

## CIVIL AIR PATROL STUDY

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JUNE 12, 2008.—Committed to the Committee of the Whole House on the State of  
the Union and ordered to be printed  
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Mr. OBERSTAR, from the Committee on Transportation and  
Infrastructure, 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 Transportation and Infrastructure, 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.

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 shall conduct a study of the functions and capabilities of the Civil Air Patrol to support the homeland security 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 and the Committee on Transportation and Infrastructure 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 and the Committee on Transportation and Infrastructure 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 to conduct a study on the use of Civil Air Patrol personnel and resources to support homeland security missions, and for other purposes.

PURPOSE OF THE LEGISLATION

H.R. 1333, as amended, directs the Comptroller General to conduct a study of the functions and capabilities of the Civil Air Patrol to support the homeland security missions of State, local and tribal governments and the Department of Homeland Security.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 1333, as introduced, directs the Secretary of Homeland Security to negotiate an agreement with the Secretary of Defense to provide Civil Air Patrol assistance in supporting homeland security activities. This assistance includes providing aerial reconnaissance and communications support to border patrol activities as well as support following a terrorist act or natural disaster. The Civil Air Patrol's capabilities will also be incorporated into national security planning activities.

During Committee on Transportation and Infrastructure consideration of the bill, the Committee adopted an amendment in the nature of a substitute to H.R. 1333. H.R. 1333, as amended, directs the Comptroller General to conduct a study of the Civil Air Patrol and its ability to support a national security mission. The report is due within 180 days of the date of enactment. The report will focus on the ways in which the Civil Air Patrol is currently employed, the cost effectiveness of using the Civil Air Patrol to support a security mission, and what new mechanisms and agreements would be required to employ the Civil Air Patrol in supporting security-related activities.

SUMMARY OF THE LEGISLATION

*Section 1. Civil Air Patrol study*

*Subsection (a) Study*

This section directs the Comptroller General to conduct a study of the functions and capabilities of the Civil Air Patrol to support the homeland security missions of State, local, and tribal governments and the Department of Homeland Security.

This section further directs that the study review the process by which these services can be provided. Specific Civil Air Patrol capabilities identified in this section for possible application to a broad-

er mission include aerial reconnaissance and communications. Potential areas of employment for these capabilities include border security, and support in the event of an act of terrorism, natural disaster, or other event.

*Subsection (b) Report*

The Comptroller General's report will address the feasibility and cost effectiveness of using Civil Air Patrol assets for the purposes discussed in subsection (a). The report is to be submitted to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate. In addition to the report requirements identified in subsection (b), the Comptroller General is also directed to include a cost-benefit analysis of using Civil Air Patrol assets for these purposes and a review of whether current mechanisms for Federal agencies and States to request support from the Civil Air Patrol are sufficient or whether new agreements are needed.

*Subsection (c) Report to Congress*

Within 90 days after the Comptroller General completes the study under this section, the Secretary of Homeland Security, after reviewing the findings, will submit a report to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs Committee of the Senate outlining the Secretary's recommendations for further action.

LEGISLATIVE HISTORY AND COMMITTEE CONSIDERATION

On March 6, 2007, Representative Charles W. Dent introduced H.R. 1333. This bill has not been introduced in a previous Congress. The bill was referred to the Committee on Homeland Security, and also referred to the Committee on Transportation and Infrastructure.

On May 15, 2008, the Committee on Transportation and Infrastructure met to consider H.R. 1333. The Committee adopted an amendment in the nature of a substitute to the bill by voice vote, and ordered H.R. 1333, as amended, reported favorably to the House by voice vote with a quorum present.

RECORD VOTES

Clause 3(b) of rule XIII of the House of Representatives requires each committee report to include the total number of votes cast for and against on each record vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against. There were no recorded votes taken in connection with considering H.R. 1333 or ordering it reported. A motion to order H.R. 1333, as amended, reported favorably to the House was agreed to by voice vote with a quorum present.

## COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

## COST OF LEGISLATION

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

## COMPLIANCE WITH HOUSE RULE XIII

With respect to the requirement of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, and 308(a) of the Congressional Budget Act of 1974, the Committee references the report of the Congressional Budget Office included in the report.

With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goals and objective of this legislation are to complete a study of the feasibility of using the Civil Air Patrol to conduct national security related missions.

With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the enclosed cost estimate for H.R. 1333 from the Director of the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, June 2, 2008.*

Hon. JAMES L. OBERSTAR,  
*Chairman, Committee on Transportation and Infrastructure,  
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 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,

ROBERT A. SUNSHINE  
(For Peter R. Orszag, Director).

Enclosure.

*H.R. 1333—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*

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 re-

lating 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.

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

#### COMPLIANCE WITH HOUSE RULE XXI

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 1333 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI of the Rules of the House of Representatives.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, committee reports on a bill or joint resolution of a public character shall include a statement citing the specific powers granted to the Congress in the Constitution to enact the measure. The Committee on Transportation and Infrastructure finds that Congress has the authority to enact this measure pursuant to its powers granted under article I, section 8 of the Constitution.

#### FEDERAL MANDATES STATEMENT

H.R. 1333 contains no Federal mandates.

#### PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The Committee states that H.R. 1333 does not preempt any state, local, or tribal law.

#### ADVISORY COMMITTEE STATEMENT

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

#### APPLICABILITY TO THE 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 (Public Law 104-1).

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED  
H.R. 1333, as amended, makes no change to existing law.

