

115TH CONGRESS  
2D SESSION

# S. 2511

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IN THE HOUSE OF REPRESENTATIVES

AUGUST 28, 2018

Referred to the Committee on Natural Resources, and in addition to the Committees on Science, Space, and Technology, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## AN ACT

To require the Under Secretary of Commerce for Oceans and Atmosphere to carry out a program on coordinating the assessment and acquisition by the National Oceanic and Atmospheric Administration of unmanned maritime systems, to make available to the public data collected by the Administration using such systems, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
 5 “Commercial Engagement Through Ocean Technology  
 6 Act of 2018” or the “CENOTE Act of 2018”.

7 (b) TABLE OF CONTENTS.—The table of contents for  
 8 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

Sec. 3. Coordination regarding assessment and acquisition by National Oceanic  
 and Atmospheric Administration of unmanned maritime sys-  
 tems.

Sec. 4. Regular assessment of unmanned maritime systems to support National  
 Oceanic and Atmospheric Administration missions.

Sec. 5. Acquisition of unmanned maritime systems.

Sec. 6. Reports on unmanned maritime systems and usage for mission of the  
 National Oceanic and Atmospheric Administration.

Sec. 7. Funding and additional authorities.

9 **SEC. 2. DEFINITIONS.**

10 In this Act:

11 (1) ADMINISTRATION.—The term “Administra-  
 12 tion” means the National Oceanic and Atmospheric  
 13 Administration.

14 (2) ADMINISTRATOR.—The term “Adminis-  
 15 trator” means the Under Secretary of Commerce for  
 16 Oceans and Atmosphere and Administrator of the  
 17 National Oceanic and Atmospheric Administration.

18 (3) COOPERATIVE ACTIVITIES OF THE ADMINIS-  
 19 TRATION.—The terms “cooperative activities of the  
 20 Administration” means cooperative activities be-

1       tween the Administration and an external entity,  
2       such as the Cooperative Institutes, Sea Grant Col-  
3       leges, National Estuarine Research Reserves, the  
4       National Oceanographic Partnership Program estab-  
5       lished under chapter 665 of title 10, United States  
6       Code, and regional associations of the Integrated  
7       Ocean Observing System.

8               (4) DATA SPECIFICATIONS.—The term “data  
9       specifications” shall refer to the type, resolution, pe-  
10      riodicity, and quality of data required by an program  
11      of the Administration.

12              (5) TEST OR TRAINING RANGE.—

13              (A) IN GENERAL.—The term “test or  
14      training range” means an area designated for  
15      operating unmanned maritime systems and  
16      other types of systems for the purpose of—

17              (i) evaluating the performance of such  
18      systems; or

19              (ii) training personnel on operating  
20      procedures for such systems.

21              (B) INCLUSIONS.—The term “test or  
22      training range” may include specialized fixed or  
23      portable instrumentation for the operation of  
24      unmanned maritime systems and other types of  
25      systems.

1 (6) UNMANNED MARITIME SYSTEMS.—

2 (A) IN GENERAL.—The term “unmanned  
3 maritime systems” means remotely operated or  
4 autonomous vehicles produced by the commer-  
5 cial sector—

6 (i) designed to travel in the air, on or  
7 under the ocean surface, on land, or any  
8 combination, and that function without an  
9 on-board human presence; and

10 (ii) that may include associated com-  
11 ponents such as control and communica-  
12 tions, instrumentation, data transmission,  
13 and processing systems.

14 (B) EXAMPLES.—The term “unmanned  
15 maritime systems” includes the following:

16 (i) Unmanned undersea vehicles.

17 (ii) Unmanned surface vehicles.

18 (iii) Autonomous underwater vehicles.

19 (iv) Autonomous surface vehicles.

20 (C) TREATMENT OF AERIAL VEHICLES.—

21 The term “unmanned maritime systems” in-  
22 cludes unmanned aerial vehicles and autono-  
23 mous aerial vehicles that are used to address  
24 maritime issues to the extent the Administrator

1 determines it is necessary and appropriate to  
2 achieve the purposes of this Act.

