

114TH CONGRESS
1ST SESSION

S. 1846

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

IN THE SENATE OF THE UNITED STATES

JULY 23, 2015

Mr. JOHNSON (for himself and Mr. CRUZ) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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 of 2015” 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. 101 et seq.) is amended—

1 (1) in section 2 (6 U.S.C. 101)—

2 (A) by redesignating paragraphs (7)
3 through (18) as paragraphs (8) through (19),
4 respectively; and

5 (B) by inserting after paragraph (6) the
6 following:

7 “(7) EM THREAT.—The term ‘EM threat’
8 means an electromagnetic pulse caused by—

9 “(A) a nuclear device or nonnuclear device,
10 including such a pulse caused by an act of ter-
11 rorism; or

12 “(B) a geomagnetic disturbance caused by
13 solar storms or other naturally occurring phe-
14 nomena.”;

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

17 “(26)(A) Prepare and submit to the Committee
18 on Homeland Security and Governmental Affairs of
19 the Senate and the Committee on Homeland Secu-
20 rity of the House of Representatives—

21 “(i) a recommended strategy to protect
22 and prepare the critical infrastructure of the
23 American homeland against EM threats, includ-
24 ing from acts of terrorism; and

1 “(ii) not less frequently than every 2 years,
2 updates of the recommended strategy.

3 “(B) The recommended strategy under sub-
4 paragraph (A) shall—

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

7 “(ii) be developed in consultation with the
8 relevant Federal sector-specific agencies (as de-
9 fined under Homeland Security Presidential Di-
10 rective 7) for critical infrastructures;

11 “(iii) be developed in consultation with the
12 relevant sector coordinating councils for critical
13 infrastructures; and

14 “(iv) be submitted in unclassified form, but
15 may include a classified annex.

16 “(C) The Secretary may, if appropriate, incor-
17 porate the recommended strategy into a broader rec-
18 ommendation developed by the Department to help
19 protect and prepare critical infrastructure from ter-
20 rorism and other threats if, as incorporated, the rec-
21 ommended strategy complies with subparagraph
22 (B).”;

23 (3) in title III (6 U.S.C. 181 et seq.), by adding
24 at the end 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 executive agencies and rel-
6 evant owners and operators of critical infrastructure,
7 shall, to the extent practicable, conduct research and de-
8 velopment 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 which shall include a review of the feasibility of—

23 “(A) rapidly isolating one or more portions
24 of the electrical grid from the main electrical
25 grid; and

1 “(2) conduct outreach to educate owners and
2 operators of critical infrastructure, emergency plan-
3 ners, and emergency response providers at all levels
4 of government regarding EM threats.”.

5 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

6 (1) The table of contents in section 1(b) of the
7 Homeland Security Act of 2002 is amended—

8 (A) by inserting after the item relating to
9 section 317 the following:

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

10 and

11 (B) by inserting after the item relating to
12 section 525 the following:

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

13 (2) Section 501(13) of the Homeland Security
14 Act of 2002 (6 U.S.C. 311(13)) is amended by strik-
15 ing “section 101(11)(B)” and inserting “section
16 101(12)(B)”.

17 (3) Section 712(a) of title 14, United States
18 Code, is amended by striking “section 2(16) of the
19 Homeland Security Act of 2002 (6 U.S.C. 101(16))”
20 and inserting “section 2 of the Homeland Security
21 Act of 2002 (6 U.S.C. 101)”.

22 (c) DEADLINE FOR INITIAL RECOMMENDED STRAT-
23 EGY.—Not later than 1 year after the date of enactment
24 of this Act, the Secretary of Homeland Security shall sub-

1 mit the recommended strategy required under paragraph
2 (26) of section 201(d) of the Homeland Security Act of
3 2002 (6 U.S.C. 121(d)), as added by this Act.

4 (d) REPORT.—Not later than 180 days after the date
5 of enactment of this Act, the Secretary of Homeland Secu-
6 rity shall submit to Congress a report describing the
7 progress made in, and an estimated date by which the De-
8 partment of Homeland Security will have completed—

9 (1) including EM threats (as defined in section
10 2 of the Homeland Security Act of 2002, as amend-
11 ed by this Act) in national planning frameworks;

12 (2) research and development described in sec-
13 tion 318 of the Homeland Security Act of 2002, as
14 added by this Act;

15 (3) development of the recommended strategy
16 required under paragraph (26) of section 201(d) of
17 the Homeland Security Act of 2002 (6 U.S.C.
18 121(d)), as added by this Act; and

19 (4) beginning to conduct outreach to educate
20 emergency planners and emergency response pro-
21 viders at all levels of government regarding EM
22 threat events.

1 **SEC. 3. NO REGULATORY AUTHORITY.**

2 Nothing in this Act, including the amendments made
3 by this Act, shall be construed to grant any regulatory
4 authority.

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

6 This Act, including the amendments made by this
7 Act, may be carried out only by using funds appropriated
8 under the authority of other laws.

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