

A BILL TO DIRECT THE COMPTROLLER GENERAL OF THE UNITED STATES
TO CONDUCT A STUDY ON THE USE OF CIVIL AIR PATROL PERSONNEL
AND RESOURCES TO SUPPORT HOMELAND SECURITY MISSIONS, AND
FOR OTHER PURPOSES

—————
JUNE 5, 2008.—Ordered to be printed
—————

Mr. THOMPSON of Mississippi, from the Committee on Homeland
Security, submitted the following

R E P O R T

[To accompany H.R. 1333]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security, to whom was referred the bill (H.R. 1333) to amend the Homeland Security Act of 2002 to direct the Secretary to enter into an agreement with the Secretary of the Air Force to use Civil Air Patrol personnel and resources to support homeland security missions, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

CONTENTS

	Page
Purpose and Summary	2
Background and Need for Legislation	2
Hearings	3
Committee Consideration	3
Committee Votes	4
Committee Oversight Findings	4
New Budget Authority, Entitlement Authority, and Tax Expenditures	5
Congressional Budget Office Estimate	5
Statement of General Performance Goals and Objectives	6
Congressional Earmarks, Limited Tax Benefits, and Limited Tariff Benefits ...	6
Federal Mandates Statement	6
Advisory Committee Statement	6
Constitutional Authority Statement	6
Applicability to Legislative Branch	7
Section-by-Section Analysis of the Legislation	7

The amendments are as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. CIVIL AIR PATROL STUDY.

(a) **STUDY.**—The Comptroller General of the United States shall conduct a study of the functions and capabilities of the Civil Air Patrol to support the homeland se-

curity missions of State, local, and tribal governments and the Department of Homeland Security. In conducting the study, the Comptroller General shall review the process by which the Civil Air Patrol may provide assistance to the Secretary of Homeland Security, other Federal agencies, and States to support homeland security missions by—

(1) providing aerial reconnaissance or communications capabilities for border security;

(2) providing capabilities for collective response to an act of terrorism, natural disaster, or other man-made event, by assisting in damage assessment and situational awareness, conducting search and rescue operations, assisting in evacuations, transporting time-sensitive medical or other materials; or

(3) such other activities as may be determined appropriate by the Comptroller General in the conduct of this review.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report containing the findings of the review conducted under subsection (a). The report shall include—

(1) an assessment of the feasibility and cost-effectiveness of using Civil Air Patrol assets for the purposes described in subsection (a); and

(2) an assessment as to whether the current mechanisms for Federal agencies and States to request support from the Civil Air Patrol are sufficient or whether new agreements between relevant Federal agencies and the Civil Air Patrol are necessary.

(c) REPORT TO CONGRESS.—Not later than 90 days after completing the study under this section, the Secretary of Homeland Security shall review and analyze the study and submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on such review and analysis, which shall include any recommendations of the Secretary for further action that could affect the organization and administration of the Department of Homeland Security.

Amend the title so as to read:

A bill to direct the Comptroller General of the United States to conduct a study on the use of Civil Air Patrol personnel and resources to support homeland security missions, and for other purposes.

PURPOSE AND SUMMARY

The purpose of H.R. 1333 is to amend the Homeland Security Act of 2002 to direct the Secretary to enter into an agreement with the Secretary of the Air Force to use Civil Air Patrol personnel and resources to support homeland security missions.

BACKGROUND AND NEED FOR LEGISLATION

The Civil Air Patrol (CAP) has a long history of service to the Nation, including providing assistance to State and local governments in times of need. While CAP was formed at the outbreak of the Second World War, during which it patrolled the Nation's eastern coastline to protect against the threat of German U-boats, the CAP was formally made the civilian auxiliary of the United States Air Force on May 26, 1948 (Public Law 557 (Pub. L. 80-557)). Between July 1942 and April 1944, the Civil Air Patrol Southern Liaison Patrol was given the task of patrolling the border between Brownsville, Texas, and Douglas, Arizona. The Southern Liaison Patrol logged approximately 30,000 flight hours and patrolled roughly 1,000 miles of the land separating the United States and Mexico. Since that time, the primary mission and operations of the organization have changed. Today, CAP is best known for education and Cadet Programs and for its inland search and rescue (SAR) capabilities. CAP flies nearly 95 percent of inland SAR missions directed by the Air Force Rescue Coordination Center and

also directly supports the Joint Rescue Coordination Centers in Alaska, Hawaii, and Puerto Rico. It is credited with saving an average of 100 lives per year.

