

a needless burden on salvors working off the coast of Florida.

I applaud Senator MARTINEZ for his leadership on this measure, and I urge its adoption by the House.

I reserve the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I rise in support of S. 2482, a bill to repeal a provision in current law which requires licenses for employment in the business of maritime salvaging in the State of Florida.

S. 2482 is a companion bill to H.R. 4542, which was introduced by the ranking member of our full committee, Congressman JOHN MICA of Florida, and which passed the House as part of H.R. 2830, the Coast Guard and Maritime Transportation Act of 2008.

Sadly, even though Chairman CUMMINGS has done a great job and even though Mr. OBERSTAR has done a great job and we've tried to work together on the Coast Guard reauthorization bill, our friends on the other side of the Capitol haven't quite reached agreement with us.

The bill repeals section 80102 of title 46, United States Code, an antiquated provision which dates back in various forms to the 1820s. It requires Federal judges to issue licenses to wreckers working in the State of Florida. Wreckers, now generally known as salvors, provided assistance to ships in trouble in exchange for a portion of the vessel's cargo. In the early 19th century, some argued that these wreckers may have provided assistance that was not needed and then demanded a portion of the vessel's cargo. It sounds a little bit like piracy to me, but I'm not sure.

At that time, the primary Federal presence in Florida was the Federal judiciary. Therefore, Federal judges were given licensing authority over these wreckers. The licensing requirement fell out of use early in the last century. Today, salvage vessels and their crews operating in Florida are regulated under Coast Guard safety, inspection, crew licensing, and environmental standards just like any other vessels operating in United States waters.

The Justice Department has determined the provision is unconstitutional, and S. 2482 repeals this anachronism. I support the bill.

I reserve the balance of my time subject to the chairman.

Mr. CUMMINGS. Yes. I assume the gentleman, my minority ranking member, has no further speakers.

Mr. LATOURETTE. The gentleman is correct. If you have none, I am prepared to yield back and would yield back.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of S. 2482, a bill to repeal the provision of title 46, United States Code, requiring a license for employment in the business of salvaging on the coast of Florida.

In 1847, Congress enacted a law designed to prevent individuals from luring ships on the beach with lanterns—and then salvaging these wrecks. The law said that you cannot salvage a ship in Florida unless you have a license

issued by a U.S. District Court. At the time these individuals were called wreckers. Today, they are called salvors.

Two years ago, Congress passed a recodification of all of the laws in title 46 of the U.S. Code—titled "Shipping". It was only after that recodification when the terms were updated from "wreckers" to "salvors", did the salvage industry realize that they needed a license to do its work in Florida. This requirement is not imposed on salvors in any other State of the United States.

S. 2482 repeals this archaic law outright. Today Florida attracts tourists and cruise ships to its shores. It doesn't try to wreck them on the rocks.

Mr. Speaker, I urge my colleagues to support the passage of S. 2482.

Mr. CUMMINGS. Mr. Speaker, we yield back the balance of our 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 Senate bill, S. 2482.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

#### JUANITA MILLENDER-MCDONALD HIGHWAY

Ms. RICHARDSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4131) to designate a portion of California State Route 91 located in Los Angeles County, California, as the "Juanita Millender-McDonald Highway".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4131

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

#### SECTION 1. FINDINGS.

The Congress finds the following:

(1) Juanita Millender-McDonald was born on September 7, 1938, in Birmingham, Alabama, to the Reverend Shelly and Everlina Dortch Millender.

(2) Juanita Millender-McDonald earned her bachelor's degree from the University of Redlands in 1981, and her master's degree from California State University, Los Angeles, in 1987.

(3) Juanita Millender-McDonald was a true trailblazer, entering public service in 1990 as a member of the Carson City Council and becoming the first African-American woman to serve on the Carson City Council.

