113TH CONGRESS
1ST SESSION

H. R. 3410

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

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

A BILL

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

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

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

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

(a) IN GENERAL.—The Homeland Security Act of
2002 (6 U.S.C. 121) is amended—
(1) in section 2 (6 U.S.C. 101), by inserting after paragraph (6) the following:

“(6a) EMP.—The term ‘EMP’ means—

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

“(B) an electromagnetic pulse caused by solar storms or other naturally occurring phenomena.”;

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

“SEC. 526. NATIONAL PLANNING SCENARIOS AND EDUCATION.

“The Secretary, acting through the Assistant Secretary of the National Protection and Programs Directorate, shall—

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

“(2) conduct a campaign to proactively educate owners and operators of critical infrastructure, emergency planners, and emergency responders at all levels of government of the threat of EMP events.”;

(3) in title III (6 U.S.C. 181 et seq.), by adding at the end of the following:
“SEC. 318. EMP RESEARCH AND DEVELOPMENT.

“(a) In General.—In furtherance of domestic preparedness and response, the Secretary, acting through the Under Secretary for Science and Technology, and in consultation with other relevant agencies and departments of the Federal Government and relevant owners and operators of critical infrastructure, shall conduct research and development to mitigate the consequences of EMP events.

“(b) Scope.—The scope of the research and development under subsection (a) shall include the following:

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

“(2) Determination of the critical national security assets and vital civic utilities and infrastructures that are at risk from EMP events.

“(3) An evaluation of emergency planning and response technologies that would address the findings and recommendations of experts, including those of the Commission to Assess the Threat to the United States from Electromagnetic Pulse Attack.

“(4) An analysis of technology options that are available to improve the resiliency of critical infrastructure to EMP.

“(5) The restoration and recovery capabilities of critical infrastructure under differing levels of
damage and disruption from various EMP events.”;
and
(4) in section 201(d) (6 U.S.C. 121(d)), by adding at the end the following:
“(26)(A) Prepare and submit to the Committee on Homeland Security of the House of Representa-
tives and the Committee on Homeland Security and Governmental Affairs of the Senate—
“(i) a comprehensive plan to protect and prepare the critical infrastructure of the Amer-
ican homeland against EMP events, including from acts of terrorism; and
“(ii) biennial updates of such plan.
“(B) The comprehensive plan shall—
“(i) be based on findings of the research and development conducted under section 318;
“(ii) be developed in consultation with the relevant Federal sector-specific agencies (as de-
defined under Homeland Security Presidential Di-
rective–7) for critical infrastructures;
“(iii) be developed in consultation with the relevant sector coordinating councils for critical infrastructures; and
“(iv) include a classified annex.”.
(b) Clerical Amendments.—The table of contents in section 1(b) of such Act is amended—

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

"Sec. 526. National planning scenarios and education.");

and

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

"Sec. 318. EMP research and development.").

(c) Deadline for Initial Plan.—The Secretary of Homeland Security shall submit the comprehensive plan required under the amendment made by subsection (a)(4) by not later than one year after the date of the enactment of this Act.

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

(1) including EMP (as defined in the amendment made by subsection (a)(1)) threats in national planning scenarios;

(2) research and development described in the amendment made by subsection (a)(3);
(3) development of the comprehensive plan required under the amendment made by subsection (a)(4); and

(4) beginning a campaign to proactively educate emergency planners and emergency responders at all levels of government regarding the threat of EMP events.