

of the critical and increasing role of the National Guard in our defense missions overseas. Their contributions to the U.S. mission in Iraq are indeed impressive and commendable, which is why I believe that the entire country should honor and thank the men and women of the 1–133rd for their service and their sacrifices there through the passage of this resolution.

The 1st Battalion of the 133rd Infantry of the Iowa National Guard is notable for other reasons as well. They are the longest-serving Iowa military unit since World War II. They are also part of the Army National Guard unit which has served the longest continuous deployment of any Army National Guard unit in support of Operation Iraqi Freedom.

The men and women of the 1–133rd have made me and so many other Iowans and Americans proud through their work and their sacrifices in Iraq, and I hope that it also gives them and their families pride to reflect upon their accomplishments. I feel incredibly honored and privileged to represent them in the U.S. Congress, and I am so pleased today that the entire House of Representatives will commend and thank them for their service through the passage of H. Res. 568.

I am proud to have introduced this bill with the support of 70 bipartisan original co-sponsors, including the entire Iowa Congressional Delegation. The strong support this resolution has on both sides of the aisle is reflective of the pride and gratitude that Americans feel towards our National Guard troops, and all of our men and women serving in uniform.

I would like to thank Armed Services Committee Chairman IKE SKELTON and his staff, and Majority Leader HOYER and his staff, for helping to facilitate the swift consideration of this bill by the full House. The United States will be forever indebted to the members and families of the 1–133rd for their service and their sacrifices in Iraq, and I hope that this resolution comes to serve as a genuine expression of thanks from a grateful state and a grateful nation.

Again, I would like to commend and thank this incredible Battalion for their work, and I urge my colleagues to support the passage of H. Res. 568 today to honor and express gratitude to the men and women of the 1st Battalion of the 133rd Infantry of the Iowa National Guard.

Mr. JONES of North Carolina. Madam Speaker, I yield back the balance of my time.

Ms. BORDALLO. Madam Speaker, I have no further requests for time, but I do thank Mr. JONES for managing the resolutions this evening, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and agree to the resolution, H. Res. 568.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

INTEGRATED DEEPWATER PROGRAM REFORM ACT

Mr. CUMMINGS. Madam Speaker, I move to suspend the rules and pass the

bill (H.R. 2722) to restructure the Coast Guard Integrated Deepwater Program, and for other purposes, as amended.

The Clerk read the title of the bill. The text of the bill is as follows:

H.R. 2722

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Integrated Deepwater Program Reform Act”.

SEC. 2. IMPLEMENTATION OF COAST GUARD INTEGRATED DEEPWATER ACQUISITION PROGRAM.

(a) USE OF PRIVATE SECTOR ENTITY AS A LEAD SYSTEMS INTEGRATOR.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the Secretary may not use a private sector entity as a lead systems integrator for procurements under, or in support of, the Deepwater Program beginning on the earlier of October 1, 2011, or the date on which the Secretary certifies in writing to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that the Coast Guard has available and can retain sufficient contracting personnel and expertise within the Coast Guard, through an arrangement with other Federal agencies, or through contracts or other arrangements with private sector entities, to perform the functions and responsibilities of the lead system integrator in an efficient and cost-effective manner.

(2) COMPLETION OF EXISTING DELIVERY ORDERS AND TASK ORDERS.—The Secretary may use a private sector entity as a lead systems integrator to complete any delivery order or task order under the Deepwater Program that was issued to the lead systems integrator on or before the date of enactment of this Act.

(3) ASSISTANCE OF OTHER FEDERAL AGENCIES.—In any case in which the Secretary is the systems integrator under the Deepwater Program, the Secretary may obtain any type of assistance the Secretary considers appropriate, with any systems integration functions, from any Federal agency with experience in systems integration involving maritime vessels and aircraft.

(4) ASSISTANCE OF PRIVATE SECTOR ENTITIES.—In any case in which the Secretary is the systems integrator under the Deepwater Program, the Secretary may, subject to the availability of appropriations, obtain by grant, contract, or cooperative agreement any type of assistance the Secretary considers appropriate, with any systems integration functions, from any private sector entity with experience in systems integration involving maritime vessels and aircraft.

(b) COMPETITION.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the Secretary shall use full and open competition for each class of asset acquisitions under the Deepwater Program for which an outside contractor is used, if the asset is procured directly by the Coast Guard or by the Integrated Coast Guard System acting under a contract with the Coast Guard.

(2) EXCEPTION.—The Secretary may use a procurement method that is less than full and open competition to procure an asset under the Deepwater Program, if—

(A) the Secretary determines that such method is in the best interests of the Federal Government; and

(B) by not later than 30 days before the date of the award of a contract for the procurement, the Secretary submits to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report explaining why such procurement is in the best interests of the Federal Government.

(3) LIMITATION ON APPLICATION.—Paragraph (1) shall not apply to a contract, subcontract, or

task order that was issued before the date of enactment of this Act, if there is no change in the quantity of assets or the specific type of assets procured.

(c) REQUIRED CONTRACT TERMS.—The Secretary shall include in each contract, subcontract, and task order issued under the Deepwater Program after the date of the enactment of this Act the following provisions, as applicable:

(1) TECHNICAL REVIEWS.—A requirement that the Secretary shall conduct a technical review of all proposed designs, design changes, and engineering changes, and a requirement that the contractor must specifically address all engineering concerns identified in the technical reviews, before any funds may be obligated.

(2) RESPONSIBILITY FOR TECHNICAL REQUIREMENTS.—A requirement that the Secretary shall maintain the authority to establish, approve, and maintain technical requirements.