(4) Continuing as a pioneer, Juanita Millender-McDonald served in the California State Assembly from 1992 to 1996, and in her first term, she became the first assembly member to hold the position of chairwoman of two powerful California State Assembly committees (Insurance and Revenue and Taxation).

(5) Continuing to make history, Juanita Millender-McDonald served in the United States House of Representatives from 1996–2007, becoming the first African-American woman to chair any full House Committee when on December 19, 2006, she was named Chairwoman of the House Committee on House Administration.

(6) A leader among leaders, a University of California study named Juanita Millender-

McDonald one of the most effective Members of Congress.

(7) As a Member of Congress, Juanita Millender-McDonald was the first African-American woman to give the national Democratic response to President Bush's weekly radio address.

(8) Juanita Millender-McDonald initiated the first annual Memorial Day tribute to women in the military at the Women in Military Service For America Memorial at Arlington National Cemetery.

(9) As the founder of the Congressional Goods Movement Caucus, Juanita Millender-McDonald was a leader in the promotion of interstate commerce and a tireless advocate for the Port of Long Beach, and the Port of Los Angeles.

(10) Juanita Millender-McDonald was instrumental in the \$2,500,000,000 project that created the Alameda Corridor, a 20-mile rail expressway that opened in April 2002 and is a vital connection between the ports and America's rail system.

(11) As the founder and executive director of the League of African-American Women, an organization responsible for the annual "AIDS Walk for Minority Women and Children", the legacy of Juanita Millender-McDonald as a humble, selfless champion for women will endure for generations to come.

#### SEC. 2. DESIGNATION.

The portion of California State Route 91 located in Los Angeles County, California, from post mile 10.4 to post mile 11.1 shall be known and designated as the "Juanita Millender-McDonald Highway".

#### SEC. 3. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the portion of California State Route 91 referred to in section 2 shall be deemed to be a reference to the "Juanita Millender-McDonald Highway".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. RICHARDSON) and the gentleman from Tennessee (Mr. DUNCAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

#### GENERAL LEAVE

Ms. RICHARDSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 4131.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. RICHARDSON. Mr. Speaker, I yield myself such time as I may consume.

First and foremost, I would like to thank Chairman OBERSTAR and Ranking Member MICA for their help in bringing this legislation to the floor. H.R. 4131 honors the legacy of a woman who many of my colleagues on the Transportation and Infrastructure Committee already know—former Congresswoman Juanita Millender-McDonald, a real trailblazer, my predecessor here in Congress and, for many years, my mentor and my boss. Words cannot describe the impact Congresswoman Juanita Millender-McDonald had on so many lives, but today, I will do my best to reflect on her work and on her accomplishments.

Congresswoman McDonald was a real trailblazer in every sense of the word. She came to Congress in 1996 and became the first African American woman to chair any full House committee when, on December 19, 2006, she was named chairwoman of the House Committee on House Administration, one spot our Madam Speaker often calls, really, the House's mayor.

Likewise, Congresswoman Millender-McDonald initiated the first annual Memorial Day tribute to women in the military at the Women's Memorial at Arlington National Cemetery. Some other firsts: Congresswoman McDonald was the first African American woman to give the national Democratic response to President Bush's weekly radio address. Also, Congresswoman McDonald was the first assemblywoman to hold the position of chairwoman on the Committee of Revenue and Taxation.

These accomplishments represent just a few of the many firsts that Congresswoman Millender-McDonald achieved, a long list that dates back to her days on the Carson City Council where she was the first African American woman to serve on that body.

You know, it kind of makes me think back to a story that people in the community talked about. Congresswoman McDonald didn't start off as a person who was going to be an elected official. She was a parent; she was a teacher; she was someone who worked for the second largest school district in this Nation. I think back to one incident that a lot of her constituents would smile about.

