

[STAFF WORKING DRAFT]

APRIL 15, 2016

114TH CONGRESS
2D SESSION

S. _____

To improve understanding and forecasting of space weather events, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. PETERS introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To improve understanding and forecasting of space weather events, 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.**

4 This Act may be cited as the “Space Weather Re-
5 search and Forecasting Act”.

1 **SEC. 2. SPACE WEATHER.**

2 (a) IN GENERAL.—Subtitle VI of title 51, United
3 States Code, is amended by adding after chapter 605 the
4 following:

5 **“CHAPTER 607—SPACE WEATHER**

“60701. Space weather

“60702. Observations and forecasting

“60703. Research and technology

“60704. Space weather data.

6 **“§ 60701. Space weather**

7 “(a) FINDINGS.—Congress makes the following find-
8 ings:

9 “(1) Space weather events pose a significant
10 threat to humans working in the space environment
11 and to modern technological systems.

12 “(2) The effects of severe space weather events
13 on the electric power grid, satellites and satellite
14 communications and information, airline operations,
15 astronauts living and working in space, and space-
16 based position, navigation, and timing systems could
17 have significant societal, economic, national security,
18 and health impacts.

19 “(3) Earth and space observations provide cru-
20 cial data necessary to predict and warn about space
21 weather events.

22 “(4) Clear roles and accountability of Federal
23 departments and agencies are critical for an efficient

1 and effective response to threats posed by space
2 weather.

3 “(5) In October 2015, the National Science and
4 Technology Council published a National Space
5 Weather Strategy and a National Space Weather
6 Action Plan seeking to integrate national space
7 weather efforts and add new capabilities to meet in-
8 creasing demand for space weather information.

9 “(b) NATIONAL SPACE WEATHER PROGRAM.—In
10 order to understand and respond to the adverse effects
11 of space weather, the National Space Weather Program
12 shall coordinate, collaborate, and leverage capabilities
13 across participating Federal agencies, including—

14 “(1) the National Oceanic and Atmospheric Ad-
15 ministration;

16 “(2) the National Aeronautics And Space Ad-
17 ministration;

18 “(3) the National Science Foundation;

19 “(4) the Department of Defense;

20 “(5) the Department of the Interior;

21 “(6) the Department of Homeland Security;

22 “(7) the Department of Energy;

23 “(8) the Department of Transportation; and

24 “(9) the Department of State.

25 “(c) FEDERAL AGENCY ROLES.—

1 “(1) FINDINGS.—Congress finds that—

2 “(A) the National Oceanic and Atmos-
3 pheric Administration provides operational
4 space weather forecasting and monitoring for
5 civil applications, maintains ground and space-
6 based assets to provide observations needed for
7 forecasting, prediction, and warnings, and de-
8 velops requirements for space weather fore-
9 casting technologies and science;

10 “(B) the Department of Defense provides
11 operational space weather forecasting, moni-
12 toring, and research for the department’s
13 unique missions and applications;

14 “(C) the National Aeronautics And Space
15 Administration provides increased under-
16 standing of the fundamental physics of the
17 Sun-Earth system through space-based observa-
18 tions and modeling and develops new space-
19 based technologies and missions;

20 “(D) the National Science Foundation pro-
21 vides increased understanding of the Sun-Earth
22 system through ground-based measurements,
23 technologies, and modeling; and

24 “(E) the Department of the Interior col-
25 lects, distributes, and archives operational

1 ground-based magnetometer data in the United
2 States and its territories, and works with the
3 international community to improve global geo-
4 physical monitoring.

5 “(2) OFFICE OF SCIENCE AND TECHNOLOGY
6 POLICY.—The Director of the Office of Science and
7 Technology Policy shall—

8 “(A) improve the Nation’s ability to pre-
9 pare, avoid, mitigate, respond to, and recover
10 from potentially devastating impacts of space
11 weather events; and

12 “(B) coordinate the activities of the Na-
13 tional Space Weather Program Council mem-
14 bers.

15 “(d) SPACE WEATHER INTERAGENCY WORKING
16 GROUP.—In order to continue executive branch efforts to
17 understand, prepare, coordinate, and plan for space
18 weather, the National Science and Technology Council
19 shall establish an interagency working group on space
20 weather that includes representatives of the Federal agen-
21 cies participating in the National Space Weather Pro-
22 gram, and of other Federal agencies, as appropriate.

