

HR 1665

Coast Guard Acquisition Reform Act of 2009

Congress: 111 (2009–2011, Ended)

Chamber: House

Policy Area: Transportation and Public Works

Introduced: Mar 23, 2009

Current Status: Provisions of measure incorporated in to Title V of H.R. 3619.

Latest Action: Provisions of measure incorporated in to Title V of H.R. 3619. (May 5, 2010)

Official Text: <https://www.congress.gov/bill/111th-congress/house-bill/1665>

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. LoBiondo, Frank A. [R-NJ-2]	R · NJ		Mar 23, 2009
Rep. Mica, John L. [R-FL-7]	R · FL		Mar 23, 2009
Rep. Oberstar, James L. [D-MN-8]	D · MN		Mar 23, 2009

Committee Activity

Committee	Chamber	Activity	Date
Commerce, Science, and Transportation Committee	Senate	Referred To	Jul 30, 2009
Homeland Security Committee	House	Bills of Interest - Exchange of Letters	Sep 22, 2010
Transportation and Infrastructure Committee	House	Discharged from	Apr 2, 2009

Subjects & Policy Tags

Policy Area:

Transportation and Public Works

Related Bills

Bill	Relationship	Last Action
111 HR 3619	Related bill	Oct 15, 2010: Became Public Law No: 111-281.

Coast Guard Acquisition Reform Act of 2009 - **Title I: Restrictions on the Use of Lead Systems Integrators** - (Sec. 101) Prohibits the Coast Guard's Commandant from using a private sector entity as a lead systems integrator for acquisition contracts, delivery orders, or task orders issued after the end of the 180 day period beginning on the date of enactment, except for: (1) the National Distress and Response System Modernization Program (also known as the "Rescue 21" program) and National Security Cutters 2 and 3; (2) completing a delivery order or task order, including the exercise of previously established options on a delivery order or task order that was issued to a lead systems integrator on or before the date that is 180 days after the date of enactment without any change in the quantity of capabilities or assets or the specific type of capabilities or assets covered by the order; and (3) subject to requirements, orders for certain aircraft.

Requires the Commandant to notify the appropriate congressional committees (the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate) and provide a written, detailed rationale, if the Commandant determines that the Coast Guard will use a private sector lead systems integrator for an acquisition.

Prohibits financial interests between certain lead systems integrators and subcontractors.

Requires full and open competition for any acquisition contract unless otherwise excepted under federal acquisition laws and regulations.

Terminates, except as provided above, the authority to use a private entity as a lead systems integrator after the earlier of: (1) September 30, 2011; or (2) the date on which the Commandant certifies to the appropriate congressional committees that the Coast Guard has sufficient acquisition workforce personnel and expertise to perform the functions and responsibilities of the lead systems integrator in an efficient and cost-effective way.

**Title II: Coast Guard Acquisition Policy** - (Sec. 201) Prohibits the Coast Guard from initiating an acquisition program at Level 1 (life cycle costs over \$1 billion, acquisition costs over \$300 million, or having special interest as determined by the Coast Guard's Chief Acquisition Officer) or Level 2 (life cycle costs between \$300 million and \$1 billion or acquisition costs between \$100 million and \$300 million) unless the Commandant has approved an operational requirement for such acquisition.

(Sec. 202) Requires certain contract terms for an acquisition of a capability or an asset with an expected service life of 10 years and with a total acquisition cost that is equal to or exceeds \$10 million, including regarding: (1) the conducting by the Commandant or an independent third party of all certifications for an end-state capability or asset; (2) measurements of contractor and subcontractor performance; (3) TEMPEST certification; and (4) Offshore Patrol Cutters. Prohibits any provision for equitable adjustment that differs from the Federal Acquisition Regulations. Regulates program extensions.

(Sec. 203) Requires the Commandant to ensure the development and regular updating of life-cycle cost estimates for each acquisition with a total acquisition cost that equals or exceeds \$10 million and with an expected service life of 10 years and, for each Level 1 or Level 2 acquisition program or project, development of an independent life cycle estimate.

(Sec. 204) Requires, for any Level 1 or Level 2 program or project, the Chief Acquisition Officer to approve a Test and Evaluation Master Plan (TEMP). Regulates testing and evaluation.

(Sec. 205) Requires 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 final acceptance. Requires testing in accordance with TEMPEST and communication security (COMSEC) standards by an independent third party of all electronics on all aircraft, surface, and shore capabilities and assets that require TEMPEST certification.

Requires a report to the appropriate congressional committees and the Committee on Homeland Security of the House of Representatives before the Coast Guard awards any contract or issues any delivery order or task order to strengthen the hull of either of National Security Cutter 1 or 2 to resolve certain structural design and performance issues.

Requires that an independent third party assess: (1) the design and construction of each National Security Cutter, other than National Security Cutters 1, 2, and 3; and (2) before final acceptance, the airworthiness of all Coast Guard aircraft and aircraft engines.

(Sec. 206) Requires a report to the appropriate congressional committees before any Level 1 or Level 2 program or project may begin to obtain any capability or asset or proceed beyond the phase of its development that entails approving the supporting acquisition.

(Sec. 207) Prohibits entering into an undefinitized contractual action unless such action is directly approved by the Coast Guard's Head of Contracting Activity. Defines "undefinitized contractual action," subject to exception, as a new procurement action for which the contractual terms, specifications, or price are not agreed upon before performance is begun under the action. Regulates such actions.