She lived not far from the Carson Mall, this mall that is in my district. Traditionally, when we have Christmas, we have Santa, but most people have a certain way of how we picture Santa looking. Ms. McDonald, having her five children, thought that Santa should maybe reflect our entire country, so she led this charge to have Santa be reflective of our entire community, and so it was always kind of cute. We used to refer to her as Mrs. Claus, and that's really how she got her start at being active and in understanding that her community needed to be represented and that her community needed to shine and that it needed to be able to grow and to be successful.

Therefore, the naming of this portion of the 91 freeway is fitting because the 91 freeway was a part of Congresswoman Millender-McDonald's district during her entire legislative career in the California Assembly and here in Congress. The 91 freeway also runs adjacent to the Major League Baseball Urban Youth Academy, a facility in my and her former district that she cherished dearly.

However, anyone who knew Congresswoman McDonald also knows that her family came first. Her husband, James, was her backbone, the love of her life. Together, they raised five beautiful children, and they adored their five grandchildren. However, Congress-

woman Millender-McDonald's family includes more than her children, grandchildren, nieces, and nephews. Congresswoman Millender-McDonald's family also includes a list of elected officials at the Federal, State and local levels that she mentored in addition to me: Councilman Steve Bradford, Carson Mayor Pro Tem Mike Gibson and soon to be Assemblyman Isadore Hall.

Congresswoman McDonald was an effective Member of Congress who was known for her bipartisan spirit and for her fiscal conservative principles. I think you're going to hear from my colleagues today that one of the things that Congresswoman McDonald valued was her relationship on both sides of the aisle. Although she was concerned about social programs, she knew that you couldn't do them unless you could pay for them. That was really a strength and, I think, something that her colleagues loved.

These are the lessons that Congresswoman Millender-McDonald taught me when I was on her staff, and they have served as a guide throughout my own legislative career. I can honestly say, but for Congresswoman Millender-McDonald's willingness to take me under her wing and to hire me, I would not have had the opportunity to master the Federal system. She was my mentor, my political godmother and an inspiration to all Americans.

Mr. Speaker, I reserve the balance of my time.

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

First of all, I want to commend the gentlelady from California (Ms. RICHARDSON) for bringing this bill to the floor today. Certainly, it's a very appropriate bill because of all of the firsts that the gentlewoman from California has already mentioned and for many other reasons.

I'm honored to support H.R. 4131. As has been stated, this bill would designate a portion of California's State Route 91 in Los Angeles County as the Juanita Millender-McDonald Highway. This is a very fitting tribute to our former colleague Congresswoman Millender-McDonald.

Congresswoman Millender-McDonald was a member of the Transportation and Infrastructure Committee for over 10 years. Beginning when she was first elected to Congress in April of 1996, she was a tireless advocate for transportation issues impacting her district, including projects related to the Ports of Long Beach and Los Angeles and the Alameda Corridor freight railroad project.

She was also a leader on national transportation issues. She took her experience in dealing with freight mobility challenges in southern California and founded the Congressional Goods Movement Caucus. Through her position on the Transportation and Infrastructure Committee and in her role with the Congressional Goods Movement Caucus, Congresswoman Millender-McDonald promoted trans-

portation projects necessary to facilitate interstate commerce while protecting communities from the adverse effects associated with freight movement.

She rose to the level of being a full committee chairwoman in this Congress, and she was respected and admired on both sides of the aisle. More importantly than all of this, than all of her work in Congress, Juanita Millender-McDonald was just a good human being.

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She was a friend of mine, and I knew from discussions I had with her how much she loved her family and her friends. She was beautiful in appearance and was so dignified and professional in every way and set such a good example for all of us. She served the people of her district and this Nation well and with great honor and distinction.

I urge all of my colleagues to support this bill honoring a good friend, Congresswoman Juanita Millender-McDonald.

I yield back the balance of my time.

Ms. RICHARDSON. Mr. Speaker, I yield as much time as he might consume to our chairman of the Subcommittee on Coast Guard and Maritime, also a member of Transportation and Infrastructure Committee, and more importantly, a dear friend of Congresswoman Millender-McDonald, the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. I want to thank the gentlewoman for yielding, and I want to thank her for sponsoring this important bill, and I take a moment to honor my friend, Congressman Millender-McDonald.

She and I had a special relationship because we sat beside each other on the committee, and she had come to Washington in a special election about a month before I came in a special election. So we had a certain kinship.

But as I sat here and I was listening to Ms. RICHARDSON and listening to the minority, it's clear that all of us had a tremendous respect for her. And I thought about all of the kind things that Ms. RICHARDSON said about her. But one of the things that she said that stood out for me most was that she was a mentor.

Around here, we come here, we do our work, we work hard, we give it everything we've got; and I know Mr. DUNCAN knows what I'm talking about. We give it everything we've got, and then we leave. And sometimes I guess we wonder how much impact we have had. But I think the greatest impact we can have is on other people.

The fact that Congresswoman Millender-McDonald took Congresswoman RICHARDSON under her wing as a young staff assistant and then worked with her and considered her a friend, and then the next thing you know we see this young lady that is Congresswoman RICHARDSON now

emerge as just an outstanding Member of Congress says a lot about the effectiveness not only about Ms. Millender-McDonald with regard to her legislative life, that is what she did here on the Hill, but it also says a lot about what she did in her district and how she affected people.

The reason I mention that, Mr. Speaker, is because I think a lot of people get very confused about what we do here. Some people think that it's just the buildings that you have built and all of the things that you may bring back to your district. But the thing that is truly lasting is not all the buildings and all of the highways, but it's about building people because that's what truly lasts.

I'm often reminded of a part of "The Lion King," which I love so much. My kids tease me about it, but I love it. There's one portion of "The Lion King" where the young lion cub says to his father, "You died, and I need you, and I need you to be here with me so that I can talk to you and ask for advice and so that you can help my through my difficult times." And he's saying, "Where are you?" And then a few songs later, it says, "He lives in you."

I think what we're doing here right now today is a perfect example of that.

Congresswoman Millender-McDonald, just like all of us, had to move on and make a transition. But she was able to leave someone behind to carry on her work. And she has left an impact not only on the Democratic side, but our Republican brothers and sisters, so that we can carry on that work.

I can never remember ever sitting down at a markup where Ms. Millender-McDonald did not have something to say about her district. Ever. I used to tease her. I used to say, "You're getting all the money, girl." She'd say, "That's my job."

So I just wanted to take a moment to honor her, and I just hope that when we folks drive down Highway 91, somebody will ask the question, "Who was she," some child who never got to know her, somebody who may have not been informed about who their Congresswoman was, but hopefully somebody would be there in their car to be able to tell them the story of a great lady, a great lady who not only built bridges, but one who also tore down walls, consistently tore down walls of separation, built bridges of unity bringing people together as head of our House Administration Committee, constantly reaching out.

One of the last letters I got before she passed away was a letter about an issue that was very controversial, but she had resolved it, and it was just before she died.

So to the very end—and that's what they told us at her funeral, by the way, they said she was working until the day she died.

But then she did something very important. She passed on the baton to a young lady now who turns around and says, "You know what? I am not going to let you be forgotten."

And this Congress is not going to let her be forgotten because her life is a shining example of what all our lives should be. I want to thank again all sides for making this happen.

Mr. DUNCAN. Mr. Speaker, I didn't realize that we had any other speakers, so I would like to either reclaim my time or request that the gentlelady from California yield some time to the gentleman from Michigan (Mr. EHLERS).

The SPEAKER pro tempore. Without objection, the gentleman from Tennessee reclaims his time.

There was no objection.

Mr. DUNCAN. Mr. Speaker, I then yield to the ranking member of the House Administration Committee, my good friend, the gentleman from Michigan (Mr. EHLERS), such time as he may consume.

Mr. EHLERS. I thank the gentleman for yielding, and I thank you for the accommodation.

As soon as I discovered this issue was before us, I rushed to the floor so that I could participate in this discussion.

I worked closely with Ms. Millender-McDonald for several years. When I was Chair, she was ranking member, and when she was Chair, I was ranking member.

The word that comes to mind the second I think about her is "elegance." She was a very elegant person. I mean that in a very positive sense. I'm not talking just about elegance in dress, elegance in bearing, but to the core of her being she was an elegant, wonderful human being.

I enjoyed working with her. We accomplished a lot together on the committee. We obviously had our differences now and then, but we always worked through them. And what always struck me as something really wonderful about her and about our Nation, and to show how far we've come, that a sharecropper's daughter could become the Chair of a major committee in the Congress of the United States. That's amazing, but it speaks very well of her in the way she comported herself, the way she had taught herself, the accomplishments that she had made during her life. Just a very remarkable person in every way.

The only regret I had was that she never shared with me anything about her illness or the seriousness of her illness. I believe she felt she had to carry that burden alone. And I would have been delighted and honored had she shared with me more of the details so that I could help her on this journey towards death, and that I could have been at her side praying with her and comforting her.

But it's just a great delight to see this honor bestowed upon her. I certainly hope this is an elegant highway that we're dedicating to her, because it would be befitting of her and her accomplishments, and above all, her presence as a human being, that this highway reflect her greatness, her elegance, her ability, and her dedication to her people and to this Nation.

I thank you.

Mr. DUNCAN. Mr. Speaker, we have no other speakers.

I urge all of my colleagues to support this very fitting tribute to a great lady, our friend, Congresswoman Juanita Millender-McDonald.

I yield back the balance of my time.

Ms. RICHARDSON. Mr. Speaker, I yield as much time as he might consume to our chairman of the Transportation and Infrastructure Committee, Mr. Highways himself, the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Speaker, there are many tributes one could establish for former colleagues: statues and plaques and naming of various facilities; but for Juanita Millender-McDonald, a transportation artery is truly appropriate, fitting, and necessary.

From the time she set foot in this Chamber and won a seat on the Committee on Transportation and Infrastructure, she was ceaseless in her devotion to transportation initiatives. If I heard the term "Alameda Corridor" once, I heard it a hundred times; if I heard the Desmond Bridge once, I heard it 50 times; if I heard "freight transportation corridors" once, I heard it a thousand times. It was endless. And that was her passion, her devotion, her commitment.

There were many other causes that Juanita Millender-McDonald championed. The gentlewoman from California, her successor, Ms. RICHARDSON, has already enumerated those. I will submit those in a longer statement for the RECORD.

But I just want to take this moment, as we did in committee and here on the floor, to pay tribute to a dear friend, a champion of transportation causes, a person with soul, with spirit, with grace, with elegance who served her constituents and State and this Nation extraordinarily well. And it is appropriate that we memorialize that service by this naming we are undertaking today.

Ms. RICHARDSON. Mr. Speaker, Congresswoman Juanita Millender-McDonald was known consistently for pulling off unexpected victories. As a staffer and now as a Member, there are two things I cherish most: one, Congresswoman Juanita Millender-McDonald, as our chairman just said, was committed to working and serving her constituents; number two, something she used to say to me often, "You can't throw the baby out with the bath water." She had the unique ability to build, nurture, and develop others, particularly young adults . . . and the least of these.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. RICHARDSON) that the House suspend the rules and pass the bill, H.R. 4131.

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. DUNCAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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.

The point of no quorum is considered withdrawn.

## INTEGRATED DEEPWATER PROGRAM REFORM ACT OF 2008

Mr. OBERSTAR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6999) 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. 6999

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

### TITLE I—INTEGRATED DEEPWATER PROGRAM

#### SEC. 101. SHORT TITLE.

This title may be cited as the "Integrated Deepwater Program Reform Act of 2008".

