

**Suspend the Rules and Pass the Bill, H. R. 1073, With an
Amendment**

**(The amendment strikes all after the enacting clause and inserts a
new text)**

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”.

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

3 (a) IN GENERAL.—The Homeland Security Act of
4 2002 (6 U.S.C. 121) is amended—

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

7 “(6a) EMP.—The term ‘EMP’ means—

8 “(A) an electromagnetic pulse caused by
9 intentional means, including acts of terrorism;
10 and

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

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

16 **“SEC. 526. NATIONAL PLANNING FRAMEWORKS AND EDU-**
17 **CATION.**

18 “The Secretary, or the Secretary’s designee, shall, to
19 the extent practicable—

20 “(1) include in national planning frameworks
21 the threat of EMP events; and

22 “(2) conduct outreach to educate owners and
23 operators of critical infrastructure, emergency plan-
24 ners, and emergency response providers at all levels
25 of government of the threat of EMP events.”;

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

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

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

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

14 “(1) An objective scientific analysis of the risks
15 to critical infrastructures from a range of EMP
16 events.

17 “(2) Determination of the critical national secu-
18 rity assets and vital civic utilities and infrastructures
19 that are at risk from EMP events.

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

1 “(4) An analysis of technology options that are
2 available to improve the resiliency of critical infra-
3 structure to EMP.

4 “(5) The restoration and recovery capabilities
5 of critical infrastructure under differing levels of
6 damage and disruption from various EMP events.”;
7 and

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

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

14 “(i) a recommended strategy to protect
15 and prepare the critical infrastructure of the
16 American homeland against EMP events, in-
17 cluding from acts of terrorism; and

18 “(ii) biennial updates on the status of the
19 recommended strategy.

20 “(B) The recommended strategy shall—

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

23 “(ii) be developed in consultation with the
24 relevant Federal sector-specific agencies (as de-

1 fined under Homeland Security Presidential Di-
2 rective—7) for critical infrastructures;

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

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

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

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

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

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

17 and

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

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

20 (c) DEADLINE FOR RECOMMENDED STRATEGY.—
21 The Secretary of Homeland Security shall submit the rec-
22 ommended strategy required under the amendment made
23 by subsection (a)(4) by not later than one year after the
24 date of the enactment of this Act.

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

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

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

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

14 (4) outreach to educate owners and operators of
15 critical infrastructure, emergency planners and
16 emergency response providers at all levels of govern-
17 ment regarding the threat of EMP events.

18 **SEC. 3. NO REGULATORY AUTHORITY.**

19 Nothing in this Act, including the amendments made
20 by this Act, shall be construed to grant any regulatory
21 authority.

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

23 This Act, including the amendments made by this
24 Act, may be carried out only by using funds appropriated
25 under the authority of other laws.