

Suspend the Rules and Pass the Bill, S. 2511, With an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

115TH CONGRESS
2^D SESSION

S. 2511

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

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 function without an
7 on-board human presence; and

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

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

14 (i) Unmanned undersea vehicles.

15 (ii) Unmanned surface vehicles.

16 (iii) Autonomous underwater vehicles.

17 (iv) Autonomous surface vehicles.

18 (C) TREATMENT OF AERIAL VEHICLES.—

19 The term “unmanned maritime systems” in-
20 cludes unmanned aerial vehicles and autono-
21 mous aerial vehicles that are used to address
22 maritime issues to the extent the Administrator
23 determines it is necessary and appropriate to
24 achieve the purposes of this Act.

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

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

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

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

16 (b) COORDINATION WITHIN THE ADMINISTRA-
17 TION.—

18 (1) UNMANNED SYSTEMS EXECUTIVE OVER-
19 SIGHT BOARD.—In meeting the requirements de-
20 scribed in subsection (a), the Administrator shall—

21 (A) utilize the Unmanned Systems Execu-
22 tive Oversight Board (in this Act referred to as
23 the “USEOB”) as the coordinating mechanism;
24 and

25 (B) ensure that OAR and OMAO address
26 requirements throughout the Administration.

1 (2) INCLUDED.—In utilizing the USEOB under
2 paragraph (1), the Administrator shall ensure that
3 representation on the USEOB is included from the
4 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 (c) COORDINATION WITH THE NAVY.—

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

16 (A) make efforts to coordinate with the
17 Secretary of the Navy to leverage expertise in
18 the development and operational transition of
19 unmanned maritime systems;

20 (B) align with, utilize, and inform the
21 Deputy Under Secretary of Commerce for Op-
22 erations and the Oceanographer of the Navy's
23 strategic and operational priorities, particularly
24 for missions and geography within the Adminis-
25 tration's purview;

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

7 (D) to formalize coordination, execute a
8 memorandum of understanding with the Sec-
9 retary of the Navy that includes—

10 (i) incorporating consideration of pri-
11 orities and requirements of the Adminis-
12 tration into research and development ac-
13 tivities conducted by the Secretary of the
14 Navy;

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

21 (iii) adopting procedures defined by
22 the Secretary of the Navy for the Adminis-
23 tration to access and utilize test or train-
24 ing ranges or related Naval facilities for

1 purposes identified in paragraph (2)(B);
2 and

3 (iv) such other topics as the Adminis-
4 trator considers necessary or advisable, in-
5 cluding mapping, bathymetry, observations,
6 and ocean exploration.

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

11 (A) Gaining efficiencies through collabora-
12 tion.

13 (B) Advancing development of unmanned
14 maritime systems, including—

15 (i) systems research and development;

16 (ii) systems testing;

17 (iii) systems modifications; and

18 (iv) systems integration.

19 (C) Accelerating transition from concept to
20 manufacturing and acquisition.

21 (d) COORDINATION WITH OTHER FEDERAL AGEN-
22 CIES.—In carrying out this Act, the Administrator and the
23 Secretary of the Navy may utilize the National Oceano-
24 graphic Partnership Program, established under chapter
25 665 of title 10, United States Code, as a mechanism for

1 providing interagency coordination for the advancement of
2 unmanned maritime systems.

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

9 (1) Maximizing opportunities for research and
10 development of unmanned maritime systems.

11 (2) Providing training in unmanned maritime
12 systems as part of an accredited certificate or degree
13 program of education.

14 (3) Facilitating the commercialization of un-
15 manned maritime systems through public-private
16 partnerships that includes academic research institu-
17 tions, private industry, and public safety agencies.

18 (4) Arranging access to and use of additional
19 facilities that support testing and assessment of or
20 training with respect to unmanned maritime systems
21 under environmental conditions of interest, increas-
22 ing operational tolerance under such conditions, cer-
23 tifying operational capacity under such conditions,
24 whether real or simulated, and training operators of

1 unmanned maritime systems in real or simulated en-
2 vironments.

3 (5) Facilitating engagement with other aca-
4 ademic institutions with interest or relevant expertise
5 in unmanned maritime systems.

6 (6) Promoting information sharing between the
7 academic, environmental, and military institutions to
8 lead to more robust, mission-oriented unmanned
9 maritime systems.

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

15 (1) to support the commercialization of un-
16 manned maritime systems; and

17 (2) to assist with their assessment of commer-
18 cially available unmanned maritime systems to sup-
19 port the missions and goals of the Navy, the Adminis-
20 tration, and cooperative activities of the Adminis-
21 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 USEOB.

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

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

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

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

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

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

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

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

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

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

24 (2) A prioritized list of data requirements of
25 the Administration that could be met with un-

1 manned maritime systems, and the commercially
2 available unmanned maritime systems with the oper-
3 ational capabilities to collect such data.

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

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

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

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

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

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

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

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

4 (3) accept funds from other Federal depart-
5 ments and agencies;

6 (4) utilize the National Oceanographic Partner-
7 ship Program established under chapter 665 of title
8 10, United States Code, to accept funds from other
9 Federal departments and agencies, to accept dona-
10 tions, and to enter into contracts and award grants;

11 (5) under an agreement entered into under
12 paragraph (1), transfer funds appropriated to carry
13 our this Act to any organization; and

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

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

20 (B) any State or local government or tribal
21 government; or

22 (C) any foreign government or inter-
23 national organization.