#### SEC. 102. PROCUREMENT STRUCTURE.

(a) IN GENERAL.—

(1) USE OF LEAD SYSTEMS INTEGRATOR.—Except as provided in subsection (b), the Secretary may not use a private sector entity as a lead systems integrator for acquisitions under, or in support of, the Integrated Deepwater Program after the end of the 180-day period beginning on the date of enactment of this Act.

(2) FULL AND OPEN COMPETITION.—The Secretary and the lead systems integrator for the Integrated Deepwater Program shall utilize full and open competition for any acquisition for which an outside contractor is used under, or in support of, the Integrated Deepwater Program after the date of enactment of this Act, unless otherwise excepted in accordance with the Competition in Contracting Act of 1984 and the Federal Acquisition Regulation.

(3) NO EFFECT ON SMALL BUSINESS ACT.—Nothing in this subsection shall be construed to supersede or otherwise affect the authorities provided by and under the Small Business Act (15 U.S.C. 631 et seq.).

(b) EXCEPTIONS.—

(1) COMPLETION OF ACQUISITIONS BY LEAD SYSTEMS INTEGRATOR.—Notwithstanding subsection (a), the Secretary may use a private sector entity as a lead systems integrator for the Coast Guard—

(A) to complete any delivery order or task order that was issued to the lead systems integrator on or before the date that is 180 days after the date of enactment of this Act without any change in the quantity of assets or the specific type of assets covered by the order;

(B) for acquisitions after the date that is 180 days after the date of enactment of this Act of, or in support of, the HC-130J aircraft, the HH-65 aircraft, and the C4ISR system if the requirements of subsection (c) are met with respect to such acquisitions;

(C) for acquisitions after the date that is 180 days after the date of enactment of this Act of, or in support of, National Security Cutters or Maritime Patrol Aircraft under contract or order for construction as of the date that is 180 days after the date of enact-

ment of this Act, if the requirements of subsection (c) are met with respect to such acquisitions; and

(D) for the acquisition, or in support, of additional National Security Cutters or Maritime Patrol Aircraft if the Secretary determines that—

(i) the acquisition is in accordance with the Competition in Contracting Act of 1984 and the Federal Acquisition Regulation;

(ii) the acquisition and the use of a private sector entity as a lead systems integrator for the acquisition is in the best interest of the Federal Government; and

(iii) the requirements of subsection (c) are met with respect to such acquisition.

(2) AWARDS TO TIER 1 SUBCONTRACTORS.—If the Secretary determines under paragraph (1)(B), (1)(C), or (1)(D) that the Coast Guard will use a private sector lead systems integrator for an acquisition, the Secretary shall notify in writing the appropriate congressional committees of the Secretary's determination and shall provide a detailed rationale for the determination, at least 30 days before the award of a contract, delivery order, or task order using a private sector lead systems integrator, including a comparison of the cost of the acquisition through the private sector lead systems integrator with the expected cost if the acquisition were awarded directly to the manufacturer or shipyard.

(3) REPORT ON DECISION-MAKING PROCESS.—If the Secretary determines under paragraph (1)(B), (1)(C), or (1)(D) that the Coast Guard will use a private sector lead systems integrator for an acquisition, the Secretary shall notify in writing the appropriate congressional committees of the Secretary's determination and shall provide a detailed rationale for the determination, at least 30 days before the award of a contract, delivery order, or task order using a private sector lead systems integrator, including a comparison of the cost of the acquisition through the private sector lead systems integrator with the expected cost if the acquisition were awarded directly to the manufacturer or shipyard.

