

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The point of no quorum is considered withdrawn.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

for which the assessment is being performed or by the Coast Guard acting in collaboration with an independent third party with relevant expertise in conducting early operational assessments on the asset type for which the assessment is being performed.

(3) The result of this assessment shall be submitted to the appropriate congressional committees at least 90 days prior to the initiation of any construction activity utilizing the proposed design.

(4) The Secretary shall also submit a report describing the steps taken to mitigate the risks identified by the early operational assessment conducted under this section in the design on which construction is to begin at least 30 days prior to the initiation of any construction utilizing the proposed design.

(b) **ASSESSMENT OF OPERATIONAL CAPABILITY.**—

(1) The Secretary shall cause the first in class of a major asset acquisition of a cutter or an aircraft by the Coast Guard to be subjected to an assessment of operational capability conducted by an independent third party with relevant expertise in the asset type or by the Coast Guard in collaboration with an independent third party with relevant expertise in the asset type.

(2) The result of the assessment conducted under this subsection shall be submitted to the appropriate congressional committees at least 45 days prior to acceptance of the asset.

(c) **CUTTER CLASSIFICATION.**—The Secretary shall 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.

(d) **TEMPEST TESTING.**—The Secretary shall 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 in accordance with TEMPEST standards and communication security (COMSEC) standards by an independent third party that is authorized by the Federal Government to perform such testing and certify that the asset meets all applicable TEMPEST requirements.

(e) **NATIONAL SECURITY CUTTER.**—The Secretary shall 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.

(f) **AIRCRAFT AIRWORTHINESS.**—The Secretary shall 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.

(g) **CERTIFICATIONS.**—

(1) After the date of enactment of this Act, a contract, delivery order, or task order exceeding \$10,000,000 for an acquisition under, or in support of, the Coast Guard's Integrated Deepwater Program may not be executed by the Coast Guard until the Secretary certifies that—

(A) appropriate market research has been conducted prior to technology development to reduce duplication of existing technology and products;

(B) the technology has been demonstrated to the maximum extent practicable in a relevant environment;

(C) the technology demonstrates a high likelihood of accomplishing its intended mission;

(D) funding is available to execute the contract, delivery order, or task order; and

(E) the technology complies with all relevant policies, regulations, and directives of the Coast Guard.

(2) The Secretary shall transmit a copy of each certification required under subsection (g) to the appropriate congressional committees within 30 days after the completion of the certification.

(h) **LIMITATION.**—Nothing in this section shall prevent the Secretary from executing contracts or issuing delivery orders or task orders for research and development or technology demonstrations under, or in support of, the Integrated Deepwater Program.

SEC. 105. NATIONAL SECURITY CUTTER.

Not later than 90 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 appropriate congressional committees all results of an assessment of the proposed hull strengthening design conducted by the Coast Guard, in conjunction with the Naval Surface Warfare Center, Carderock Division, including—

(1) 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 contract and performance requirements;

(2) a cost benefit analysis of the proposed hull strengthening measures for National Security Cutters 1 and 2; and

(3) a description of any operational restrictions that would have to be applied to either National Security Cutters 1 or 2 if the proposed hull strengthening measures were not implemented on either cutter.

SEC. 106. IMPROVEMENTS IN COAST GUARD MANAGEMENT.

(a) **INTEGRATED PRODUCT TEAMS.**—Integrated product teams, and all teams that oversee integrated product teams, shall be chaired by officers, members, or employees of the Coast Guard.

(b) **DEEPWATER TECHNICAL AUTHORITY.**—The Commandant shall maintain or designate the technical authority to establish, approve, and maintain technical requirements for the Integrated Deepwater Program. Any such designation shall be given in writing and may not be delegated to the authority of the Chief Acquisition Officer established by section 55 of title 14, United States Code.

(c) **ENSURING ADEQUATE PERSONNEL.**—The Secretary shall ensure that sufficient contracting officers, contracting specialists, and technical and financial management specialists (including earned value experts) are available to execute each contract issued under the Integrated Deepwater Program.

(d) **ACQUISITIONS WORKFORCE POLICY.**—The Secretary shall review all policies established for the Coast Guard's acquisitions workforce to ensure that they are designed to provide for the selection of the best qualified individual for a position, consistent with other applicable law, and promote the establishment and maintenance of a balanced workforce in which women and members of racial and ethnic minority groups are appropriately represented in Government service.

(e) **CAREER PATHS.**—The Secretary shall ensure that appropriate career paths for civilian and military personnel who wish to pursue careers in acquisitions are identified in terms of the education, training, experience, and assignments necessary for career progression of civilians and members of the Coast Guard to the most senior acquisitions positions. The Secretary shall make available published information on such career paths.

(f) **BALANCED WORKFORCE POLICY.**—In the development of acquisition workforce policies with respect to any civilian employees or applicants for employment, the Secretary shall, consistent with the merit system principles set out in paragraphs (1) and (2) of section 2301(b) of title 5, United States Code, promote a balanced workforce in which women and members of racial and ethnic minority groups are appropriately represented in Government service.

(g) **GUIDANCE ON TENURE AND ACCOUNTABILITY OF PROGRAM MANAGERS.**—

(1) **ISSUANCE OF GUIDANCE.**—Not later than one year after the date of the enactment of this Act, the Secretary shall issue guidance for major systems acquisition programs to address the qualifications, resources, responsibilities, tenure, and accountability of program managers for the management of major systems acquisitions. The guidance issued pursuant to this subsection shall address, at a minimum—

(A) the qualifications that shall be required of program managers, including the number of years of acquisitions experience and the professional training levels to be required of those appointed to program management positions;

(B) authorities available to the program manager, including, to the extent appropriate, the authority to object to the addition of new program requirements that would be inconsistent with the parameters established for an acquisitions program; and

(C) the extent to which a program manager who initiates a new program will continue in management of that program without interruption until the delivery of the first production units of the program.

(2) **STRATEGY.**—

(A) **IN GENERAL.**—Not later than 18 months after the date of enactment of this Act, the Secretary shall develop a comprehensive strategy for enhancing the role of Coast Guard program managers in developing and carrying out acquisition programs.

(B) **MATTERS TO BE ADDRESSED.**—The strategy required by this section shall address, at a minimum—

(i) the creation of a specific career path and career opportunities for program managers, including the rotational assignments that will be provided to program managers;

(ii) the provision of enhanced training and educational opportunities for program managers;

(iii) the provision of mentoring support to current and future program managers by experienced senior executives and program managers within the Coast Guard, including through rotational assignments to the Department of Defense;

(iv) the methods by which the Coast Guard will collect and disseminate best practices and lessons learned on systems acquisitions to enhance program management throughout the Coast Guard;

(v) the templates and tools that will be used to support improved data gathering and analysis for program management and oversight purposes, including the metrics that will be utilized to assess the effectiveness of Coast Guard program managers in managing systems acquisitions efforts;

(vi) a description in detail of how the Coast Guard will promote a balanced workforce in which women and members of racial and ethnic minority groups are appropriately represented in Government service; and

(vii) the methods by which the accountability of program managers for the results of acquisition programs will be increased.

(3) **REPORT BY COMPTROLLER GENERAL.**—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit to the appropriate congressional committees a report on the actions

taken by the Secretary to implement the requirements of this subsection, including the strategies that are required to be developed by this subsection.

SEC. 107. 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.—There shall be in the Coast Guard a Chief Acquisitions Officer selected by the Commandant who shall be a Rear Admiral or civilian from the Senior Executive Service (career reserved) and who meets the qualifications set forth under subsection (b). The Chief Acquisitions Officer shall serve at the Assistant Commandant level and have acquisition management as that individual's primary duty.

“(b) QUALIFICATIONS.—The Chief Acquisition Officer shall be a certified acquisition professional with a program manager level III certification and must have at least 10 years experience in an acquisition position.

