

110TH CONGRESS
1ST SESSION

S. 889

To improve acquisition under the Deepwater program of the Coast Guard,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 15, 2007

Mr. KERRY introduced the following bill; which was read twice and referred
to the Committee on Commerce, Science, and Transportation

A BILL

To improve acquisition under the Deepwater program of
the Coast Guard, and for other purposes.

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. SHORT TITLE.**

4 This Act may be cited as the “Deepwater Account-
5 ability Act”.

6 **SEC. 2. IMPROVEMENT OF ACQUISITION UNDER THE DEEP-**
7 **WATER PROGRAM OF THE COAST GUARD.**

8 (a) COMPETITION REQUIREMENTS FOR FUTURE AC-
9 quisitions.—

1 (1) REQUIREMENT.—The Secretary of Home-
2 land Security shall, upon reaching the end of the pe-
3 riod of performance currently under contract with
4 Integrated Coast Guard Systems in June 2007
5 under the Deepwater program of the Coast Guard,
6 acquire the completion, delivery, and acceptance of
7 all assets under that contract through new contracts
8 solicited under the full and open competition re-
9 quirements of section 6.1 of the Federal Acquisition
10 Regulation.

11 (2) PROHIBITION ON USE OF LEAD SYSTEMS
12 INTEGRATOR.—The Secretary shall not utilize the
13 services of a lead systems integrator in any manner
14 to acquire the completion, delivery, or acceptance of
15 assets under this subsection.

16 (b) EXCEPTION.—

17 (1) IN GENERAL.—Notwithstanding subsection
18 (a), the Secretary may enter into a new contract
19 with Integrated Coast Guard Systems for the com-
20 pletion, delivery, and acceptance of assets for which
21 construction has commenced, but not been com-
22 pleted, under the contract referred to in that sub-
23 section as of the date of the enactment of this Act
24 if the Secretary certifies that—

1 (A) the completion, delivery, and accept-
2 ance of such assets under a contract other than
3 with Integrated Coast Guard Systems would
4 pose an immediate or near-term risk to the na-
5 tional security interests of the United States; or

6 (B) the cost of the completion, delivery,
7 and acceptance of such assets under a contract
8 with other than Integrated Coast Guard Sys-
9 tems would exceed the cost of the completion,
10 delivery, and acceptance of such assets under a
11 contract with Integrated Coast Guard Systems.

12 (2) REPORTS TO CONGRESS.—If the Secretary
13 determines under paragraph (1) to acquire the com-
14 pletion, delivery, and acceptance of assets under a
15 contract with Integrated Coast Guard Systems, the
16 Secretary shall, not later than 180 days after the
17 date of such determination and every 180 days
18 thereafter until the completion, delivery, and accept-
19 ance of such assets, submit to Congress a report on
20 the current construction status of such assets.

21 (c) REPORT ON PROPOSED ACQUISITION TO ACQUIRE
22 COMPLETION, DELIVERY, AND ACCEPTANCE OF AS-
23 SETS.—Not later than 30 days after the date of the enact-
24 ment of this Act, the Secretary shall submit to Congress

1 a report on the acquisition of assets under the Deepwater
2 program. The report shall set forth the following:

3 (1) A list of each asset under the Deepwater
4 program that has not been completed, delivered, and
5 accepted as of the date of such report.

6 (2) A list of each such asset of which the Sec-
7 retary proposes to acquire completion, delivery, and
8 acceptance under contracts entered into under sub-
9 section (a).

10 (3) A list of each such asset of which the Sec-
11 retary proposes to acquire completion, delivery, and
12 acceptance under a contract under subsection (b)
13 with Integrated Coast Guard Systems.

14 (d) INSPECTOR GENERAL REVIEW OF DEEPWATER
15 PROGRAM.—Not later than 180 days after the date of the
16 enactment of this Act, the Inspector General of the De-
17 partment of Homeland Security shall submit to the Sec-
18 retary, and to Congress, a report on the acquisition of as-
19 sets under the Deepwater program. The report shall in-
20 clude—

21 (1) a description of each decision, if any, of the
22 Coast Guard or Integrated Coast Guard Systems re-
23 lating to the acquisition of assets under the Deep-
24 water program that directly or indirectly resulted in

1 cost overruns or program cost increases to the
2 United States;

3 (2) an assessment whether any decision covered
4 by paragraph (1) violated the terms of the contract
5 of Integrated Coast Guard Systems for the Deep-
6 water program;

7 (3) an assessment of how much program costs
8 under the Deepwater program have increased as a
9 result of any such decision;

10 (4) an assessment of whether the Coast Guard
11 or Integrated Coast Guard Systems is responsible
12 for the payment of any cost overruns associated with
13 any such decision.

14 (e) DEFINITIONS.—In this section:

15 (1) The term “asset” means any product to be
16 acquired under the contract of the Coast Guard for
17 the Deepwater program referred to in subsection (a),
18 including vessels, fixed-wing aircraft, and rotary-
19 wing aircraft, and any component thereof.

20 (2) The term “Integrated Coast Guard Sys-
21 tems” means the joint venture, commonly referred
22 to as “Integrated Coast Guard Systems” or “ICGS”
23 between Lockheed Martin Corporation and Northrop
24 Grumman Corporation for the purposes of com-

- 1 pleting and delivering assets to the Coast Guard
- 2 under the Deepwater program.

