

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

MAY 4, 2009.—Ordered to be printed

Mr. OBERSTAR, from the Committee on Transportation and Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 1178]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 1178) 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, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is 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 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;

(3) providing assistance in the exercise and training of departmental resources responsible for the intercept of aviation threats to designated restricted areas; and

(4) carrying out 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 Secretary of Homeland Security, the Com-

mittees on Homeland Security and 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 the date of receipt of the report under subsection (b), the Secretary of Homeland Security shall review and analyze the study and submit to the Committees on Homeland Security and 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.

PURPOSE OF THE LEGISLATION

H.R. 1178 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

The Civil Air Patrol has regularly assisted states since its inception at the beginning of World War II. Its service to the nation includes emergency response during national disasters as well as search and rescue operations. H.R. 1178 requires 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. The report will focus on the cost-effectiveness of using the Civil Air Patrol to support a security mission and whether current mechanisms and agreements are sufficient or whether new agreements between Federal agencies and the Civil Air Patrol are necessary to request support.

SUMMARY OF THE LEGISLATION

Section 1. Civil Air Patrol Study

Subsection (a) outlines the details of the study to include the Civil Air Patrol's ability to currently assist homeland security missions with aerial reconnaissance or communications, capabilities for collective response, exercise and training, and other items determined appropriate by the Comptroller General. Subsection (b) specifies that the report shall be completed within 180 days and submitted to the committees of jurisdiction in the House of Representatives and the Senate, and the Secretary of Homeland Security. The report shall focus on an assessment of the feasibility and cost-effectiveness of using the Civil Air Patrol to support security missions and whether current mechanisms and agreements are sufficient or whether new agreements between Federal agencies and the Civil Air Patrol are necessary to request Civil Air Patrol support. In subsection (c), the Secretary of Homeland Security is directed to review and analyze the study, make recommendations for further action, and submit a report to the committees of jurisdic-

tion in the House of Representatives and the Senate within 90 days of the completion of the Comptroller General study.

LEGISLATIVE HISTORY AND COMMITTEE CONSIDERATION

On February 25, 2009, Representative Charles W. Dent introduced H.R. 1178. On April 2, 2009, the Committee on Transportation and Infrastructure met to consider H.R. 1178. During consideration of the bill, the Committee adopted a perfecting amendment by voice vote. The Committee ordered H.R. 1178, as amended, reported favorably to the House by voice vote with a quorum present.

In the 110th Congress, this bill was introduced as H.R. 1333. On May 13, 2008, the Committee on Transportation and Infrastructure met to consider H.R. 1333, and 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. On June 18, 2008, the House passed H.R. 1333 by voice vote.

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 recorded 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. 1178 or ordering the resolution reported. A motion to order H.R. 1178 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

1. 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 advises that the resolution contains no measure that authorizes funding, so no comparison of the total estimated funding level for the relevant programs to the appropriate levels under current law is required.

2. With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee advises that the resolution contains no measure that authorizes funding, so no statement of general performance goals and objectives for any measure that authorizes funding is required.

3. 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 advises that the resolution contains no measure that authorizes funding, so no cost estimate nor comparison for any measure that authorizes funding is required.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 16, 2009.

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. 1178, 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,

ROBERT A. SUNSHINE
(For Douglas W. Elmendorf, Director).

Enclosure.

H.R. 1178—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. 1178 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 over the 2009–2010 period 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. 1178 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, and tribal governments.

The CBO staff contact for this estimate is Mark Grabowicz. The estimate was approved by Peter H. Fontaine, 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. 1178, 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

With respect to clause (3)(d)(1) of rule XIII of the Rules of the House of Representatives, H.R. 1178 is a resolution of the House of Representatives and therefore does not have the force of law. As such, clause 3(d)(1) of rule XIII does not apply.

FEDERAL MANDATES STATEMENT

H.R. 1178 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. 1178 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. 1178 makes no changes in existing law.