

114TH CONGRESS
1ST SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

Mr. JOHNSON introduced the following bill; which was read twice and referred to the Committee on _____

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 of 2015” 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. 101 et seq.) is amended—

10 (1) in section 2 (6 U.S.C. 101)—

1 (A) by redesignating paragraphs (7)
2 through (18) as paragraphs (8) through (19),
3 respectively; and

4 (B) by inserting after paragraph (6) the
5 following:

6 “(7) EM THREAT.—The term ‘EM threat’
7 means an electromagnetic pulse caused by—

8 “(A) a nuclear device or nonnuclear device,
9 including such a pulse caused by an act of ter-
10 rorism; or

11 “(B) a geomagnetic disturbance caused by
12 solar storms or other naturally occurring phe-
13 nomena.”;

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

16 “(26)(A) Prepare and submit to the Committee
17 on Homeland Security and Governmental Affairs of
18 the Senate and the Committee on Homeland Secu-
19 rity of the House of Representatives—

20 “(i) a recommended strategy to protect
21 and prepare the critical infrastructure of the
22 American homeland against EM threats, includ-
23 ing from acts of terrorism; and

24 “(ii) not less frequently than every 2 years,
25 updates of the recommended strategy.

1 “(B) The recommended strategy under sub-
2 paragraph (A) shall—

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

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

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

12 “(iv) be submitted in unclassified form, but
13 may include a classified annex.

14 “(C) The Secretary may, if appropriate, incor-
15 porate the recommended strategy into a broader rec-
16 ommendation developed by the Department to help
17 protect and prepare critical infrastructure from ter-
18 rorism and other threats if, as incorporated, the rec-
19 ommended strategy complies with subparagraph
20 (B).”;

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

23 **“SEC. 318. EM THREAT RESEARCH AND DEVELOPMENT.**

24 “(a) IN GENERAL.—In furtherance of domestic pre-
25 paredness and response, the Secretary, acting through the

1 Under Secretary for Science and Technology, and in con-
2 sultation with other relevant executive agencies and rel-
3 evant owners and operators of critical infrastructure,
4 shall, to the extent practicable, conduct research and de-
5 velopment to mitigate the consequences of EM threats.

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

8 “(1) An objective scientific analysis of the risks
9 to critical infrastructures from a range of EM
10 threats.

11 “(2) Determination of the critical national secu-
12 rity assets and vital civic utilities and infrastructures
13 that are at risk from EM threats.

14 “(3) An evaluation of emergency planning and
15 response technologies that would address the find-
16 ings and recommendations of experts, including
17 those of the Commission to Assess the Threat to the
18 United States from Electromagnetic Pulse Attack,
19 which shall include a review of the feasibility of—

20 “(A) rapidly isolating 1 or more portions
21 of the electrical grid from the main electrical
22 grid; and

23 “(B) training utility and transmission op-
24 erators to deactivate transmission lines within
25 seconds of an event constituting an EM threat.

1 “(4) An analysis of technology options that are
 2 available to improve the resiliency of critical infra-
 3 structure to EM threats, which shall include an
 4 analysis of neutral current blocking devices that may
 5 protect high-voltage transmission lines.

6 “(5) The restoration and recovery capabilities
 7 of critical infrastructure under differing levels of
 8 damage and disruption from various EM threats.

9 “(6) An analysis of the feasibility of a real-time
 10 alert system to inform electric grid operators and
 11 other stakeholders within milliseconds of a high-alti-
 12 tude nuclear explosion.”; and

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

15 **“SEC. 526. NATIONAL PLANNING FRAMEWORKS AND EDU-
 16 CATION.**

17 “The Secretary, acting through the Under Secretary
 18 for the National Protection and Programs Directorate,
 19 shall, to the extent practicable—

20 “(1) include EM threats in national planning
 21 frameworks; and

22 “(2) conduct outreach to educate owners and
 23 operators of critical infrastructure, emergency plan-
 24 ners, and emergency response providers at all levels
 25 of government regarding EM threats.”.

1 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

2 (1) The table of contents in section 1(b) of the
3 Homeland Security Act of 2002 is amended—

4 (A) by inserting after the item relating to
5 section 317 the following:

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

6 (B) by inserting after the item relating to
7 section 525 the following:

“Sec. 526. National planning frameworks and education.”.

8 (2) Section 501(13) of the Homeland Security
9 Act of 2002 (6 U.S.C. 311(13)) is amended by strik-
10 ing “section 101(11)(B)” and inserting “section
11 101(12)(B)”.

12 (3) Section 712(a) of title 14, United States
13 Code, is amended by striking “section 2(16) of the
14 Homeland Security Act of 2002 (6 U.S.C. 101(16))”
15 and inserting “section 2 of the Homeland Security
16 Act of 2002 (6 U.S.C. 101)”.

17 (c) DEADLINE FOR INITIAL RECOMMENDED STRAT-
18 EGY.—Not later than 1 year after the date of enactment
19 of this Act, the Secretary of Homeland Security shall sub-
20 mit the recommended strategy required under paragraph
21 (26) of section 201(d) of the Homeland Security Act of
22 2002 (6 U.S.C. 121(d)), as added by this Act.

23 (d) REPORT.—Not later than 180 days after the date
24 of enactment of this Act, the Secretary of Homeland Secu-

1 rity shall submit to Congress a report describing the
2 progress made in, and an estimated date by which the De-
3 partment of Homeland Security will have completed—

4 (1) including EM threats (as defined in section
5 2 of the Homeland Security Act of 2002, as amend-
6 ed by this Act) in national planning frameworks;

7 (2) research and development described in sec-
8 tion 318 of the Homeland Security Act of 2002, as
9 added by this Act;

10 (3) development of the recommended strategy
11 required under paragraph (26) of section 201(d) of
12 the Homeland Security Act of 2002 (6 U.S.C.
13 121(d)), as added by this Act; and

14 (4) beginning to conduct outreach to educate
15 emergency planners and emergency response pro-
16 viders at all levels of government regarding EM
17 threat events.

18 **SEC. 3. NO REGULATORY AUTHORITY.**

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

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

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