(3) COST ESTIMATE OF MAJOR CHANGES.—A requirement that an independent cost estimate must be prepared and approved by the Secretary before the execution of any change order costing more than 5 percent of the unit cost approved in the Deepwater Program baseline in effect as of May 2007.

(4) PERFORMANCE MEASUREMENT.—A requirement that any measurement of contractor and subcontractor performance must be based on the status of all work performed, including the extent to which the work performed met all cost, schedule, and mission performance requirements outlined in the Deepwater Program contract.

(5) EARLY OPERATIONAL ASSESSMENT.—For the acquisition of any cutter class for which an Early Operational Assessment has not been developed—

(A) a requirement that the Secretary of the Department in which the Coast Guard is operating shall cause an Early Operational Assessment to be conducted by the Department of the Navy after the development of the preliminary design of the cutter and before the conduct of the critical design review of the cutter; and

(B) a requirement that the Coast Guard shall develop a plan to address the findings presented in the Early Operational Assessment.

(6) TRANSIENT ELECTROMAGNETIC PULSE EMISSION.—For the acquisition or upgrade of air, surface, or shore assets for which compliance with transient electromagnetic pulse emanation (TEMPEST) is a requirement, a provision specifying that the standard for determining such compliance shall be the air, surface, or shore asset standard then used by the Department of the Navy.

(7) OFFSHORE PATROL CUTTER UNDERWAY REQUIREMENT.—For any contract issued to acquire an Offshore Patrol Cutter, provisions specifying the service life, fatigue life, days underway in general Atlantic and North Pacific Sea conditions, maximum range, and maximum speed the cutter shall be built to achieve.

(8) INSPECTOR GENERAL ACCESS.—A requirement that the Department of Homeland Security’s Office of the Inspector General shall have access to all records maintained by all contractors working on the Deepwater Program, and shall have the right to privately interview any contractor personnel.

(d) LIFE CYCLE COST ESTIMATE.—

(1) IN GENERAL.—The Secretary shall develop an authoritative life cycle cost estimate for the Deepwater Program.

(2) CONTENTS.—The life cycle cost estimate shall include asset acquisition and logistics support decisions and planned operational tempo and locations as of the date of enactment of this Act.

(3) SUBMITTAL.—The Secretary shall—

(A) submit the life cycle cost estimate to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate within 4 months after the date of enactment of this Act; and

(B) submit updates of the life cycle cost estimate to such Committees annually.

(e) CONTRACT OFFICERS.—The Secretary shall assign a separate contract officer for each class of cutter and aircraft acquired or rehabilitated under the Deepwater Program, including the National Security Cutter, the Offshore Patrol Cutter, the Fast Response Cutter A, the Fast Response Cutter B, maritime patrol aircraft, the aircraft HC-130J, the helicopter HH-65, the helicopter HH-60, and the vertical unmanned aerial vehicle.

(f) TECHNOLOGY RISK REPORT.—The Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report identifying the technology risks and level of maturity for major technologies used on each class of asset acquisitions under the Deepwater Program, including the Fast Response Cutter A (FRC-A), the Fast Response Cutter B (FRC-B), the Offshore Patrol Cutter (OPC), and the Vertical Unmanned Aerial Vehicle (VUAV), not later than 90 days before the date of award of a contract for such an acquisition.

(g) SUBMISSION OF ASSESSMENT RESULTS AND PLANS TO CONGRESS.—The Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

(1) the results of each Early Operational Assessment conducted pursuant to subsection (c)(5)(A) and the plan approved by the Commandant pursuant to subsection (c)(5)(B) for addressing the findings of such assessment, within 30 days after the Commandant approves the plan; and

(2) a report describing how the recommendations of each Early Operational Assessment conducted pursuant to subsection (c)(5)(A) on the first in class of a new cutter class have been addressed in the design on which construction is to begin, within 30 days before initiation of construction.

SEC. 3. CHIEF ACQUISITION OFFICER.

(a) IN GENERAL.—Chapter 3 of title 14, United States Code, is amended by adding at the end the following:

“§55. Chief Acquisition Officer

(a) ESTABLISHMENT OF AGENCY CHIEF ACQUISITION OFFICER.—The Commandant shall appoint or designate a career reserved employee as Chief Acquisition Officer for the Coast Guard, who shall—

“(1) have acquisition management as that official's primary duty; and

“(2) report directly to the Commandant to advise and assist the Commandant to ensure that the mission of the Coast Guard is achieved through the management of the Coast Guard's acquisition activities.

(b) AUTHORITY AND FUNCTIONS OF THE CHIEF ACQUISITION OFFICER.—The functions of the Chief Acquisition Officer shall include—

“(1) monitoring the performance of acquisition activities and acquisition programs of the Coast Guard, evaluating the performance of those programs on the basis of applicable performance measurements, and advising the Commandant regarding the appropriate business strategy to achieve the mission of the Coast Guard;

“(2) increasing the use of full and open competition in the acquisition of property and services by the Coast Guard by establishing policies, procedures, and practices that ensure that the Coast Guard receives a sufficient number of sealed bids or competitive proposals from responsible sources to fulfill the Government's requirements (including performance and delivery schedules) at the lowest cost or best value considering the nature of the property or service procured;

“(3) ensuring the use of detailed performance specifications in instances in which performance-based contracting is used;

“(4) making acquisition decisions consistent with all applicable laws and establishing clear lines of authority, accountability, and responsibility for acquisition decisionmaking within the Coast Guard;

“(5) managing the direction of acquisition policy for the Coast Guard, including implementation of the unique acquisition policies, regulations, and standards of the Coast Guard;

“(6) developing and maintaining an acquisition career management program in the Coast Guard to ensure that there is an adequate professional workforce; and

“(7) as part of the strategic planning and performance evaluation process required under section 306 of title 5 and sections 1105(a)(28), 1115, 1116, and 9703 of title 31—

“(A) assessing the requirements established for Coast Guard personnel regarding knowledge and skill in acquisition resources management and the adequacy of such requirements for facilitating the achievement of the performance goals established for acquisition management;

“(B) in order to rectify any deficiency in meeting such requirements, developing strategies and specific plans for hiring, training, and professional development; and

“(C) reporting to the Commandant on the progress made in improving acquisition management capability.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

“55. Chief Acquisition Officer.”.

