As noted in chapter 1, footnote 9, data results from our surveys of Part 121 and Part 135 carriers are reported differently for the body of our report and for the two survey appendixes.

Experiences in hiring pilots

19. At what point in the hiring process does your air carrier usually have the PRIA records available for review? *(Check one.)* **N=94**

1.	2%	Before deciding to interview a candidate
2.	4%	After deciding to interview a candidate
3.	11%	Before extending a (conditional) job offer
4.	32%	After pilot accepts a (conditional) job offer
5.	50%	During our pilot training program
6.	1%	Other *(Please describe.)*

As noted in chapter 1, footnote 9, data results from our surveys of Part 121 and Part 135 carriers are reported differently for the body of our report and for the two survey appendixes.

20. ***Because of PRIA information you received***, how many pilots did your air carrier decide ***not*** to hire during calendar year 2000? *(Enter number. If none, enter "0.")* **N=93**

_____156_____ pilots in 2000

If your answer to Question 20 is "0," please skip to Question 22.

21. Please indicate to what extent the following information obtained under PRIA requests influenced your air carrier's decision to terminate from training or not to hire these pilots in calendar year 2000. *(Check one for each row.)*

	Major reason (1)	Moderate reason (2)	Minor reason (3)	Not a reason (4)	*Uncertain (5)*
a. FAA's records showed that the pilot had falsified information during the job application process. **N=36**	44%	11%	0%	36%	8%
b. The employer's records showed that the pilot had falsified information during the job application process. **N=37**	43%	13%	5%	35%	3%
c. The pilot's FAA records showed enforcement actions against the pilot that made the pilot unacceptable for our air carrier. **N=36**	25%	25%	14%	36%	0%
d. The employer's records of comments and evaluations, including those by a check airman, raised concerns about the pilot's competency. **N=39**	26%	36%	13%	26%	0%
e. The pilot's training records showed a pattern of poor performance. **N=40**	35%	30%	7%	25%	2%
f. The pilot's records included disciplinary actions that made the pilot undesirable for employment. **N=36**	28%	28%	3%	39%	3%
g. The records showed circumstances of the pilot's departure from the former job that raised concerns. **N=36**	25%	39%	8%	22%	6%
h. The pilot's driving records raised concerns. **N=37**	38%	13%	13%	35%	0%

i. You may list other reasons below. **N=40 (2% gave comments)**

As noted in chapter 1, footnote 9, data results from our surveys of Part 121 and Part 135 carriers are reported differently for the body of our report and for the two survey appendixes.

22. PRIA does not require the military to provide pilot records to air carriers. When your air carrier hires pilots with military flying experience, what impact does this exclusion have on your air carrier's ability to assess the quality of those pilots? *(Check one.)* **N=95**

    1. 15% ***Have not hired military pilots recently***
    2. 50% No impact
    3. 15% Slightly negative impact
    4. 9% Moderately negative impact
    5. 5% Very negative impact
    6. 2% *Uncertain*
    7. 3% Other *(Please describe.)*

Use of background investigation companies

23. Does your air carrier usually use a background investigation company to hire pilots? *(Check one.)* **N=94**

    1. 61% Yes **Continue with next question.**
    2. 39% No **Skip to Question 25.**

24. Which of the following types of pilot information did this company (these companies) usually get for pilot applicants in calendar year 2000? *(Check all that apply.)* **N=59**

    1. 52% FAA records
    2. 64% NDR records
    3. 52% Employer records of pilot experience
    4. 80% 10-year employment verification
    5. 80% Criminal check
    6. 32 Reference check
    7. 12 Other *(Please describe.)*

Your air carrier's total costs for PRIA

25. For calendar year 2000, please estimate your air carrier's total costs ***(including staff)*** to comply with PRIA both in hiring pilots and in providing pilot information to other air carriers. Please include amounts paid to background investigation companies in this estimate. *(Check one.)* **N=92**

    1. 16% $1,000 or less
    2. 20% $1,001 to $5,000
    3. 20% $5,001 to $10,000
    4. 22% $10,001 to $50,000
    5. 13% $50,001 to $100,000
    6. 8% $100,001 to $500,000
    7. 1% $500,001 to $1 million
    8. 0% Over $1 million
    9. 1% Other *(Please describe.)*

26. Were your costs for PRIA information in calendar year 2000 justified by the usefulness of the information your air carrier received? *(Check one.)* **N=94**

    1. 17% Definitely yes
    2. 24% Probably yes
    3. 19% Uncertain
    4. 22% Probably not
    5. 16% Definitely not
    6. 1% Other *(Please describe.)*

As noted in chapter 1, footnote 9, data results from our surveys of Part 121 and Part 135 carriers are reported differently for the body of our report and for the two survey appendixes.

27. We are aware that the PRIA law (49 USC 44936) went into effect without any implementing regulations and that it has been amended several times. For this reason, we would appreciate your help in finding out whether air carriers are aware of some of the details of this law. Please indicate whether or not your air carrier is aware of each PRIA requirement below. *(Check one for each row.)*

Reminder: Your answers to this question, or any other, cannot be associated with your air carrier because of our survey's procedures for ensuring anonymity.

	Aware of requirement? *(Check one for each row.)*	
	Yes (1)	No (2)
PRIA requirements for air carriers hiring pilots		
a. The pilot must sign a consent form for FAA records to be released to the air carrier. **N=98**	98%	2%
b. The pilot must sign a consent form for records to be released from the employers where the applicant has worked as a pilot of a civilian or public aircraft. **N=98**	99%	1%
c. The pilot must sign a consent form for the release of driving records. **N=98**	99%	1%
d. The air carrier must give the pilot an opportunity to submit written comments to correct any inaccuracies in the PRIA records before making a final hiring decision. **N=97**	69%	31%
e. Air carriers must restrict their use of a pilot's PRIA records to decisions made in the hiring process. **N=97**	80%	20%
f. The air carrier must keep PRIA records confidential to protect a pilot's privacy. **N=98**	96%	4%
g. The air carrier must ensure that only the group involved in the hiring process sees the pilot's PRIA records and that they do not share the information with any other individuals. **N=98**	90%	10%

As noted in chapter 1, footnote 9, data results from our surveys of Part 121 and Part 135 carriers are reported differently for the body of our report and for the two survey appendixes.