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

“(1) monitoring the performance of programs on the basis of applicable performance measurements and advising the Commandant, through the Vice Commandant of the Coast Guard, regarding the appropriate business strategy to achieve the missions 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) making acquisition decisions in concurrence with the technical authority of the Coast Guard, as designated by the Commandant, and consistent with all other applicable laws and decisions establishing procedures within the Coast Guard;

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

“(5) making acquisition decisions consistent with all applicable laws and decision making procedures within the Coast Guard;

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

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

“(8) as part of the strategic planning and performance evaluation process required under section 306 of title 5 and sections 1105(a)(28), 1115, 1116, 10 and 9703 of title 31—

“(A) assessing the requirements established for Coast Guard personnel regarding knowledge and skill in acquisition resources and 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, through the Vice Commandant, on the progress made in improving acquisition management capability.”.

(b) APPLICATION OF QUALIFICATION REQUIREMENT.—Section 55(b) of title 46, United States Code, as amended by this section, shall apply beginning October 1, 2011.

(c) 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.”.

(d) 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 Secretary 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. 108. INTEGRATED DEEPWATER PROGRAM PLANS.

(a) IN GENERAL.—

(1) REVISED INTEGRATED DEEPWATER PROGRAM PLANS AND ACQUISITION PROGRAM.—The Secretary shall—

(A) revise and update the Integrated Deepwater Program's project management plan within 180 days after the date of enactment of this Act, in accordance with the requirements of subsection (d);

(B) issue new or updated acquisition plans and acquisition program baselines for each asset class under the Integrated Deepwater Program, in accordance with the requirements of subsection (e); and

(C) transmit copies thereof to the appropriate congressional committees.

(2) USE OF ALTERNATIVES ANALYSIS.—The Secretary shall base the revisions and plans on the February 2008 Integrated Deepwater System Alternatives Analysis prepared for the United States Coast Guard by an independent consulting organization.

(b) ALTERNATIVES ANALYSES.—

(1) IN GENERAL.—No acquisition of an experimental, technically immature, or first-in-class major asset may be made under the Integrated Deepwater Program unless an alternatives analysis was conducted for such asset during the concept and technology development phase. Such analyses shall be conducted by a federally funded research and development center, a qualified entity of the Department of Defense, or a similar independent third party entity that has appropriate acquisition expertise. Such alternatives analyses shall include—

(A) an examination of capability, interoperability, and other advantages and disadvantages;

(B) an evaluation of whether different quantities of specific assets could meet the Coast Guard's overall performance needs;

(C) a discussion of key assumptions and variables, and sensitivity to changes in such assumptions and variables;

(D) an assessment of technology risk and maturity;

(E) an evaluation of relevant safety and performance records;

(F) a calculation of costs, including life cycle costs;

(G) a business case of viable alternatives;

(H) an examination of likely research and development costs and the levels of uncertainty associated with such estimated costs;

(I) an examination of likely production and deployment costs and the levels of uncertainty associated with such estimated costs;

(J) an examination of likely operating and support costs and the levels of uncertainty associated with such estimated costs;

(K) if they are likely to be significant, an examination of likely disposal costs and the levels of uncertainty associated with such estimated costs;

(L) an analysis of the risks to production cost, schedule, and life-cycle cost resulting from the experimental, technically immature nature of the systems under consideration; and

(M) such additional measures the Secretary determines to be necessary for appropriate evaluation of the asset.

(c) FUTURE REVISIONS.—The Secretary shall—

(1) notify each of the appropriate congressional committees whenever an alternatives analysis or revision of an alternatives analysis under the Integrated Deepwater Program are initiated under this title;

(2) transmit a copy of the Integrated Deepwater Program's project management plan, acquisition plans, or acquisition program baselines to each of the appropriate congressional committees whenever any such document is created or revised; and

(3) maintain a historical file containing, and make available to each of the appropriate congressional committees, upon request, copies of each version of those documents as they are revised.

(d) PROJECT MANAGEMENT PLAN.—The revised project management plan required by subsection (a)(1) shall include the following:

(1) An analysis and risk assessment of the technology risks and level of maturity for major technologies used on all classes of asset acquisitions under the Integrated Deepwater Program, including the National Security Cutter, fast response cutter, offshore patrol cutter, the vertical unmanned aerial vehicle, maritime patrol aircraft, HC-130J aircraft, and C4ISR systems.

(2) A description of how the Coast Guard plans to utilize arrangements with the Department of Defense for support in contracting and management of acquisitions under the Integrated Deepwater Program and to seek opportunities to leverage off of Department of Defense contracts, and contracts of other appropriate agencies, to obtain the best possible price for Integrated Deepwater Program assets.

(3) A life-cycle cost estimate for the Integrated Deepwater Program which shall include asset acquisition and logistics support decisions and planned operational tempo and locations.

(4) Any other information the Secretary deems necessary.

(e) ACQUISITION PROGRAM BASELINE.—

(1) IN GENERAL.—The new acquisition program baselines required by subsection (a)(1) shall include—

(A) a plan for the acquisition, and the schedule and costs for delivery of such acquisitions;

(B) a lifecycle cost estimate that includes asset acquisition and logistics support decisions and planned operational tempo and locations; and

(C) such other information as the Secretary deems necessary.

(2) OFFSHORE PATROL CUTTER.—When an acquisition program baseline is completed for the offshore patrol cutter following an alternatives analysis for that asset class, the acquisition program baseline shall include a detailed statement of the service life, fatigue life, maximum range, maximum speed, and number of days underway under general Atlantic and North Pacific Sea conditions the cutter will be built to achieve. The offshore patrol cutter's acquisition program baseline shall be completed and transmitted to each of the appropriate congressional committees not less than 90 days before the Secretary issues a request for proposals for construction of an offshore patrol cutter.

SEC. 109. REPORTS.

(a) ANNUAL REPORT.—

(1) IN GENERAL.—Within 45 days after the end of each fiscal year, the Secretary shall

submit a comprehensive annual report on the progress of the Integrated Deepwater Program to the appropriate congressional committees.

(2) **SCOPE.**—At a minimum, the report shall include—

(A) an outline and description of all changes to the Integrated Deepwater Program's project management plan during the previous fiscal year;

(B) an outline and description of all changes to acquisition plans and acquisition program baselines for all Integrated Deepwater Program asset acquisitions during the previous fiscal year, including all updates to life cycle cost estimates, acquisition cost estimates, schedule changes, and changes in asset performance requirements;

(C) a summary of findings of all alternatives analyses completed or revised during the previous fiscal year under the Integrated Deepwater Program;

(D) an updated development schedule for each asset and asset class, including estimated annual costs until development is completed;

(E) an updated acquisition schedule for each asset and asset class, including estimated annual costs and units to be procured until acquisition is completed;

(F) an updated projection of the remaining operational lifespan of each legacy asset and projected costs for sustaining such assets;

(G) a breakdown of the percentage of the total amount of funds expended on acquisitions under the Integrated Deepwater Program during the previous fiscal year that has been paid to each of small businesses, socially and economically disadvantaged small business concerns eligible for assistance under section 8(a) of the Small Business Act (15 U.S.C. 637(a)), minority-owned businesses, women-owned businesses, and service disabled veteran-owned businesses;

(H) information on the status of agreements and progress of other arrangements with the Department of Defense for support in contracting and management of acquisitions under the Integrated Deepwater Program required by section 110 of this Act and the updated project management plan as required by section 108(a) of this Act;

(I) an update on the Secretary's progress in meeting goals for the development of the acquisition program described in the Blueprint for Acquisition Reform, and required by this title, including staffing levels and professional development;

(J) a financial accounting of the Integrated Deepwater Program as of the end of the fiscal year, which shall include a balance sheet, statement of net cost, statement of changes in net position, and statement of budgetary resources of the Program;

(K) an update on the status of efforts to enhance the role of Coast Guard program managers in developing and carrying out acquisitions programs and efforts to promote a balanced workforce in which women and members of racial and ethnic minority groups are appropriately represented in Government service; and

(L) such additional information as the Secretary deems necessary for updating Congress on the progress of the Integrated Deepwater Program.