(Sec. 208) Requires the Commandant to issue guidance to ensure that pass-through charges on contracts, subcontracts, delivery orders, and task orders entered into with a private entity acting as a lead systems integrator are not excessive in relation to the cost of the work performed.

(Sec. 209) Prohibits the Coast Guard from acquiring an experimental or technically immature capability or asset or implementing a Level 1 or Level 2 acquisition unless it has conducted an alternatives analysis in the concept and technology development phase.

(Sec. 210) Requires the Commandant to report to the appropriate congressional committees in the event of the breach of an acquisition program baseline for any Level 1 or Level 2 acquisition program by: (1) a likely cost overrun greater than a specified percentage; (2) a likely delay more than a specified period; or (3) an anticipated failure for any individual or class of capabilities or assets to satisfy any key performance threshold or parameter.

(Sec. 211) Requires the Comptroller General of the United States to report to the appropriate congressional committees on the employment during the preceding year by Coast Guard contractors of individuals who were Coast Guard officials in the previous five year period.

(Sec. 212) Requires the Commandant to: (1) make arrangements with the Secretary of Defense for support in the contracting and management of Coast Guard acquisition programs; and (2) seek to make use of contracts of the Department of Defense (DOD) and other appropriate agencies to obtain the best possible price. Requires a related report by the Comptroller General to the appropriate congressional committees.

**Title III: Coast Guard Personnel** - (Sec. 301) Establishes in the Coast Guard a Chief Acquisition Officer.

(Sec. 302) Prohibits assigning an individual as the program manager for a Level 1 or Level 2 acquisition unless the individual holds a Level III acquisition certification as a program manager.

Requires that integrated product teams, and all teams that oversee integrated product teams, be chaired by officers, members, or employees of the Coast Guard.

Requires the Commandant to: (1) establish a management information system capability to improve acquisition workforce management and reporting; and (2) report annually to Congress on the adequacy of the current acquisition workforce to meet the next year's anticipated workload.

Regulates a variety of personnel matters, including regarding: (1) preference for officers or members for acquisition positions; (2) establishment of acquisition management as a core competency; (3) promotion parity; and (4) a balanced workforce with regard to women and members of racial and ethnic minority groups.

Requires the Commandant to: (1) issue guidance on the qualifications, resources, responsibilities, tenure, and accountability of acquisition program managers; and (2) develop a comprehensive strategy for enhancing the role of Coast Guard program managers in developing and carrying out acquisition programs.

(Sec. 303) Requires implementation of a program to recognize excellent performance by individuals and teams comprised of officers, members, and employees of the Coast Guard that contributed to the long-term success of a Coast Guard acquisition program or project. Allows, subject to appropriations, a related cash bonus.

(Sec. 304) Revises requirements regarding the convening of selection boards, including authorizing the Commandant to furnish a board with specific direction relating to the Coast Guard's needs for officers having particular skills.

(Sec. 305) Authorizes the Commandant to designate any category of acquisition positions as shortage category positions and to use the authorities in specified existing provisions to recruit and appoint highly qualified persons directly to such positions.

## **Actions Timeline**

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- **May 5, 2010:** Provisions of measure incorporated in to Title V of H.R. 3619.
- **Jul 30, 2009:** Received in the Senate and Read twice and referred to the Committee on Commerce, Science, and Transportation.
- **Jul 29, 2009:** Considered as unfinished business. (consideration: CR H9016)
- **Jul 29, 2009:** Passed/agreed to in House: On motion to suspend the rules and pass the bill, as amended Agreed to by recorded vote (2/3 required): 426 - 0 (Roll no. 658).(text: CR 7/28/2009 H8918-8924)
- **Jul 29, 2009:** On motion to suspend the rules and pass the bill, as amended Agreed to by recorded vote (2/3 required): 426 - 0 (Roll no. 658). (text: CR 7/28/2009 H8918-8924)
- **Jul 29, 2009:** Motion to reconsider laid on the table Agreed to without objection.
- **Jul 28, 2009:** Mr. Cummings moved to suspend the rules and pass the bill, as amended.
- **Jul 28, 2009:** Considered under suspension of the rules. (consideration: CR H8918-8926)
- **Jul 28, 2009:** DEBATE - The House proceeded with forty minutes of debate on H.R. 1665.
- **Jul 28, 2009:** At the conclusion of debate, the chair put the question on the motion to suspend the rules. Mr. LoBiondo objected to the vote on the grounds that a quorum was not present. Further proceedings on the motion were postponed. The point of no quorum was withdrawn.
- **Jul 20, 2009:** Reported by the Committee on Transportation. H. Rept. 111-215.
- **Jul 20, 2009:** Placed on the Union Calendar, Calendar No. 117.
- **Apr 2, 2009:** Committee Consideration and Mark-up Session Held.
- **Apr 2, 2009:** Ordered to be Reported by Voice Vote.
- **Apr 2, 2009:** Subcommittee on Coast Guard and Maritime Transportation Discharged.
- **Mar 24, 2009:** Referred to the Subcommittee on Coast Guard and Maritime Transportation.
- **Mar 23, 2009:** Introduced in House
- **Mar 23, 2009:** Referred to the House Committee on Transportation and Infrastructure.