

Congressional Record 113th Congress (2013-2014)

<i>THIS SEARCH</i>	<i>THIS DOCUMENT</i>	<i>THIS CR ISSUE</i>	<i>GO TO</i>
Next Hit	Forward	Next Document	New CR Search
Prev Hit	Back	Prev Document	HomePage
Hit List	Best Sections	Daily Digest	Help
	Contents Display		

CRITICAL INFRASTRUCTURE PROTECTION ACT -- (House of Representatives - December 01, 2014)

[Page: H8194] [GPO's PDF](#)

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.

[Page: H8195] [GPO's PDF](#)

I urge my colleagues to support [H.R.3410](#), and I reserve the balance of my time.

[Time: 17:15]

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

Mr. Speaker, I rise in support of [H.R.3410](#) , the Critical Infrastructure Protection Act, of which I am a cosponsor.

Mr. Speaker, recently, there has been increased interest in bolstering the resilience of our Nation's electrical power distribution and delivery system. In particular, there is growing interest in looking at the damage that could naturally occur to that system through powerful weather storms and geomagnetic disturbances, as well as through intentional and malicious physical and cyber attacks.

Earlier this Congress, the House approved legislation authored by my committee colleague and neighbor, Mr. *Payne*, to broadly research the threats to our electric grid. Today, we have an opportunity to foster progress on low-probability but high-consequence threats to the grid: electromagnetic pulse, or EMP, and geomagnetic disturbances, or GMD.

Today, our Nation's power system operates at such a high level of reliability that any major outage, either caused by heavy weather storms, operational errors, or sabotage, makes headlines. Our transmission system is the most complex and extensive of any system on the globe, consisting mainly of transformers, switches, transmission towers and lines, control centers, and computer controls.

The main risk for weather-related damage or a terrorist attack is a widespread power outage that lasts for an extended period of time. The damage that such an outage could have to the welfare of our citizens and economy is hard to measure, but it would certainly be very significant.

With that in mind, [H.R.3410](#) seeks to gain ground against this homeland security challenge. It does so by directing the Department of Homeland Security to include EMP and GMD in national planning scenarios; conduct outreach to critical infrastructure owners and operators, emergency planners, and emergency responders on the threats posed; conduct targeted research; and develop a strategy for addressing the threats.

I am disappointed that the bill provides no new resources to the Department to carry out these activities, but I am appreciative of the majority's willingness to work with me to refine the language to provide needed flexibility to the Department in how it carries out these activities.

That said, since [H.R.3410](#) had to bypass regular order to be considered here today, we did not have the time to include some small but key refinements. Specifically, the definitions in this bill for electromagnetic pulse, or EMP, and geomagnetic, or GMD, would benefit from further fine-tuning down the line so risk of these two distinct events being conflated is avoided.

An EMP is an electromagnetic pulse caused by intentional means, such as an act of war or terrorism. A GMD is a geomagnetic disturbance caused by solar storms or other naturally occurring phenomena. While some have gotten in the habit of calling them both EMPs, they are not the same, thus requiring differing mitigation and resiliency responses.

Like my colleagues Mr. *Meehan* and Mr. *Franks*, I am very concerned about the potential impact and the types of threats posed by EMPs and GMDs. However, I think we should take care to make clear the distinct differences between the two.

We also know that public-private partnerships are essential to addressing the challenge of fully understanding the threats caused by EMPs and GMDs, especially because the overwhelming majority of our electric grid is privately held by large investor-owned utilities, or is part of the

rural electric cooperatives systems or members of the American Public Power network that represents not-for-profit, community-owned electric utilities.

I would note that the Department currently has a variety of planning efforts for solar weather geomagnetic disturbance events and other electromagnetic pulse damage under its all-hazards risk planning, including research on technologies to improve resiliency in the electric grid sector.

Additionally, the Department's science and technology directorate has cosponsored with private utilities an exercise in a fast-turnaround transformer replacement project. This effort is known as the Recovery Transformer Project, and it hopes to increase the resiliency of the transmission power grid through the use of more mobile and modular transformers.

Again, I want to thank Chairman *McCaul* and Chairman *Meehan* for working with me. I also thank Representative *Franks*, who has been a tireless and relentless proponent of this legislative measure to protect our Nation's electrical infrastructure. He is internationally known for his unwavering pursuit of this critical concern, and over the past few years has been viewed as a go-to legislator on protecting our Nation's infrastructure. It has been a real pleasure to engage in a moment of bipartisan interaction, particularly on a matter of such great import nationally and internationally, and I thank the gentleman.

As we enter the waning days of the 113th Congress, I sincerely hope this measure gets enacted into law. But in the event that it does not, I look forward to working with the majority on advancing this bill through regular order next Congress to ensure a more robust examination of the bill's impact on the Department and on industry.

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

Mr. MEEHAN. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Arizona (Mr. *Franks*), the sponsor of this legislation.

Mr. FRANKS of Arizona. Mr. Speaker, I want to thank Chairman *Mike McCaul*, Subcommittee Chairman *Pat Meehan*, and, of course, Ranking Member *Yvette Clarke* for their principled and unwavering leadership in bringing this legislation to the floor. I was touched by the gentle lady's words as well. I would also especially like to personally thank Chairman *Pete Sessions*, the sole original cosponsor of this bill, for being a tireless champion of protecting our Nation's critical infrastructure against EMP.