23 “(e) INTERAGENCY AGREEMENTS.—

24 “(1) SENSE OF CONGRESS.—It is the sense of
25 Congress that the interagency collaboration between

1 the National Aeronautics And Space Administration
2 and the National Oceanic and Atmospheric Adminis-
3 tration on terrestrial weather observations pro-
4 vides—

5 “(A) an effective mechanism for improving
6 weather and climate data collection while avoid-
7 ing unnecessary duplication of capabilities
8 across Federal agencies; and

9 “(B) an agency collaboration model that
10 could benefit space weather observations.

11 “(2) INTERAGENCY AGREEMENTS.—The Ad-
12 ministrator of the National Aeronautics And Space
13 Administration and the Administrator of the Na-
14 tional Oceanic and Atmospheric Administration shall
15 enter into 1 or more interagency agreements pro-
16 viding for cooperation and collaboration in the devel-
17 opment of space weather spacecraft, instruments,
18 and technologies in accordance with this chapter.

19 **“§ 60702. Observations and forecasting**

20 “(a) POLICY.—It is the policy of the United States
21 to establish and sustain a baseline capability for space
22 weather observations.

23 “(b) INTEGRATED STRATEGY.—

24 “(1) IN GENERAL.—The Director of the Office
25 of Science and Technology Policy, in coordination

1 with the Administrator of the National Oceanic and
2 Atmospheric Administration, the Administrator of
3 the National Aeronautics And Space Administration,
4 the Director of the National Science Foundation,
5 and the Secretary of Defense, and in consultation
6 with the academic community, shall develop an inte-
7 grated strategy for solar and solar wind observations
8 beyond the lifetime of current assets, that con-
9 siders—

10 “(A) the provision of solar wind measure-
11 ments and other measurements essential to
12 space weather forecasting; and

13 “(B) the provision of solar and space
14 weather measurements important for scientific
15 purposes.

16 “(2) CONSIDERATIONS.—In developing the
17 strategy under paragraph (1), the Director of the
18 Office of Science and Technology Policy shall con-
19 sider small satellite options, hosted payloads, com-
20 mercial options, international options, and prize au-
21 thority.

22 “(c) CRITICAL OBSERVATIONS.—In order to sustain
23 current space-based observational capabilities, the Admin-
24 istrator of the National Aeronautics And Space Adminis-
25 tration shall—

1 “(1) maintain operations of the Solar and
2 Heliospheric Observatory/Large Angle and Spec-
3 trometric Coronagraph (referred to in this section as
4 ‘SOHO/LASCO’) for as long as the satellite con-
5 tinues to deliver quality observations; and

6 “(2) prioritize the reception of LASCO data.

7 “(d) ADDITIONAL CAPABILITY FOR SOLAR IMAG-
8 ING.—

9 “(1) IN GENERAL.—The Administrator of the
10 National Oceanic and Atmospheric Administration
11 shall secure reliable secondary capability for near
12 real-time coronal mass ejection imagery.

13 “(2) OPTIONS.—The Administrator of the Na-
14 tional Oceanic and Atmospheric Administration, in
15 coordination with the Secretary of Defense and the
16 Administrator of the National Aeronautics And
17 Space Administration, shall develop options to build
18 and deploy 1 or more instruments for near real-time
19 coronal mass ejection imagery.

20 “(3) CONSIDERATIONS.—In developing options
21 under paragraph (2), the Administrator of the Na-
22 tional Oceanic and Atmospheric Administration shall
23 consider commercial solutions, prize authority, aca-
24 demic and international partnerships, and opportuni-

1 ties to deploy the instrument or instruments as a
2 secondary payload on an upcoming planned launch.

3 “(4) COSTS.—In implementing paragraph (1),
4 the Administrator of the National Oceanic and At-
5 mospheric Administration shall prioritize a cost-ef-
6 fective solution.

7 “(5) OPERATIONAL PLANNING.—The Adminis-
8 trator of the National Oceanic and Atmospheric Ad-
9 ministration shall develop an operational contingency
10 plan to provide continuous space weather forecasting
11 in the event of a SOHO/LASCO failure.

