



## H.R. 6999 – Integrated Deepwater Program Reform Act

### FLOOR SITUATION

H.R. 6999, as amended, is being considered on the floor under suspension of the rules and will require a two-thirds majority vote for passage. This legislation was introduced by Representative Elijah Cummings (D-MD) on September 23, 2008. The resolution was referred to the Committee on Transportation and Infrastructure, but was never considered.

H.R. 6999, as amended, is expected to be considered on the floor of the House on September 26, 2008.

*\*Note: The House passed a bill by the same name, H.R. 2722, by a vote of 426 to 0 on July 31, 2007. The Senate passed a similar bill by unanimous consent on December 19, 2007. A formal conference was not requested on either bill. H.R. 6999 is similar to the two bills passed by the House and Senate with some exceptions.*

### SUMMARY

#### **TITLE I**

**Procurement Structure:** The bill prohibits the Secretary from using a private sector entity as a lead systems integrator 90 days after enactment and requires full and open competition for any acquisition for which an outside contractor is used.

**Required Contract Terms:** H.R. 6999 requires the Secretary to ensure that any contract, delivery order, or task order for the Integrated Deepwater Program meet the following requirements: 1) prohibits self-certification by a contractor for procurements; 2) provides that the Coast Guard Commandant shall conduct a technical review of all designs and engineering changes; 3) requires the Commandant to establish, approve, and maintain technical requirements; 4) requires that any measurement of contractor performance be based on the status of all work performed; and 5) specifies that the standard for determining TEMPEST compliance will be the standard used by the Navy.

**Chief Acquisition Officer:** The bill establishes an Agency Chief Acquisition Officer who will be responsible for several activities, including monitoring the performance of acquisition activities and advise the Commandant on appropriate strategies to achieve the mission of the Coast Guard, increasing the use of competitive acquisition, and ensuring the use of detailed performance specifications.

**Reports:** H.R. 6999 requires the Secretary to submit a comprehensive annual report on the progress of the Integrated Deepwater Program within 45 days after the end of each fiscal year. The bill also requires the Secretary to report to Congress no later than 30 days after the Deepwater Program Executive Officer becomes aware of a breach of an acquisition program baseline.

**Department of Defense Consultation:** The bill requires the Secretary to make arrangements as appropriate with the Secretary of Defense for support in contracting and management of acquisitions under the Integrated Deepwater Program.

#### **TITLE II**

H.R. 6999 prohibits the intentional operation of a submersible or semi-submersible water vessel that is without identifiable nationality and is navigating into, through, or from waters in an adjacent countries territorial seas.

According to the bill, a vessel's identity can be claimed with documents carried on board the vessel, verbal identification, or by flying a countries flag or ensign. The bill makes such an act, or conspiring to commit such an act, punishable by no more than 15 years of imprisonment and a fine.



*\*Note: Title II is similar to legislation previously passed by the House, H.R. 6295, on July 29, 2008, by voice vote. ([Legislative Digest for H.R. 6295](#))*

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## BACKGROUND

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### Integrated Deepwater Program

The Integrated Deepwater Program (IDP) is a 25-year, \$24 billion initiative to replace many of the Coast Guard's vessels, aircraft, and other assets.

The IDS Program is the largest acquisition in the Coast Guard's history. At full implementation, the Integrated Deepwater System includes three classes of new cutters and their associated small boats, upgraded legacy cutters, a new fixed-wing manned aircraft fleet, a combination of new and upgraded helicopters, and both cutter-based and land-based unmanned air vehicles. All of these assets will be linked with state-of-the-art Command, Control, Communications and Computers, Intelligence, Surveillance and Reconnaissance (C4ISR) systems, and will be supported by integrated logistics.

These deepwater assets, which operate from our ports to the high seas as the front line of our layered defense are aging. They do not possess the speed, interoperability, sensors, and communication capabilities required to respond effectively to America's diverse and growing maritime needs.

The IDS Program has raised significant concern over funding and management issues. In 2007, the Department of Homeland Security Inspector General testified to Congress that the agency's oversight of the Deepwater program was hampered by "flawed contract terms and conditions, poorly defined performance requirements, and inadequate management and technical oversight."

In a September 24, 2008, letter to the Committees on Transportation and Infrastructure and Homeland Security, U.S. Coast Guard Commandant T.W. Allen states, "We must strongly oppose H.R. 6999... Such requirements would remove vital certification functions from Coast Guard control. Such requirements would delay the review and approval of projects and... increase costs."

### Drug Trafficking Vessel Interdiction

The Coast Guard estimated that over a four month span in early 2008, an estimated 122 tons of cocaine valued at nearly \$2.7 billion was successfully delivered to the U.S. by self-propelled semi-submersible vessels whose nationality could not be identified.

Under current law, federally punishable maritime offenses include the transportation of explosive, chemical, or nuclear weapons; the transportation of terrorists; and the transportation of drugs into the U.S. Under H.R. 6295, failure to provide national identification would be added as a punishable offense under federal law.

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## COST

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The Congressional Budget Office has not issued a cost estimate for H.R. 6999.

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## STAFF CONTACT

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