

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

□ 1700

STRENGTHENING DOMESTIC NUCLEAR SECURITY ACT OF 2014

Mr. MEEHAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5629) to amend the Homeland Security Act of 2002 to strengthen the Domestic Nuclear Detection Office, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5629

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Strengthening Domestic Nuclear Security Act of 2014”.

SEC. 2. DOMESTIC NUCLEAR DETECTION OFFICE.

(a) IN GENERAL.—Title XIX of the Homeland Security Act of 2002 (6 U.S.C. 591 et seq.) is amended by adding at the end the following new sections:

“SEC. 1908. DOMESTIC IMPLEMENTATION OF THE GLOBAL NUCLEAR DETECTION ARCHITECTURE.

“In carrying out the mission of the Office under subparagraph (A) of section 1902(a)(4), the Director for Domestic Nuclear Detection shall provide support for planning, organization, equipment, training, exercises, and operational assessments to Federal, State, local, territorial, and tribal entities to assist in implementing radiological and nuclear detection capabilities in the event of a radiological or nuclear act of terror or other attack. Such capabilities shall be integrated into the enhanced global nuclear detection architecture referred to in such section 1902(a)(4), and shall inform and be guided by architecture studies, technology needs, and research activities of the Office.

“SEC. 1909. SECURING THE CITIES PROGRAM.

“(a) ESTABLISHMENT.—The Director for Domestic Nuclear Detection shall establish the ‘Securing the Cities’ (‘STC’) program to enhance, through Federal, State, local, tribal, and private entities, the ability of the United States to detect and prevent a radiological or nuclear act of terror or other attack in high-risk urban areas.

“(b) DESIGNATION OF JURISDICTIONS.—In designating jurisdiction under subsection (a), the Director for Domestic Nuclear Detection shall consider jurisdictions designated by the Secretary as high-risk urban areas under section 2003, and other cities and regions as appropriate, for the selection of new STC locations.

“(c) CONGRESSIONAL NOTIFICATION.—The Director for Domestic Nuclear Detection shall notify the Committee on Homeland Security and the Committee on Appropriations of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate not later than 30 days after any additions or changes to the jurisdictions participating in the STC program under this section.

“(d) GAO REPORT.—Not later than one year after the date of the enactment of this section, the Comptroller General of the United States shall submit to the congressional committees specified in subsection (c) an as-

essment, including an evaluation of the effectiveness, of the STC program.

“SEC. 1910. PROCUREMENT REFORM.

“In the event of an acquisition of a new system for a component of the Department of Homeland Security or any other Department-related or -associated end-user, the head of such component shall complete and sign a Mission Need Statement and Operational Requirements Document, in accordance with relevant Department Acquisition Management Directives.

“SEC. 1911. AUTHORIZATION OF APPROPRIATIONS.

“There is authorized to be appropriated to carry out this title \$291,000,000 for each of fiscal years 2015 and 2016.”.

(b) CLERICAL AMENDMENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by striking the item relating to section 1907 and inserting the following new items:

“Sec. 1907. Joint biennial interagency review of global nuclear detection architecture.

“Sec. 1908. Domestic implementation of the global nuclear detection architecture.

“Sec. 1909. Securing the Cities program.

“Sec. 1910. Procurement reform.

“Sec. 1911. Authorization of appropriations.”.

(c) EFFECTIVE DATE.—This Act shall take effect on the date that is 30 days after the date of the enactment of this Act.

SEC. 3. REPORTING REQUIREMENTS.

The Homeland Security Act of 2002 is amended—

(1) in section 1906 (6 U.S.C. 596), in the matter preceding paragraph (1), by striking “paragraphs (6) and (7) of”; and

(2) in section 1907 (6 U.S.C. 596a)—

(A) in the section heading, by striking “ANNUAL” and inserting “BIENNIAL”;

(B) in subsection (a)—

(i) in the heading, by striking “ANNUAL” and inserting “BIENNIAL”;

(ii) in paragraph (1)—

(I) in the matter preceding subparagraph (A), by striking “each year” and inserting “every two years”; and

(II) in subparagraph (C)—

(aa) in clauses (i) and (iii), by striking “previous year” and inserting “previous two years” each place it appears; and

(bb) in clause (ii), by striking “Annual” and inserting “Biennial”; and

(iii) in paragraph (2), by striking “each year” and inserting “every two years”; and

(C) in subsection (b)—

(i) in the heading, by striking “ANNUAL” and inserting “BIENNIAL”;

(ii) in paragraph (1), in the matter preceding subparagraph (A), by inserting “odd-numbered” before “year”; and

(iii) in paragraph (2), by striking “annual” and inserting “biennial”; and

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. MEEHAN) and the gentlewoman from New York (Ms. CLARKE) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. MEEHAN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MEEHAN. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 5629, the Strengthening Domestic Nuclear Security Act of 2014.

We know extremist groups such as al Qaeda and ISIS have shown interest in acquiring nuclear and radiological materials, and in July of this year, Islamist insurgents seized nuclear materials which were used for scientific research at Mosul University in Iraq. Fortunately, the material that was seized was not enriched to the point it could be used in weapons form, but it proves that our enemies are actively seeking materials that could be turned into a dirty bomb.

The Domestic Nuclear Detection Office is the lead agency within the United States Government for coordinating efforts to detect and intercept radiological and nuclear devices that threaten to come into the United States. DNDO coordinates these efforts through an interagency system and a collaborative framework known as the global nuclear detection architecture, which DNDO is responsible for implementing domestically.

DNDO works with other Department of Homeland Security components, including Customs and Border Protection, as well as State and local law enforcement to provide these entities with the equipment and training which is needed to interdict radiological or nuclear material before it can enter into the United States.

DNDO has had its share of struggles in the past, but over the past several years it has made significant improvements from top to bottom and today is one of the best functioning components in the Department of Homeland Security. We have done the oversight. According to an internal review that was done by the Department, this actual division has the highest morale of any department in Homeland Security. They are to be commended for their good work.

This legislation looks to build on the momentum that has been created by making modest improvements to better help DNDO carry out its mission. Specifically, H.R. 5629 strengthens DNDO's engagement with other DHS components and stakeholders and codifies acquisition procedures and guidelines to prevent the breakdowns that have occurred in the past.

Through my subcommittee's oversight, the gentlewoman from New York and I have had the ability to determine that performing the joint interagency review of the global nuclear detection architecture annually was not necessary, so H.R. 5629 also changes the review to require it every 2 years instead. DNDO has advised us that by making that small change, DHS could save up to \$800,000. I think it is important to be fiscal stewards of the dollars that are under our oversight. This accomplishes that.

This legislation also codifies and strengthens the Securing the Cities

program, a program to enhance the ability to detect and prevent radiological or nuclear attacks in high-risk U.S. cities. This program has been very successful in building up the resources of New York City and is being expanded to the national capital region and Los Angeles and Long Beach.

I urge my colleagues to support this important legislation to build on the capacity of the Department of Homeland Security to protect the homeland against such an attack.

Mr. Speaker, with that, I reserve the balance of my time.

Ms. CLARKE of New York. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 5629, the Strengthening Domestic Nuclear Security Act of 2014.

The bill under consideration today would essentially codify important existing authorities and programs within the Department of Homeland Security's Domestic Nuclear Detection Office, or DNDO as it is known.

Congress has long emphasized the need to detect and interdict smuggled nuclear radiological material before it enters the United States, funding investments in nuclear detection domestically and abroad.

Since 2001, the Department of Homeland Security has adopted a strategy of securing the border and ports through the use of radiation portal monitors and nonintrusive imaging equipment. Under the leadership of Dr. Huban Gowadia, DNDO leads the Department's efforts at developing, testing, and evaluating next-generation detection equipment.

For the record, this measure is being considered today outside regular order, without any formal legislative action taken on it in committee. Given that we are in the waning days of the 113th Congress, I support bypassing regular order so that the House is afforded the opportunity to consider this legislation. The timing is important, as the Secretary is expected to transmit to Congress analysis about how efforts at addressing chemical, biological, radiological, and nuclear threats could be streamlined as part of the "unity of effort" campaign.

I would note that in advance of the introduction of H.R. 5629, the subcommittee on which I serve as ranking member did conduct an oversight hearing in July where we received wide-ranging testimony about DNDO's programs and activities from the Department and the Government Accountability Office. Testimony from GAO underscored DNDO's historical challenges with the Advanced Spectroscopic Portal, or ASP, program.

Back in 2006, one of the urgent, initial activities of DNDO when it was stood up was the development and placement of technology to detect illicit nuclear materials and devices that could be shipped in cargo entering the United States. The plan was for advanced spectroscopic portals to be in-

stalled at all U.S. ports and selected border crossings to screen cargo shipments for nuclear materials. That acquisition turned out to be a debacle, with DNDO moving forward on acquisition decisions well before the technology had been demonstrated to live up to its promise. Those missteps cost taxpayers billions of dollars. Subsequently, the ASP program was canceled.

The current DNDO leadership and, for that matter, DHS leadership seem to have taken these tough lessons to heart and put in place some significant new processes and controls in the acquisitions process to help avoid another such debacle.

One of the important features of this bill is the authorization of the Securing the Cities program. This program represents a real success for DNDO. Under the Securing the Cities program, DNDO works with local State, city, and tribal leaders to bolster technical nuclear detection capabilities, nuclear forensic efforts, and coordination of nonconventional threats. As a New Yorker, I have special interest in this program, which has done so much to help keep my city secure from nonconventional terrorist threats.

Mr. Speaker, I want to thank the chairman for his bipartisan approach in developing this language and look forward to working with him in the future on this important program.

I would like to take a moment to acknowledge my partner on this subcommittee, the gentleman from Pennsylvania (Mr. MEEHAN). You have been a great collaborator and friend to me on this committee. Together, we have amassed a record of bipartisanship to be proud of, particularly in the area of cybersecurity. I wish you well in all of your future endeavors, and I thank you once again.

With that, Mr. Speaker, I urge support for H.R. 5629, the Strengthening Domestic Nuclear Security Act of 2014, and I yield back the balance of my time.

Mr. MEEHAN. Mr. Speaker, after my remarks, I will insert into the RECORD an exchange of letters between the Committee on Homeland Security and the Committee on Science, Space, and Technology.

Mr. Speaker, I yield myself such time as I may consume.

I want to also take a moment to thank the ranking member for her engagement and collaboration on the many issues that we had the opportunity to work on together, to share this collaboration and engagement of important matters before our Committee on Homeland Security, particularly work that we were able to do, as you have identified, on cybersecurity and, I think, also on chemical facilities and the protection which is so important to our homeland in that area as well. I have genuinely enjoyed the collaboration and look forward to hoping that we not only pass the bills that we have before this Congress, but that we

can continue to work together into the future.

I urge all Members to join me in supporting this bipartisan bill, and I yield back the balance of my time.

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY,

Washington, DC, December 1, 2014.

Hon. MICHAEL MCCAUL,
Chairman, Committee on Homeland Security,
Washington, DC.

DEAR CHAIRMAN MCCAUL: I am writing to you concerning the jurisdictional interest of the Committee on Science, Space, and Technology in H.R. 5629, the "Strengthening Domestic Nuclear Security Act." The bill contains provisions that fall within the jurisdiction of the Committee on Science, Space, and Technology.

I recognize and appreciate the desire to bring this legislation before the House of Representatives in an expeditious manner, and accordingly, I will waive further consideration of this bill in Committee, notwithstanding any provisions that fall within the jurisdiction of the Committee on Science, Space, and Technology. This waiver, of course, is conditional on our mutual understanding that agreeing to waive consideration of this bill should not be construed as waiving, reducing, or affecting the jurisdiction of the Committee on Science, Space, and Technology.

This waiver is also given with the understanding that the Committee on Science, Space, and Technology expressly reserves its authority to seek conferees on any provision within its jurisdiction during any House-Senate conference that may be convened on this, or any similar legislation. I ask for your commitment to support any request by the Committee for conferees on H.R. 5629 as well as any similar or related legislation.

I ask that a copy of this letter and your response be placed in the Congressional Record during consideration of this bill on the House floor.

Sincerely,

LAMAR SMITH,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,

Washington, DC, December 1, 2014.

