

HR 6999

Integrated Deepwater Program Reform Act of 2008

Congress: 110 (2007–2009, Ended)

Chamber: House

Policy Area: Transportation and Public Works

Introduced: Sep 23, 2008

Current Status: Received in the Senate.

Latest Action: Received in the Senate. (Sep 27, 2008)

Official Text: <https://www.congress.gov/bill/110th-congress/house-bill/6999>

Sponsor

Name: Rep. Cummings, Elijah E. [D-MD-7]

Party: Democratic • State: MD • Chamber: House

Cosponsors (3 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Bishop, Timothy H. [D-NY-1]	D · NY		Sep 23, 2008
Rep. Oberstar, James L. [D-MN-8]	D · MN		Sep 23, 2008
Rep. Thompson, Bennie G. [D-MS-2]	D · MS		Sep 23, 2008

Committee Activity

Committee	Chamber	Activity	Date
Transportation and Infrastructure Committee	House	Referred to	Sep 24, 2008

Subjects & Policy Tags

Policy Area:

Transportation and Public Works

Related Bills

No related bills are listed.

**Title I: Integrated Deepwater Program** - Integrated Deepwater Program Reform Act of 2008 - (Sec. 102) Prohibits the Secretary of the department in which the Coast Guard is operating from using a private sector entity as a lead systems integrator (LSI) for Integrated Deepwater Program (IDP) acquisitions, subject to stated exceptions. Requires the Secretary and the IDP LSI, subject to exception, to use full and open competition for any IDP acquisition for which an outside contractor is used. Prohibits an LSI and any tier 1 subcontractor from having a financial interest in a subcontractor below the tier 1, subject to exception.

(Sec. 103) Requires any IDP contract, delivery order, or task order to require, among other things, that: (1) IDP procurement certifications be conducted by the Secretary or an independent third party; (2) the Coast Guard Commandant conduct technical reviews of proposed designs, design changes, and engineering changes; (3) any measurement of contractor and subcontractor performance include the extent to which the work met cost, schedule, and mission performance requirements; (4) TEMPEST certification depend on the standard then used by the Department of the Navy for that type of asset; and (5) any contract for acquisition of an Offshore Patrol Cutter include specified provisions. Prohibits any IDP contract, delivery order, or task order provision that either commits the Secretary without the Secretary's express written approval or allows equitable adjustment that differs from the Federal Acquisition Regulation. Restricts any contract, contract modification, or award term extending the existing IDP contract term, as signed in May 2006 and modified in June 2007.

(Sec. 104) Requires and regulates an early operational assessment for any major asset type acquired for the Coast Guard other than the National Security Cutter and the Maritime Patrol Aircraft.

Requires independent third party testing or certification regarding: (1) the assessment of operational capability of the first in class of a major cutter or aircraft acquisition; (2) all electronics on aircraft, surface, and shore assets that require TEMPEST certification and communication security (COMSEC) standards; (3) the design and construction of each National Security Cutter, other than National Security Cutter 1 and 2; and (4) the airworthiness of all aircraft and aircraft engines. Requires that each cutter acquired by the Coast Guard, other than a National Security Cutter, be classed by the American Bureau of Shipping before delivery acceptance.

Requires, for an IDP contract, delivery order, or task order exceeding \$10 million, the Secretary to certify that: (1) appropriate market research has been conducted before technology development; (2) the technology has been demonstrated and demonstrates a high likelihood of success; (3) funding is available; and (4) the technology complies with all policies, regulations, and directives.

(Sec. 105) Requires a report to specified congressional committees regarding an assessment conducted by the Coast Guard of the proposed hull strengthening design of either of National Security Cutter 1 or 2.

(Sec. 106) Requires specified changes in Coast Guard management, including: (1) that integrated product teams be chaired by Coast Guard officers, members, or employees; (2) that the Commandant maintain or designate the authority to establish, approve, and maintain IDP technical requirements; (3) issuance of guidance for major systems acquisition programs to address the qualifications, resources, responsibilities, tenure, and accountability of program managers; and (4) a comprehensive strategy for enhancing the role of Coast Guard program managers. Requires a report by the Comptroller General to specified congressional committees on implementation of these requirements.

(Sec. 107) Establishes the position of Coast Guard Chief Acquisitions Officer. Includes in the officer's functions

monitoring the performance of programs, increasing the use of full and open competition, and developing and maintaining a Coast Guard acquisition career management program. Directs the Secretary, subject to appropriations, to establish special rate supplements that provide higher pay levels for employees necessary to carry out this section.

(Sec. 108) Directs the Secretary to revise and update the IDP's project management plan and issue new or updated acquisition plans and acquisition program baselines for each IDP asset class, basing the revisions and plans on a specified IDP alternatives analysis by an independent consulting organization. Prohibits the IDP acquisition of an experimental, technically immature, or first-in-class major asset unless an alternatives analysis was conducted by an independent third party during the concept and technology development phase.