12 “(6) BRIEFING.—Not later than 120 days after
13 the date of enactment of the Space Weather Re-
14 search and Forecasting Act, the Administrator of
15 the National Oceanic and Atmospheric Administra-
16 tion shall provide a briefing the Committee on Com-
17 merce, Science, and Transportation of the Senate
18 and the Committee on Science, Space, and Tech-
19 nology of the House of Representatives on the op-
20 tions for building and deploying the instrument or
21 instruments described in paragraph (2) and the
22 operational contingency plan developed in paragraph
23 (5).

24 “(e) FOLLOW-ON SPACE-BASED OBSERVATIONS.—
25 The Administrator of the National Oceanic and Atmos-

1 pheric Administration, in coordination with the Secretary
2 of Defense, shall develop requirements and a plan for fol-
3 low-on space-based observations for operational purposes,
4 in accordance with the integrated strategy developed
5 under subsection (b).

6 “(f) REPORT.—Not later than 180 days after the
7 date of enactment of the Space Weather Research and
8 Forecasting Act, the Director of the Office of Science and
9 Technology Policy shall submit to the Committee on Com-
10 merce, Science, and Transportation of the Senate and the
11 Committee on Science, Space, and Technology of the
12 House of Representatives a report on the integrated strat-
13 egy under subsection (b), including the plans for follow-
14 on space-based observations under subsection (e).

15 “(g) GROUND-BASED OBSERVATIONS.—The National
16 Science Foundation and the Air Force shall each—

17 “(1) maintain ground-based observations of the
18 Sun; and

19 “(2) provide space weather data by means of its
20 set of ground-based facilities, including radars,
21 lidars, magnetometers, radio receivers, aurora and
22 airglow imagers, spectrometers, interferometers, and
23 solar observatories.

24 “(h) GROUND-BASED OBSERVATIONS DATA.—The
25 National Science Foundation shall—

1 “(1) provide key data streams from the plat-
2 forms described in subsection (g) for research and to
3 support space weather model development;

4 “(2) develop experimental models for scientific
5 purposes; and

6 “(3) support the transition of the experimental
7 models to operations where appropriate.

8 **“§ 60703. Research and technology.**

9 “(a) USER NEEDS.—

10 “(1) IN GENERAL.—The Administrator of the
11 National Oceanic and Atmospheric Administration
12 and the Secretary of the Air Force, in conjunction
13 with the heads of other relevant Federal agencies,
14 shall conduct a comprehensive survey to identify and
15 prioritize the needs of space weather forecast users,
16 including space weather data and space weather
17 forecast data needed to improve services and inform
18 research priorities and technology needs.

19 “(2) CONTENTS.—In conducting the com-
20 prehensive survey under paragraph (1), the Adminis-
21 trator of the National Oceanic and Atmospheric Ad-
22 ministration and the Secretary of the Air Force, at
23 a minimum, shall—

24 “(A) consider the goals for forecast lead
25 time, accuracy, coverage, timeliness, data rate,

1 and data quality for space weather observa-
2 tions;

3 “(B) identify opportunities to address the
4 needs identified under paragraph (1) through
5 collaborations with academia, the private sector,
6 and the international community;

7 “(C) identify opportunities for new tech-
8 nologies and instrumentation to address the
9 needs identified under paragraph (1); and

10 “(D) publish a report on the findings
11 under subparagraphs (A) through (C).

12 “(3) PUBLICATION.—Not later than 1 year
13 after the date of enactment of the Space Weather
14 Research and Forecasting Act, the Administrator of
15 the National Oceanic and Atmospheric Administra-
16 tion and the Secretary of the Air Force shall—

17 “(A) make the results of the comprehen-
18 sive survey publicly available; and

19 “(B) notify the Committee on Commerce,
20 Science, and Transportation of the Senate and
21 the Committee on Science, Space, and Tech-
22 nology of the House of Representatives of the
23 publication under subparagraph (A).

24 “(b) RESEARCH ACTIVITIES.—

1 “(1) BASIC RESEARCH.—As part of the Na-
2 tional Space Weather Program, the Director of the
3 National Science Foundation, Administrator of the
4 National Aeronautics and Space Administration, and
5 Secretary of Defense shall continue to carry out
6 basic research activities on heliophysics, geospace
7 science, and space weather and support competitive,
8 merit-based, peer-reviewed proposals for research,
9 modeling, and monitoring of space weather and its
10 impacts, including science goals outlined in Solar
11 and Space Physics Decadal surveys conducted by the
12 National Academy of Sciences.

