

1 **SEC. 1913. EMP AND GMD PLANNING, RESEARCH AND DE-**  
2 **VELOPMENT, AND PROTECTION AND PRE-**  
3 **PAREDNESS.**

4 (a) **IN GENERAL.**—The Homeland Security Act of  
5 2002 (6 U.S.C. 101 et seq.) is amended—

6 (1) in section 2 (6 U.S.C. 101)—

7 (A) by redesignating paragraphs (9)  
8 through (18) as paragraphs (11) through (20),  
9 respectively;

10 (B) by redesignating paragraphs (7) and  
11 (8) as paragraphs (8) and (9), respectively;

12 (C) by inserting after paragraph (6) the  
13 following new paragraph:

14 “(7) The term ‘EMP’ means an electromagnetic  
15 pulse caused by a nuclear device or nonnuclear de-  
16 vice, including such a pulse caused by an act of ter-  
17 rorism.”; and

18 (D) by inserting after paragraph (9), as so  
19 redesignated, the following new paragraph:

20 “(10) The term ‘GMD’ means a geomagnetic  
21 disturbance caused by a solar storm or another nat-  
22 urally occurring phenomenon.”;

23 (2) in subsection (d) of section 201 (6 U.S.C.  
24 121), by adding at the end the following new para-  
25 graph:

1           “(26)(A) Not later than six months after the  
2           date of the enactment of this paragraph, to conduct  
3           an intelligence-based review and comparison of the  
4           risks and consequences of EMP and GMD facing  
5           critical infrastructure, and submit to the Committee  
6           on Homeland Security and the Permanent Select  
7           Committee on Intelligence of the House of Rep-  
8           resentatives and the Committee on Homeland Secu-  
9           rity and Governmental Affairs and the Select Com-  
10          mittee on Intelligence of the Senate—

11                   “(i) a recommended strategy to pro-  
12                   tect and prepare the critical infrastructure  
13                   of the homeland against threats of EMP  
14                   and GMD; and

15                   “(ii) not less frequently than every  
16                   two years thereafter for the next six years,  
17                   updates of the recommended strategy.

18           “(B) The recommended strategy under  
19           subparagraph (A) shall—

20                   “(i) be based on findings of the re-  
21                   search and development conducted under  
22                   section 319;

23                   “(ii) be developed in consultation with  
24                   the relevant Federal sector-specific agen-

1           cies (as defined under Presidential Policy  
2           Directive-21) for critical infrastructure;

3           “(iii) be developed in consultation  
4           with the relevant sector coordinating coun-  
5           cils for critical infrastructure;

6           “(iv) be informed, to the extent prac-  
7           ticable, by the findings of the intelligence-  
8           based review and comparison of the risks  
9           and consequences of EMP and GMD fac-  
10          ing critical infrastructure conducted under  
11          subparagraph (A); and

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

14          “(C) The Secretary may, if appropriate, in-  
15          corporate the recommended strategy into a  
16          broader recommendation developed by the De-  
17          partment to help protect and prepare critical in-  
18          frastructure from terrorism, cyber attacks, and  
19          other threats if, as incorporated, the rec-  
20          ommended strategy complies with subparagraph  
21          (B).”;

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

1 **“SEC. 319. EMP AND GMD MITIGATION RESEARCH AND DE-**  
2 **VELOPMENT.**

3 “(a) IN GENERAL.—In furtherance of domestic pre-  
4 paredness and response, the Secretary, acting through the  
5 Under Secretary for Science and Technology, and in con-  
6 sultation with other relevant executive agencies, relevant  
7 State, local, and tribal governments, and relevant owners  
8 and operators of critical infrastructure, shall, to the extent  
9 practicable, conduct research and development to mitigate  
10 the consequences of threats of EMP and GMD.

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

13 “(1) An objective scientific analysis—

14 “(A) evaluating the risks to critical infra-  
15 structure from a range of threats of EMP and  
16 GMD; and

17 “(B) which shall—

18 “(i) be conducted in conjunction with  
19 the Office of Intelligence and Analysis; and

20 “(ii) include a review and comparison  
21 of the range of threats and hazards facing  
22 critical infrastructure of the electrical grid.

23 “(2) Determination of the critical utilities and  
24 national security assets and infrastructure that are  
25 at risk from threats of EMP and GMD.

1           “(3) An evaluation of emergency planning and  
2 response technologies that would address the find-  
3 ings and recommendations of experts, including  
4 those of the Commission to Assess the Threat to the  
5 United States from Electromagnetic Pulse Attack,  
6 which shall include a review of the feasibility of rap-  
7 idly isolating one or more portions of the electrical  
8 grid from the main electrical grid.

