

AMENDMENT TO RULES COMMITTEE PRINT 116-

19

OFFERED BY MR. LAMBORN OF COLORADO

1 At the end of subtitle C of title XVI, add the fol-
2 lowing:

3 **SEC. 16___. ELECTROMAGNETIC PULSES AND GEO-**
4 **MAGNETIC DISTURBANCES.**

5 (a) DEFINITIONS.—In this section—

6 (1) the term “appropriate congressional com-
7 mittees” has the meaning given that term in sub-
8 section (d) of section 320 of the Homeland Security
9 Act of 2002, as added by subsection (b) of this sec-
10 tion; and

11 (2) the terms “critical infrastructure”, “EMP”,
12 and “GMD” have the meanings given such terms in
13 section 2 of the Homeland Security Act of 2002 (6
14 U.S.C. 101).

15 (b) HOMELAND SECURITY.—Section 320 of the
16 Homeland Security Act of 2002 (6 U.S.C. 195f) is amend-
17 ed—

18 (1) in the section heading, by inserting “**AND**
19 **THREAT ASSESSMENT, RESPONSE, AND RECOV-**
20 **ERY**” after “**DEVELOPMENT**”; and

1 (2) by adding at the end the following:

2 “(d) THREAT ASSESSMENT, RESPONSE, AND RECOV-
3 ERY.—

4 “(1) DEFINITIONS.—In this subsection—

5 “(A) the term ‘appropriate congressional
6 committees’ means—

7 “(i) the Committee on Homeland Se-
8 curity and Governmental Affairs, the Com-
9 mittee on Armed Services, the Committee
10 on Energy and Natural Resources, and the
11 Committee on Commerce, Science, and
12 Transportation of the Senate; and

13 “(ii) the Committee on Homeland Se-
14 curity, the Committee on Armed Services,
15 and the Committee on Energy and Com-
16 merce of the House of Representatives;

17 “(B) the terms ‘prepare’ and ‘prepared-
18 ness’ mean the actions taken to plan, organize,
19 equip, train, and exercise to build and sustain
20 the capabilities necessary to prevent, protect
21 against, mitigate the effects of, respond to, and
22 recover from those threats that pose the great-
23 est risk to the security of the homeland, includ-
24 ing the prediction and notification of impending
25 EMPs and GMDs; and

1 “(C) the term ‘Sector-Specific Agency’ has
2 the meaning given that term in section 2201.

3 “(2) ROLES AND RESPONSIBILITIES.—

4 “(A) DISTRIBUTION OF INFORMATION.—

5 “(i) IN GENERAL.—Beginning not
6 later than June 19, 2020, the Secretary
7 shall provide timely distribution of infor-
8 mation on EMPs and GMDs to Federal,
9 State, and local governments, owners and
10 operators of critical infrastructure, and
11 other persons determined appropriate by
12 the Secretary.

13 “(ii) BRIEFING.—The Secretary shall
14 brief the appropriate congressional com-
15 mittees on the effectiveness of the distribu-
16 tion of information under clause (i).

17 “(B) RESPONSE AND RECOVERY.—

18 “(i) IN GENERAL.—The Secretary
19 shall—

20 “(I) coordinate the response to
21 and recovery from the effects of
22 EMPs and GMDs on critical infra-
23 structure, in coordination with the
24 heads of appropriate Sector-Specific
25 Agencies, and on matters related to

1 the bulk power system, in consultation
2 with the Secretary of Energy and the
3 Federal Energy Regulatory Commis-
4 sion; and

5 “(II) incorporate events that in-
6 clude EMPs and extreme GMDs as a
7 factor in preparedness scenarios and
8 exercises.

9 “(ii) IMPLEMENTATION.—The Sec-
10 retary and the Administrator of the Fed-
11 eral Emergency Management Agency, and
12 on matters related to the bulk power sys-
13 tem, the Secretary of Energy and the Fed-
14 eral Energy Regulatory Commission,
15 shall—

16 “(I) not later than June 19,
17 2020, develop plans and procedures to
18 coordinate the response to and recov-
19 ery from EMP and GMD events; and

20 “(II) not later than December
21 21, 2020, conduct a national exercise
22 to test the preparedness and response
23 of the Nation to the effect of an EMP
24 or extreme GMD event.

