

106TH CONGRESS
1ST SESSION

H.R. 1829

To amend title 10, United States Code, to improve the administration of the volunteer civilian auxiliary of the Air Force known as the Civil Air Patrol.

IN THE HOUSE OF REPRESENTATIVES

MAY 17, 1999

Mr. GRAHAM introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title 10, United States Code, to improve the administration of the volunteer civilian auxiliary of the Air Force known as the Civil Air Patrol.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. AIR FORCE ROLE IN MANAGEMENT OF CIVIL**
4 **AIR PATROL AS CIVILIAN AUXILIARY OF THE**
5 **AIR FORCE.**

6 (a) IN GENERAL.—Chapter 909 of title 10, United
7 States Code, is amended—

1 (1) by redesignating section 9442 as section
2 9443; and

3 (2) by inserting after section 9441 the following
4 new section:

5 **“§ 9442. Air Force role in management**

6 “(a) ADMINISTRATIVE RESPONSIBILITY.—In its ca-
7 pacity as a federally chartered corporation under chapter
8 403 of title 36 and a volunteer civilian auxiliary of the
9 Air Force, the Civil Air Patrol shall be administered by
10 the Chief of Staff of the Air Force, under the direction
11 of the Secretary of the Air Force. For command, control,
12 and administrative purposes, the Civil Air Patrol shall
13 have such organizational elements as are approved by the
14 Secretary of the Air Force in regulations.

15 “(b) BOARD OF DIRECTORS.—(1) The Secretary of
16 the Air Force shall appoint a National Board of Directors
17 for the Civil Air Patrol. The National Board of Directors
18 shall be composed of the following:

19 “(A) General officers of the Air Force, includ-
20 ing the Air Force Reserve and Air National Guard.

21 “(B) Senior civilian employees of the Depart-
22 ment of the Air Force.

23 “(C) Members appointed from the volunteer
24 Civil Air Patrol membership.

1 “(2) The chairman of the National Board of Direc-
2 tors shall be the member of the Board who is the senior
3 active duty Air Force officer. The members of the Board
4 appointed under paragraph (1)(C) may not exceed a mi-
5 nority of the Board.

6 “(c) EXECUTIVE DIRECTION.—(1) The National
7 Board of Directors shall appoint for the Civil Air Patrol
8 the following:

9 “(A) A National Commander, to be appointed
10 from the civilian volunteer membership of the Civil
11 Air Patrol.

12 “(B) An Executive Director.

13 “(C) A Safety Officer.

14 “(D) An Inspector General.

15 “(2) The Executive Director, Safety Officer, and In-
16 spector General appointed under paragraph (1) shall re-
17 port directly to the Secretary of the Air Force through
18 the National Board of Directors.

19 “(3) The Chief of Staff of the Air Force may assign
20 officers and enlisted members of the Air Force on active
21 duty and civilian employees of the Department of the Air
22 Force to serve on the staff of the national headquarters
23 of the Civil Air Patrol.

24 “(d) EFFECT OF APPOINTMENT OR ASSIGNMENT.—

25 (1) The appointment or assignment of members of the

1 armed forces or civilian employees under subsection (b)
2 or (c) is not precluded by any law or regulation prohibiting
3 active duty members of the armed forces or civilian em-
4 ployees from participating in the management of non-Fed-
5 eral entities.

6 “(2) An officer or enlisted member of the Air Force
7 appointed to or assigned to duty in a Civil Air Patrol man-
8 agement position specified in subsection (b) or (c) shall
9 not receive any compensation, other than the regular mili-
10 tary compensation to which the officer or member is other-
11 wise entitled, as a result of the appointment or assign-
12 ment.

13 “(e) USE OF CIVIL AIR PATROL MEMBERS AND EM-
14 PLOYEES.—(1) The Executive Director and National
15 Board of Directors may use such Civil Air Patrol employ-
16 ees and volunteer Civil Air Patrol members as the Execu-
17 tive Director and National Board of Directors considers
18 necessary to administer the Civil Air Patrol and to ensure
19 that it is capable of assisting the Department of the Air
20 Force in the performance of its noncombat mission.

21 “(2) Except as provided in section 9441(c) of this
22 title, a member of the Civil Air Patrol or an employee of
23 the Civil Air Patrol is not a Federal employee and is not
24 subject to the provisions of law relating to Federal employ-
25 ment, including those relating to hours of work, rates of

1 compensation, leave, unemployment compensation, Fed-
2 eral employee benefits, ethics, conflicts of interest, and
3 other similar criminal or civil statutes and regulations gov-
4 erning the conduct of Federal employees. However, noth-
5 ing in this paragraph shall constrain the Secretary of the
6 Air Force from prescribing standards of conduct and be-
7 havior for Civil Air Patrol members and employees.

8 “(f) FUNDS MANAGEMENT.—All funds provided to
9 the Civil Air Patrol under subsections (b) and (d) of sec-
10 tion 9441 of this title, or any other provision of law, are
11 subject to the requirements of sections 6304 and 6305 of
12 title 31 (commonly known as the Federal Grant and Coop-
13 erative Agreement Act) and the Federal regulations gov-
14 erning the provision of appropriated funds to private, non-
15 profit organizations.

16 “(g) RELATION TO FEDERAL CHARTER.—The pow-
17 ers granted to the Civil Air Patrol in section 40304 of
18 title 36, including the power to adopt a constitution, by-
19 laws, and regulations, are subject to the approval of the
20 Secretary of the Air Force under the authority granted
21 to the Secretary by this section and are subject to any
22 policies, regulations, or instructions issued by the Sec-
23 retary under that authority.”.

24 (b) CLERICAL AMENDMENT.—The table of sections
25 at the beginning of such chapter is amended by striking

1 the item relating to section 9442 and inserting the fol-

2 lowing new items:

“9442. Air Force role in management.

“9443. Assistance by other agencies.”.

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