(c) SPECIAL RATE SUPPLEMENTS.

(1) REQUIREMENT TO ESTABLISH.—Not later than 1 year after the date of enactment of this Act and in accordance with part 9701.333 of title 5, Code of Federal Regulations, the Commandant of the Coast Guard shall establish special rate supplements that provide higher pay levels for employees necessary to carry out the amendment made by this section.

(2) SUBJECT TO APPROPRIATIONS.—The requirement under paragraph (1) is subject to the availability of appropriations.

SEC. 4. TESTING AND CERTIFICATION.

(a) IN GENERAL.—The Secretary shall—

(1) cause each cutter, other than a National Security Cutter, acquired by the Coast Guard and delivered after the date of enactment of this Act to be classed by the American Bureau of Shipping, before acceptance of delivery;

(2) cause the design and construction of each National Security Cutter, other than National Security Cutter 1 and 2, to be certified by an independent third party with expertise in vessel design and construction certification to be able to meet a 185-underway-day requirement under general Atlantic and North Pacific sea conditions for a period of at least 30 years;

(3) cause all electronics on all aircraft, surface, and shore assets that require TEMPEST certification and that are delivered after the date of enactment of this Act to be tested and certified in accordance with TEMPEST standards and communications security (COMSEC) standards by an independent third party that is authorized by the Federal Government to perform such testing and certification; and

(4) cause all aircraft and aircraft engines acquired by the Coast Guard and delivered after the date of enactment of this Act to be certified for airworthiness by an independent third party with expertise in aircraft and aircraft engine certification, before acceptance of delivery.

(b) FIRST IN CLASS OF A MAJOR ASSET ACQUISITION.—The Secretary shall cause the first in class of a major asset acquisition of a cutter or an aircraft to be subjected to an assessment of operational capability conducted by the Secretary of the Navy.

(c) FINAL ARBITER.—The Secretary shall be the final arbiter of all technical disputes regarding designs and acquisitions of vessels and aircraft for the Coast Guard.

SEC. 5. NATIONAL SECURITY CUTTERS.

(a) NATIONAL SECURITY CUTTERS 1 AND 2.—

(1) REPORT ON OPTIONS UNDER CONSIDERATION.—The Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

(A) within 120 days after the date of enactment of this Act, a report describing in detail the cost increases that have been experienced on National Security Cutters 1 and 2 since the date of the issuance of the task orders for construction of those cutters and explaining the causes of these cost increases; and

(B) within 180 days after the date of enactment of this Act, a report on the options that the Coast Guard is considering to strengthen the hulls of National Security Cutter 1 and National Security Cutter 2, including—

(i) the costs of each of the options under consideration;

(ii) a schedule for when the hull strengthening repairs are anticipated to be performed; and

(iii) the impact that the weight likely to be added to each the cutter by each option will have on the cutter's ability to meet both the original performance requirements included in the Deepwater Program contract and the performance requirements created by contract Amendment Modification 00042 dated February 7, 2007.

(2) DESIGN ASSESSMENT.—Not later than 30 days before the Coast Guard signs any contract, delivery order, or task order to strengthen the hull of either of National Security Cutter 1 or 2 to resolve the structural design and performance issues identified in the Department of Homeland Security Inspector General's report OIG-07-23 dated January 2007, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate all results of an assessment of the proposed hull strengthening design conducted by the Naval Surface Warfare Center, Carderock Division, including a description in detail of the extent to which the hull strengthening measures to be implemented on those cutters will enable the cutters to meet a 185-underway-day requirement under general Atlantic and North Pacific sea conditions for a period of at least 30 years.

(b) NATIONAL SECURITY CUTTERS 3 THROUGH 8.—Not later than 30 days before the Coast Guard signs any contract, delivery order, or task order authorizing construction of National Security Cutters 3 through 8, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate all results of an assessment of the proposed designs to resolve the structural design, safety, and performance issues identified by the Department of Homeland Security Office of Inspector General report OIG-07-23 for the hulls of those cutters conducted by the Naval Surface Warfare Center, Carderock Division, including a description in detail of the extent to which such designs will enable the cutters to meet a 185-underway-day requirement under general Atlantic and North Pacific sea conditions.

SEC. 6. MISCELLANEOUS REPORTS.

(a) IN GENERAL.—The Secretary shall submit the following reports to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate:

(1) Within 4 months after the date of enactment of this Act, a justification for why 8 National Security Cutters are required to meet the operational needs of the Coast Guard, including—

(A) how many days per year each National Security Cutter will be underway at sea;

(B) where each National Security Cutter will be home ported;

(C) the amount of funding that will be required to establish home port operations for each National Security Cutter;

(D) the extent to which 8 National Security Cutters deployed without vertical unmanned aerial vehicles (VUAV) will meet or exceed the mission capability (including surveillance capacity) of the 12 Hamilton-class high endurance cutters that the National Security Cutters will replace;

(E) the business case in support of constructing National Security Cutters 3 through 8, including a cost-benefit analysis; and

(F) an analysis of how many Offshore Patrol Cutters would be required to provide the patrol coverage provided by a National Security Cutter.