(b) **COST OVERRUNS AND DELAYS.**—

(1) **IN GENERAL.**—The Secretary shall submit a report to the appropriate congressional committees as soon as possible, but not later than 30 days, after the Deepwater Program Executive Officer becomes aware of the breach of an acquisition program baseline under the Integrated Deepwater Program by—

(A) a likely cost overrun greater than 8 percent of the acquisition program baseline

total acquisition cost for that individual asset or a class of assets;

(B) a likely delay of more than 180 days in the delivery schedule for any individual asset or class of assets; or

(C) an anticipated failure for any individual asset or class of assets to satisfy any key performance threshold or parameter under the Integrated Deepwater Program acquisition program baseline.

(2) **CONTENT.**—The report submitted under paragraph (1) shall include

(A) a detailed description of the breach and an explanation of its cause;

(B) the projected impact to cost, schedule and performance;

(C) an updated total acquisition cost and the complete history of changes to the original cost estimate described in the plan submitted under section 108(e);

(D) the updated acquisition schedule and the complete history of changes to the original schedule described in the plan submitted under section 108(e);

(E) a full life-cycle cost analysis for the asset or class of assets;

(F) a remediation plan identifying corrective actions and any resulting issues or risks; and

(G) a description of how progress in the remediation plan will be measured and monitored.

(3) **SUBSTANTIAL VARIANCES IN COSTS OR SCHEDULE.**—If a likely cost overrun is greater than 20 percent or a likely delay is greater than 12 months from the schedule and costs described in the acquisition program baseline total acquisition cost for that individual asset or class of assets, the Secretary shall include in the report a written certification, with a supporting explanation, that—

(A) the asset or asset class is essential to the accomplishment of Coast Guard missions;

(B) there are no alternatives to such asset or asset class which will provide equal or greater capability in both a more cost-effective and timely manner;

(C) the new acquisition schedule and estimates for total acquisition cost are reasonable; and

(D) the management structure for the acquisition program is adequate to manage and control costs, schedule, and performance.

(4) **CERTIFIED ASSETS AND ASSET CLASSES.**—If the Secretary certifies an asset or asset class under paragraph (3), the requirements of this sub-section shall be met based on the new estimates of cost and schedule contained in that certification.

(c) **REPORT ON INTEGRATED DEEPWATER PROGRAM C4ISR.**—

(1) **INDEPENDENT ASSESSMENT.**—Not later than 3 months after the date of enactment of this Act, the Secretary shall enter into an arrangement with the National Research Council of the National Academy of Sciences to conduct a study to assess the Coast Guard's Integrated Deepwater Program C4ISR systems and acquisition plans. This study shall include an examination of—

(A) the Coast Guard's current and planned Integrated Deepwater Program C4ISR capabilities and architecture;

(B) the adequacy of the Integrated Deepwater Program C4ISR acquisition's Information Technology requirements;

(C) whether the planned Integrated Deepwater Program C4ISR systems are sufficiently adaptable to meet the needs of the Coast Guard's mission requirements;

(D) whether the planned Integrated Deepwater Program C4ISR systems facilitate future upgrades as C4ISR technology advances; and

(E) the adequacy of the Coast Guard's organizational, personnel, and training systems for acquiring, utilizing, and sustaining

Integrated Deepwater Program C4ISR systems.

(d) **PATROL BOAT REPORT.**—Not later than 120 days after the date of enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report on how the Coast Guard plans to manage the annual readiness gap of lost time for 110-foot patrol boats from fiscal year 2009 through fiscal year 2015. The report shall include—

(1) a description of the mission performance gap detailing the geographic regions and Coast Guard capabilities affected;

(2) a summary of the patrol hours that will be lost due to delays in replacing the 110-foot cutters and lost capabilities of the 110-foot cutters that have been converted;

(3) an analysis of factors affecting the mission performance gap that are unrelated to the Integrated Deepwater Program, including deployment of Coast Guard assets overseas and continuous vessel shortages;

(4) an identification of assets that are being used or may be used to alleviate the annual readiness gap of lost time for such patrol boats, including any acquisition or lease considered and the reasons they were not pursued;

(5) in cases where Coast Guard assets are used more heavily to alleviate the readiness gap, an assessment of the estimated additional maintenance costs incurred and asset lifespan lost due to the increased use of such assets;

(6) a projection of the remaining operational lifespan of the 110-foot patrol boat fleet;

(7) a description of how extending through fiscal year 2015 the transfer agreement between the Coast Guard and the United States Navy for 3 Cyclone class 179-foot patrol coastal ships would affect the annual readiness gap of lost time for 110-foot patrol boats; and

(8) an estimate of the cost to extend the operational lifespan of the 110-foot patrol boat fleet for each of fiscal years 2008 through 2015.

(e) **ACQUISITIONS WORKFORCE REPORT.**—Within 4 months after the date of enactment of this Act, the Secretary shall report on the development of the acquisitions office within the Coast Guard, describing the specific staffing structure for that directorate, including—

(1) identification of all acquisitions 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

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

(f) **ELEVATION OF DISPUTES TO THE CHIEF ACQUISITION OFFICER.**—Within 30 days after the elevation to the Chief Acquisition Officer of any design or other dispute regarding the Integrated Deepwater Program contract or an item to be acquired under that contract, the Secretary shall provide to the appropriate congressional committees a detailed description of the issue and the rationale underlying the decision taken by the Chief Acquisition Officer to resolve the issue.

(g) **AMENDMENT OF 2006 ACT.**—Section 408(a) of the Coast Guard and Maritime Transportation Act of 2006 is amended—

(1) by striking paragraphs (1) and (3); and

(2) by redesignating paragraphs (2) and (4) through (8) as paragraphs (1) through (6), respectively.

SEC. 110. DEPARTMENT OF DEFENSE CONSULTATION.

(a) **IN GENERAL.**—The Secretary shall make arrangements as appropriate with the Secretary of Defense for support in contracting and management of acquisitions under the Integrated Deepwater Program. The Coast

Guard shall also seek opportunities to leverage off of Department of Defense contracts, and contracts of other appropriate agencies, to obtain the best possible price for Integrated Deepwater Program assets.

(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 obtain the assistance of the Office of the Assistant Secretary of the Navy for Research, Development, and Acquisition, including the Navy Systems Commands, 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 Acquisition Officer, Coast Guard Chief Engineer, and the Coast Guard Chief Information Officer 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 Office of the Assistant Secretary of the Navy for Research, Development, and Acquisition, including Naval Systems Commands, to facilitate the development of organic capabilities in the Coast Guard.

(c) **TECHNICAL AUTHORITIES.**—The technical authority established under section 106(b) shall adopt, to the extent practicable, procedures that are similar to those used by the Navy Senior Acquisition Official to approve all technical requirements.

(d) **ASSESSMENT.**—Within 180 days after the date of enactment of this Act, the Comptroller General shall transmit a report to the appropriate congressional committees that—

(1) contains an assessment of current Coast Guard acquisition and management capabilities to manage acquisitions under or in support of the Integrated Deepwater Program;

(2) includes recommendations as to how the Coast Guard can improve its acquisition management, either through internal reforms or by seeking acquisition expertise from the Department of Defense; and

(3) addresses specifically the question of whether the Coast Guard can better leverage Department of Defense or other agencies' contracts that would meet the needs of the Integrated Deepwater Program in order to obtain the best possible price.

SEC. 111. DEFINITIONS.

In this title, the following definitions apply:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means the Committees on Transportation and Infrastructure and Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(2) **INTEGRATED DEEPWATER PROGRAM.**—The term “Integrated Deepwater Program” means the Integrated Deepwater Systems Program described by the Coast Guard in its Report to Congress on Revised Deepwater Implementation Plan, dated March 25, 2005, including any subsequent modifications, revisions, or restatements of the Program. The Integrated Deepwater Program includes the procurement, development, production, sustainment, modification, conversion, and missionization of C4ISR and of cutter and aviation assets that operate more than 50 miles offshore.