Although the CAP retains the title “United States Air Force Auxiliary”, this Auxiliary status is only applicable when CAP members and resources are on an Air Force-assigned mission with an Air Force-assigned mission number. At all other times, the CAP functions as a private, non-profit corporation. The Civil Air Patrol owns and operates the world’s largest fleet of single-engine Cessna aircraft, which are located throughout the United States and assigned to each State’s “CAP Wing.”

The Committee commends CAP’s contributions to our Nation’s homeland security. The Government Accountability Office study required by this legislation will provide the Congress with a broad review of the various ways the CAP may continue to support the homeland security missions of State and local governments, the Department of Homeland Security, and other Federal agencies. For instance, the study will provide a review of how CAP resources can be utilized to assist in border security, or to augment situational awareness and search and rescue capabilities during the response to a terrorist attack or natural disaster. The results of this study will help determine whether the existing processes to request CAP assistance are sufficient or whether refinements may be necessary.

HEARINGS

On April 25, 2007, the Subcommittee on Emergency Communications, Preparedness, and Response held a hearing entitled “Examining the Military’s Support of Civil Authorities During Disasters.” The Subcommittee received testimony from Major General Terry L. Scherling, Director of the Joint Staff, National Guard Bureau; Major General Timothy J. Lowenberg, Adjutant General, State of Washington; Major General Tony Pineda, National Commander, Civil Air Patrol; Mr. Glenn Cannon, Assistant Administrator for Disaster Operations, Federal Emergency Management Agency, Department of Homeland Security; and Mr. Mike Womack, Director, Mississippi Emergency Management Agency, State of Mississippi.

On May 1, 2007, the Committee received a briefing on Civil Air Patrol missions and operations from the Civil Air Patrol’s National Commander and General Counsel.

COMMITTEE CONSIDERATION

H.R. 1333 was introduced in the House on March 6, 2007, by Mr. Dent and 32 original co-sponsors. H.R. 1333 was referred to the Committee on Homeland Security, and in addition to the Committee on Transportation and Infrastructure. Within the Committee H.R. 1333 was referred to the Subcommittee on Emergency Communications, Preparedness and Response.

The Subcommittee on Emergency Communications, Preparedness and Response considered H.R. 1333 on April 30, 2008, and forwarded the bill to the Full Committee for consideration, amended, by voice vote.

H.R. 1333 was AGREED TO, as amended, by a recorded vote of 8 yeas and 0 nays (Roll Call Vote No. 3).

A motion by Mr. Cuellar to amend the title so as to read: “A Bill to direct the Comptroller General to conduct a study on the use of Civil Air Patrol personnel and resources to support homeland security missions, and for other purposes.”; was not objected to.

The following amendments were offered:

An Amendment in the Nature of a Substitute offered by Mr. Dent (#1); was AGREED TO by voice vote.

The Committee on Homeland Security considered H.R. 1333 on May 20, 2008, and ordered the measure reported to the House with a favorable recommendation, as amended, by unanimous consent.

The following amendment was offered:

An Amendment in the Nature of a Substitute offered by Mr. Dent (#1); was AGREED TO by the unanimous consent.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the recorded votes on the motion to report legislation and amendments thereto.

FULL COMMITTEE CONSIDERATION

No recorded votes occurred on H.R. 1333 during Full Committee consideration.

SUBCOMMITTEE ON EMERGENCY COMMUNICATIONS, PREPAREDNESS AND RESPONSE CONSIDERATION

The Subcommittee on Emergency Communications, Preparedness, and Response met in open markup session on April 30, 2008, to consider H.R. 1333, was forwarded to the Full Committee with a favorable recommendation, by voice vote.

H.R. 1333 was AGREED TO, amended, by a recorded vote of 8 yeas and 0 nays (Roll Call Vote No. 3).