25 “(C) RESEARCH AND DEVELOPMENT.—

1 “(i) IN GENERAL.—The Secretary, in
2 coordination with the heads of relevant
3 Sector-Specific Agencies, shall—

4 “(I) without duplication of exist-
5 ing or ongoing efforts, conduct re-
6 search and development to better un-
7 derstand and more effectively model
8 the effects of EMPs and GMDs on
9 critical infrastructure (which shall not
10 include any system or infrastructure
11 of the Department of Defense or any
12 system or infrastructure of the De-
13 partment of Energy associated with
14 nuclear weapons activities); and

15 “(II) develop technologies to en-
16 hance the resilience of and better pro-
17 tect critical infrastructure.

18 “(ii) PLAN.—Not later than March
19 26, 2020, and in coordination with the
20 heads of relevant Sector-Specific Agencies,
21 the Secretary shall submit to the appro-
22 priate congressional committees a research
23 and development action plan to rapidly ad-
24 dress modeling shortfall and technology de-
25 velopment.

1 “(D) EMERGENCY INFORMATION SYS-
2 TEM.—

3 “(i) IN GENERAL.—The Secretary, in
4 coordination with relevant stakeholders,
5 shall implement a network of systems that
6 are capable of providing appropriate emer-
7 gency information to the public before (if
8 possible), during, and in the aftermath of
9 an EMP or GMD.

10 “(ii) BRIEFING.—Not later than De-
11 cember 21, 2020, the Secretary, in coordi-
12 nation with the Administrator of the Fed-
13 eral Emergency Management Agency, shall
14 brief the appropriate congressional com-
15 mittees regarding the system required
16 under clause (i).

17 “(E) QUADRENNIAL RISK ASSESSMENTS.—

18 “(i) IN GENERAL.—The Secretary, in
19 coordination with the Secretary of Defense,
20 the Secretary of Energy, and the Secretary
21 of Commerce, and informed by intelligence-
22 based threat assessments, shall conduct a
23 quadrennial EMP and GMD risk assess-
24 ment.

1 “(ii) BRIEFINGS.—Not later than
2 March 26, 2020, and every 4 years there-
3 after until 2032, the Secretary, the Sec-
4 retary of Defense, the Secretary of Energy,
5 and the Secretary of Commerce shall pro-
6 vide a briefing to the appropriate congres-
7 sional committees regarding the quadren-
8 nial EMP and GMD risk assessment.

9 “(iii) ENHANCING RESILIENCE.—The
10 Secretary, in coordination with the Sec-
11 retary of Defense, the Secretary of Energy,
12 the Secretary of Commerce, and the heads
13 of other relevant Sector-Specific Agencies,
14 shall use the results of the quadrennial
15 EMP and GMD risk assessments to better
16 understand and to improve resilience to the
17 effects of EMPs and GMDs across all crit-
18 ical infrastructure sectors, including co-
19 ordinating the prioritization of critical in-
20 frastructure at greatest risk to the effects
21 of EMPs and GMDs.

22 “(3) COORDINATION.—

23 “(A) REPORT ON TECHNOLOGICAL OP-
24 TIONS.—Not later than December 21, 2020,
25 and every 4 years thereafter until 2032, the

1 Secretary, in coordination with the Secretary of
2 Defense, the Secretary of Energy, the heads of
3 other appropriate agencies, and, as appropriate,
4 private-sector partners, shall submit to the ap-
5 propriate congressional committees, a report
6 that—

7 “(i) assesses the technological options
8 available to improve the resilience of crit-
9 ical infrastructure to the effects of EMPs
10 and GMDs; and

11 “(ii) identifies gaps in available tech-
12 nologies and opportunities for technological
13 developments to inform research and devel-
14 opment activities.

15 “(B) TEST DATA.—

16 “(i) IN GENERAL.—Not later than
17 December 20, 2020, the Secretary, in co-
18 ordination with the heads of Sector-Spe-
19 cific Agencies, the Secretary of Defense,
20 and the Secretary of Energy, shall—

21 “(I) review test data regarding
22 the effects of EMPs and GMDs on
23 critical infrastructure systems, net-
24 works, and assets representative of
25 those throughout the Nation; and

1 “(II) identify any gaps in the test
2 data.

3 “(ii) PLAN.—Not later than 180 days
4 after identifying gaps in test data under
5 clause (i), the Secretary, in coordination
6 with the heads of Sector-Specific Agencies
7 and in consultation with the Secretary of
8 Defense and the Secretary of Energy, shall
9 use the sector partnership structure identi-
10 fied in the National Infrastructure Protec-
11 tion Plan to develop an integrated cross-
12 sector plan to address the identified gaps.

13 “(iii) IMPLEMENTATION.—The heads
14 of each agency identified in the plan devel-
15 oped under clause (ii) shall implement the
16 plan in collaboration with the voluntary ef-
17 forts of the private sector, as appropriate.