(3) **LIFE-CYCLE COST.**—The term “life-cycle cost” means all costs for development, procurement, construction, and operations and support for a particular asset, without regard to funding source or management control.

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

SEC. 112. ELIGIBLE EMPLOYEES IN THE RECREATIONAL MARINE INDUSTRY.

Section 2(3)(F) of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 902(3)(F)) is amended—

(1) by striking “, repair or dismantle”; and

(2) by striking the semicolon and inserting “, or individuals employed to repair any recreational vessel, or to dismantle any part of a recreational vessel in connection with the repair of such vessel;”.

TITLE II—SUBMERSIBLE VESSELS AND SEMI-SUBMERSIBLE VESSELS

SEC. 201. SHORT TITLE.

This title may be cited as the “Drug Trafficking Vessel Interdiction Act of 2008”.

Subtitle A—Criminal Prohibition

SEC. 211. FINDINGS AND DECLARATIONS.

Congress finds and declares that operating or embarking in a submersible vessel or semi-submersible vessel without nationality and on an international voyage is a serious international problem, facilitates transnational crime, including drug trafficking, and terrorism, and presents a specific threat to the safety of maritime navigation and the security of the United States.

SEC. 212. OPERATION OF SUBMERSIBLE VESSEL OR SEMI-SUBMERSIBLE VESSEL WITHOUT NATIONALITY.

(a) **IN GENERAL.**—Chapter 111 of title 18, United States Code, is amended by adding at the end the following new section:

“§ 2285. Operation of submersible vessel or semi-submersible vessel without nationality

“(a) **OFFENSE.**—Whoever knowingly operates, or attempts or conspires to operate, by any means, or embarks in any submersible vessel or semi-submersible vessel that is without nationality and that is navigating or has navigated into, through, or from waters beyond the outer limit of the territorial sea of a single country or a lateral limit of that country's territorial sea with an adjacent country, with the intent to evade detection, shall be fined under this title, imprisoned not more than 15 years, or both.

“(b) **EVIDENCE OF INTENT TO EVADE DETECTION.**—For purposes of subsection (a), the presence of any of the indicia described in paragraph (1)(A), (E), (F), or (G), or in paragraph (4), (5), or (6), of section 70507(b) of title 46 may be considered, in the totality of the circumstances, to be prima facie evidence of intent to evade detection.

“(c) **EXTRATERRITORIAL JURISDICTION.**—There is extraterritorial Federal jurisdiction over an offense under this section, including an attempt or conspiracy to commit such an offense.

“(d) **CLAIM OF NATIONALITY OR REGISTRY.**—A claim of nationality or registry under this section includes only—

(1) possession on board the vessel and production of documents evidencing the vessel's nationality as provided in article 5 of the 1958 Convention on the High Seas;

(2) flying its nation's ensign or flag; or

(3) a verbal claim of nationality or registry by the master or individual in charge of the vessel.

“(e) **AFFIRMATIVE DEFENSES.**—

“(1) **IN GENERAL.**—It is an affirmative defense to a prosecution for a violation of subsection (a), which the defendant has the burden to prove by a preponderance of the evidence, that the submersible vessel or semi-submersible vessel involved was, at the time of the offense—

“(A) a vessel of the United States or lawfully registered in a foreign nation as claimed by the master or individual in

charge of the vessel when requested to make a claim by an officer of the United States authorized to enforce applicable provisions of United States law;

“(B) classed by and designed in accordance with the rules of a classification society;

“(C) lawfully operated in government-regulated or licensed activity, including commerce, research, or exploration; or

“(D) equipped with and using an operable automatic identification system, vessel monitoring system, or long range identification and tracking system.

“(2) **PRODUCTION OF DOCUMENTS.**—The affirmative defenses provided by this subsection are proved conclusively by the production of—

“(A) government documents evidencing the vessel's nationality at the time of the offense, as provided in article 5 of the 1958 Convention on the High Seas;

“(B) a certificate of classification issued by the vessel's classification society upon completion of relevant classification surveys and valid at the time of the offense; or

“(C) government documents evidencing licensure, regulation, or registration for commerce, research, or exploration.

“(f) **FEDERAL ACTIVITIES EXCEPTED.**—Nothing in this section applies to lawfully authorized activities carried out by or at the direction of the United States Government.

“(g) **APPLICABILITY OF OTHER PROVISIONS.**—Sections 70504 and 70505 of title 46 apply to offenses under this section in the same manner as they apply to offenses under section 70503 of such title.

“(h) **DEFINITIONS.**—In this section, the terms ‘submersible vessel’, ‘semi-submersible vessel’, ‘vessel of the United States’, and ‘vessel without nationality’ have the meaning given those terms in section 70502 of title 46.”.

(b) **CLERICAL AMENDMENT.**—The chapter analysis for chapter 111 of title 18, United States Code, is amended by inserting after the item relating to section 2284 the following:

“2285. Operation of submersible vessel or semi-submersible vessel without nationality.”.

SEC. 213. SENTENCING GUIDELINES.

(a) **IN GENERAL.**—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall promulgate sentencing guidelines (including policy statements) or amend existing sentencing guidelines (including policy statements) to provide adequate penalties for persons convicted of knowingly operating by any means or embarking in any submersible vessel or semi-submersible vessel in violation of section 2285 of title 18, United States Code.

(b) **REQUIREMENTS.**—In carrying out this section, the United States Sentencing Commission shall—

(1) ensure that the sentencing guidelines and policy statements reflect the serious nature of the offense described in section 2285 of title 18, United States Code, and the need for deterrence to prevent such offenses;

(2) account for any aggravating or mitigating circumstances that might justify exceptions, including—

(A) the use of a submersible vessels or semi-submersible vessels described in section 2285 of title 18, United States Code, to facilitate other felonies;

(B) the repeated use of a submersible vessel or semi-submersible vessel described in section 2285 of title 18, United States Code, to facilitate other felonies, including whether such use is part of an ongoing criminal organization or enterprise;

(C) whether the use of such a vessel involves a pattern of continued and flagrant

violations of section 2285 of title 18, United States Code;

(D) whether the persons operating or embarking in a submersible vessel or semi-submersible vessel willfully caused, attempted to cause, or permitted the destruction or damage of such vessel or failed to heave to when directed by law enforcement officers; and

(E) circumstances for which the sentencing guidelines (and policy statements) provide sentencing enhancements;

(3) ensure reasonable consistency with other relevant directives, other sentencing guidelines and policy statements, and statutory provisions;

(4) make any necessary and conforming changes to the sentencing guidelines and policy statements; and

(5) ensure that the sentencing guidelines and policy statements adequately meet the purposes of sentencing set forth in section 3553(a)(2) of title 18, United States Code.

Subtitle B—Civil Prohibition

SEC. 221. OPERATION OF SUBMERSIBLE VESSEL OR SEMI-SUBMERSIBLE VESSEL WITHOUT NATIONALITY.

(a) FINDING AND DECLARATION.—Section 70501 of title 46, United States Code, is amended—

(1) by inserting “(1)” after “that”; and

(2) by striking “States,” and inserting “States and (2) operating or embarking in a submersible vessel or semi-submersible vessel without nationality and on an international voyage is a serious international problem, facilitates transnational crime, including drug trafficking, and terrorism, and presents a specific threat to the safety of maritime navigation and the security of the United States.”.

SEC. 222. OPERATION PROHIBITED.

(a) IN GENERAL.—Chapter 705 of title 46, United States Code, is amended by adding at the end thereof the following:

“§ 70508. Operation of submersible vessel or semi-submersible vessel without nationality

“(a) IN GENERAL.—An individual may not operate by any means or embark in any submersible vessel or semi-submersible vessel that is without nationality and that is navigating or has navigated into, through, or from waters beyond the outer limit of the territorial sea of a single country or a lateral limit of that country's territorial sea with an adjacent country, with the intent to evade detection.

“(b) EVIDENCE OF INTENT TO EVADE DETECTION.—In any civil enforcement proceeding for a violation of subsection (a), the presence of any of the indicia described in paragraph (1)(A), (E), (F), or (G), or in paragraph (4), (5), or (6), of section 70507(b) may be considered, in the totality of the circumstances, to be prima facie evidence of intent to evade detection.