(Sec. 109) Requires a report to specified congressional committees: (1) annually on IDP progress; and (2) if there is breach of an IDP acquisition program baseline involving a likely cost overrun greater than a specified amount, a likely delay over a specified length, or an anticipated failure for any individual asset or class of assets to satisfy any key performance threshold or parameter.

Directs the Secretary to enter into an arrangement with the National Research Council of the National Academy of Sciences (NAS) to conduct a study to assess the IDP C4ISR systems and acquisition plans.

Requires a report to specified congressional committees on how the Coast Guard plans to manage the annual readiness gap of lost time for 110-foot patrol boats from FY2009-FY2015.

Requires a report on the development of the staffing structure for the Coast Guard's acquisitions office.

Requires a report to specified congressional committees within 30 days after the elevation to the Chief Acquisition Officer of any IDP design or other dispute regarding the IDP contract (or an item to be acquired under that contract). Requires that the report include a detailed description of the issue and the rationale underlying the Chief Acquisition Officer's decision resolving the matter.

(Sec. 110) Directs the Secretary to make arrangements with the Secretary of Defense for support in IDP contracting and management of acquisitions and to seek opportunities to leverage off of contracts of appropriate agencies. Authorizes the Secretary to enter into an agreement to obtain the assistance of the Office of the Assistant Secretary of the Navy for Research, Development, and Acquisition with the oversight of Coast Guard major acquisition programs.

Requires the Comptroller General to report to specified congressional committees on: (1) an assessment of current Coast Guard acquisition and management capabilities to manage acquisitions under or in support of the IDP; (2) how the Coast Guard can improve its acquisition management; and (3) whether the Coast Guard can better leverage contracts of the Department of Defense (DOD) or other agencies in order to obtain the best price.

(Sec. 112) Amends the Longshore and Harbor Workers' Compensation Act to revise the definition of "employee." Excludes from such definition: (1) individuals employed to build any recreational vessel under 65 feet in length (under current law, individuals employed to build, repair, or dismantle any recreational vessel under 65 feet in length); or (2) 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 - Drug Trafficking Vessel Interdiction Act of 2008 -**

**Subtitle A: Criminal Prohibition -** (Sec. 212) Amends the federal criminal code to impose a fine and/or prison term of up to 15 years for knowingly operating, attempting or conspiring to operate, or embarking in any submersible or semi-

submersible vessel that is without nationality in, 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 avoid detection. Grants extraterritorial federal jurisdiction over an offense under this title.

Specifies that 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 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 person in charge of the vessel.

Makes it an affirmative defense to a prosecution under this title that a vessel operated at the time of a violation was: (1) a vessel of the United States or lawfully registered in a foreign nation; (2) classed by and designated in accordance with the rules of a classification society; (3) lawfully operated in a government regulated or licensed activity; or (4) equipped with and using an operable automatic identification system, vessel monitoring system, or a long range identification and tracking system. Specifies the documents required to conclusively prove an affirmative defense.

(Sec. 213) Directs the U.S. Sentencing Commission to promulgate or amend sentencing guidelines to provide adequate penalties for violating the criminal prohibition imposed by section 212.

**Subtitle B: Civil Prohibition** - (Sec. 222) Amends federal shipping law to impose a civil penalty of up to \$1 million for operating by any means or embarking 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 avoid detection. Allows the same defenses to a civil enforcement proceeding as allowed for a criminal prosecution under section 212.

(Sec. 223) Defines a "semi-submersible vessel" as any manned or unmanned watercraft constructed or adapted to operate with most of its hull and bulk under the surface of the water. Defines a "submersible vessel" as a manned or unmanned vessel capable of operating completely below the surface of the water.

## Actions Timeline

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- **Sep 27, 2008:** Mr. Oberstar moved to suspend the rules and pass the bill, as amended.
- **Sep 27, 2008:** Considered under suspension of the rules. (consideration: CR H10145-10154)
- **Sep 27, 2008:** DEBATE - The House proceeded with forty minutes of debate on H.R. 6999.
- **Sep 27, 2008:** Passed/agreed to in House: On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote.(text: CR H10145-10150)
- **Sep 27, 2008:** On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote. (text: CR H10145-10150)
- **Sep 27, 2008:** Motion to reconsider laid on the table Agreed to without objection.
- **Sep 27, 2008:** Received in the Senate.
- **Sep 24, 2008:** Referred to the Subcommittee on Coast Guard and Maritime Transportation.
- **Sep 23, 2008:** Introduced in House
- **Sep 23, 2008:** Referred to the House Committee on Transportation and Infrastructure.