

**Suspend the Rules and Pass the Bill, H.R. 3410, With an Amendment**

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

113<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 3410

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

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 30, 2013

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 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Critical Infrastructure  
5 Protection Act” or “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 SCENARIOS AND EDU-**  
17 **CATION.**

18 “The Secretary shall, to the extent practicable—

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

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

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

1 **“SEC. 318. EMP 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, to the extent prac-  
8 ticable, conduct research and development to mitigate the  
9 consequences of EMP events.

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

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

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

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

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

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

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

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

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

15           “(ii) biennial updates on the status of the  
16 recommended strategy.

17           “(B) The recommended strategy shall—

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

20           “(ii) be developed in consultation with the  
21 relevant Federal sector-specific agencies (as de-  
22 fined under Homeland Security Presidential Di-  
23 rective—7) for critical infrastructures;

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

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

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

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

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

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

15                 and

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

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

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

23          (d) REPORT.—The Secretary shall submit a report  
24          to Congress by not later than 180 days after the date of

1 the enactment of this Act describing the progress made  
2 in, and an estimated date by which the Department of  
3 Homeland Security will have completed—

4 (1) including EMP (as defined in the amend-  
5 ment made by subsection (a)(1)) threats in national  
6 planning scenarios;

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

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

12 (4) outreach to educate owners and operators of  
13 critical infrastructure, emergency planners and  
14 emergency responders at all levels of government re-  
15 garding the threat of EMP events.

16 **SEC. 3. NO REGULATORY AUTHORITY.**

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

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

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