“(c) DEFENSES.—

“(1) IN GENERAL.—It is a defense in any civil enforcement proceeding for a violation of subsection (a) that the submersible vessel or semi-submersible vessel involved was, at the time of the violation—

“(A) a vessel of the United States or lawfully registered in a foreign nation as claimed by the master or individual in charge of the vessel when requested to make a claim by an officer of the United States authorized to enforce applicable provisions of United States law;

“(B) classed by and designed in accordance with the rules of a classification society;

“(C) lawfully operated in government-regulated or licensed activity, including commerce, research, or exploration; or

“(D) equipped with and using an operable automatic identification system, vessel mon-

itoring system, or long range identification and tracking system.

“(2) PRODUCTION OF DOCUMENTS.—The defenses provided by this subsection are proved conclusively by the production of—

“(A) government documents evidencing the vessel's nationality at the time of the offense, as provided in article 5 of the 1958 Convention on the High Seas;

“(B) a certificate of classification issued by the vessel's classification society upon completion of relevant classification surveys and valid at the time of the offense; or

“(C) government documents evidencing license, regulation, or registration for research or exploration.

“(d) CIVIL PENALTY.—A person violating this section shall be liable to the United States for a civil penalty of not more than \$1,000,000.”

(b) CONFORMING AMENDMENTS.—

(1) The chapter analysis for chapter 705 of title 46, United States Code, is amended by inserting after the item relating to section 70507 the following:

“70508. Operation of submersible vessel or semi-submersible vessel without nationality.”.

(2) Section 70504(b) of title 46, United States Code, is amended by inserting “or 70508” after “70503”.

(3) Section 70505 of title 46, United States Code, is amended by striking “this title” and inserting “this title, or against whom a civil enforcement proceeding is brought under section 70508.”.

SEC. 223. SUBMERSIBLE VESSEL AND SEMI-SUBMERSIBLE VESSEL DEFINED.

Section 70502 of title 46, United States Code, is amended by adding at the end thereof the following:

“(f) SEMI-SUBMERSIBLE VESSEL; SUBMERSIBLE VESSEL.—In this chapter:

“(1) SEMI-SUBMERSIBLE VESSEL.—The term ‘semi-submersible vessel’ means any watercraft constructed or adapted to be capable of operating with most of its hull and bulk under the surface of the water, including both manned and unmanned watercraft.

“(2) SUBMERSIBLE VESSEL.—The term ‘submersible vessel’ means a vessel that is capable of operating completely below the surface of the water, including both manned and unmanned watercraft.”.

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

The Chair recognizes the gentleman from Minnesota.

GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the pending bill.

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

There was no objection.

Mr. OBERSTAR. Mr. Speaker, this legislation in a previous form passed the House last year by a vote of 426-0. The Senate passed a comparable bill by unanimous consent. The bill before us is a bipartisan compromise between our Committee on Transportation and Infrastructure in the House and the Committee on Commerce, Science, & Transportation in the Senate.

It is a complicated piece of legislation that took a great deal of time to

work out. The objective of this legislation is to reform the Coast Guard acquisition program.

□ 1115

Stories began creeping out of mistakes and cost overruns and serious problems within the Coast Guard's Deepwater Program. A closer look by our committee investigative staff found that there were serious flaws in the conduct of this program, and we began an extensive inquiry and investigation into those flaws and into the consequences thereof, the most serious of which was that the first article of the cutter extension program went to sea and cracked in three places, predicted to be problem areas by the chief naval architect of the Navy, in consultation to a whistleblower within the Deepwater Program.

I need not go back and unravel all of the details that led up to that. Suffice it to say that the core of the problem was a self-certification initiative undertaken by the Coast Guard at the direction of the Department of Homeland Security that led to serious flaws, not only in the program but in the construction of these vessels and the extension initiative. The result was that taxpayers have lost over \$100 million, the Coast Guard has lost the service of some 49 cutters, and frankly, I think there should have been criminal investigations undertaken by the Justice Department of those engaged in these practices.

Thanks to the leadership of the gentleman from Maryland, the Chair of the Coast Guard Subcommittee, Mr. CUMMINGS, and the staff's relentless pursuit of the facts of the causes of the problems, we held a hearing that went till 11:30 at night, nearly 10 hours of investigative hearing, drew fact after fact out and established causality problems and led the way to solutions. It's not enough just to conduct oversight, to find the flaws, to find the problems; it's important to correct them.

And in that process, we had this blended participation with the gentleman from Ohio (Mr. LATOURETTE) who has proven himself to be a devotee of the Coast Guard and mastered the issues of the Coast Guard and of this particular contractual undertaking of the Coast Guard.

The result of those hearings was substantial reform of the Coast Guard's acquisition program. The details of the program I will call on the Chair of the subcommittee, the gentleman from Maryland (Mr. CUMMINGS), and ask him to explain the details and how we frankly intend and are going to cure this problem for the future.

It took a great deal of negotiation with the other body and with the Coast Guard to come to the resolution that we bring to the House today, and for that progress, I thank the gentleman from Ohio and the ranking member of the full committee, Mr. MICA, for their patience over many weeks of negotiating out these terms and conditions

that we bring to the House today to cure this program, save the taxpayers money, put the Coast Guard on a sound footing, and assure to the greatest extent that we can that these problems don't extend into the future.

Mr. Speaker, I rise in strong support of H.R. 6999, as amended, the "Integrated Deepwater Program Reform Act of 2008". I would like to congratulate the distinguished Chairman of the Subcommittee on Coast Guard and Maritime Transportation, Mr. CUMMINGS, as well as Ranking Member MICA and Subcommittee Ranking Member LATOURETTE for their work on this landmark acquisition reform bill.

Last year, the House passed H.R. 2722, the "Integrated Deepwater Program Reform Act", by a vote of 426-0. The Senate subsequently passed its Deepwater Reform bill, S. 924, by unanimous consent. H.R. 6999 is the bipartisan compromise agreement of these two bills of the Committee on Transportation and Infrastructure and the Committee on Commerce, Science, and Transportation of the Senate.

The Integrated Deepwater Acquisition Program is a \$24 billion program to replace all Coast Guard aircraft and cutters that primarily operate more than 50 miles offshore. The Coast Guard has never attempted to replace its whole fleet under one long-term program. The Committee has conducted numerous oversight hearings on this program to understand why there have been cost-overruns and why the Coast Guard spent \$100 million to renovate and replace eight of its 110-foot patrol boats—only to have these renovated boats tied to the dock as unseaworthy.

As I have said many times, if I were adrift in the ocean, there is no one I would want to save me but the U.S. Coast Guard. What they do at sea to save lives is second to none. However, when it comes to managing an acquisition program—the Coast Guard has serious challenges. Just because you can fly an aircraft or drive a cutter, doesn't mean you know how to manage an acquisition to buy that aircraft or cutter. As a result, the Coast Guard's acquisition programs are hundreds of millions of dollars over budget and years behind schedule—including the Deepwater Acquisition program and the Rescue-21 program to install new search and rescue communication systems.

In the past week, we have seen firsthand what happens on Wall Street when there is a lack of oversight, accountability, and standards. But Wall Street doesn't want to be regulated. Neither does the Coast Guard. The Coast Guard wants to have Congress continue to write the checks—while they say "trust us" to spend the taxpayers' money wisely. While I would trust them with my life at sea, I don't think we should continue to write blank checks without demanding standards and accountability.