(c) LIMITATION ON LEAD SYSTEMS INTEGRATORS.—Neither an entity performing lead systems integrator functions for an acquisition under, or in support of, the Integrated Deepwater Program, nor a Tier 1 subcontractor, for any acquisition described in subsection (b)(1)(B), (b)(1)(C), or (b)(1)(D) may have a financial interest in a subcontractor below the tier 1 subcontractor level unless—

(1) the subcontractor was selected by the Secretary through full and open competition for such procurement;

(2) the procurement was awarded by the lead systems integrator or a subcontractor through full and open competition;

(3) the procurement was awarded by a subcontractor through a process over which the lead systems integrator or a Tier 1 subcontractor exercised no control; or

(4) the Secretary has determined that the procurement was awarded in a manner consistent with the Competition in Contracting Act of 1984 and the Federal Acquisition Regulation.

(d) RULE OF CONSTRUCTION.—The limitation in subsection (b)(1)(A) on the quantity and specific type of assets to which subsection (b) applies shall not be construed to apply to the modification of the number or type of any subsystems or other components of a vessel or aircraft described in subsection (b)(1)(B), (C), or (D).

(e) TERMINATION DATE FOR EXCEPTIONS.—Notwithstanding subsection (b), the Secretary may not use a private sector entity as a lead systems integrator for acquisitions under, or in support of, the Integrated Deepwater Program after the earlier of—

(1) September 30, 2011; or

(2) the date on which the Secretary certifies in writing to the appropriate congressional committees 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 re-

sponsibilities of the lead system integrator in an efficient and cost-effective manner.

#### SEC. 103. REQUIRED CONTRACT TERMS.

(a) IN GENERAL.—The Secretary shall ensure that any contract, delivery order, or task order for an acquisition under, or in support of, the Integrated Deepwater Program executed by the Secretary after the date of enactment of this Act—

(1) provides that all certifications for Integrated Deepwater Program procurements will be conducted by the Secretary or an independent third party, and that self-certification by the contractor or subcontractor is not allowed;

(2) provides that the Commandant shall conduct a technical review of all proposed designs, design changes, and engineering changes and requires that the contractor address all design and engineering concerns identified in the technical reviews;

(3) requires that the Commandant shall maintain the authority to establish, approve, and maintain technical requirements;

(4) requires that any measurement of contractor and subcontractor performance 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;

(5) specifies that, for the acquisition or upgrade of air, surface, or shore assets for which compliance with TEMPEST certification is a requirement, the standard for determining such compliance will be the air, surface, or shore asset standard then used by the Department of the Navy for that type of asset; and

(6) for any contract issued to acquire an Offshore Patrol Cutter, includes provisions specifying the service life, fatigue life, and days underway in general Atlantic and North Pacific Sea conditions, maximum range, and maximum speed the cutter will be built to achieve.

(b) PROHIBITED CONTRACT PROVISIONS.—The Secretary shall ensure that any contract, delivery order, or task order for acquisition under, or in support of, the Integrated Deepwater Program executed by the Secretary after the date of enactment of this Act does not include—

(1) provisions that commit the Secretary without express written approval by the Secretary; or

(2) any provision allowing for equitable adjustment that differs from the Federal Acquisition Regulation.

(c) EXTENSION OF PROGRAM.—Any contract, contract modification, or award term extending the existing Integrated Deepwater Program contract term, as signed in May 2006 and modified in June 2007—

(1) shall not include any minimum requirements for the purchase of a given or determinable number of specific assets; and

(2) shall be reviewed by the Under Secretary of Defense for Acquisition, Technology, and Logistics through the Defense Acquisition University and the results of that review shall be submitted to the appropriate congressional committees at least 60 days prior to the award of the contract, contract modification, or award term.

#### SEC. 104. TESTING AND CERTIFICATION.

(a) EARLY OPERATIONAL ASSESSMENT.—

(1) For any major asset type acquired for the Coast Guard after the date of enactment of this Act other than the National Security Cutter and the Maritime Patrol Aircraft, the Secretary shall cause an early operational assessment to be completed on the design for that asset type.

(2) The early operational assessment shall be conducted by an independent third party with relevant expertise in conducting early operational assessments on the asset type