Mr. Speaker, back in August of 2003, a large section of our electric grid was knocked out across the Eastern United States. Fifty million people were affected after 21 power plants shut down in just 3 minutes. Office workers streamed into parking lots, and many commuters were stranded inside their trains. In a matter of moments, those things that make up our critical infrastructure, from the electric grid to water pumps to cell phone service to computer systems, were disrupted. Life suddenly changed that day in New York, Mr. Speaker, as well as in Cleveland, Detroit, and all the way into Canada. In New York City alone, this short blackout was estimated to cost more than a half-billion dollars.

Mr. Speaker, a worst-case natural or manmade electromagnetic pulse--EMP--event represents a dangerous threat that could have a prolonged catastrophic impact on our electric grid--our most critical and our most interdependent infrastructure.

There are at least 11 major government reports and studies describing our vulnerabilities to electromagnetic

pulses. Our Defense Department has wisely hardened many of our most critical defense assets like our strategic nuclear triad and our missile defense systems. However, our civilian grid remains fundamentally unprotected against severe EMP.

Whether catalyzed by non-nuclear intentional electromagnetic interference, a major solar storm, or a high-altitude nuclear blast, EMP is an invisible force of ionized particles with the potential to overwhelm and destroy our present electrical power grids, which would profoundly impact our civilization.

The National Intelligence University of the United States recently translated an Iranian military doctrine called "Passive Defense" which referenced the use of nuclear EMP as a weapon more than 20 times. This doctrine stresses that electrical grids are vital to national existence. It includes a formula for calculating the value of electric power plants and for prioritizing the targeting of electric grid components and other infrastructures.

Mr. Speaker, we know all too well the Obama administration has just extended talks with the world's leading

[Page: H8196] [GPO's PDF](#)

state sponsor of terrorism, allowing them even more time in their inexorable march toward a nuclear weapons capability.

After the terrorist attacks on 9/11, the Department of Homeland Security was founded. It created a Presidentially-appointed position for an Assistant Secretary for Infrastructure Protection. Among the Assistant Secretary's main duties is the responsibility to "develop a comprehensive national plan for securing the key resources and critical infrastructure of the United States, including power production, generation, and distribution systems."

Yet 12 years later, Mr. Speaker, no such plan is in place, and our Nation's critical infrastructure, including those key resources like power production, generation, and distribution systems, are still vulnerable to large-scale blackouts from severe electromagnetic pulse and geomagnetic disturbances.

For all of these reasons, Mr. Speaker, we are here this night to pass the Critical Infrastructure Protection Act, which, if signed into law, will represent the first time in history that Congress will be specifically addressing this dangerous threat of electromagnetic pulse. This legislation will enhance the DHS threat assessments for EMP through research and reporting requirements. It will also help the United States prevent and prepare for such an event by including large-scale blackouts into existing national planning scenarios, including educational awareness for the first responders, all to protect the critical infrastructure. Most importantly, Mr. Speaker, it will require specific plans for protecting and recovering the electric grid and other critical infrastructure from a dangerous electromagnetic pulse event.

Mr. Speaker, there is a moment in the life of nearly every problem when it is big enough to be seen by reasonable people and still small enough to be addressed. Those of us in this Chamber, and across America, live in a time where there still may be opportunity for the free world to address and mitigate the vulnerability that naturally occurring or weaponized EMP represents to the mechanisms of our civilization. This is our moment.

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

Mr. Speaker, while the threat of an EMP or GMD event is real, I believe we need to use fully informed risk-based, scientific, and, frankly, commonsense plans and exercises to give us a clearer picture of how to prevent and respond in the event of an EMP or GMD incident.

This bill will give Congress a more complete understanding of preparedness, response, and recovery activities related to any type of EMP or geomagnetic disturbance incident, and could provide a thoughtful background that can assist the Nation's response and resiliency if high-impact, grid-related events do occur.

With that, I urge Members to support [H.R.3410](#), the Critical Infrastructure Protection Act, and I yield back the balance of my time.

Mr. MEEHAN. Mr. Speaker, I will include in the *Record* a letter exchange between the Committee on Homeland Security and the Committee on Science, Space, and Technology.

Mr. Speaker, I want to conclude my remarks by once again thanking the gentlewoman from New York for all of her bipartisan work on the important matters before this committee, and I urge all Members to join me in supporting this bipartisan bill.

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.3410](#), the "Critical Infrastructure Protection 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.3410](#) 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.

<i>THIS SEARCH</i>	<i>THIS DOCUMENT</i>	<i>THIS CR ISSUE</i>	<i>GO TO</i>
Next Hit	Forward	Next Document	New CR Search
Prev Hit	Back	Prev Document	HomePage
Hit List	Best Sections	Daily Digest	Help
		Contents Display	

Stay Connected with the Library [All ways to connect »](#)

Find us on



Subscribe & Comment

- [RSS & E-Mail](#)
- [Blogs](#)

Download & Play

- [Podcasts](#)
- [Webcasts](#)
- [iTunes U](#)

[About](#) | [Press](#) | [Site Map](#) | [Contact](#) | [Accessibility](#) | [Legal](#) | [External Link Disclaimer](#) | [USA.gov](#)Speech Enabled 