

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.

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## 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

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## 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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