3 **SEC. 3. COORDINATION REGARDING ASSESSMENT AND AC-**  
4 **QUISITION BY NATIONAL OCEANIC AND AT-**  
5 **MOSPHERIC ADMINISTRATION OF UN-**  
6 **MANNED MARITIME SYSTEMS.**

7 (a) ESTABLISHMENT.—The Administrator shall di-  
8 rect the Office of Oceanic and Atmospheric Research (in  
9 this Act referred to as “OAR”) and the Office of Marine  
10 and Aviation Operations (in this Act referred to as  
11 “OMAO”)—

12 (1) to coordinate the Administration’s research,  
13 assessment, and acquisition of unmanned maritime  
14 systems; and

15 (2) to consider the use of unmanned maritime  
16 systems in cooperative activities of the Administra-  
17 tion.

18 (b) COORDINATION WITHIN THE ADMINISTRA-  
19 TION.—

20 (1) AUTHORITY TO ESTABLISH COORDINATING  
21 COMMITTEE.—The Administrator shall establish a  
22 coordinating committee to ensure that OAR and  
23 OMAO address requirements throughout the Admin-  
24 istration.

1           (2) INCLUDED.—In establishing a coordinating  
2 committee under paragraph (1), the Administrator  
3 shall ensure that representation in the committee is  
4 included from the following:

5           (A) The Office of Ocean Exploration  
6 (OER).

7           (B) The program office of the Integrated  
8 Ocean Observing System.

9           (C) Such other offices of the Administra-  
10 tion as the Administrator determines are ac-  
11 tively engaged with unmanned maritime sys-  
12 tems.

13           (3) DESIGNATION.—A coordinating committee  
14 established under paragraph (1) shall be known as  
15 the “Unmanned Maritime Systems Ocean Tech-  
16 nology Coordinating Committee”.

17 (c) COORDINATION WITH THE NAVY.—

18           (1) IN GENERAL.—In carrying out this Act, the  
19 Administrator shall—

20           (A) make efforts to coordinate with the  
21 Secretary of the Navy to leverage expertise in  
22 the development and operational transition of  
23 unmanned maritime systems;

24           (B) align with, utilize, and inform the  
25 Deputy Under Secretary of Commerce for Op-

1           erations and the Oceanographer of the Navy’s  
2           strategic and operational priorities, particularly  
3           for missions and geography within the Adminis-  
4           tration’s purview;

5           (C) seek to utilize Naval unmanned sys-  
6           tems test or training ranges, such as the Gulf  
7           of Mexico Unmanned Systems Test and Train-  
8           ing Range of the Naval Meteorology and Ocean-  
9           ography Command, and maximize interagency  
10          cooperation and sharing of best practices; and

11          (D) to formalize coordination, execute a  
12          memorandum of understanding with the Sec-  
13          retary of the Navy that includes—

14           (i) incorporating consideration of pri-  
15           orities and requirements of the Adminis-  
16           tration into research and development ac-  
17           tivities conducted by the Secretary of the  
18           Navy;

19           (ii) consultation intended to encourage  
20           and facilitate efforts by the Administration  
21           to partner with the Navy to procure un-  
22           manned maritime systems and to establish,  
23           instrument, and operate test or training  
24           ranges and related facilities;

1 (iii) adopting procedures defined by  
2 the Secretary of the Navy for the Adminis-  
3 tration to access and utilize test or train-  
4 ing ranges or related Naval facilities for  
5 purposes identified in paragraph (2)(B);  
6 and

7 (iv) such other topics as the Adminis-  
8 trator considers necessary or advisable, in-  
9 cluding mapping, bathymetry, observations,  
10 and ocean exploration.

11 (2) LOCATION.—The Administrator shall, if  
12 practicable, carry out the activities authorized by  
13 this Act at a facility where the Navy and the Admin-  
14 istration are co-located, for the following purposes:

15 (A) Gaining efficiencies through collabora-  
16 tion.

17 (B) Advancing development of unmanned  
18 maritime systems, including—

19 (i) systems research and development;

20 (ii) systems testing;

21 (iii) systems modifications; and

22 (iv) systems integration.

23 (C) Accelerating transition from concept to  
24 manufacturing and acquisition.



1 (d) COORDINATION WITH OTHER FEDERAL AGEN-  
2 CIES.—In carrying out this Act, the Administrator and the  
3 Secretary of the Navy may utilize the National Oceano-  
4 graphic Partnership Program, established under chapter  
5 665 of title 10, United States Code, as a mechanism for  
6 providing interagency coordination for the advancement of  
7 unmanned maritime systems.