	Aware of requirement? *(Check one for each row.)*	
	Yes (1)	No (2)
Requirements for responding to PRIA requests from other air carriers		
a. The air carrier must provide copies of the pilot's flight records (training, proficiency, professional competence, drug and alcohol tests, etc.). **N=97**	98%	2%
b. The air carrier must provide the pilot's records within 30 days of receiving a PRIA request from another air carrier. **N=98**	98%	2%
c. The air carrier must notify the pilot in writing within 20 days that the pilot's records were requested. **N=97**	45%	55%
d. The air carrier must notify the pilot in writing within 20 days that the pilot can make a written request for a copy of the records being furnished to the potential employer. **N=97**	53%	47%
e. If a pilot makes a written request to see the records being sent to a potential employer, the air carrier must provide a copy of the records within 30 days. **N=98**	88%	12%
f. The air carrier must maintain appropriate pilot records for 5 years in order to respond to PRIA requests for the pilots you employ or have employed. (Such records cover training, proficiency, professional competence, and the results of drug and alcohol tests.) **N=98**	97%	3%
g. When responding to PRIA requests, air carriers should send records no more than 5 years old. **N=98**	84%	16%
Other PRIA requirements for air carriers		
a. When a pilot makes a ***written request*** to review the PRIA records kept on the pilot by a current or previous employer, the air carrier must allow the pilot to review the records within 30 days. **N=98**	20%	80%

As noted in chapter 1, footnote 9, data results from our surveys of Part 121 and Part 135 carriers are reported differently for the body of our report and for the two survey appendixes.

28. How do you rate the need for clarification of the following issues relating to federal requirements for hiring pilots? *(Check one for each row.)*

	Need for clarification					
	Little or no need (1)	Some need (2)	Moderate need (3)	Great need (4)	Very great need (5)	*Uncertain* (6)
a. Whether our air carrier is subject to PRIA requirements **N=97**	83%	6%	7%	1%	2%	0%
b. Which records we must request from former employers **N=97**	62%	16%	15%	5%	1%	0%
c. How our air carrier should proceed when a pilot's employer does not provide the records we request **N=97**	15%	14%	22%	25%	24%	0%
d. Who is responsible for providing employer training records when a third party conducts the training **N=98**	23%	15%	29%	16%	11%	5%
e. How our air carrier should proceed when a pilot's employer is no longer in business **N=98**	18%	12%	25%	21%	22%	0%
f. How our air carrier should proceed if a pilot's employer is located in a foreign country **N=98**	21%	16%	16%	21%	24%	0%
g. What our air carrier should do if a state does not provide the driving records we request **N=98**	18%	21%	25%	16%	18%	0%
h. How long we should keep the PRIA information on a pilot we ***do not*** hire **N=97**	21%	15%	31%	16%	16%	0%
i. How long we should keep the PRIA information on a pilot we ***do*** hire **N=98**	41%	16%	16%	13%	13%	0%
j. How long records should be maintained once a pilot has left our air carrier's employment **N=97**	51%	14%	20%	8%	6%	0%
k. Which ***disciplinary actions*** are related to the individual's performance as a pilot and therefore should be provided to air carriers interested in hiring our current or former pilots **N=97**	16%	14%	26%	21%	23%	0%
l. Which ***pilot records*** are related to the individual's performance as a pilot and therefore should be provided to air carriers interested in hiring our current or former pilots **N=98**	34%	18%	19%	13%	15%	0%

As noted in chapter 1, footnote 9, data results from our surveys of Part 121 and Part 135 carriers are reported differently for the body of our report and for the two survey appendixes.

	Need for clarification					
	Little or no need (1)	Some need (2)	Moderate need (3)	Great need (4)	Very great need (5)	*Uncertain* (6)
m. Whether the pilot's PRIA records must be stored separately from our air carrier's current employment records **N=98**	29%	20%	24%	16%	9%	1%
n. Which people are allowed to see the PRIA records as part of the hiring process **N=98**	50%	20%	15%	8%	6%	0%
o. What we should do if a pilot challenges one of the records in the pilot's PRIA files **N=98**	17%	22%	29%	19%	12%	0%
p. How air carriers should handle pilot records when a disciplinary action is resolved through a negotiated settlement **N=97**	21%	20%	21%	15%	24%	0%
q. Whether our air carrier is allowed to charge a fee for providing PRIA records **N=98**	59%	15%	13%	4%	8%	0%

r. You may list other PRIA areas that need clarification below. **N=98 (8% gave comments)**

As noted in chapter 1, footnote 9, data results from our surveys of Part 121 and Part 135 carriers are reported differently for the body of our report and for the two survey appendixes.

29. How do you rate the following proposals for changes to federal regulations, activities, and laws relating to pilot hiring? *(Check one for each row.)*

	Strongly support (1)	Generally support (2)	Neutral (3)	Generally oppose (4)	Strongly oppose (5)	*Uncertain* (6)
a. Eliminate PRIA requirements for air carriers to conduct a National Driver Register search. **N=98**	30%	15%	23%	20%	9%	2%
b. Have FAA include the driving information from its medical files when responding to air carriers' PRIA requests. **N=98**	42%	23%	21%	5%	5%	3%
c. Strengthen enforcement of the requirement that air carriers must provide pilot records within 30 days. **N=98**	31%	28%	26%	5%	8%	2%
d. Provide more specific guidance on which types of pilot records should be provided to a prospective employer. **N=98**	31%	37%	28%	2%	2%	1%
e. Revise the PRIA Advisory Circular so that it is easier to understand. **N=98**	46%	30%	22%	1%	0%	1%
f. Create an FAA Web site with PRIA contacts for all air carriers. **N=98**	56%	24%	11%	2%	4%	2%
g. Change the law to require Part 91 employers to maintain PRIA records for the pilots they employ. **N=97**	16%	20%	27%	15%	17%	4%
h. Change the law so that a pilot's PRIA records from FAA include records of accidents and incidents caused by pilot error. **N=98**	45%	34%	12%	2%	5%	2%
i. Change the law so that a pilot's PRIA records from FAA include open, reopened, and pending enforcement cases. **N=98**	47%	30%	15%	3%	3%	2%
j. Change the law so that any PRIA records provided by FAA include enforcement cases more than 5 years old. **N=98**	17%	17%	34%	14%	14%	3%
k. Update Part 121 regulations to	25%	31%	24%	5%	10%	4%

As noted in chapter 1, footnote 9, data results from our surveys of Part 121 and Part 135 carriers are reported differently for the body of our report and for the two survey appendixes.

30. Please add any comments you wish on the issues in this survey or on other matters related to the Pilot Records Improvement Act (PRIA). **N=98 (34% gave comments)**

Thank you very much for participating in our survey.

As noted in chapter 1, footnote 9, data results from our surveys of Part 121 and Part 135 carriers are reported differently for the body of our report and for the two survey appendixes.

Survey of Part 135s: Pilot Records Improvement Act

United States General Accounting Office

GAO Survey of Part 135s: Pilot Records Improvement Act

Introduction

The U.S. General Accounting Office (GAO) is an agency of the legislative branch that reviews federal programs for the U.S. Congress. We are currently surveying air carriers as part of a study on federal requirements for hiring pilots. We are asking a random sample of Part 135 air carriers for information on their experiences with the Pilot Records Improvement Act (PRIA) and for their opinions on how the Congress and the Federal Aviation Administration (FAA) might improve this process.