H.R. 6999 reforms the Coast Guard acquisition program. Specifically, the bill:

terminates the use of lead systems integrators beginning on October 1, 2011;

requires that the Commandant, and not the contractor, retain the technical authority to determine when the contract specifications have been met;

requires Early Operational Assessments to be made for all aircraft and cutters after they are designed—but before they are built—to ensure that they will meet the mission requirements of the Coast Guard;

requires all new cutters and aircraft and their engines to be certified by an independent 3rd party to ensure they meet design and performance requirements;

requires the development of workforce policies to ensure that the best qualified individuals are assigned to the acquisition program; requires the Commandant to establish career paths for military and civilian personnel who wish to pursue careers in acquisition programs;

requires the Commandant to establish a balanced workforce policy to promote a workforce in which women and members of racial and ethnic minorities are appropriately represented in Government service;

establishes a Chief Acquisition Officer for the Coast Guard. The CAO may be a civilian or military officer, but must have a level III acquisition program manager certificate and 10 years of experience in an acquisition position; requires the Coast Guard to report to Congress when there are cost overruns or program delays; and

requires the Coast Guard to use the Department of Defense's contract management expertise and contracting, where appropriate, to obtain the best possible price for Coast Guard assets.

H.R. 6999, as amended, also contains a provision that makes it unlawful to operate a stateless submersible or submersible vessel on the high seas. Use of submarines has become a new trend with the international drug runners operating out of Columbia. When the Coast Guard interdicts these vessels the smugglers pull a lever to flood and sink the submarine—and then wait for the Coast Guard to "rescue" them. However, all of the drugs are on the bottom of the ocean and it makes a prosecution more difficult. So Coast Guard personnel are risking their lives to enter the sinking submarine to get some of the cocaine as evidence. H.R. 6999 will obviate the need to enter the submarine. The Coast Guard can arrest the smugglers and they can be prosecuted for operating these pirate submarines.

Mr. Speaker, this is a landmark bill that will significantly improve the management of the multi-billion dollar acquisition program of the Coast Guard. It is the direct result of the Committee's in-depth investigation of the Deepwater Program. Like H.R. 2722, it deserves the support of every Member of the House.

I strongly urge my colleagues to join me in supporting H.R. 6999, the "Integrated Deepwater Program Reform Act of 2008".

Finally, I insert in the CONGRESSIONAL RECORD an exchange of letters between Chairman BENNIE G. THOMPSON, Chairman of the Committee on Homeland Security, and me.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, September 26, 2008.

Hon. JAMES L. OBERSTAR,
Chairman, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you regarding H.R. 6999, Integrated Deepwater Program Reform Act of 2008 introduced by Mr. Cummings on September 23, 2008.

H.R. 6999 contains provisions that fall within the jurisdiction of the Committee on Homeland Security. I recognize and appreciate your desire to bring this bill to the full House expeditiously. Accordingly, I will not seek a sequential referral of the bill. However, this decision should not be construed as

the Committee on Homeland Security waiving, altering, or diminishing its jurisdiction over this legislation.

Additionally, the Committee on Homeland Security reserves the right to seek the appointment of conferees during any House-Senate conference convened on this legislation or on provisions of this or a similar bill that are within the jurisdiction of the Committee on Homeland Security. I ask for your commitment to support any such request by the Committee on Homeland Security for the appointment of conferees on H.R. 6999 or similar legislation. Finally, I respectfully ask that you place a copy of your letter and this letter in the CONGRESSIONAL RECORD during floor consideration of H.R. 6999.

Thank you for your cooperation in this matter. I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

BENNIE G. THOMPSON,
Chairman.

COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE,
Washington, DC, September 26, 2008.

Hon. BENNIE G. THOMPSON,
Chairman, Committee on Homeland Security,
Washington, DC.

DEAR CHAIRMAN THOMPSON: Thank you for your September 26, 2008 letter regarding H.R. 6999, the "Integrated Deepwater Program Reform Act of 2008".

I agree that provisions in H.R. 6999 are of jurisdictional interest to the Committee on Homeland Security. I appreciate your willingness to waive rights to further consideration of H.R. 6999 to ensure the timely consideration of this legislation, and I acknowledge that through this waiver, your Committee is not relinquishing its jurisdiction.

This exchange of letters will be placed in the CONGRESSIONAL RECORD as part of the consideration of H.R. 6999 in the House.

I value your cooperation and look forward to working with you as we move ahead with this important Coast Guard legislation.

Sincerely,

JAMES L. OBERSTAR,
Chairman.

I now yield such time as he may consume to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Speaker, I want to thank our chairman for yielding and for all of his hard work and help in making this happen, this legislation happen today.

As chairman of the Subcommittee on Coast Guard and Maritime Transportation, I rise today to urge the adoption of the Integrated Deepwater Program Reform Act of 2008, H.R. 6999, as amended. As Chairman OBERSTAR has stated, this legislation is based on Deepwater reform legislation, H.R. 2722, which passed the House by a vote of 426-0 last year, and on S. 924, which passed the Senate by unanimous consent.

The manager's amendment amends the underlying bill by making it a crime to operate a submersible vehicle that is not registered in any country. Such vessels are often used to smuggle illegal drugs into the United States. In

fact, just this month the Coast Guard worked with the United States Navy to seize two such submersibles, carrying a combined total of 14 tons of cocaine.

As a representative of the City of Baltimore, I know that every gram of illegal drugs we keep off our Nation's streets is a gram that cannot destroy a life or a community. Therefore, as smugglers develop new ways to bring drugs to our shores, our laws must be updated to enable law enforcement personnel to prosecute these new types of crimes, and this bill does precisely that.

I recognize and I want to thank again Chairman OBERSTAR, chairman of our full committee, and also thank the vice chairman of our subcommittee, Mr. BISHOP, and Mr. TAYLOR for their hard work; and I give special thanks, too, to Mr. MICA, to Mr. LATOURETTE, our ranking member of our subcommittee; Chairman THOMPSON, the chairman of the Homeland Security Committee, and certainly Representative KING, who is the ranking member of Homeland Security; Senators INOUE and HUTCHISON and Senator SNOW; and we want to give special thanks to Senator CANTWELL, who has worked very, very hard on this legislation.

Mr. Speaker, since my appointment in January 2007 as chairman of the Subcommittee on the Coast Guard, the subcommittee has exercised careful oversight over the Coast Guard's \$24 billion, 25-year Deepwater procurements, through which the Coast Guard is replacing or rehabilitating its cutters and aircraft. Senator CANTWELL has been leading a similar aggressive oversight effort on the Senate side.

Unfortunately, many of the acquisitions conducted under Deepwater have miserably failed, including the nearly \$100 million effort to lengthen the 110-foot patrol boats, which yielded eight unseaworthy vessels that have been removed from service.

The early Deepwater procurements failed because the Coast Guard did not have the systems and personnel necessary to manage large acquisitions. They failed because the Coast Guard left private sector contractors to police themselves. And they failed because Congress did not require of the Coast Guard full accountability for the billions, the billions of taxpayer dollars appropriated to support such acquisitions.

I'm very pleased that our committee and our subcommittee wrote H.R. 6999 to ensure that all Coast Guard acquisitions meet three key requirements. One, in basic contract law, that we get what we bargain for as a Nation. That we get what we bargain for. That was number one. Number two, that the equipment that we buy would enable the Coast Guard to fulfill its many missions to protect our homeland and to do all the other things that they have to do. And number three, and very interestingly, we wanted to make sure that the equipment that we were purchasing with taxpayers dollars could

not bring harm to our very personnel. Those were the three principles that we wrote this legislation on, and I was glad to see that our subcommittee and our committee pretty much adopted them as we went through this legislation.

The Commandant of the Coast Guard, Admiral Thad Allen, has moved to strengthen the service's ability to manage acquisitions, including creating a new acquisitions directorate, and I applaud his efforts.

Under his leadership, the service has taken conditional delivery of the first National Security Cutter, the *Bertholf*. Having joined the Coast Guard in commissioning the *Bertholf* this summer, I know it is a fine ship, and it will greatly enhance the service's mission capabilities.

However, the *Bertholf* experienced significant cost overruns, and the Coast Guard continues to face procurement challenges and not only within Deepwater. For example, the Rescue 21 program, which is intended to upgrade the systems the Coast Guard utilizes to locate those who are distressed at sea, is now hundreds of millions of dollars over budget and years behind schedule.