8 (e) COORDINATION WITH ACADEMIC SECTOR.—In  
9 carrying out this Act, the Administrator, in consultation  
10 with the Secretary of the Navy, may coordinate and co-  
11 locate with an academic research institution, or consor-  
12 tium of academic research institutions, for the following  
13 purposes:

14 (1) Maximizing opportunities for research and  
15 development of unmanned maritime systems.

16 (2) Providing training in unmanned maritime  
17 systems as part of an accredited certificate or degree  
18 program of education.

19 (3) Facilitating the commercialization of un-  
20 manned maritime systems through public-private  
21 partnerships that includes academic research institu-  
22 tions, private industry, and public safety agencies.

23 (4) Arranging access to and use of additional  
24 facilities that support testing and assessment of or  
25 training with respect to unmanned maritime systems

1 under environmental conditions of interest, increas-  
2 ing operational tolerance under such conditions, cer-  
3 tifying operational capacity under such conditions,  
4 whether real or simulated, and training operators of  
5 unmanned maritime systems in real or simulated en-  
6 vironments.

7 (5) Facilitating engagement with other aca-  
8 demic institutions with interest or relevant expertise  
9 in unmanned maritime systems.

10 (6) Promoting information sharing between the  
11 academic, environmental, and military institutions to  
12 lead to more robust, mission-oriented unmanned  
13 maritime systems.

14 (f) ENGAGEMENT WITH THE PRIVATE SECTOR.—  
15 Other than as described in subsection (e), the Adminis-  
16 trator, in consultation with the Secretary of the Navy,  
17 may, in carrying out this Act, to the extent practicable,  
18 coordinate and consult with the private sector—

19 (1) to support the commercialization of un-  
20 manned maritime systems; and

21 (2) to assist with their assessment of commer-  
22 cially available unmanned maritime systems to sup-  
23 port the missions and goals of the Navy, the Admin-  
24 istration, and cooperative activities of the Adminis-  
25 tration.

1 **SEC. 4. REGULAR ASSESSMENT OF UNMANNED MARITIME**  
2 **SYSTEMS TO SUPPORT NATIONAL OCEANIC**  
3 **AND ATMOSPHERIC ADMINISTRATION MIS-**  
4 **SIONS.**

5 (a) IN GENERAL.—The Administrator, acting  
6 through the Assistant Administrator for Oceanic and At-  
7 mospheric Research and the Director of the Office of Ma-  
8 rine and Aviation Operations and the National Oceanic  
9 and Atmospheric Administration Commissioned Officer  
10 Corps, shall regularly assess publicly and commercially  
11 available unmanned maritime systems for potential use to  
12 support missions of the Administration.

13 (b) SCIENCE-BASED ASSESSMENTS.—The Adminis-  
14 trator shall carry out subsection (a) through the Assistant  
15 Administrator for all matters relating to assessment of the  
16 suitability, feasibility, and cost-effectiveness of unmanned  
17 maritime systems to meet data specifications required by  
18 programs of the Administration.

19 (c) ASSESSMENT OF OPERATIONAL UTILITY.—The  
20 Administrator shall carry out subsection (a) through the  
21 Director for all matters relating to assessment of whether  
22 unmanned maritime systems are operationally reliable,  
23 feasible, and cost effective enough to make observations  
24 required by programs of the Administration.

25 (d) ENGAGEMENT.—The Assistant Administrator  
26 and the Director shall jointly—

1           (1) convene and consult the Unmanned Mari-  
2           time Systems Ocean Technology Coordinating Com-  
3           mittee established under section 3(b); and

4           (2) consult with the heads of other offices of  
5           the Administration, the academic sector, and devel-  
6           opers and manufacturers of unmanned maritime sys-  
7           tems to conduct the assessments under subsection  
8           (a).

9   **SEC. 5. ACQUISITION OF UNMANNED MARITIME SYSTEMS.**

10          (a) **IN GENERAL.**—The Administrator shall coordi-  
11          nate and centralize the acquisition by the Administration  
12          of unmanned maritime systems to meet the prioritized list  
13          of data requirements identified by OAR and OMAO in car-  
14          rying out this Act in their regular assessments and ap-  
15          proved by the Unmanned Maritime Systems Ocean Tech-  
16          nology Coordinating Committee established under section  
17          3(b).