(2) Within 4 months after the date of enactment of this Act, a report on—

(A) the impact that deployment of a National Security Cutter and other cutter assets without the vertical unmanned aerial vehicle (VUAV) will have on the amount of patrol coverage that will be able to be provided during missions conducted by the National Security Cutter and all other cutters planned to be equipped with a VUAV;

(B) how the coverage gap will be made up;

(C) an update on the current status of the development of the VUAV; and

(D) the timeline detailing the major milestones to be achieved during development of the VUAV and identifying the delivery date for the first and last VUAV.

(3) Within 30 days after the elevation to flag-level for resolution of any design or other dispute regarding the Deepwater Program contract or an item to be procured under that contract, including a detailed description of the issue and the rationale underlying the decision taken by the flag officer to resolve the issue.

(4) Within 4 months after the date of enactment of this Act, a report detailing the total number of change orders that have been created by the Coast Guard under the Deepwater Program before the date of enactment of this Act, the total cost of these change orders, and their impact on the Deepwater Program schedule.

(5) Within 180 days after the date of enactment of this Act, a report detailing the technology risks and level of maturity for major technologies used on maritime patrol aircraft, the HC-130J, and the National Security Cutter.

(6) Not less than 60 days before signing a contract to acquire any vessel or aircraft, a report comparing the cost of purchasing that vessel or aircraft directly from the manufacturer or shipyard with the cost of procuring it through the Integrated Coast Guard System.

(7) Within 30 days after the Program Executive Officer of the Deepwater Program becomes aware of a likely cost overrun exceeding 5 percent of the overall asset acquisition contract cost or schedule delay exceeding 5 percent of the estimated asset construction period under the Deepwater Program, a report by the Commandant containing a description of the cost overrun or delay, an explanation of the overrun or delay, a description of Coast Guard's response, and a description of significant delays in the procurement schedule likely to be caused by the overrun or delay.

(8) Within 90 days after the date of enactment of this Act, articulation of a doctrine and description of an anticipated implementation of a plan for management of acquisitions programs, financial management (including earned value management and cost estimating), engineering and logistics management, and contract management, that includes—

(A) a description of how the Coast Guard will cultivate among uniformed personnel expertise in acquisitions management and financial management;

(B) a description of the processes that will be followed to draft and ensure technical review of procurement packages, including statements of work, for any class of assets acquired by the Coast Guard;

(C) a description of how the Coast Guard will conduct an independent cost estimating process, including independently developing cost estimates for major change orders; and

(D) a description of how Coast Guard will strengthen the management of change orders.

(9) Within 4 months after the date of enactment of this Act, a report on the development of a new acquisitions office within the Coast Guard describing the specific staffing structure for that directorate, including—

(A) identification of all managerial positions proposed as part of the office, the functions that each managerial position will fill, and the number of employees each manager will supervise; and

(B) a formal organizational chart and identification of when managerial positions are to be filled.

(10) Ninety days prior to the issuance of a Request for Proposals for construction of an Offshore Patrol Cutter, a report detailing the service life, fatigue life, maximum range, maximum speed, and number of days underway under general Atlantic and North Pacific Sea conditions the cutter shall be built to achieve.

(11) The Secretary shall report annually on the percentage of the total amount of funds expended on procurements under the Deepwater Program that has been paid to each of small businesses and minority-owned businesses.

(12) Within 120 days after the date of enactment of this Act, a report on any Coast Guard mission performance gap due to the removal of Deepwater Program assets from service. The report shall include the following:

(A) A description of the mission performance gap detailing the geographic regions and Coast Guard capabilities affected.

(B) An analysis of factors affecting the mission performance gap that are unrelated to the Deepwater Program, including deployment of Coast Guard assets overseas and continuous vessel shortages.

(C) A description of measures being taken in the near term to fill the mission performance gap, including what those measures are and when they will be implemented.

(D) A description of measures being taken in the long term to fill the mission performance gap, including what those measures are and when they will be implemented.

(E) A description of the potential alternatives to fill the mission performance gap, including any acquisition or lease considered and the reasons they were not pursued.

(b) REPORT REQUIRED ON ACCEPTANCE OF DELIVERY OF INCOMPLETE ASSET.—

(1) *IN GENERAL.*—If the Secretary accepts delivery of an asset after the date of enactment of this Act for which a contractually required certification cannot be achieved within 30 days after the date of delivery or with any system that is not fully functional for the mission for which it was intended, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the United States Senate within 30 days after accepting delivery of the asset a report explaining why acceptance of the asset in such a condition is in the best interests of the United States Government.

(2) *CONTENTS.*—The report shall—

(A) specify the systems that are not able to achieve contractually required certifications within 30 days after the date of delivery and the systems that are not fully functional at the time of delivery for the missions for which they were intended;

(B) identify milestones for the completion of required certifications and to make all systems fully functional; and

(C) identify when the milestones will be completed, who will complete them, and the cost to complete them.

SEC. 7. USE OF THE NAVAL SEA SYSTEMS COMMAND, THE NAVAL AIR SYSTEMS COMMAND, AND THE SPACE AND NAVAL WARFARE SYSTEMS COMMAND TO ASSIST THE COAST GUARD IN EXERCISING TECHNICAL AUTHORITY FOR THE DEEPWATER PROGRAM AND OTHER COAST GUARD ACQUISITION PROGRAMS.

(a) *FINDINGS.*—Congress finds that the Coast Guard's use of the technical, contractual, and program management oversight expertise of the Department of the Navy in ship and aircraft production complements and augments the Coast Guard's organic expertise as it procures assets for the Deepwater Program.