American taxpayers, who are now being asked to rescue our financial system from the consequences of failed oversight, have already shouldered the burden for the Coast Guard's earlier failed procurements and for failed procurements throughout the Department of Homeland Security, which according to a tally compiled by the Homeland Security Committee have wasted approximately \$15 billion.

As a representative elected by the citizens of Maryland's Seventh Congressional District and as subcommittee chairman, I believe that one of our most critical duties at this time is to implement every available measure to ensure that Federal agencies are effective and efficient stewards of the taxpayers' dollars. The legislation before us today implements such measures with regard to the United States Coast Guard.

Specifically, H.R. 6999 requires the Coast Guard to eliminate the use of all private-sector lead systems integrators by October 2011, the same date on which their use is phased out in the Department of Defense.

This bill creates in statute the position of Chief Acquisitions Officer. It requires that it be filled with a fully qualified individual who can, at the Commandant's choosing, be a civilian member of the senior executive service or a uniformed member of the Coast Guard but who must have Level III Acquisitions qualification and 10 years of experience managing acquisition efforts.

The bill requires independent, third-party certification of assets and requires that appropriate testing be performed on asset designs so that problems can be identified before construction of an asset begins.

It also requires a regular submission of acquisition program reviews to Con-

gress, including notification of cost overruns and schedule delays, so that Congress is aware of emerging issues before they become crises.

In short, this bill brings common-sense oversight and management reform measures, many of them based on current practices within the DOD, to the Coast Guard. It also requires strict and appropriate accountability from the service and demands that it be an effective and efficient steward of our taxpayers' hard-earned dollars.

All of these measures are critical to ensure that through the remaining Deepwater procurements, the nearly 42,000 men and women, who I call our thin blue line at sea, will be equipped with state-of-the-art assets equal to the missions they perform and the challenges they will face in the 21st century.

I urge my colleagues to support H.R. 6999, and I thank the minority for their wonderful participation in making this happen. I thank all of those, our staffs, who have worked so hard to make this happen.

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

First, Mr. Speaker, let me tell you what a pleasure it is to see you on a Saturday morning, rather than Monday through Friday.

This is a good bill. It is an important bill. We have some reservations that I'm going to talk about in a moment, but I think the fact that you and I are here together with the full committee chairman and subcommittee chairman on a Saturday morning—and I've been advised we'll be here after 1 o'clock tomorrow afternoon on a Sunday, certainly a rare occurrence in the proceedings of the United States Congress. And I was just talking to my colleague, Mr. LUNGREN from California, and we wouldn't be here doing this important bill if we had permitted Secretary Paulson and some Members of the other body to perform the bum rush and get us to approve \$700 billion of taxpayers' money to bail out people that made bad decisions on Wall Street.

□ 1130

So this is really what we call in Ohio a two-fer, in that we have the opportunity to continue to negotiate in a bipartisan way to attempt to resolve these differences. And, at least from my perspective, those differences need to be resolved, that those who created the mess should clean the mess up and private capital should recapitalize the markets rather than the taxpayer. So hopefully those discussions—you know, we're doing important work here today, but those are on a much higher level, I'm sure.

But, you know, the interesting thing, from just a political standpoint for me today, is there's a commercial running back in northern Ohio—where I happen to be from—condemning me for wanting to write a \$700 billion check to Secretary Paulson in this matter. And

here, when I woke up this morning and I watched the news, the national media and the national Democratic Party is condemning me and my colleagues for standing in the way of giving \$700 billion to the Treasury. So I'm really at a loss for how these things work.

But I am glad to be here on this bill. And I'm glad that we're here on a Saturday to get this bill done. I have run out of superlatives to talk about the chairman of the full committee, Mr. OBERSTAR, and I would add to that the chairman of the subcommittee, Mr. CUMMINGS. It is beyond a pleasure to work with these gentlemen.

And I think this piece of legislation is an example of why the Transportation and Infrastructure Committee is far and above better than any other committee in the United States Congress, because I don't love everything in this bill, I'm sure that the chairmen don't love every piece of this bill, but they have always and consistently approached negotiations on legislation in a way that I think that we would be better served if we practiced in all legislation, and that is, they have their ideas, and as the majority party they are certainly in the position to have more of their ideas than we're permitted to have our ideas, but they welcome our ideas.

And the negotiations on this bill not only began as the hearings that Mr. OBERSTAR detailed and Mr. CUMMINGS detailed, but we were negotiating this bill, this final product, just a couple days ago because they are still willing to listen to suggestions, and I think that that's a credit to the leadership of Mr. OBERSTAR and Mr. CUMMINGS. And if, in fact, more committees operated like that, we would be a better place.

As I indicated, Mr. Speaker, I support many of the provisions in this bill, H.R. 6999, the Integrated Deepwater Program Reform Act of 2008. This bill will make significant changes to the Coast Guard's Deepwater program and the way the Coast Guard oversees, manages and carries out the program as the service takes on the lead systems integrator responsibilities.

I do have some concerns, as I mentioned, relative to the requirement over the lead system integrator responsibilities being assumed by the Coast Guard within 180 days of enactment. But I'm going to tell you that that really was the last piece of our negotiations. And again, as for the chairman of the full committee and the chairman of the subcommittee, we could have gone to that meeting and they could have said, that's nice that you have concerns, but too bad. And they acquiesced in doubling that time from 90 days to 180 days, and I am more than grateful for that. With the help of Chairman OBERSTAR and Chairman CUMMINGS, H.R. 6999 will provide more time for the Coast Guard to build up its own staff, resources, and capabilities than was proposed under the Senate bill.

I fully support the inclusion of the language that would give the Coast

Guard enhanced authorities to interdict stateless submersibles and semi-submersibles at sea. And a little bit later we're going to hear from our colleague from California (Mr. DANIEL E. LUNGREN) who has been a champion of this issue for a number of years.

In recent years, the Coast Guard has been highly successful in stopping the importation of drugs by sea. I think last year they had a record year. These successes have forced the drug cartels to look at better ways for them to avoid Coast Guard assets on their way to the United States.

Recently, the Coast Guard has witnessed a sudden and dramatic increase in the use of submersibles and semi-submersibles by would-be drug importers. This language will allow the Coast Guard to apprehend and prosecute these individuals without forcing Coast Guardsmen to risk their lives to pull out the bales of illegal drugs from a sinking submarine, as is the case now.

And that's a lot of fancy language, but basically, Mr. Speaker, what's going on is these drug dealers are towing submersibles behind boats that have no flag, that have no certification. And when the Coast Guard is about to close in, they pull the plugs, basically, sink the submarine to the bottom of the Earth, and the way that our laws are currently written is the only way you can prosecute these drug dealers that want to poison our society with cocaine and other drugs is for the Coast Guardsmen to jump on board the sinking submarine and try and pull out a little cocaine so that we can prosecute them. This language—and you will hear from some of the champions of this bill in a minute—is important, and I'm glad it's in the bill today.

Lastly, I do want to note that the Coast Guard has concerns that the independent review requirements may lead to increased costs and delays in the delivery of some deepwater assets. I know that we will continue to work with the majority to closely oversee the impacts of the bill on the Coast Guard and acquisitions as we move forward next year and beyond.

I support this bill and, with the comments that I've made, ask all Members to do the same.

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

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

I thank the gentleman for those very thoughtful comments.

I was listening with great interest as he moved from deepwater to deep finance and was worried that he was going to suggest that the powers on high give that problem to our committee. Well, we'll build a fence around it, we'll build a bridge over it, we'll build a tunnel through it, we will encapsulate it and subject it to the funding out of the highway trust fund and the problem will be behind us. I think in the end we would have a solution to that problem that everybody could sign onto, but that's not our domain.

And of course we both have reservations about the legislation before us in similar spirit, but I think we go forward with this legislation, hope that the other body moves it through without further—how shall I say? I'll be kind about it—without further changes, and that the bill will move on to enactment, and that someday soon the Lorain Shipyard will build vessels for the Coast Guard. It will be good for the Great Lakes, it will be good for Lorain, Ohio, it will be good for the gentleman from Ohio, and it will be good for the country.