18          (b) **MEMORANDA OF UNDERSTANDING.**—In order to  
19          realize greater savings and efficiency, the Administrator  
20          may develop and execute a memorandum of agreement  
21          with the Secretary of the Navy to—

22               (1) participate in procurements conducted by  
23               the signatories to the memorandum of under-  
24               standing;

1           (2) accept decommissioned unmanned maritime  
2 systems from the Navy;

3           (3) develop policies and procedures to share un-  
4 manned maritime systems; or

5           (4) provide for other means of creating effi-  
6 ciency and savings in Federal acquisition of un-  
7 manned maritime systems.

8           (c) **RULE OF CONSTRUCTION.**—Nothing in this Act  
9 shall be construed to modify Federal procurement law.

10 **SEC. 6. REPORTS ON UNMANNED MARITIME SYSTEMS AND**  
11 **USAGE FOR MISSION OF THE NATIONAL OCE-**  
12 **ANIC AND ATMOSPHERIC ADMINISTRATION.**

13           (a) **IN GENERAL.**—In carrying out this Act, the Ad-  
14 ministrator shall, not later than one year after the date  
15 of the enactment of this Act, and every 4 years thereafter,  
16 submit to the appropriate committees of Congress a report  
17 on the usage of unmanned maritime systems for the mis-  
18 sion of the Administration.

19           (b) **CONTENTS.**—Each report submitted under sub-  
20 section (a) shall include, for the period covered by the re-  
21 port, the following:

22           (1) An inventory of current unmanned maritime  
23 systems used by programs of the Administration, a  
24 summary of the data they have returned, and the  
25 benefits realized from having such data.

1           (2) A prioritized list of data requirements of  
2 the Administration that could be met with un-  
3 manned maritime systems, and the commercially  
4 available unmanned maritime systems with the oper-  
5 ational capabilities to collect such data.

6           (c) APPROPRIATE COMMITTEES OF CONGRESS DE-  
7 FINED.—In this section, the term “appropriate commit-  
8 tees of Congress” means—

9           (1) the Committee on Appropriations, the Com-  
10 mittee on Armed Services, and the Committee on  
11 Commerce, Science, and Transportation of the Sen-  
12 ate; and

13           (2) the Committee on Appropriations, the Com-  
14 mittee on Armed Services, the Committee on Nat-  
15 ural Resources, and the Committee on Science,  
16 Space, and Technology of the House of Representa-  
17 tives.

18 **SEC. 7. FUNDING AND ADDITIONAL AUTHORITIES.**

19           (a) FUNDING.—The Administrator shall carry out  
20 this Act using existing amounts appropriated or otherwise  
21 made available to the Administration.

22           (b) ADDITIONAL AUTHORITIES.—In carrying out this  
23 Act, the Administrator may—

1           (1) enter into contracts, cooperative agree-  
2           ments, and other transactions with any domestic or  
3           foreign government;

4           (2) notwithstanding section 1342 of title 31,  
5           United States Code, accept donations and voluntary  
6           and uncompensated services;

7           (3) accept funds from other Federal depart-  
8           ments and agencies;

9           (4) utilize the National Oceanographic Partner-  
10          ship Program established under chapter 665 of title  
11          10, United States Code, to accept funds from other  
12          Federal departments and agencies, to accept dona-  
13          tions, and to enter into contracts and award grants;

14          (5) under an agreement entered into under  
15          paragraph (1), transfer funds appropriated to carry  
16          our this Act to any organization;

17          (6) use, with their consent, with or without re-  
18          imbursement, and subject to the availability of ap-  
19          propriations, the land, services, equipment, per-  
20          sonnel, and facilities of—

21                 (A) any department, agency, or instrumen-  
22                 tality of the United States;

23                 (B) any State or local government or tribal  
24                 government; or

1                   (C) any foreign government or inter-  
2                   national organization; and

3                   (7) promulgate such rules and regulations as  
4                   may be necessary and appropriate.

Passed the Senate August 23, 2018.

Attest:                                 JULIE E. ADAMS,  
  *Secretary.*