18 “(e) RULE OF CONSTRUCTION.—Nothing in this sec-
19 tion may be construed to affect in any manner the author-
20 ity, existing on the day before the date of enactment of
21 this subsection, of any other component of the Department
22 or any other Federal department or agency, including the
23 authority provided to the Sector-Specific Agency specified
24 in section 61003(c) of division F of the Fixing America’s
25 Surface Transportation Act (6 U.S.C. 121 note), including

1 the authority under section 215 of the Federal Power Act
2 (16 U.S.C. 824o), and including the authority of inde-
3 pendent agencies to be independent.”.

4 (c) NATIONAL ESSENTIAL FUNCTIONS.—

5 (1) DEFINITION.—In this subsection, the term
6 “national essential functions” means the overarching
7 responsibilities of the Federal Government to lead
8 and sustain the Nation before, during, and in the
9 aftermath of a catastrophic emergency, such as an
10 EMP or GMD that adversely affects the perform-
11 ance of the Federal Government.

12 (2) UPDATED OPERATIONAL PLANS.—Not later
13 than March 20, 2020, each agency that supports a
14 national essential function shall prepare updated
15 operational plans documenting the procedures and
16 responsibilities of the agency relating to preparing
17 for, protecting against, and mitigating the effects of
18 EMPs and GMDs.

19 (d) BENCHMARKS.—Not later than March 26, 2020,
20 and as appropriate thereafter, the Secretary of Energy,
21 in consultation with the Secretary of Defense, the Sec-
22 retary of Homeland Security, and, as appropriate, the pri-
23 vate sector, may develop or update, as necessary, quan-
24 titative and voluntary benchmarks that sufficiently de-
25 scribe the physical characteristics of EMPs, including

1 waveform and intensity, in a form that is useful to and
2 can be shared with owners and operators of critical infra-
3 structure. Nothing in this subsection shall affect the au-
4 thority of the Electric Reliability Organization to develop
5 and enforce, or the authority of the Federal Energy Regu-
6 latory Commission to approve, reliability standards.

7 (e) PILOT TEST BY DHS TO EVALUATE ENGINEER-
8 ING APPROACHES.—

9 (1) IN GENERAL.—Not later than September
10 22, 2020, the Secretary of Homeland Security, in
11 coordination with the Secretary of Defense and the
12 Secretary of Energy, and in consultation with the
13 private sector, as appropriate, shall develop and im-
14 plement a pilot test to evaluate available engineering
15 approaches for mitigating the effects of EMPs and
16 GMDs on the most vulnerable critical infrastructure
17 systems, networks, and assets.

18 (2) BRIEFING.—Not later than 90 days after
19 the date on which the pilot test described in para-
20 graph (1) is completed, the Secretary of Homeland
21 Security, in coordination with the Secretary of De-
22 fense and the Secretary of Energy, shall jointly brief
23 the appropriate congressional committees on the cost
24 and effectiveness of the evaluated approaches.

1 (f) PILOT TEST BY DOD TO EVALUATE ENGINEER-
2 ING APPROACHES.—

3 (1) IN GENERAL.—Not later than September
4 22, 2020, the Secretary of Defense, in consultation
5 with the Secretary of Homeland Security and the
6 Secretary of Energy, shall conduct a pilot test to
7 evaluate engineering approaches for hardening a
8 strategic military installation, including infrastruc-
9 ture that is critical to supporting that installation,
10 against the effects of EMPs and GMDs.

11 (2) REPORT.—Not later than 180 days after
12 completing the pilot test described in paragraph (1),
13 the Secretary of Defense shall submit to the appro-
14 priate congressional committees a report regarding
15 the cost and effectiveness of the evaluated ap-
16 proaches.

17 (g) COMMUNICATIONS OPERATIONAL PLANS.—Not
18 later than December 21, 2020, the Secretary of Homeland
19 Security, after holding a series of joint meetings with the
20 Secretary of Defense, the Secretary of Commerce, the
21 Federal Communications Commission, and the Secretary
22 of Transportation shall submit to the appropriate congres-
23 sional committees a report—

24 (1) assessing the effects of EMPs and GMDs
25 on critical communications infrastructure; and

1 (2) recommending any necessary changes to
2 operational plans to enhance national response and
3 recovery efforts after an EMP or GMD.

4 (h) **TECHNICAL AND CONFORMING AMENDMENT.**—

5 The table of sections in section 1(b) of the Homeland Se-
6 curity Act of 2002 is amended by striking the item relat-
7 ing to section 320 and inserting the following:

 “Sec. 320. EMP and GMD mitigation research and development and threat as-
 sessment, response, and recovery.”.