(b) *INTER-SERVICE TECHNICAL ASSISTANCE.*—The Secretary may enter into a memorandum of understanding or a memorandum of agreement with the Secretary of the Navy to provide for the use of the Navy Systems Commands to assist the Coast Guard with the oversight of Coast Guard major acquisition programs. Such memorandum of understanding or memorandum of agreement shall, at a minimum provide for—

(1) the exchange of technical assistance and support that the Coast Guard Chief Engineer and the Coast Guard Chief Information Officer, as Coast Guard Technical Authorities, may identify;

(2) the use, as appropriate, of Navy technical expertise; and

(3) the temporary assignment or exchange of personnel between the Coast Guard and the Navy Systems Commands to facilitate the development of organic capabilities in the Coast Guard.

(c) *TECHNICAL AUTHORITIES.*—The Coast Guard Chief Engineer, Chief Information Officer, and Chief Acquisition Officer shall adopt, to the extent practicable, procedures that are similar to those used by the Navy Senior Acquisition Official to ensure the Coast Guard Technical Authorities, or designated Technical Warrant Holders, approve all technical requirements.

(d) *COORDINATION.*—The Secretary, acting through the Commandant of the Coast Guard, may coordinate with the Secretary of the Navy, acting through the Chief of Naval Operations, to develop processes by which the assistance will be requested from the Navy Systems Commands and provided to the Coast Guard.

(e) *REPORT.*—Not later than 120 days after the date of enactment of this Act and every twelve months thereafter, the Commandant of the Coast Guard shall report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the activities undertaken pursuant to such memorandum of understanding or memorandum of agreement.

SEC. 8. DEFINITIONS.

In this Act:

(1) *DEEPWATER PROGRAM.*—The term “Deepwater Program” means the Integrated Deepwater Systems Program described by the Coast Guard in its report to Congress entitled “Revised Deepwater Implementation Plan 2005”, dated March 25, 2005. The Deepwater Program primarily involves the procurement of cutter and aviation assets that operate more than 50 miles offshore.

(2) *SECRETARY.*—The term “Secretary” means the Secretary of the department in which the Coast Guard is operating.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. CUMMINGS) and the gentleman from Ohio (Mr. LATOURETTE) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. CUMMINGS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the Integrated Deepwater Program Reform Act, H.R. 2722, which I authored in my capacity as the chairman of the Subcommittee on Coast Guard and Maritime Transportation, is a critical piece of legislation that will strengthen the management of the Coast Guard's Deepwater procurement program.

H.R. 2722 passed both the Subcommittee on Coast Guard and Maritime Transportation and the Committee on Transportation and Infrastructure on a voice vote and has enjoyed bipartisan support from the members of both the subcommittee and the full committee.

I wish to express my deepest appreciation to Chairman JAMES OBERSTAR for his leadership and support on this measure, and, indeed, for his leadership of our committee.

I also express my appreciation to the ranking member of the full committee, Congressman MICA, and the ranking member of the subcommittee, Congressman LATOURETTE, for their leadership and the commitment they have shown to the success of our United States Coast Guard through their work on the bill before us today.

Further, I wish to thank Chairman BENNIE THOMPSON for his wise counsel on this bill and for working with us to get this bill to the floor today.

Deepwater is a \$24 billion, 25-year procurement effort through which the Coast Guard will replace or rehabilitate all of its cutters and aircraft. Management of the program was awarded in 2002 through a performance-based contract to a private sector team comprised of Lockheed Martin and Northrop Grumman, now known as the Integrated Coast Guard Systems or ICGS.

Unfortunately, some of the procurements conducted under Deepwater over the past 5 years have experienced unacceptable failures that have delayed the production of needed assets and contributed to a significant shortfall in Coast Guard patrol hours.

Perhaps the most widely publicized failure of the Deepwater program is the failure of the effort to lengthen 110-foot patrol boats already in the Coast Guard's fleet to 123 feet. The lengthening was intended to upgrade these boats and extend their service lives while newer assets were being developed.

Though warned by Navy experts that the proposed designs for the lengthening was inadequate, the Coast Guard proceeded with the effort anyway. Eight boats, which originally cost some \$60 million to produce and which had many years of additional service life left, buckled soon after they were lengthened and now sit sadly in the Coast Guard yard in Baltimore waiting for the scrap heap.

Unfortunately, the failure of the 123-foot patrol boats is not the sole failure of the Deepwater program. The initial design of the Fast Response Cutter was also beset by technical failures, though

fortunately these were identified before any ships were built. While this acquisition effort has now been revamped, the GAO reported earlier this year that the design failure has delayed the procurement by at least 2 years.

Together, the failed effort to lengthen the 110-foot patrol boats and the failure of the first design of the Fast Response Cutter wasted another \$100 million of hard-earned American taxpayer dollars.

Similarly, despite the obligation of another \$100 million, the initial design effort on the Vertical Unmanned Aerial Vehicle, which is needed to enhance the surveillance capacity of the National Security Cutter, also failed. This craft had originally been scheduled for delivery in 2007, but the GAO estimates that delivery will now be delayed by as much as 6 years, meaning that the first National Security Cutters will likely enter service without the vehicles.

More recently, the Department of Homeland Security's Office of the Inspector General found that the hull fatigue life on the National Security Cutter, the most expensive asset to be procured under the Deepwater program, may not meet contractual requirements. The IG warns that fixing the hulls of the first two NSCs, which are already well into production, will add potentially significant costs to these ships and may even affect their operational capabilities.

Despite this troubling record of failure and waste, during the first 4 years of the Deepwater program, the Coast Guard ranked the contractor performance between "very good" and "excellent" and awarded the ICGS team some \$16 million in award fees; in other words, in bonuses.