The Lorain Shipyard is one of the great assets of this Nation, built extraordinarily successful vessels that are still plying the lakes today, the thousand-footers that carry iron ore from northern Minnesota in my district to the lower lake steel mills, and that have borne the brunt of the forces of nature on the Great Lakes. It was a great shipyard, I've been there several times. It built the *Mesabi Miner*, by the way, a thousand-footer that is still active, carrying 60,000 tons of iron ore. But, unfortunately, that vessel, if I may digress a moment, and others have had to go out 7,000 tons light because of the drought in the Great Lakes and the failure of the Corps of Engineers to dredge the harbors and the channels of the Great Lakes, meaning that our lakers have to travel three or four extra voyages a year to meet the tonnage requirements, raising the cost of tactonite, and therefore raising the cost of steel production in lower lake steel mills, and why passage of our Water Resources Development Act of last year and the veto override is so critically important and why funding of those projects is so critical. And I'm delighted that the stimulus legislation we passed yesterday has some \$5 billion for the Corps of Engineers to undertake projects that can be underway within 90 days. And we all know very well that there are dredging projects all throughout the Great Lakes—and the lower lake harbors, particularly—that could benefit from that investment.

As Mr. CUMMINGS said moments ago, we didn't get here on our own. Our staffs on both sides of the aisle have worked rigorously in shaping in legislation and in laying the groundwork for the investigation. Clay Foushee, who led the investigative team on our side. And Lucinda Lessley, on Mr. CUMMINGS' committee staff, who championed both the oversight hearings and the legislative hearings. And our chief council on the Coast Guard Maritime Subcommittee, John Cullather—for my money, the finest mind in maritime legislation in the country. And John Rayfield, who is a storehouse of knowledge on the subject, and Eric Nagel on the minority side, all deserve our appreciation and gratitude for the many hours of labor invested in bringing us to this point of the legislation.

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

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume before I yield to the gentleman from California just to say that the chairman has hit the nail on the head when it comes to Great Lakes shipping. And he, again, deserves great credit for, after 7 years, moving the Water Resources Development Act.

And I would just add to that, the gentleman from Michigan sitting behind me and to my right, VERN EHLERS, and the chairman's work on the Great Lakes Legacy Act, which has the opportunity to clean up the contaminated hotspots within the Great Lakes. And as a result of that—and I'm not trying to be a pig about it or anything—but as a result of that, one of the first major cleanups was in the Ashtabula Harbor; \$53 million, and the Ashtabula Harbor was dredged for the first time in over 35 years.

So when the chairman talks about shallow drafts and the cost that it increases to shipping and having to make three trips instead of one trip, the chairman is exactly right. And I look forward to continuing to work with him in a bipartisan way to move this along.

It is now my pleasure to yield 2 minutes to one of our experts on submersibles, the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for yielding. I feel like I am intruding on a legislative committee lovefest here, but I understand the camaraderie that surrounds your committee, and I appreciate the work that you are doing on this issue, particularly making sure that the Deepwater program works and works well.

I would just like to take a moment to comment on the portion of the legislation referred to earlier relating to the semi-submersible vessels. Language addressing this issue has passed this House on two occasions, in connection with the Coast Guard authorization, as well as a freestanding bill on suspension.

Congressman TED POE of Texas and I sought to enact criminal penalties for the use of these stateless vessels which, as you examine them, have no legitimate use other than to transport illegal vessels and perhaps other threats to our national security.

The only substantive difference in the language before us today is that it also includes a Senate provision which would provide the option of civil penalties of up to \$1 million, which would give the Federal prosecutors additional flexibility to end this illicit commerce.

Let's understand what we're talking about. Self-propelled submersibles and semi-submersibles are watercraft of unorthodox construction capable of putting much of their bulk under the surface of the water, which makes them very difficult to detect. The self-propelled submersible and semi-submersible vessels are typically less than 100 feet in length, usually carry be-

tween five and six tons of illicit cargo. Now, we found that they carry drugs, guns and people, but we also should be concerned that they could potentially be vessels to carry weapons of mass destruction.

The range of these vessels is astonishing; it's sufficient to reach the southeastern United States from the north coast of South America without refueling. According to recent press reports, in order to cover even longer distances, some of these vessels have been caught while being towed by larger ships with the idea that they would be released for the final approach to the shores of California or off the northeast coast of the United States. In the last 2 weeks alone, the Coast Guard has seized two of these vessels carrying over 14 tons of cocaine. Now, to put that in perspective, the value of one of these loads was nearly \$200 million.

Mr. Speaker, it's time to shut down these new seaborne threats to our Nation's communities and to our overall national security. And I would urge support of this bill for many reasons, but particularly for this as well.

Mr. LATOURETTE. Mr. Speaker, at this time it is my pleasure to yield 3 minutes to the gentleman from Texas, a member of the subcommittee, Mr. POE.

□ 1145

Mr. POE. I want to thank the ranking member for yielding and thank the chairman for bringing this legislation to the floor, and also my good friend, the gentleman from California (Mr. LUNGREN) who has been helping relentlessly to get some legislation passed to stop this criminal endeavor into the United States.

Mr. Speaker, the drug dealers find new ways to bring this cancer, cocaine, into the United States. And now what they're doing in the hills and jungles of Colombia is they build these fiberglass boats, submarines, that are about 100-foot long that can bring in several hundred million dollars worth of cocaine into the United States. They float them down the river into the Pacific Ocean. Here is one of these vessels here. It is about 100 feet long. It's fiberglass.

These vessels can go all the way from Colombia to the United States without refueling. They are built with stealth technology so they're very difficult to find by our Navy and our Coast Guard. They go very slowly so they can't create a wake. And they bring this stuff into the United States.

The problem is that when our Navy and our Coast Guard find one of these ships on the high seas, these ships have no flag, they're not under any flag of any nation, the crew members on the ship, usually five to six members, will scuttle the submarine. It will sink to the bottom of the ocean, taking with it the cocaine. Then the five or six crew members that are on this submarine have to be rescued by our Navy and then taken back where they came

from, usually Colombia or Guatemala or whatever nation they came from. And they can't be prosecuted because there is no crime of the high seas to have one of these in your possession.

And what this legislation does is basically says "no more." You cannot be a crew member of one of these submersible subs and if you are captured, whether the boat is captured or not, you have committed a criminal offense, and now a civil penalty can be imposed on you as well. The Coast Guard tells us that at any given time, Mr. Speaker, there are 100 of these on the high seas working their way to the United States. And it doesn't take much common sense to realize that these same vessels that use and bring in cocaine can bring in other material into this country, things that will do us harm, like explosive devices. And they're so shallow they can go up our ports and our seaways and cause damage. So this legislation is important for two reasons. It is a national security issue. And second, it's a way of keeping that cancer, cocaine, out of the United States. I applaud this legislation to make it a criminal offense and a civil offense to be in possession of one of these subs on the high seas.

Mr. LATOURETTE. Mr. Speaker, I thank the gentleman from Texas as well as the gentleman from California.

At this time we are without additional speakers, and I would yield back the balance of my time and urge passage of the bill.

Mr. OBERSTAR. I yield myself the remaining time to thank the gentleman from California, my colleague in the informal Hip Replacement Caucus, for raising the issue of submersibles and for introducing the bill that he champions that we are happy to incorporate, and which is important to do in this legislation. Again I express my profound respect, appreciation and admiration to the gentleman from Maryland for his leadership of the Coast Guard subcommittee, the gentleman from Ohio for his superb management of the issues on the minority side of the committee on this issue and for the constant communication that we've had. As long as we keep the communications going, as we have done over these 2 years and over the previous years, we will do good work for the country and for the Congress.

With that, Mr. Speaker, I ask for a unanimous vote on this legislation.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. OBERSTAR) that the House suspend the rules and pass the bill, H.R. 6999, as amended.

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

A motion to reconsider was laid on the table.