Vote on: Agreeing to H.R. 1333, as amended. Was AGREED to by a record vote of 8 yeas and 0 nays (Roll Call Vote No. 3.) As follows:

Recorded Vote Number: 2; Total: Yeas—8; Nays—0.

YEA

NAY

Mr. Cuellar
 Ms. Sanchez
 Mr. Dicks
 Ms. Lowey
 Mr. Etheridge
 Mr. Dent
 Mr. Davis
 Mrs. Miller

COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee has held oversight hearings and made findings that are reflected in this report.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX
EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee finds that H.R. 1333, the Civil Air Patrol Homeland Security Support Act of 2007, would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

The Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

JUNE 3, 2008.

Hon. BENNIE G. THOMPSON,
*Chairman, Committee on Homeland Security,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1333, a bill to direct the Comptroller General of the United States to conduct a study on the use of Civil Air Patrol personnel and resources to support homeland security missions, and for other purposes.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz.

Sincerely,

PETER R. ORSZAG.

Enclosure.

H.R. 1333—A bill to direct the Comptroller General of the United States to conduct a study on the use of Civil Air Patrol personnel and resources to support homeland security missions, and for other purposes

H.R. 1333 would direct the Government Accountability Office (GAO) to prepare a report to the Congress on the capability of the Civil Air Patrol to assist the Department of Homeland Security (DHS) and state, local, and tribal governments with operations relating to border security, disaster response, and other activities. The bill would require DHS to review the GAO study and prepare its own report to the Congress on use of the Civil Air Patrol to support homeland security activities.

Based on the costs of similar studies, CBO estimates that it would cost less than \$1 million in fiscal year 2009 for GAO and DHS to complete the reports required by the bill, subject to the availability of appropriated funds. Enacting the bill would not affect direct spending or revenues.

H.R. 1333 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

On June 2, 2008, CBO transmitted a cost estimate for H.R. 1333 as ordered reported by the House Committee on Transportation and Infrastructure on May 15, 2008. The two versions of the bill are very similar and the cost estimates are the same.

The CBO staff contact for this estimate is Mark Grabowicz. This estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, H.R. 1333 contains the following general performance goals, and objectives, including outcome related goals and objectives authorized.

The Government Accountability Office (GAO) report will provide an assessment of the feasibility and cost-effectiveness of using the CAP to support the homeland security missions of State, local, and tribal governments and the Department of Homeland Security. The review will include an assessment of how the CAP may provide support for border security and emergency response operations, the process by which such support is currently provided, and if changes are necessary to improve the effectiveness of this process. The report is due to the House Committee on Homeland Security and the Senate Committee on Homeland Security and Governmental Affairs within 180 days of the date of enactment.

Not later than 90 days after the GAO completes its review, the Secretary of Homeland Security will submit a report to the House Committee on Homeland Security and the Senate Committee on Homeland Security and Governmental Affairs regarding the Department of Homeland Security's review and assessment of the GAO study. The Secretary's report will include any recommendations for further action by the Department, particularly any recommendations that would affect the Department's organization and administration.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

In compliance with rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of the rule XXI.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds that the Constitutional authority for this legislation is provided in Article I, section 8, clause 1, which grants Congress the power to provide for the common Defense of the United States.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Civil Air Patrol Study

This section directs the Comptroller General of the United States to conduct a study of the Civil Air Patrol (CAP) to determine how the CAP may be used to support the homeland security missions of State, local, and tribal governments and the Department of Homeland Security. Specifically, the Comptroller General will review how the CAP may: provide aerial reconnaissance or communications capabilities for border security; provide capabilities for the collective response to an act of terrorism, natural disaster, or other man-made event by assisting in damage assessment and situational awareness, conducting search and rescue operations, assisting in evacuations, and transporting time-sensitive medical or other materials; or other activities as determined.

The Comptroller General shall submit the findings of this review to Congress, including an assessment of the feasibility and cost-effectiveness of using CAP assets for the purposes outlined above, and whether the current mechanisms for Federal agencies and States to request CAP support are sufficient or whether new agreements are necessary.

Section 2. Review by the Secretary

This section directs the Secretary of Homeland Security to review and analyze the results of the Comptroller General's study and report any recommendations for further action that could impact the organization and administration of the Department to the Congress.