Such a situation is ridiculous and intolerable. Having convened now three hearings on Deepwater in the Subcommittee on Coast Guard and Maritime Transportation in the 110th Congress and having chaired an investigative hearing on the 120-foot patrol boat program convened in the full Committee on Transportation and Infrastructure by Chairman OBERSTAR, we have had the opportunity to closely examine the failures in contractor performance and in Coast Guard management that have occurred since 2002.

□ 2045

H.R. 2722 responds directly to these failures by requiring the creation of the management systems and the appointment of the personnel needed to enable the Coast Guard to manage Deepwater as effectively as the service managed the truly amazing rescues of victims during Hurricane Katrina.

Under the leadership of Commandant Thad Allen, the service is already moving decisively to correct past mistakes. Admiral Allen has formed a new procurement directorate to professionalize acquisition management and to put the business practices in place needed to effectively oversee contractor perform-

ance and to create lines of strict accountability.

The Coast Guard is now also directly managing the procurement of the Fast Response Cutter, and it has issued a solicitation that includes new measures specifically intended to focus the procurement on producing an asset that will meet all performance requirements.

The Integrated Deepwater Program Reform Act, H.R. 2722, would build on the important reforms Admiral Allen has already enacted by putting in place a comprehensive package of reforms that will strengthen the institutional capacity of the Coast Guard to manage not only Deepwater but all other procurements for years to come.

Specifically, H.R. 2722 will require that the Coast Guard be in charge of all technical decisions on Deepwater and would require the use of full and open competition for the procurement of new assets to ensure that the Coast Guard receives the best value for taxpayers' resources.

H.R. 2722 also sets rigorous new standards for the testing and certification of all Deepwater assets.

The bill requires that all new National Security Cutters procured from the date of enactment be certified by an independent third party to meet all contractual requirements.

The DHS Inspector General has testified before our subcommittee that the four audits of Deepwater he has conducted over the past 2½ years have revealed the dominant influence of expediency and schedule over performance quality in the management of this program.

Unfortunately, the shoddy results of the prioritization of expediency and schedule can be seen in the 123-foot patrol boats, which cannot float, and the Unmanned Aerial Vehicle, which did not fly.

Professional certification of the design and construction of NSCs 3 through 8 will help ensure that these assets do not have any structural shortcomings, as such certification should be accommodated in all procurement schedules.

Further, given the serious concerns that currently exist over hull fatigue with NSCs 1 and 2, H.R. 2722 requires that the design used in all future NSCs be submitted to an assessment conducted by the Naval Surface Warfare Center, Carderock Division, before construction on the new NSCs begin.

Carderock identified many of the potential hull fatigue problems with NSC 1 and their expertise will help assess whether proposed design changes for subsequent NSCs truly correct design problems that could shorten the hull fatigue life of those ships.

H.R. 2722 requires that all other new cutters acquired under Deepwater be classified by the American Bureau of Shipping, and it requires that all new aircraft and aircraft engines be certified for airworthiness by an independent third party.

Significantly, H.R. 2722 also requires the appointment of a civilian as the head of the acquisitions directorate. Both the DHS Inspector General and the GAO have testified before the Subcommittee on Coast Guard and Maritime Transportation regarding the importance of personnel continuity in the effective management of acquisitions contracts.

Appointment of a civilian with a career's worth of experience in procurement will bring to the Coast Guard the level of expertise that simply is not cultivated among the service's uniformed personnel given that the service lacks a career path to train acquisitions professionals. Of course, while the appointment of a civilian to head Coast Guard acquisitions functions cannot guarantee continuity, the appointment of a uniformed servicemember will guarantee turnover on a predictable schedule.

With the implementation of these measures that will prepare the Coast Guard to manage Deepwater, H.R. 2722 requires that private sector contractors be phased out as the lead systems integrator by October 1, 2011. This phase-out can occur prior to that date if the Coast Guard certifies they have the personnel and systems in place they need to perform the lead systems integration function.

Madam Speaker, I remain completely confident in Admiral Allen's leadership of the Coast Guard and in his management of the Deepwater program, but I also believe that Congress must act to build within the Coast Guard the systems that will enable the service to effectively manage procurement efforts, and manage taxpayer resources, long after Admiral Allen has retired.

The men and women of the Coast Guard will rely on the assets procured under Deepwater for decades to come to defend our homeland against an ever-growing range of threats. This is a procurement effort that simply must be managed correctly, and I'm confident that the enactment of H.R. 2722 will ensure that it is.

This bill has enjoyed bipartisan support, both in the Subcommittee on Coast Guard and Maritime Transportation and the Committee on Transportation and Infrastructure. I also note that the Congressional Budget Office has found that enacting this measure will not affect revenues or direct spending in any way and could result in lower procurement expenditures and reduce the long-term costs of the Deepwater program.

In closing, I again commend Chairman JIM OBERSTAR, chairman of the Committee on Transportation and Infrastructure, for his strong support and his commitment to excellence. Under his inspired leadership, our committee has truly returned oversight and strict accountability to the agenda and is working to enact the ground-breaking policies that are essential to meeting the transportation challenges of the 21st century.

I also commend the ranking member of the full committee, Congressman MICA, for his leadership and support on this measure; and I commend the ranking member of our subcommittee, the distinguished gentleman, Mr. LATOURETTE, for his hard work and his outstanding leadership on the subcommittee.

I urge my colleagues to demonstrate their commitment to our brave young men and women in our Coast Guard, our thin blue line at sea, by supporting H.R. 2722, as amended.

Madam Speaker, I reserve my time.

Mr. LATOURETTE. Madam Speaker, I yield myself such time as I may consume.

(Mr. LATOURETTE asked and was given permission to revise and extend his remarks.)