Hon. LAMAR SMITH,
Chairman, Committee on Science, Space, and
Technology, Washington, DC.

DEAR CHAIRMAN SMITH: Thank you for your letter regarding H.R. 5629, the "Strengthening Domestic Nuclear Security Act." I acknowledge that by forgoing a sequential referral on this legislation, your Committee is not diminishing or altering its jurisdiction.

I also concur with you that forgoing action on this bill does not in any way prejudice the Committee on Science, Space, and Technology with respect to its jurisdictional prerogatives on this bill or similar legislation in the future, and I would support your effort to seek appointment of an appropriate number of conferees to any House-Senate conference involving this legislation.

Finally, I will include your letter and this response in the Congressional Record during consideration of this bill on the House floor. I appreciate your cooperation regarding this legislation, and I look forward to working with the Committee on Science, Space, and Technology and the bill moves through the legislative process.

Sincerely,

MICHAEL T. MCCAUL,
Chairman.

The SPEAKER pro tempore (Mr. LANKFORD). The question is on the motion offered by the gentleman from

Pennsylvania (Mr. MEEHAN) that the House suspend the rules and pass the bill, H.R. 5629, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. MEEHAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

CRITICAL INFRASTRUCTURE PROTECTION ACT

Mr. MEEHAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3410) to amend the Homeland Security Act of 2002 to secure critical infrastructure against electromagnetic pulses, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3410

Be it enacted by the Senate and House of Representatives 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) a geomagnetic disturbance 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 shall, to the extent practicable—

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

“(2) conduct outreach to 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, to the extent practicable, 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 Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate—

“(i) a recommended strategy to protect and prepare the critical infrastructure of the American homeland against EMP events, including from acts of terrorism; and

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

“(B) The recommended strategy 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 defined under Homeland Security Presidential Directive-7) for critical infrastructures;

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

“(iv) include a classified annex as needed.

“(C) The Secretary may, if appropriate, incorporate the recommended strategy into a broader recommendation developed by the Department to help protect and prepare critical infrastructure from terrorism and other threats if, as incorporated, the strategy complies with subparagraph (B).”.

(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 RECOMMENDED STRATEGY.—The Secretary of Homeland Security shall submit the recommended strategy 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) outreach to educate owners and operators of critical infrastructure, emergency planners and emergency responders at all levels of government regarding the threat of EMP events.

SEC. 3. NO REGULATORY AUTHORITY.

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

SEC. 4. NO NEW AUTHORIZATION OF APPROPRIATIONS.

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

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. MEEHAN) and the gentlewoman from New York (Ms. CLARKE) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. MEEHAN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MEEHAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 3410, the Critical Infrastructure Protection Act, or CIPA.

In 1962, the United States conducted a test named Starfish Prime, where the military detonated a 1.4-megaton thermonuclear bomb about 25 miles above Johnston Atoll in the Pacific. In space, six American, British, and Soviet satellites suffered damage, and 800 miles away in Hawaii, burglar alarms sounded, streetlights blinked out, and phones, radios, and televisions went dead. While only 1 percent of the existing streetlights were affected, it became clear that electromagnetic pulse, or EMP, could cause significant damage.

EMP is simply a burst of electromagnetic radiation that results from certain types of high-energy explosions or from a suddenly fluctuating magnetic field. An EMP can be generated by nuclear weapons from naturally occurring sources such as solar storms or specialized nonnuclear EMP weapons. An EMP event could range from a small-scale incident, with little or no permanent damage, to a large-scale event, with dire consequences. In fact, a successful large-scale EMP event could damage electrical power systems, electronics, and information systems, and these effects could cascade into other interdependent infrastructures, such as telecommunications, gas, and water.

Repeated studies, including by the Congressional EMP Commission and Lloyd's of London, have warned that the U.S. electric grid is vulnerable to damage from EMP events, that there is a significant risk, and that we need to be better prepared. H.R. 3410 takes commonsense steps to address the EMP threat. Specifically, this legislation compels the Department of Homeland Security to include EMP events in their national planning scenarios, conduct research to mitigate the consequences of an EMP event, develop a recommended strategy to protect critical infrastructure, and perform outreach to raise awareness of the threat.