13 “(2) MULTIDISCIPLINARY RESEARCH.—

14 “(A) FINDINGS.—Congress finds that the
15 multidisciplinary nature of solar and space
16 physics creates funding challenges that require
17 coordination across scientific disciplines and
18 Federal agencies.

19 “(B) MULTIDISCIPLINARY RESEARCH.—As
20 part of the National Space Weather Program,
21 the Director of the National Science Founda-
22 tion, the Administrator of the National Oceanic
23 and Atmospheric Administration, and the Ad-
24 ministrator of the National Aeronautics and
25 Space Administration shall pursue multidisci-

1 plinary research in subjects that further our
2 understanding of solar physics, space physics,
3 and space weather.

4 “(C) SENSE OF CONGRESS.—It is the
5 sense of Congress that the Administrator of the
6 National Aeronautics and Space Administration
7 and Director of the National Science Founda-
8 tion should support competitively awarded
9 Heliophysics Science Centers.

10 “(c) SCIENCE MISSIONS.—The Administrator of the
11 National Aeronautics and Space Administration shall seek
12 to implement missions that meet the science objectives
13 identified in Solar and Space Physics Decadal surveys con-
14 ducted by the National Academy of Sciences.

15 “(d) RESEARCH TO OPERATIONS.—

16 “(1) IN GENERAL.—The Administrator of the
17 National Aeronautics and Space Administration, Di-
18 rector of the National Science Foundation, Adminis-
19 trator of the National Oceanic and Atmospheric Ad-
20 ministration, and Secretary of the Air Force, shall—

21 “(A) develop a formal mechanism to tran-
22 sition National Aeronautics and Space Adminis-
23 tration and National Science Foundation re-
24 search findings, models, and capabilities, as ap-
25 propriate, to National Oceanic and Atmospheric

1 Administration and Department of Defense
2 space weather operational forecasting centers;
3 and

4 “(B) enhance coordination between re-
5 search modeling centers and forecasting cen-
6 ters.

7 “(2) OPERATIONAL NEEDS.—The Adminis-
8 trator of the National Oceanic and Atmospheric Ad-
9 ministration and Secretary of Defense, in coordina-
10 tion with the Administrator of the National Aero-
11 nautics and Space Administration and Director of
12 the National Science Foundation, shall develop a
13 formal mechanism to communicate the operational
14 needs of space weather forecasters to the research
15 community.

16 “(e) TECHNOLOGY DEVELOPMENT.—

17 “(1) FINDINGS.—Congress finds that observa-
18 tions and measurements closer to the Sun and ad-
19 vanced instrumentation would provide for more ad-
20 vanced warning of space weather disturbances (as
21 defined in section 3 of the Space Weather Research
22 and Forecasting Act).

23 “(2) TECHNOLOGY AND INSTRUMENTATION DE-
24 VELOPMENT.—The Administrator of the National
25 Aeronautics and Space Administration and the Di-

1 rector of the National Science Foundation shall sup-
2 port the development of technologies and instrumen-
3 tation to improve space weather forecasting lead-
4 time and accuracy to meet the needs identified by
5 the Administrator of the National Oceanic and At-
6 mospheric Administration.

7 **“§ 60704. Space weather data**

8 “(a) IN GENERAL.—The Administrator of the Na-
9 tional Aeronautics and Space Administration and the Di-
10 rector of the National Science Foundation shall—

11 “(1) make space weather related data obtained
12 for scientific research purposes available to space
13 weather forecasters and operations centers; and

14 “(2) support model development and model ap-
15 plications to space weather forecasting.

16 “(b) RESEARCH.—The Administrator of the National
17 Oceanic and Atmospheric Administration shall make space
18 weather related data obtained from operational forecasting
19 available for scientific research.”.

20 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

21 (1) REPEAL OF SECTION 809.—Section 809 of
22 the National Aeronautics and Space Administration
23 Authorization Act of 2010 (42 U.S.C. 18388) and
24 the item relating to that section in the table of con-

1 tents under section 1(b) of that Act (124 Stat.
2 2806) are repealed.

3 (2) TABLE OF CHAPTERS.—The table of chap-
4 ters of title 51, United States Code, is amended by
5 adding after the item relating to chapter 605 the fol-
6 lowing:

“607 . Space weather 60701”.