Mr. LATOURETTE. Madam Speaker, H.R. 2722, the Integrated Deepwater Program Reform Act, makes significant changes to the Coast Guard's Deepwater program and will reform the way that the Coast Guard oversees, manages, and carries out the program as the service takes on the lead systems integrator responsibilities.

I want to add my thanks on the floor tonight and appreciate the cooperation of Chairman OBERSTAR and Chairman CUMMINGS to consider both at the subcommittee and during the full committee markup amendments from our side of the aisle to improve the bill through the markup process. The bill that we are considering today is the product of several oversight hearings and has been developed under the regular order in both the subcommittee and full committee markups. I want to thank both chairmen for their efforts to develop this bill in a truly bipartisan manner.

Madam Speaker, I appreciate the cooperation of Chairman OBERSTAR and Chairman CUMMINGS to consider amendments from my side of the aisle to improve this bill through the markup process. The bill that we are considering today is the product of several oversight hearings and has been developed under the regular order in both Subcommittee and Full Committee markups. I thank both Chairmen for their efforts to develop this bill in a bipartisan manner.

Our Subcommittee has held four hearings to oversee the Deepwater program over the past six months, and we have delved into the problems that have troubled this critical acquisition program. This bill addresses many of the areas that were identified through our oversight process. This bill will provide the Coast Guard with the framework to turn the program around and to support the successful acquisition of enhanced vessels, aircraft, and systems necessary to carry out the service's many missions.

However, I do want to point out that despite problems with some Deepwater program—most notably the failed 110 to 123 conversion, the program has had successes. Most importantly, the improved communications between shore, sea and air assets have already led to improved operations.

I also want to note that not all of the program's problems result from contracting

issues. The program has never been funded at the level the Coast Guard determined it needed to carry out the program in the time-frame it described. Unfortunately, it appears those funding shortfalls will only get worse in the coming fiscal year. In fiscal year 2007, \$1.1 billion was appropriated to carry out the Deepwater program. For fiscal year 2008, the Administration sought \$837 million for the program, the House has provided \$698 million, and the Senate has approved an amount of \$770 million. At those levels, acquisitions of new ships and aircraft will be further delayed, meaning that ready-to-be-retired legacy ships and planes will be kept in service longer. Those assets will, in turn, incur higher maintenance costs further reducing the funds available to acquire new assets.

The bill before us today improves the organization and administration of Deepwater and seeks answers to questions about the implementation of the program. However, if Congress and the Administration continue to fail to seek and provide funds at the level planned for, then Deepwater has no chance of meeting its targets and goals.

While this bill will not solve the problems that result from funding shortfalls for the Deepwater program, the bill will give the Coast Guard adequate time to build its in-house staff and capabilities to the level necessary to successfully assume the lead systems integrator role and to put in place arrangements to acquire additional personnel and expertise from the private sector and other Federal agencies. This is a necessary programmatic change.

I support this bill and urge all Members to approve H.R. 2722.

Mr. OBERSTAR. Madam Speaker, today, the House considers H.R. 2722, the "Integrated Deepwater Program Reform Act". This legislation is the product of the lessons learned from a series of hearings delving into the Coast Guard's Deepwater program.

I would like to thank Subcommittee Chairman CUMMINGS for his diligence in thoroughly examining these problems and for developing a comprehensive bill to get this program back on course.

The Committee has held three hearings in the 110th Congress on the Deepwater program—including one that finally adjourned at 11:29 p.m. Committee Members have heard the saga about problems with this program that include inadequate staffing, patrol boats that have been altered in such a way that they are not seaworthy, and construction standards that shorten the fatigue life of cutters below their contracted 30-year life.

During these hearings, the Committee heard testimony from the Coast Guard, contractors, the Office of Inspector General ("OIG") of the Department of Homeland Security, and the Government Accountability Office ("GAO"), and in addition received reports from the Defense Acquisition University ("DAU"), the GAO, and the OIG.

Unfortunately, we learned from the testimony to the Committee that the Deepwater program is an example of a total abdication of governmental responsibility for overseeing its contractors, the quality of their work, and the timeline for completion.

H.R. 2722 will correct this problem. The bill establishes within the Coast Guard the acquisition management systems, and requires appointment of necessary personnel, to effectively manage the \$24 billion Deepwater Acquisition Program.

As reported by the Committee, H.R. 2722 prohibits the use of a private sector entity as a lead system integrator beginning at the earlier date of October 1, 2011, or the date on which the Coast Guard certifies to the Committee that the service has the trained personnel and resources to implement the system integration.

I understand that the Coast Guard intends to move forward well before the 2011 date and I can assure you that this Committee will monitor their progress on taking over the Deepwater program.

H.R. 2722 also requires the use of full and open competition for procurements under Deepwater, and sets forth specific provisions to be included in future contracts including requirements subjecting designs to technical review and development of independent cost estimates. Transient electromagnetic pulse emanation ("TEMPEST") standards, as used by the Department of the Navy, must be used for procurements requiring TEMPEST certification. The bill further requires that all contracts include provisions allowing the OIG to privately interview contractor personnel working on Deepwater.

The bill also requires the appointment of a civilian Chief Acquisition Officer within the Coast Guard, who would report directly to the Commandant, and specifies a number of authorities reserved to the Chief Acquisition Officer.

H.R. 2722 sets standards for testing and certification of assets procured under Deepwater. Each cutter—other than a National Security Cutter (NSC)—must be classed by the American Bureau of Shipping (ABS). The design and construction of NSCs, with the exception of NSC 1 and 2, must be certified as capable of being underway for at least 185 days a year for 30 years and the other performance requirements by an independent third-party such as ABS or the Navy. The bill calls for all aircraft to be certified by an independent third-party such as the FAA or the Navy as well.