This survey is completely anonymous. There is no identification of your company on the questionnaire. You are asked to return the attached postcard separately after completing the questionnaire. The number on the postcard will let us know which companies participated in our survey. There is no information that can link the postcard with your questionnaire.

Without your air carrier's response, we will not be able to accurately report to the Congress on how PRIA is working nationwide. Please answer all the questions that apply to your air carrier. Your participation is vital so that we can report to the Congress on what works well and what could be improved.

It takes about 30 to 45 minutes to complete the questionnaire, depending on the company's experiences. We made every effort to minimize the amount of information requested. Your prompt participation will help us avoid costly follow-up mailings. If you have any questions about our review or this survey, please contact Nancy Boardman via our toll-free number at 1-877-312-7705 or via e-mail at BoardmanN@gao.gov.

If the envelope is missing, please return your survey to:

Ms. Nancy Boardman
U.S. General Accounting Office
441 G Street NW, Room 2T23
Washington, DC 20548

Thank you very much for taking time to contribute to this study.

Experiences with Pilot Records Improvement Act

1. Under PRIA, air carriers are currently required to check a pilot's background by reviewing three types of records during the hiring process—FAA records, employers' records, and vehicle driving records. Overall, how helpful is this PRIA information for making pilot hiring decisions that improve the safety of your air carrier's operations? *(Check one.)* **N=256**

   1. 11% Very helpful
   2. 13% Moderately helpful
   3. 33% Somewhat helpful
   4. 39% Not very helpful
   5. 3% *Uncertain*
   6. >1% Other *(Please specify.)*

Note: Percentages may not add to 100 due to rounding.

As noted in chapter 1, footnote 9, data results from our surveys of Part 121 and Part 135 carriers are reported differently for the body of our report and for the two survey appendixes.

2. For the period from February 1997 through December 2000, please rate the relative level of helpfulness for your air carrier's hiring decisions of the types of PRIA information listed below. *(Check one for each row.)*

PRIA information	Very helpful (1)	Moderately helpful (2)	Somewhat helpful (3)	Not very helpful (4)	**Did not receive this** (5)	*Uncertain (6)*
a. FAA's letter of verification for the pilot's medical certificate **N=247**	20%	17%	22%	38%		2%
b. FAA's letter of verification for the pilot's type rating **N=247**	22%	17%	24%	34%		2%
c. FAA's records of closed enforcement actions in the last 5 years **N=247**	28%	20%	28%	22%		2%
d. The pilot's driving records from the National Driver Register (NDR) **N=247**	18%	19%	25%	36%		2%
e. The pilot's records from previous employers **N=253**	15%	19%	28%	34%	>1%	2%

As noted in chapter 1, footnote 9, data results from our surveys of Part 121 and Part 135 carriers are reported differently for the body of our report and for the two survey appendixes.

3. For the period from February 1997 through December 2000, please rate the relative level of helpfulness for your air carrier's hiring decisions of the types of non-PRIA information listed below. *(Check one for each row.)*

Information from Non-PRIA sources	Very helpful (1)	Moderately helpful (2)	Somewhat helpful (3)	Not very helpful (4)	**Did not do this** (5)	*Uncertain (6)*
a. Job interview with the pilot **N=254**	68%	18%	7%	4%	1%	>1%
b. Results of our air carrier's evaluation of the pilot's flying in an aircraft **N=253**	53%	15%	14%	5%	11%	1%
c. ***(If you hire conditionally:)*** Results of our air carrier's training program **N=226**	31%	14%	12%	7%	34%	3%
d. The pilot's logbook from nonmilitary flying **N=252**	18%	26%	36%	15%	4%	>1%
e. Results of our pre-employment drug tests **N=253**	38%	14%	21%	24%	>1%	2%
f. Recommendations from other pilots **N=253**	55%	25%	13%	4%	3%	>1%

g. You may describe others below. **N=258 (2% gave comments)**

As noted in chapter 1, footnote 9, data results from our surveys of Part 121 and Part 135 carriers are reported differently for the body of our report and for the two survey appendixes.

4. Please rate the usefulness of PRIA to your air carrier, considering the extent to which it encourages pilots to be honest about their background and experiences. *(Check one.)* **N=256**

   1. 21% Very useful
   2. 25% Moderately useful
   3. 25% Somewhat useful
   4. 24% Not very useful
   5. 4% *Uncertain*
   6. >1% Other *(Please describe.)*

5. Of the PRIA records you received from pilots' employers in calendar year 2000, how many contained the level of detail and candid evaluation that your air carrier needed for hiring decisions? *(Check one.)* **N=255**

   1. 12% ***Does not apply: No PRIA records received from employers in 2000***
   2. 5% All of the records
   3. 13% Almost all
   4. 6% More than half
   5. 11% About half
   6. 12% Less than half
   7. 34% Few/None of the records
   8. 5% *Uncertain*
   9. 1% Other *(Please describe.)*

6. For each of the years below, please estimate the number of new pilots hired by your air carrier. *(Enter number for each row. If none, enter "0.")*

   If your air carrier started its business after February 1997, please give the year it started. **N=28**

   _____
   (Year)

   1997 – 4%
   1998 – 36%
   1999 – 32%
   2000 – 29%

Calendar year	Number of pilots hired
2000	Range: 0 – 200 Median: 3
1999	Range: 0 – 200 Median: 2
1998	Range: 0 – 110 Median: 2
1997	Range: 0 – 110 Median: 2

7. How many pilots worked for your air carrier as of December 31, 2000? *(Check one.)* **N=257**

   1. 63% 10 or fewer
   2. 31% 11 to 50
   3. 4% 51 to 100
   4. >1% 101 to 500
   5. >1% 501 to 1,000
   6. 0% Over 1,000
   7. >1% Other *(Please describe.)*

As noted in chapter 1, footnote 9, data results from our surveys of Part 121 and Part 135 carriers are reported differently for the body of our report and for the two survey appendixes.

8. Please rate the helpfulness of each of the following for helping you understand the requirements of PRIA. *(Check one for each row.)*

	Very helpful (1)	Moderately helpful (2)	Somewhat helpful (3)	Not very helpful (4)	**Do not use** (5)	*Uncertain (6)*
a. The FAA principal operations inspector (POI) for our air carrier **N=254**	24%	13%	22%	25%	13%	2%
b. The FAA Oklahoma City office **N=253**	6%	13%	14%	28%	36%	4%
c. FAA regional offices **N=253**	7%	13%	13%	26%	38%	3%
d. FAA headquarters **N=247**	3%	8%	10%	26%	47%	6%
e. The FAA Advisory Circular for PRIA **N=252**	11%	32%	32%	13%	10%	2%
f. Our trade association (ATA, Air Con, AOPA, HAI, NATA, NACA, NBAA, RAA, etc.) **N=253**	30%	22%	15%	9%	24%	1%
g. Our air carrier's legal counsel **N=251**	3%	8%	8%	12%	65%	5%

h. You may list other helpful sources below. **N=0**

As noted in chapter 1, footnote 9, data results from our surveys of Part 121 and Part 135 carriers are reported differently for the body of our report and for the two survey appendixes.

Providing PRIA information to other air carriers

9. For each calendar year from 1997 through 2000, please estimate the number of PRIA requests received about your current or former pilots from prospective employers. Please report the number of requests rather than the number of pilots for whom you received requests. *(Enter number. If none, enter "0.")*

Calendar year	Number of PRIA requests received by your air carrier
a. 2000 **N=250**	Range: 0 - 156
b. 1999 **N=239**	Range: 0 – 156
c. 1998 **N=225**	Range: 0 – 156
d. 1997 **N=216**	Range: 0 - 156

10. What fee, if any, does your air carrier currently charge to provide a pilot's PRIA information to other air carriers? *(Check one.)* **N=251**

1. 94% ***Do not charge a fee***
2. >1% Copying costs—depends on amount copied
3. 5% Standard amount per request
4. >1% Other *(Please describe.)*

As noted in chapter 1, footnote 9, data results from our surveys of Part 121 and Part 135 carriers are reported differently for the body of our report and for the two survey appendixes.

PRIA information you requested in 2000

11. Did your air carrier hire any new pilots during calendar year 2000? *(Check one.)* **N=254**

    1. 83% Yes **Please continue with survey.**

    2. 17% No **Skip to Question 26.**

12. We are trying to determine how many air carriers were able to comply with PRIA requirements for obtaining background information on pilots. For the pilots hired in calendar year 2000, how often did your air carrier request the types of PRIA records below? *(Check one for each row.)*

    Reminder: Your answers to this question, or any other, cannot be associated with your air carrier because of our survey's procedures for ensuring anonymity.

Type of PRIA records	How often did you request this information for pilots hired in calendar year 2000?					
	Always (1)	More than half the time (2)	About half the time (3)	Less than half the time (4)	Rarely/ Never (5)	*Uncertain (6)*
a. FAA **N=209**	91%	2%	3%	0%	3%	1%
b. National Driver Register (NDR) **N=206**	88%	3%	3%	1%	3%	1%

13. For how many of the pilots hired in calendar year 2000 were you able to obtain a complete set of PRIA-required information for a) FAA records, and b) NDR records? *(Check one for each row.)*

Type of PRIA records	For how many pilots did you receive information in calendar year 2000?					
	All/ Almost all (1)	More than half (2)	About half (3)	Under half (4)	Few/ None (5)	*Uncertain (6)*
a. FAA **N=208**	84%	5%	3%	1%	5%	1%
b. National Driver Register (NDR) **N=207**	76%	7%	5%	4%	7%	1%

As noted in chapter 1, footnote 9, data results from our surveys of Part 121 and Part 135 carriers are reported differently for the body of our report and for the two survey appendixes.

14. What percentage of your air carrier's pilots hired during calendar 2000 had experience as a military pilot? *(Check one.)* **N=212**

1.	53%	None
2.	19%	1% to 10%
3.	5%	11% to 20%
4.	3%	21% to 30%
5.	4%	31% to 40%
6.	2%	41% to 50%
7.	>1%	51% to 60%
8.	>1%	61% to 70%
9.	>1%	71% to 80%
10.	3%	81% to 90%
11.	>1%	91% to 95%
12.	5%	96% to 100%
13.	2%	*Uncertain*
14.	0%	Other *(Please describe.)*

15. Of the pilots you hired in calendar year 2000, for how many did you request PRIA records from their previous employers? **Reminder:** You may not have requested this information from employers such as the military, Part 91 operators, etc. *(Check one.)* **N=212**

1.	64%	All pilots
2.	18%	Almost all
3.	4%	More than half
4.	2%	About half
5.	2%	Under half
6.	7%	Few/None of pilots
7.	2%	*Uncertain*
8.	0%	Other *(Please describe.)*

16. Of the pilots you hired in calendar year 2000, for how many did you actually receive any records from their previous employers? **Reminder:** You may not have received this information from employers such as foreign carriers, bankrupt carriers, the military, Part 91 operators, etc. *(Check one.)* **N=212**

1.	34%	All pilots
2.	32%	Almost all
3.	9%	More than half
4.	7%	About half
5.	5%	Under half
6.	10%	Few/None of pilots
7.	2%	*Uncertain*
8.	0%	Other *(Please describe.)*

As noted in chapter 1, footnote 9, data results from our surveys of Part 121 and Part 135 carriers are reported differently for the body of our report and for the two survey appendixes.

17. During calendar year 2000, how many FAA responses to your air carrier's ***PRIA requests*** did you receive within 30 days? *(Check one.)* **N=211**

PRIA requests to FAA ***include*** the pilot's medical certificate, airman's certificates and ratings, and enforcement history.

PRIA requests to FAA ***exclude*** FOIA requests for accident and incident data and additional enforcement information.

1. 4% ***Does not apply: Did not receive any FAA information in calendar year 2000***
2. 37% All responses received in 30 days
3. 29% Almost all
4. 7% More than half
5. 5% About half
6. 3% Under half
7. 8% Few/None
8. 5% *Uncertain*
9. >1% Other *(Please describe.)*

18. During calendar year 2000, for how many National Driver Register (NDR) requests did your air carrier receive the response within 30 days of your initial request? *(Check one.)* **N=211**

1. 5% ***Does not apply: Did not receive any NDR information in calendar year 2000***
2. 38% All responses received in 30 days
3. 25% Almost all
4. 4% More than half
5. 7% About half
6. 7% Under half
7. 10% Few/None
8. 3% *Uncertain*
9. 1% Other *(Please describe.)*

As noted in chapter 1, footnote 9, data results from our surveys of Part 121 and Part 135 carriers are reported differently for the body of our report and for the two survey appendixes.

19. During calendar year 2000, how many of the PRIA responses from the types of employers listed below did your air carrier receive within 30 days? Requests to the pilot's employers would include records of training, proficiency, or other records from the places where the applicant has worked as a pilot. *(Check one for each row.)*

Type of employer	How many requests received within 30 days? *(Check one for each type of employer.)*						
	Did not make requests (1)	All (2)	Almost all (3)	More than half (4)	About half (5)	Under half (6)	Few/ None (7)
a. Major passenger air carrier **N=182**	78%	8%	4%	3%	2%	>1%	4%
b. Regional passenger air carrier **N=177**	73%	7%	7%	4%	2%	1%	4%
c. Commuter passenger air carrier **N=183**	66%	11%	8%	4%	4%	1%	5%
d. On-demand (non-scheduled) air carrier **N=197**	16%	29%	22%	9%	12%	6%	6%
e. Large cargo air carrier (Part 121) **N=178**	79%	6%	4%	4%	1%	1%	5%
f. Small cargo air carrier (Part 135) **N=190**	46%	14%	18%	6%	7%	3%	6%

g. Please describe others below. **N=214 (3% gave comments)**

As noted in chapter 1, footnote 9, data results from our surveys of Part 121 and Part 135 carriers are reported differently for the body of our report and for the two survey appendixes.

Experiences in hiring pilots

20. At what point in the hiring process does your air carrier usually have the PRIA records available for review? *(Check one.)* **N=212**

    1. >1% Before deciding to interview a candidate
    2. 5% After deciding to interview a candidate
    3. 16% Before extending a (conditional) job offer
    4. 31% After pilot accepts a (conditional) job offer
    5. 42% During our pilot training program
    6. 5% Other *(Please describe.)*
    7. 1% Other: After job offer

As noted in chapter 1, footnote 9, data results from our surveys of Part 121 and Part 135 carriers are reported differently for the body of our report and for the two survey appendixes.

21. ***Because of PRIA information you received***, how many pilots did your air carrier decide ***not*** to hire during calendar year 2000? *(Enter number. If none, enter "0.")* **N=208**

_____36_____ pilots in 2000

If your answer to Question 21 is "0," please skip to Question 23.

22. Please indicate to what extent the following information obtained under PRIA requests influenced your air carrier's decision to terminate from training or not to hire these pilots in calendar year 2000. *(Check one for each row.)*

	Major reason (1)	Moderate reason (2)	Minor reason (3)	Not a reason (4)	*Uncertain (5)*
a. FAA's records showed that the pilot had falsified information during the job application process. **N=16**	19%	6%	0%	69%	6%
b. The employer's records showed that the pilot had falsified information during the job application process. **N=15**	13%	0%	7%	67%	13%
c. The pilot's FAA records showed enforcement actions against the pilot that made the pilot unacceptable for our air carrier. **N=15**	27%	20%	0%	47%	7%
d. The employer's records of comments and evaluations, including those by a check airman, raised concerns about the pilot's competency. **N=14**	7%	29%	29%	29%	7%
e. The pilot's training records showed a pattern of poor performance. **N=14**	29%	29%	7%	29%	7%
f. The pilot's records included disciplinary actions that made the pilot undesirable for employment. **N=15**	20%	27%	7%	40%	7%
g. The records showed circumstances of the pilot's departure from the former job that raised concerns. **N=17**	35%	29%	18%	12%	6%
h. The pilot's driving records raised concerns. **N=15**	7%	27%	7%	53%	7%

i. You may list other reasons below. **N=18 (6% gave comments)**

As noted in chapter 1, footnote 9, data results from our surveys of Part 121 and Part 135 carriers are reported differently for the body of our report and for the two survey appendixes.

23. PRIA does not require the military to provide pilot records to air carriers. When your air carrier hires pilots with military flying experience, what impact does this exclusion have on your air carrier's ability to assess the quality of those pilots? *(Check one.)* **N=211**

    1. 48% ***Have not hired military pilots recently***
    2. 36% No impact
    3. 6% Slightly negative impact
    4. 3% Moderately negative impact
    5. 3% Very negative impact
    6. 3% *Uncertain*
    7. >1% Other *(Please describe.)*

Use of background investigation companies

24. Does your air carrier usually use a background investigation company to hire pilots? *(Check one.)* **N=211**

    1. 28% Yes **Continue with next question.**
    2. 72% No **Skip to Question 26.**

25. Which of the following types of pilot information did this company (these companies) usually get for pilot applicants in calendar year 2000? *(Check all that apply.)* **N=62**

    1. 84% FAA records
    2. 84% NDR records
    3. 69% Employer records of pilot experience
    4. 48% 10-year employment verification
    5. 52% Criminal check
    6. 29% Reference check
    7. 6% Other *(Please describe.)*

Your air carrier's total costs for PRIA

26. For calendar year 2000, please estimate your air carrier's total costs ***(including staff)*** to comply with PRIA both in hiring pilots and in providing pilot information to other air carriers. Please include amounts paid to background investigation companies in this estimate. *(Check one.)* **N=251**

    1. 71% $1,000 or less
    2. 20% $1,001 to $5,000
    3. 4% $5,001 to $10,000
    4. 4% $10,001 to $50,000
    5. 0% $50,001 to $100,000
    6. 0% $100,001 to $500,000
    7. 0% $500,001 to $1 million
    8. 0% Over $1 million
    9. >1% Other *(Please describe.)*

27. Were your costs for PRIA information in calendar year 2000 justified by the usefulness of the information your air carrier received? *(Check one.)* **N=252**

    1. 13% Definitely yes
    2. 17% Probably yes
    3. 17% Uncertain
    4. 25% Probably not
    5. 27% Definitely not
    6. 2% Other *(Please describe.)*

As noted in chapter 1, footnote 9, data results from our surveys of Part 121 and Part 135 carriers are reported differently for the body of our report and for the two survey appendixes.

28. We are aware that the PRIA law (49 USC 44936) went into effect without any implementing regulations and that it has been amended several times. For this reason, we would appreciate your help in finding out whether air carriers are aware of some of the details of this law. Please indicate whether or not your air carrier is aware of each PRIA requirement below. *(Check one for each row.)*

Reminder: Your answers to this question, or any other, cannot be associated with your air carrier because of our survey's procedures for ensuring anonymity.

	Aware of requirement? *(Check one for each row.)*	
	Yes (1)	No (2)
PRIA requirements for air carriers hiring pilots		
a. The pilot must sign a consent form for FAA records to be released to the air carrier. **N=254**	98%	2%
b. The pilot must sign a consent form for records to be released from the employers where the applicant has worked as a pilot of a civilian or public aircraft. **N=255**	98%	2%
c. The pilot must sign a consent form for the release of driving records. **N=255**	94%	6%
d. The air carrier must give the pilot an opportunity to submit written comments to correct any inaccuracies in the PRIA records before making a final hiring decision. **N=255**	56%	44%
e. Air carriers must restrict their use of a pilot's PRIA records to decisions made in the hiring process. **N=255**	75%	25%
f. The air carrier must keep PRIA records confidential to protect a pilot's privacy. **N=255**	95%	5%
g. The air carrier must ensure that only the group involved in the hiring process sees the pilot's PRIA records and that they do not share the information with any other individuals. **N=255**	87%	12%

As noted in chapter 1, footnote 9, data results from our surveys of Part 121 and Part 135 carriers are reported differently for the body of our report and for the two survey appendixes.

	Aware of requirement? *(Check one for each row.)*	
	Yes (1)	No (2)
Requirements for responding to PRIA requests from other air carriers		
a. The air carrier must provide copies of the pilot's flight records (training, proficiency, professional competence, drug and alcohol tests, etc.). **N=253**	90%	9%
b. The air carrier must provide the pilot's records within 30 days of receiving a PRIA request from another air carrier. **N=254**	91%	9%
c. The air carrier must notify the pilot in writing within 20 days that the pilot's records were requested. **N=253**	36%	64%
d. The air carrier must notify the pilot in writing within 20 days that the pilot can make a written request for a copy of the records being furnished to the potential employer. **N=251**	47%	53%
e. If a pilot makes a written request to see the records being sent to a potential employer, the air carrier must provide a copy of the records within 30 days. **N=253**	73%	27%
f. The air carrier must maintain appropriate pilot records for 5 years in order to respond to PRIA requests for the pilots you employ or have employed. (Such records cover training, proficiency, professional competence, and the results of drug and alcohol tests.) **N=253**	85%	15%
g. When responding to PRIA requests, air carriers should send records no more than 5 years old. **N=253**	69%	31%
Other PRIA requirements for air carriers		
a. When a pilot makes a ***written request*** to review the PRIA records kept on the pilot by a current or previous employer, the air carrier must allow the pilot to review the records within 30 days. **N=252**	65%	35%

As noted in chapter 1, footnote 9, data results from our surveys of Part 121 and Part 135 carriers are reported differently for the body of our report and for the two survey appendixes.

29. How do you rate the need for clarification of the following issues relating to federal requirements for hiring pilots? *(Check one for each row.)*

	Need for clarification					
	Little or no need (1)	Some need (2)	Moderate Need (3)	Great need (4)	Very great need (5)	*Uncertain* (6)
a. Whether our air carrier is subject to PRIA requirements **N=252**	63%	14%	9%	7%	5%	2%
b. Which records we must request from former employers **N=254**	43%	16%	17%	15%	8%	2%
c. How our air carrier should proceed when a pilot's employer does not provide the records we request **N=254**	12%	15%	30%	24%	17%	2%
d. Who is responsible for providing employer training records when a third party conducts the training **N=254**	23%	17%	24%	20%	10%	6%
e. How our air carrier should proceed when a pilot's employer is no longer in business **N=254**	13%	15%	28%	23%	17%	4%
f. How our air carrier should proceed if a pilot's employer is located in a foreign country **N=252**	21%	11%	25%	21%	15%	8%
g. What our air carrier should do if a state does not provide the driving records we request **N=252**	15%	15%	25%	22%	17%	6%
h. How long we should keep the PRIA information on a pilot we ***do not*** hire **N=254**	16%	12%	27%	23%	16%	6%
i. How long we should keep the PRIA information on a pilot we ***do*** hire **N=254**	34%	15%	20%	17%	11%	3%
j. How long records should be maintained once a pilot has left our air carrier's employment **N=253**	49%	12%	17%	13%	7%	2%
k. Which ***disciplinary actions*** are related to the individual's performance as a pilot and therefore should be provided to air carriers interested in hiring our current or former pilots **N=254**	18%	15%	24%	22%	17%	3%
l. Which ***pilot records*** are related to the individual's performance as a pilot and therefore should be provided to air carriers interested in hiring our current or former pilots **N=253**	24%	17%	22%	20%	13%	3%

As noted in chapter 1, footnote 9, data results from our surveys of Part 121 and Part 135 carriers are reported differently for the body of our report and for the two survey appendixes.

	Need for clarification					
	Little or no need (1)	Some need (2)	Moderate Need (3)	Great need (4)	Very great need (5)	*Uncertain* (6)
m. Whether the pilot's PRIA records must be stored separately from our air carrier's current employment records **N=254**	26%	22%	23%	16%	10%	3%
n. Which people are allowed to see the PRIA records as part of the hiring process **N=254**	41%	21%	19%	11%	5%	3%
o. What we should do if a pilot challenges one of the records in the pilot's PRIA files **N=253**	15%	20%	30%	19%	12%	4%
p. How air carriers should handle pilot records when a disciplinary action is resolved through a negotiated settlement **N=254**	15%	16%	30%	19%	14%	6%
q. Whether our air carrier is allowed to charge a fee for providing PRIA records **N=254**	32%	14%	24%	13%	13%	4%

r. You may list other PRIA areas that need clarification below. **N=258 (2% gave comments)**

As noted in chapter 1, footnote 9, data results from our surveys of Part 121 and Part 135 carriers are reported differently for the body of our report and for the two survey appendixes.

30. How do you rate the following proposals for changes to federal regulations, activities, and laws relating to pilot hiring? *(Check one for each row.)*

	Strongly support (1)	Generally support (2)	Neutral (3)	Generally oppose (4)	Strongly oppose (5)	*Uncertain* (6)
a. Eliminate PRIA requirements for air carriers to conduct a National Driver Register search. **N=250**	39%	19%	19%	13%	9%	2%
b. Have FAA include the driving information from its medical files when responding to air carriers' PRIA requests. **N=251**	39%	23%	18%	10%	8%	2%
c. Strengthen enforcement of the requirement that air carriers must provide pilot records within 30 days. **N=253**	13%	19%	36%	16%	15%	1%
d. Provide more specific guidance on which types of pilot records should be provided to a prospective employer. **N=253**	36%	37%	20%	4%	3%	>1%
e. Revise the PRIA Advisory Circular so that it is easier to understand. **N=252**	50%	31%	15%	1%	>1%	2%
f. Create an FAA Web site with PRIA contacts for all air carriers. **N=252**	49%	23%	18%	5%	4%	>1%
g. Change the law to require Part 91 employers to maintain PRIA records for the pilots they employ. **N=253**	19%	13%	17%	15%	35%	2%
h. Change the law so that a pilot's PRIA records from FAA include records of accidents and incidents caused by pilot error. **N=253**	37%	28%	17%	7%	9%	1%
i. Change the law so that a pilot's PRIA records from FAA include open, reopened, and pending enforcement cases. **N=253**	31%	30%	20%	5%	11%	2%
j. Change the law so that any PRIA records provided by FAA include enforcement cases more than 5 years old. **N=251**	12%	14%	26%	20%	27%	>1%
k. Update Part 121 regulations to reflect PRIA requirements. **N=251**	16%	18%	43%	5%	9%	9%

As noted in chapter 1, footnote 9, data results from our surveys of Part 121 and Part 135 carriers are reported differently for the body of our report and for the two survey appendixes.

	Strongly support (1)	Generally support (2)	Neutral (3)	Generally oppose (4)	Strongly oppose (5)	*Uncertain* (6)
l. Update Part 135 regulations to reflect PRIA requirements. **N=253**	20%	31%	25%	9%	13%	1%
m. Provide more guidance on how to safeguard ***paper files*** containing a pilot's PRIA records. **N=253**	17%	32%	33%	9%	7%	1%
n. Provide more guidance on how to safeguard any ***electronic files*** used for a pilot's PRIA records. **N=251**	20%	29%	35%	8%	8%	1%
o. Eliminate fees for PRIA requests between air carriers. **N=252**	35%	19%	26%	9%	9%	2%
p. Set a maximum fee for PRIA requests between air carriers. **N=252**	29%	27%	25%	5%	10%	4%
q. Require the military to provide a pilot's flight records. **N=253**	32%	22%	26%	5%	11%	2%

r. Please list any other suggestions below. **N=258 (7% gave comments)**

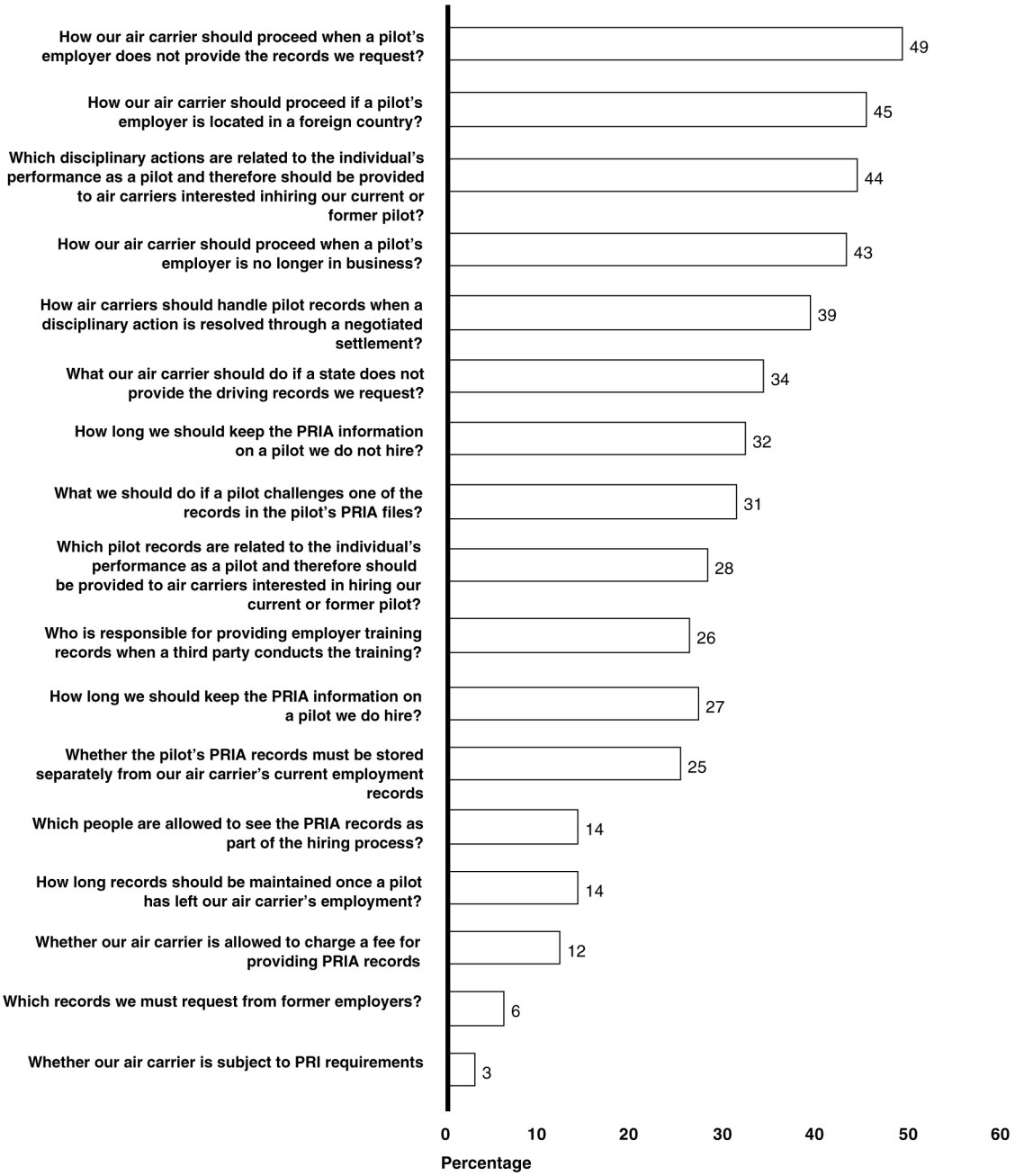
As noted in chapter 1, footnote 9, data results from our surveys of Part 121 and Part 135 carriers are reported differently for the body of our report and for the two survey appendixes.

31. Please add any comments you wish on the issues in this survey or on other matters related to the Pilot Records Improvement Act (PRIA). **N=258 (24% gave comments)**

Thank you very much for participating in our survey.

As noted in chapter 1, footnote 9, data results from our surveys of Part 121 and Part 135 carriers are reported differently for the body of our report and for the two survey appendixes.

Chart on Items Needing Clarification by FAA



Source: GAO analysis of survey data from Part 121 carriers.

Overview of FAA Form 8060-11

APPENDIX 3. OVERVIEW OF FAA FORM 8060-11, AIR CARRIER AND OTHER RECORDS REQUEST (PRIA) -- PILOT RECORDS IMPROVEMENT ACT OF 1996

NOTICE: Request will not be deemed received or valid unless Parts I through III are completed as specified in the instructions for the form.

1. **Part I – Records Request (PRIA).** Part I is used by the air carrier to request certain records of the pilot from any air carrier or other person that has employed the individual at any time during the 5-year period preceding the date of the employment application of the individual, or from the trustee in bankruptcy for such air carrier or other person. The records that must be provided are identified in 49 U.S.C. § 44936 f(1)(B).

2. **Part II – Airman Consent to Release of Records.** Part II is used by the air carrier to obtain written consent to the release of the records from the airman who is the subject of the records requested.

3. **Part III – Airman Notice and Right To Receive Copy.**

a. Part III is used by the air carrier or other person(s) to:

(1) Notify the airman that he/she is the subject of a request; and

(2) Notify the airman of his/her right to receive a copy of any such records furnished.

b. Part III is used by the airman to:

(1) Waive the requirement that the air carrier or person(s) providing the records also provide separate notification of the request and the airman's right to receive a copy of all records furnished in response to the request; and

(2) Notify the air carrier or other person(s) whether the airman desires a copy of any record furnished.

4. **Furnishing Records.** A person who receives a request for records under 49 U.S.C. § 44936(f) shall furnish a copy of all such requested records maintained by the person not later than 30 days after receiving the request.

5. **Reasonable Charges.** 49 U.S.C. § 44936(f)(7) allows for reasonable charges for processing requests and furnishing copies of requested records.

