

114TH CONGRESS
1ST SESSION

H. R. 1073

To amend the Homeland Security Act of 2002 to secure critical infrastructure against electromagnetic threats, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 25, 2015

Mr. FRANKS of Arizona (for himself and Mr. SESSIONS) introduced the following bill; which was referred to the Committee on Homeland Security

A BILL

To amend the Homeland Security Act of 2002 to secure critical infrastructure against electromagnetic threats, 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 “Critical Infrastructure
5 Protection Act” or the “CIPA”.

6 **SEC. 2. EMP PLANNING, RESEARCH AND DEVELOPMENT,**
7 **AND PROTECTION AND PREPAREDNESS.**

8 (a) IN GENERAL.—The Homeland Security Act of
9 2002 (6 U.S.C. 121) is amended—

1 (1) in section 2 (6 U.S.C. 101), by inserting
2 after paragraph (6) the following:

3 “(6a) EM THREAT.—The term ‘EM threat’
4 means an electromagnetic pulse caused by—

5 “(A) a nuclear device or nonnuclear device,
6 including such a pulse caused by an act of ter-
7 rorism; or

8 “(B) a geomagnetic disturbance or other
9 naturally occurring phenomenon.”;

10 (2) in title V (6 U.S.C. 311 et seq.), by adding
11 at the end the following:

12 **“SEC. 526. NATIONAL PLANNING SCENARIOS AND EDU-
13 CATION.**

14 “The Secretary, acting through the Assistant Sec-
15 retary of the National Protection and Programs Direc-
16 torate, shall—

17 “(1) include EM threats in national planning
18 scenarios; and

19 “(2) conduct a campaign to proactively educate
20 owners and operators of critical infrastructure,
21 emergency planners, and emergency responders at
22 all levels of government of EM threats.”;

23 (3) in title III (6 U.S.C. 181 et seq.), by adding
24 at the end of the following:

1 **“SEC. 318. EM THREAT RESEARCH AND DEVELOPMENT.**

2 “(a) IN GENERAL.—In furtherance of domestic pre-
3 paredness and response, the Secretary, acting through the
4 Under Secretary for Science and Technology, and in con-
5 sultation with other relevant agencies and departments of
6 the Federal Government and relevant owners and opera-
7 tors of critical infrastructure, shall conduct research and
8 development to mitigate the consequences of EM threats.

9 “(b) SCOPE.—The scope of the research and develop-
10 ment under subsection (a) shall include the following:

11 “(1) An objective scientific analysis of the risks
12 to critical infrastructures from a range of EM
13 threats.

14 “(2) Determination of the critical national secu-
15 rity assets and vital civic utilities and infrastructures
16 that are at risk from EM threats.

17 “(3) An evaluation of emergency planning and
18 response technologies that would address the find-
19 ings and recommendations of experts, including
20 those of the Commission to Assess the Threat to the
21 United States from Electromagnetic Pulse Attack.

22 “(4) An analysis of technology options that are
23 available to improve the resiliency of critical infra-
24 structure to EM threats.

25 “(5) The restoration and recovery capabilities
26 of critical infrastructure under differing levels of

1 damage and disruption from various EM threats.”;
2 and

3 (4) in section 201(d) (6 U.S.C. 121(d)), by
4 adding at the end the following:

5 “(26)(A) Prepare and submit to the Committee
6 on Homeland Security of the House of Representa-
7 tives and the Committee on Homeland Security and
8 Governmental Affairs of the Senate—

9 “(i) a comprehensive plan to protect and
10 prepare the critical infrastructure of the Amer-
11 ican homeland against EM threats, including
12 from acts of terrorism; and

13 “(ii) biennial updates of such plan.

14 “(B) The comprehensive plan shall—

15 “(i) be based on findings of the research
16 and development conducted under section 318;

17 “(ii) be developed in consultation with the
18 relevant Federal sector-specific agencies (as de-
19 fined under Homeland Security Presidential Di-
20 rective—7) for critical infrastructures;

21 “(iii) be developed in consultation with the
22 relevant sector coordinating councils for critical
23 infrastructures; and

24 “(iv) include a classified annex.”.

1 (b) CLERICAL AMENDMENTS.—The table of contents
2 in section 1(b) of such Act is amended—

3 (1) by adding at the end of the items relating
4 to title V the following:

“Sec. 526. National planning scenarios and education.”;

5 and

6 (2) by adding at the end of the items relating
7 to title III the following:

“Sec. 318. EMP research and development.”.

8 (c) DEADLINE FOR INITIAL PLAN.—The Secretary of
9 Homeland Security shall submit the comprehensive plan
10 required under the amendment made by subsection (a)(4)
11 by not later than one year after the date of the enactment
12 of this Act.

13 (d) REPORT.—The Secretary shall submit a report
14 to Congress by not later than 180 days after the date of
15 the enactment of this Act describing the progress made
16 in, and an estimated date by which the Department of
17 Homeland Security will have completed—

18 (1) including EM threats (as defined in the
19 amendment made by subsection (a)(1)) in national
20 planning scenarios;

21 (2) research and development described in the
22 amendment made by subsection (a)(3);

1 (3) development of the comprehensive plan re-
2 quired under the amendment made by subsection
3 (a)(4); and

4 (4) beginning a campaign to proactively educate
5 emergency planners and emergency responders at all
6 levels of government regarding EM threat events.

7 **SEC. 3. NO REGULATORY AUTHORITY.**

8 Nothing in this Act, including the amendments made
9 by this Act, shall be construed to grant any regulatory
10 authority.

11 **SEC. 4. NO NEW AUTHORIZATION OF APPROPRIATIONS.**

12 This Act, including the amendments made by this
13 Act, may be carried out only by using funds appropriated
14 under the authority of other laws.

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