

Union Calendar No. 181

114TH CONGRESS
1ST SESSION

H. R. 1073

[Report No. 114–240]

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

AUGUST 4, 2015

Additional sponsors: Mr. DESANTIS, Mr. KLINE, Mr. STEWART, Mr. PITTENGER, Mr. WILSON of South Carolina, Mr. CHABOT, Mr. FINCHER, Mr. BABIN, Mr. COOK, Mr. LAMBORN, Mr. DUNCAN of Tennessee, Mr. WEBER of Texas, Mr. ROE of Tennessee, Mr. SCHWEIKERT, Mrs. BLACKBURN, Mr. GARAMENDI, Mrs. HARTZLER, and Mr. KING of Iowa

AUGUST 4, 2015

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on February 25, 2015]

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 “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—*

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

12 *“(6a) EMP.—The term ‘EMP’ means—*

13 *“(A) an electromagnetic pulse caused by in-*
 14 *tentional means, including acts of terrorism; and*

15 *“(B) a geomagnetic disturbance caused by*
 16 *solar storms or other naturally occurring phe-*
 17 *nomena.”;*

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

20 **“SEC. 526. NATIONAL PLANNING FRAMEWORKS AND EDU-**
 21 **CATION.**

22 *“The Secretary, or the Secretary’s designee, shall, to*
 23 *the extent practicable—*

24 *“(1) include in national planning frameworks*
 25 *the threat of EMP events; and*

1 “(2) *conduct outreach to educate owners and op-*
2 *erators of critical infrastructure, emergency planners,*
3 *and emergency response providers at all levels of gov-*
4 *ernment of the threat of EMP events.*”;

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

7 **“SEC. 318. EMP RESEARCH AND DEVELOPMENT.**

8 “(a) *IN GENERAL.—In furtherance of domestic pre-*
9 *paredness and response, the Secretary, acting through the*
10 *Under Secretary for Science and Technology, and in con-*
11 *sultation with other relevant agencies and departments of*
12 *the Federal Government and relevant owners and operators*
13 *of critical infrastructure, shall, to the extent practicable,*
14 *conduct research and development to mitigate the con-*
15 *sequences of EMP events.*

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

18 “(1) *An objective scientific analysis of the risks*
19 *to critical infrastructures from a range of EMP*
20 *events.*

21 “(2) *Determination of the critical national secu-*
22 *rity assets and vital civic utilities and infrastructures*
23 *that are at risk from EMP events.*

24 “(3) *An evaluation of emergency planning and*
25 *response technologies that would address the findings*

1 *and recommendations of experts, including those of*
2 *the Commission to Assess the Threat to the United*
3 *States from Electromagnetic Pulse Attack.*

4 “(4) *An analysis of technology options that are*
5 *available to improve the resiliency of critical infra-*
6 *structure to EMP.*

7 “(5) *The restoration and recovery capabilities of*
8 *critical infrastructure under differing levels of dam-*
9 *age and disruption from various EMP events.’’; and*

10 *(4) in section 201(d) (6 U.S.C. 121(d)), by add-*
11 *ing at the end the following:*

12 “(26)(A) *Prepare and submit to the Committee*
13 *on Homeland Security of the House of Representa-*
14 *tives and the Committee on Homeland Security and*
15 *Governmental Affairs of the Senate—*

16 “(i) *a recommended strategy to protect and*
17 *prepare the critical infrastructure of the Amer-*
18 *ican homeland against EMP events, including*
19 *from acts of terrorism; and*

20 “(ii) *biennial updates on the status of the*
21 *recommended strategy.*

22 “(B) *The recommended strategy shall—*

23 “(i) *be based on findings of the research and*
24 *development conducted under section 318;*

1 “(ii) be developed in consultation with the
2 relevant Federal sector-specific agencies (as de-
3 fined under Homeland Security Presidential Di-
4 rective–7) for critical infrastructures;

5 “(iii) be developed in consultation with the
6 relevant sector coordinating councils for critical
7 infrastructures; and

8 “(iv) include a classified annex as needed.

9 “(C) The Secretary may, if appropriate, incor-
10 porate the recommended strategy into a broader rec-
11 ommendation developed by the Department to help
12 protect and prepare critical infrastructure from ter-
13 rorism and other threats if, as incorporated, the strat-
14 egy complies with subparagraph (B).”.

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

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

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

19 and

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

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

22 (c) *DEADLINE FOR RECOMMENDED STRATEGY.*—The
23 Secretary of Homeland Security shall submit the rec-
24 ommended strategy required under the amendment made by

1 subsection (a)(4) by not later than one year after the date
2 of the enactment of this Act.

3 (d) *REPORT.*—The Secretary shall submit a report to
4 Congress by not later than 180 days after the date of the
5 enactment of this Act describing the progress made in, and
6 an estimated date by which the Department of Homeland
7 Security will have completed—

8 (1) including EMP (as defined in the amend-
9 ment made by subsection (a)(1)) threats in national
10 planning frameworks;

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

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

16 (4) outreach to educate owners and operators of
17 critical infrastructure, emergency planners and emer-
18 gency response providers at all levels of government
19 regarding the threat of EMP events.

20 **SEC. 3. NO REGULATORY AUTHORITY.**

21 Nothing in this Act, including the amendments made
22 by this Act, shall be construed to grant any regulatory au-
23 thority.

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

2 *This Act, including the amendments made by this Act,*
3 *may be carried out only by using funds appropriated under*
4 *the authority of other laws.*

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