In addition, the bill requires a number of reports to Congress from the Coast Guard to enhance the Committee's oversight of this important acquisition program.

I would like to thank Ranking Member Mica and Subcommittee Ranking Member LATOURETTE for working with Subcommittee Chairman CUMMINGS and me on this bill.

Madam Speaker, I urge my colleagues to join me in supporting passage of H.R. 2722, the "Integrated Deepwater Program Reform Act of 2007".

Mr. THOMPSON of Mississippi. Madam Speaker, I stand in support of H.R. 2722 because I recognize the importance of the Integrated Deepwater Systems (Deepwater) program to our National security.

We need to replace our aging ships and aircraft that operate offshore to protect our borders. While this program has come under much scrutiny for being more expensive than previously thought and taking more time to complete, it is still a worthwhile endeavor.

Everyday, valiant members of the U.S. Coast Guard risk their lives to rescue and protect Americans. The continued success of this mission is dependent upon Coast Guard assets which are aging by the day. In the mid-1990s, the Coast Guard decided to replace all of these assets in a single procurement program—the Integrated Deepwater System pro-

gram, typically referred to as Deepwater. The Coast Guard's plan was to set forth broad mission requirements and then rely on private contractors to determine the mix of assets necessary to carry out those missions. Ultimately, the contract went to "Integrated Coast Guard System" (ICGS), a consortium headed by Lockheed Martin and Northrop Grumman.

Deepwater was intended to replace or modernize the approximately 90 ships and 200 Coast Guard aircraft used for missions taking place more than 50 miles offshore. The primary missions carried out in this "deepwater" zone are drug and migrant interdiction operations, search and rescue, homeland security, and fisheries law enforcement. Unfortunately, this program has been beset with problems. One part of the ICGS's Deepwater plan was to lengthen the Coast Guard's existing 110 foot patrol boats by 113 feet. Shortly after the first extended boat was delivered, cracks were found in its hull. The Coast Guard dry-docked the boats in December 2006 due to the lack of operational capacity in heavy seas. On February 14, 2007, the Department of Homeland Security Office of Inspector General released a report concerning whistleblower allegations made against the 123-foot Coast Guard cutter program. The report found that aspects of the C4ISR (Command, Control, Communications, Computers, Intelligence, Surveillance, and Reconnaissance) equipment installed aboard the 123-foot cutters do not meet the design standards set forth in the Deepwater contract.

Specifically, the contractor did not install low smoke cabling aboard the 123-foot cutter, despite a Deepwater contract requirement. The intent of this requirement was to eliminate the polyvinyl chloride jacket encasing the cables, which for years produced toxic fumes and dense smoke during shipboard fire.

Additionally, the contractor installed C4ISR topside equipment aboard both the 123-foot cutters and prosecutors, which either did not comply or was not tested to ensure compliance with specific environmental performance requirements outlined in the Deepwater contract. On April 17, 2007, the Commandant of the Coast Guard announced the decommissioning of the entire 123-foot fleet.

Similarly, there are problems with the National Security Cutter. On January 23, 2007, the Department of Homeland Security Inspector General's Office released a report stating that "the National Security Cutter, as designed and constructed, would not meet the performance specifications described in the original Deepwater contract." The report also states that "The National Security Cutter's design and performance deficiencies are fundamentally the result of the Coast Guard's failure to exercise technical oversight over the design and construction of its Deepwater assets."

Furthermore, the Inspector General's Office found that "since the deepwater contract was signed in June 2002, the combined cost of National Security Cutters 1 and 2 has increased from \$517 million to approximately \$775 million." The \$775 estimate does not include costs to correct or mitigate the National Security Cutter's structural design deficiencies, additional labor and materials costs resulting from the effects of Hurricane Katrina, and the final costs of a \$302 million Request for Equitable Adjustment (REA) that the Coast Guard is currently negotiating with the contractor. Finally, the report states that the Inspector General's Office "encountered resistance" from

the Coast Guard and the contractor in its efforts to evaluate the structural design and performance issues associated with the cutter.

The IG's findings are very serious and I am deeply concerned about the Coast Guard's ability to manage the Deepwater program. Strict Congressional oversight on the part of the new Democratic Congress has forced the Coast Guard to make several significant changes to this much-needed program and continued oversight is needed. The Homeland Security Committee has already held one hearing on the Deepwater Program this year, and more are planned.

H.R. 2722 makes improvements to the Deepwater program that will refine the process and make it effective for protecting the homeland for decades to come. For instance this bill creates a process for the Coast Guard to become the lead systems integrator for the program, it opens up competition for procurements, requires the Coast Guard to provide life-cycle cost estimates, requires the appointment of a Chief Acquisitions Officer, establishes testing and certification requirements for Deepwater assets, provides design criteria for the National Security Cutter, and allows the Department of Homeland Security to work with the United States Navy. These changes to the program are necessary to make Deepwater an effective homeland security program.

Mr. LATOURETTE. Madam Speaker, I yield back the balance of our time.

GENERAL LEAVE

Mr. CUMMINGS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2722, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. CUMMINGS. Madam Speaker, I yield back my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. CUMMINGS) that the House suspend the rules and pass the bill, H.R. 2722, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CUMMINGS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RONALD H. BROWN UNITED STATES MISSION TO THE UNITED NATIONS BUILDING

Mr. CUMMINGS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 735) to designate the Federal building under construction at 799 First Avenue in New York, New York, as the "Ronald H. Brown United States Mission to the United Nations Building".

The Clerk read the title of the bill.

The text of the bill is as follows: