

113<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 3410

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IN THE SENATE OF THE UNITED STATES

DECEMBER 2, 2014

Received; read twice and referred to the Committee on Homeland Security and  
Governmental Affairs

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## AN ACT

To amend the Homeland Security Act of 2002 to secure  
critical infrastructure against electromagnetic pulses, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Critical Infrastructure  
3 Protection Act” or “CIPA”.

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

6 (a) IN GENERAL.—The Homeland Security Act of  
7 2002 (6 U.S.C. 121) is amended—

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

10 “(6a) EMP.—The term ‘EMP’ means—

11 “(A) an electromagnetic pulse caused by  
12 intentional means, including acts of terrorism;  
13 and

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

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

19 **“SEC. 526. NATIONAL PLANNING SCENARIOS AND EDU-**  
20 **CATION.**

21 “The Secretary shall, to the extent practicable—

22 “(1) include in national planning scenarios the  
23 threat of EMP events; and

24 “(2) conduct outreach to educate owners and  
25 operators of critical infrastructure, emergency plan-

1       ners, and emergency responders at all levels of gov-  
2       ernment of the threat of EMP events.”;

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

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

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

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

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

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

22              “(3) An evaluation of emergency planning and  
23      response technologies that would address the find-  
24      ings and recommendations of experts, including

1 those of the Commission to Assess the Threat to the  
2 United States from Electromagnetic Pulse Attack.

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

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

10 (4) in section 201(d) (6 U.S.C. 121(d)), by  
11 adding 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  
17 and prepare the critical infrastructure of the  
18 American homeland against EMP events, in-  
19 cluding 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  
24 and 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  
14          strategy complies with subparagraph (B).”.

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

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

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

19                 and

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

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

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

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

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

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  
18 emergency responders at all levels of government re-  
19 garding 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  
23 authority.

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

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

      Passed the House of Representatives December 1,  
2014.

Attest:

KAREN L. HAAS,  
*Clerk.*