7 **SEC. 3. SPACE WEATHER METRICS.**

8 (a) DEFINITIONS.—In this section:

9 (1) SPACE WEATHER DISTURBANCE.—The term
10 “space weather disturbance” includes geo-electric
11 fields, ionizing radiation, ionospheric disturbances,
12 solar radio bursts, and upper atmospheric expansion.

13 (2) SPACE WEATHER BENCHMARK.—The term
14 “space weather benchmark” means the physical
15 characteristics and conditions describing the nature,
16 frequency, and intensity of space weather disturb-
17 ances.

18 (b) BENCHMARKS.—

19 (1) PRELIMINARY.—Not later than 90 days
20 after the date of enactment of this Act, the Space
21 Weather Interagency Working Group, established
22 under section 60701 of title 51, United States Code,
23 shall—

1 (A) assess existing data, the historical
2 record, models, and peer-reviewed studies on
3 space weather; and

4 (B) develop preliminary benchmarks, based
5 on current scientific understanding and the his-
6 torical record, for measuring solar disturbances.

7 (2) FINAL.—Not later than 18 months after
8 the date the preliminary benchmarks are developed
9 under paragraph (1), the Space Weather Inter-
10 agency Working Group shall publish final bench-
11 marks.

12 (3) REVIEW.—The Administrator of the Na-
13 tional Aeronautics and Space Administration shall
14 contract with the National Academy of Sciences to
15 review the benchmarks established under paragraph
16 (2).

17 (4) REVISIONS.—The Space Weather Inter-
18 agency Working Group shall update and revise the
19 final benchmarks under paragraph (2), as necessary,
20 based on—

21 (A) the results of the review under para-
22 graph (3);

23 (B) any significant new data or advances
24 in scientific understanding that become avail-
25 able; or

1 (C) the evolving needs of entities impacted
2 by solar disturbances.

3 **SEC. 4. PROTECTION OF CRITICAL INFRASTRUCTURE.**

4 (a) IN GENERAL.—The Administrator of the Na-
5 tional Oceanic and Atmospheric Administration, in con-
6 sultation with the heads of other relevant Federal agen-
7 cies, shall provide information about space weather haz-
8 ards to the Secretary of Homeland Security for purposes
9 of this section.

10 (b) CRITICAL INFRASTRUCTURE.—The Secretary of
11 Homeland Security, in consultation with sector-specific
12 agencies, the Administrator of the National Oceanic and
13 Atmospheric Administration, and the heads of other rel-
14 evant agencies, shall—

15 (1) include, in meeting national critical infra-
16 structure reporting requirements, an assessment of
17 the vulnerability of critical infrastructure to space
18 weather events, as described by the space weather
19 benchmarks under section 3; and

20 (2) support critical infrastructure providers in
21 managing the risks and impacts associated with
22 space weather.

23 (c) PROHIBITION ON NEW REGULATORY AUTHOR-
24 ITY.—Nothing in subsection (b) may be construed to grant
25 the Secretary of Homeland Security any authority to pro-

1 mulgate regulations or set standards that was not in effect
2 on the day before the date of enactment of this Act.

3 (d) DEFINITION OF SECTOR-SPECIFIC AGENCY.—In
4 this section, the term “sector-specific agency” has the
5 meaning given the term in Presidential Policy Directive—
6 21 of February 12, 2013 (Critical Infrastructure Security
7 and Resilience), or any successor.

8 **SEC. 5. PROTECTION OF NATIONAL SECURITY ASSETS.**

9 (a) IN GENERAL.—The National Security Council, in
10 consultation with the Office of the Director of National
11 Intelligence, Secretary of Defense, and heads of other rel-
12 evant Federal agencies, shall—

13 (1) assess the vulnerability of the national secu-
14 rity community to space weather events, as described
15 by the space weather benchmarks under section 3;
16 and

17 (2) develop national security mechanisms to
18 protection national security assets from space weath-
19 er threats.

20 (b) COOPERATION.—The Secretary of Defense, in
21 consultation with the heads of other relevant Federal
22 agencies, shall provide information about space weather
23 hazards to the National Security Council, Director of Na-
24 tional Intelligence, and heads of Defense Agencies for pur-
25 poses of this section.