FIGURE 1. FAA FORM 8060-11, AIR CARRIER AND OTHER RECORDS REQUEST (PRIA) -- PILOT RECORDS IMPROVEMENT ACT OF 1996 (FRONT)

U.S. Department of Transportation
Federal Aviation Administration

AIR CARRIER AND OTHER RECORDS REQUEST (PRIA) -- PILOT RECORDS IMPROVEMENT ACT OF 1996

Title 49 U.S.C. § 44936(f), Records of Employment of Pilot Applicants, As Amended

NOTICE: Request will not be deemed received or valid unless Parts I through III are completed as specified in the instructions

PART I: ***RECORDS REQUEST (PRIA)***

To: _____

_____ , _____ , hereby requests
(Air Carrier Name) **(Air Carrier Certificate #)**
copies of records as required under 49 U.S.C. § 44936(f)(1)(B), as amended, pertaining to the airman consenting in Part II below.

Name: _____ Title: _____
(Print – Air Carrier Representative) (Print -- Title of Air Carrier Representative)

Signature: _____ Date: _____
(Air Carrier Representative)

Mail Records To: _____

Telephone: _____ FAX: _____

PART II: ***AIRMAN CONSENT TO RELEASE OF RECORDS***

I, _____ , consent to and authorize my current or previous employer
(Print – Airman's First, Middle, and Last Name)
_____ to release records
(Print -- Employer Name)
pertaining to me as required under 49 U.S.C. § 44936(f)(1)(B) to the air carrier named in Part I above.

Airman Certificate Number(s): _____

Signature: _____ Date: _____
(Not valid unless signed and dated)

PART III: ***AIRMAN NOTICE AND RIGHT TO RECEIVE COPY***

Pursuant to 49 U.S.C. § 44936(f)(6), you are hereby notified of the foregoing Air Carrier and Other Records Request (PRIA) and that you are entitled to a copy of any and all records furnished in response to the request made in Part I above. My signature below serves to waive the requirement under 49 USC § 44936(f)(6) that the person(s) identified in Part I above, which is a person receiving the PRIA request, also provide me with notification of the request and of my right to receive a copy of all records furnished in response to that request. I may request a copy of such records by checking the appropriate box below.

☐ YES, I want a copy of the furnished records. ☐ NO, I do not want a copy of the furnished records.

Signature: _____ Date: _____
(Not valid unless signed and dated)

FAA Form 8060-11 (Revised 09/2001) Previous editions are obsolete OMB No. 2120-0607

FIGURE 1 (CONTINUED). FAA FORM 8060-11, AIR CARRIER AND OTHER RECORDS REQUEST (PRIA) -- PILOT RECORDS IMPROVEMENT ACT OF 1996 (BACK)

INSTRUCTIONS: FAA Form 8060-11, AIR CARRIER AND OTHER RECORDS REQUEST (PRIA) -- PILOT RECORDS IMPROVEMENT ACT OF 1996, TITLE 49 U.S.C § 44936(f), Records of Employment of Pilot Applicants.

Air carriers **should** use this form to request records from current and/or past employers as contemplated under 49 U.S.C. § 44936(f).

NOTICE

Request will not be deemed received or valid unless Parts I through III are completed as specified below.

A person who receives a request for records under 49 U.S.C. § 44936(f)(1) shall furnish a copy of all such requested records maintained by the person not later than 30 days after receiving the request (see 49 U.S.C. § 44936(f)(5)).

This form may be photocopied for use.
This form is available on the Internet at **http://www.faa.gov/avr/afs/afshome.htm**. Click on the Flight Standards Forms link.
A separate form must be used for each airman whose records are requested.
DO NOT use this form to request Pilot Records from the Federal Aviation Administration.

PAPERWORK REDUCTION ACT STATEMENT. 49 United States Code (49 U.S.C.) § 44936(f), Records of Employment of Pilot Applicants, as amended, requires all air carriers to request FAA records and Air Carrier and Other Records concerning an individual before allowing that individual to begin service as a pilot. 49 U.S.C. § 44936(f)(8) requires the FAA Administrator to promulgate standard forms to request records. The information entered on the standard forms will be used to facilitate search and retrieval of the required records. It is estimated that the average burden per respondent associated with the collection of Air Carrier and Other Records [this collection] is 30 minutes. If you wish to comment on the accuracy of that estimate or submit suggestions for reducing the burden, you may write to: Federal Aviation Administration, Air Transportation Division, AFS-200, 800 Independence Avenue, SW, Washington, DC 20591. The requirement to collect background information on the pilots before allowing the pilot to begin service is mandatory; the use of this form is not. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The control number assigned to this collection is 2120-0607.

Part I: To be completed by the Air Carrier.

1. All entries, except for signature, must be either type written or printed legibly with black or dark blue ink.
2. The name, title, and signature of the person making the request on behalf of the air carrier must be legibly entered.
3. A complete mailing address must be furnished to facilitate processing the request.

Part II: To be completed by Airman/Applicant.

1. All entries, except for signature, must be either type written or printed legibly with black or dark blue ink.
2. In the first blank, type or print your name as it is shown on your airman certificate(s).
3. Sign the Consent portion of the form in ink using your legal signature.
4. Type or print your certificate number(s) in the blank provided. In parentheses after the Certificate number, indicate the type of certificate by using S for Student, P for Private, C for Commercial, F for Flight Instructor, G for Ground Instructor, or A for Airline Transport Pilot. If you have multiple certificates that use the same certificate number, list the certificate number once and indicate the types of certificates in parenthesis. For example, if you hold an Air Line Transport Pilot Certificate as well as Flight Instructor and Ground Instructor Certificates using the same number, you should indicate as follows: Certificate No. 456231234 (A,F,G)

Part III: To be completed by Airman/Applicant.

1. 49 U.S.C. § 44936(f)(6) requires the person receiving a records request to notify the airman of the request, and further entitles the airman signing FAA Form 8060-11 the right to receive a complete copy of all records furnished in response to a request made by an air carrier. Because FAA Form 8060-11 provides the airman with this notification, a separate notification from the person or air carrier providing the records would be redundant. The airman's signature on Part III waives the requirement of 49 U.S.C. § 44936(f)(6) that the person(s) or air carrier(s) receiving the records request also provide separate notification of the request and the airman's right to receive a copy of all records furnished in response to the request.
2. Check the appropriate box to indicate whether you DO or DO NOT want a copy of the records, date & sign in ink using your legal signature. An address for mailing the records must be provided; or, furnish appropriate handling instructions.

Air Carriers' Costs to Comply with PRIA in 2000

	Part 121 carriers		Part 135 carriers that requested PRIA files from FAA	
Cost	**Carriers**	**Percentage**	**Carriers**	**Percentage**
$0	0	0	17	7
$1 - $1,000	15	16	164	65
$1,001 - $5,000	18	20	51	20
$5,001 - $10,000	18	20	10	4
$10,001 - $50,000	20	22	9	4
$50,001 - $100,000	12	13	0	0
$100,001 - $1 million	8	9	0	0
Total	**91**	**100**	**251**	**100**

Source: GAO analyses of survey data from Part 121 and Part 135 carriers that had requested PRIA files from FAA.

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