

materials, or equipment that the appropriate Federal official considers necessary for the purposes described in subparagraph (A). Any funds donated to an appropriate Federal official under this paragraph may be expended without further appropriation and without fiscal year limitation.

**(2) Determinations**

**(A) In general**

At the discretion of an appropriate Federal official, or at the request of the Governor of an affected State, an appropriate Federal official shall determine whether a hypoxia or harmful algal bloom event is an event of national significance.

**(B) Considerations**

In making a determination under subparagraph (A), the appropriate Federal official shall consider the toxicity of the harmful algal bloom, the severity of the hypoxia, its potential to spread, the economic impact, the relative size in relation to the past 5 occurrences of harmful algal blooms or hypoxia events that occur on a recurrent or annual basis, and the geographic scope, including the potential to affect several municipalities, to affect more than 1 State, or to cross an international boundary.

**(3) Definitions**

In this subsection:

**(A) Appropriate federal official**

The term “appropriate Federal official” means—

- (i) in the case of a marine or coastal hypoxia or harmful algal bloom event, the Under Secretary of Commerce for Oceans and Atmosphere; and
- (ii) in the case of a freshwater hypoxia or harmful algal bloom event, the Administrator of the Environmental Protection Agency.

**(B) Event of national significance**

The term “event of national significance” means a hypoxia or harmful algal bloom event that has had or will likely have a significant detrimental environmental, economic, subsistence use, or public health impact on an affected State.

**(C) Hypoxia or harmful algal bloom event**

The term “hypoxia or harmful algal bloom event” means the occurrence of hypoxia or a harmful algal bloom as a result of a natural, anthropogenic, or undetermined cause.

(Pub. L. 115-423, §9(g), Jan. 7, 2019, 132 Stat. 5463.)

**Editorial Notes**

**CODIFICATION**

This section was enacted as part of the Harmful Algal Bloom and Hypoxia Research and Control Amendments Act of 2017 and also as part of the National Integrated Drought Information System Reauthorization Act of 2018, and not as part of the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998 which comprises this chapter.

**CHAPTER 54—COMMERCIAL ENGAGEMENT THROUGH OCEAN TECHNOLOGY**

Sec.	
4101.	Definitions.
4102.	Coordination regarding assessment and acquisition by National Oceanic and Atmospheric Administration of unmanned maritime systems.
4103.	Regular assessment of unmanned maritime systems to support National Oceanic and Atmospheric Administration missions.
4104.	Acquisition of unmanned maritime systems.
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4106.	Funding and additional authorities.

**§ 4101. Definitions**

In this chapter:

**(1) Administration**

The term “Administration” means the National Oceanic and Atmospheric Administration.

**(2) Administrator**

The term “Administrator” means the Under Secretary of Commerce for Oceans and Atmosphere and Administrator of the National Oceanic and Atmospheric Administration.

**(3) Cooperative activities of the Administration**

The terms<sup>1</sup> “cooperative activities of the Administration” means cooperative activities between the Administration and an external entity, such as the Cooperative Institutes, Sea Grant Colleges, National Estuarine Research Reserves, the National Oceanographic Partnership Program established under chapter 665 of title 10, and regional associations of the Integrated Ocean Observing System.

**(4) Data specifications**

The term “data specifications” shall refer to the type, resolution, periodicity, and quality of data required by an program of the Administration.

**(5) Test or training range**

**(A) In general**

The term “test or training range” means an area designated for operating unmanned maritime systems and other types of systems for the purpose of—

- (i) evaluating the performance of such systems; or
- (ii) training personnel on operating procedures for such systems.

**(B) Inclusions**

The term “test or training range” may include specialized fixed or portable instrumentation for the operation of unmanned maritime systems and other types of systems.

**(6) Unmanned maritime systems**

**(A) In general**

The term “unmanned maritime systems” means remotely operated or autonomous vehicles produced by the commercial sector—

<sup>1</sup> So in original. Probably should be “term”.

- (i) designed to function without an on-board human presence; and
- (ii) that may include associated components such as control and communications, instrumentation, data transmission, and processing systems.

**(B) Examples**

The term “unmanned maritime systems” includes the following:

- (i) Unmanned undersea vehicles.
- (ii) Unmanned surface vehicles.
- (iii) Autonomous underwater vehicles.
- (iv) Autonomous surface vehicles.

**(C) Treatment of aerial vehicles**

The term “unmanned maritime systems” includes unmanned aerial vehicles and autonomous aerial vehicles that are used to address maritime issues to the extent the Administrator determines it is necessary and appropriate to achieve the purposes of this chapter.

(Pub. L. 115–394, § 2, Dec. 21, 2018, 132 Stat. 5281.)

**Statutory Notes and Related Subsidiaries**

SHORT TITLE

Pub. L. 115–394, § 1(a), Dec. 21, 2018, 132 Stat. 5281, provided that: “This Act [enacting this chapter] may be cited as the ‘Commercial Engagement Through Ocean Technology Act of 2018’ or the ‘CENOTE Act of 2018’.”

**§ 4102. Coordination regarding assessment and acquisition by National Oceanic and Atmospheric Administration of unmanned maritime systems**

**(a) Establishment**

The Administrator shall direct the Office of Oceanic and Atmospheric Research (in this chapter referred to as “OAR”) and the Office of Marine and Aviation Operations (in this chapter referred to as “OMAO”)—

- (1) to coordinate the Administration’s research, assessment, and acquisition of unmanned maritime systems; and
- (2) to consider the use of unmanned maritime systems in cooperative activities of the Administration.

**(b) Coordination within the Administration**

**(1) Unmanned Systems Executive Oversight Board**

In meeting the requirements described in subsection (a), the Administrator shall—

- (A) utilize the Unmanned Systems Executive Oversight Board (in this chapter referred to as the “USEOB”) as the coordinating mechanism; and
- (B) ensure that OAR and OMAO address requirements throughout the Administration.

**(2) Included**

In utilizing the USEOB under paragraph (1), the Administrator shall ensure that representation on the USEOB is included from the following:

- (A) The Office of Ocean Exploration (OER).
- (B) The program office of the Integrated Ocean Observing System.
- (C) Such other offices of the Administration as the Administrator determines are ac-

tively engaged with unmanned maritime systems.

**(c) Coordination with the Navy**

**(1) In general**

In carrying out this chapter, the Administrator shall—

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

(B) align with, utilize, and inform the Deputy Under Secretary of Commerce for Operations and the Oceanographer of the Navy’s strategic and operational priorities, particularly for missions and geography within the Administration’s purview;

(C) seek to utilize Naval unmanned systems test or training ranges, such as the Gulf of Mexico Unmanned Systems Test and Training Range of the Naval Meteorology and Oceanography Command, and maximize interagency cooperation and sharing of best practices; and

(D) to formalize coordination, execute a memorandum of understanding with the Secretary of the Navy that includes—

(i) incorporating consideration of priorities and requirements of the Administration into research and development activities conducted by the Secretary of the Navy;

(ii) consultation intended to encourage and facilitate efforts by the Administration to partner with the Navy to procure unmanned maritime systems and to establish, instrument, and operate test or training ranges and related facilities;

(iii) adopting procedures defined by the Secretary of the Navy for the Administration to access and utilize test or training ranges or related Naval facilities for purposes identified in paragraph (2)(B); and

(iv) such other topics as the Administrator considers necessary or advisable, including mapping, bathymetry, observations, and ocean exploration.

**(2) Location**

The Administrator shall, if practicable, carry out the activities authorized by this chapter at a facility where the Navy and the Administration are co-located, for the following purposes:

(A) Gaining efficiencies through collaboration.

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

- (i) systems research and development;
- (ii) systems testing;
- (iii) systems modifications; and
- (iv) systems integration.

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

**(d) Coordination with other Federal agencies**

In carrying out this chapter, the Administrator and the Secretary of the Navy may utilize the National Oceanographic Partnership Program, established under chapter 665 of title 10, as a mechanism for providing interagency co-