9           “(4) An analysis of technology options that are  
10 available to improve the resiliency of critical infra-  
11 structure to threats of EMP and GMD, including an  
12 analysis of neutral current blocking devices that may  
13 protect high-voltage transmission lines.

14           “(5) The restoration and recovery capabilities  
15 of critical infrastructure under differing levels of  
16 damage and disruption from various threats of EMP  
17 and GMD, as informed by the objective scientific  
18 analysis conducted under paragraph (1).

19           “(6) An analysis of the feasibility of a real-time  
20 alert system to inform electrical grid operators and  
21 other stakeholders within milliseconds of a high-alti-  
22 tude nuclear explosion.

23           “(c) EXEMPTION FROM DISCLOSURE.—

24           “(1) INFORMATION SHARED WITH THE FED-  
25 ERAL GOVERNMENT.—Section 214, and any regula-

1 tions issued pursuant to such section, shall apply to  
2 any information shared with the Federal Govern-  
3 ment under this section.

4 “(2) INFORMATION SHARED BY THE FEDERAL  
5 GOVERNMENT.—Information shared by the Federal  
6 Government with a State, local, or tribal government  
7 under this section shall be exempt from disclosure  
8 under any provision of State, local, or tribal freedom  
9 of information law, open government law, open  
10 meetings law, open records law, sunshine law, or  
11 similar law requiring the disclosure of information or  
12 records.”; and

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

15 **“SEC. 527. NATIONAL PLANNING AND EDUCATION.**

16 “The Secretary shall, to the extent practicable—

17 “(1) include in national planning frameworks  
18 the threat of an EMP or GMD event; and

19 “(2) conduct outreach to educate owners and  
20 operators of critical infrastructure, emergency plan-  
21 ners, and emergency response providers at all levels  
22 of government regarding threats of EMP and  
23 GMD.”.

24 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

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

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

“Sec. 319. EMP and GMD mitigation research and development.”; and

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

“Sec. 526. Integrated Public Alert and Warning System modernization.

“Sec. 527. National planning and education.”.

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

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

16          (e) DEADLINE FOR INITIAL RECOMMENDED STRAT-  
17          EGY.—Not later than one year after the date of the enact-  
18          ment of this section, the Secretary of Homeland Security  
19          shall submit the recommended strategy required under  
20          paragraph (26) of section 201(d) of the Homeland Secu-  
21          rity Act of 2002 (6 U.S.C. 121(d)), as added by this sec-  
22          tion.

1 (d) REPORT.—Not later than 180 days after the date  
2 of the enactment of this section, the Secretary of Home-  
3 land Security shall submit to Congress a report describing  
4 the progress made in, and an estimated date by which the  
5 Department of Homeland Security will have completed—

6 (1) including threats of EMP and GMD (as  
7 those terms are defined in section 2 of the Home-  
8 land Security Act of 2002, as amended by this sec-  
9 tion) in national planning, as described in section  
10 527 of the Homeland Security Act of 2002, as  
11 added by this section;

12 (2) research and development described in sec-  
13 tion 319 of the Homeland Security Act of 2002, as  
14 added by this section;

15 (3) development of the recommended strategy  
16 required under paragraph (26) of section 201(d) of  
17 the Homeland Security Act of 2002 (6 U.S.C.  
18 121(d)), as added by this section; and

19 (4) beginning to conduct outreach to educate  
20 emergency planners and emergency response pro-  
21 viders at all levels of government regarding threats  
22 of EMP and GMD events.

23 (e) NO REGULATORY AUTHORITY.—Nothing in this  
24 section, including the amendments made by this section,  
25 shall be construed to grant any regulatory authority.



1 (f) NO NEW AUTHORIZATION OF APPROPRIA-  
2 TIONS.—This section, including the amendments made by  
3 this section, may be carried out only by using funds appro-  
4 priated under the authority of other laws.

5 **DIVISION B—MILITARY CON-**  
6 **STRUCTION AUTHORIZA-**  
7 **TIONS**

8 **SEC. 2001. SHORT TITLE.**

9 This division may be cited as the “Military Construc-  
10 tion Authorization Act for Fiscal Year 2017”.

11 **SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND**  
12 **AMOUNTS REQUIRED TO BE SPECIFIED BY**  
13 **LAW.**

14 (a) EXPIRATION OF AUTHORIZATIONS AFTER THREE  
15 YEARS.—Except as provided in subsection (b), all author-  
16 izations contained in titles XXI through XXVII and title  
17 XXIX for military construction projects, land acquisition,  
18 family housing projects and facilities, and contributions to  
19 the North Atlantic Treaty Organization Security Invest-  
20 ment Program (and authorizations of appropriations  
21 therefor) shall expire on the later of—

22 (1) October 1, 2019; or

23 (2) the date of the enactment of an Act author-  
24 izing funds for military construction for fiscal year  
25 2020.