

Calendar No. 652

117TH CONGRESS
2^D SESSION**S. 1350****[Report No. 117–261]**

To require the Secretary of Homeland Security to establish a national risk management cycle, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 22, 2021

Ms. HASSAN (for herself and Mr. SASSE) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

DECEMBER 15, 2022

Reported by Mr. PETERS, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To require the Secretary of Homeland Security to establish a national risk management cycle, 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 “National Risk Manage-
5 ment Act of 2021”.

1 **SEC. 2. NATIONAL RISK MANAGEMENT CYCLE.**

2 (a) IN GENERAL.—Subtitle A of title XXII of the
3 Homeland Security Act of 2002 (6 U.S.C. 651 et seq.),
4 is amended by adding at the end the following:

5 **“SEC. 2218. NATIONAL RISK MANAGEMENT CYCLE.**

6 **“(a) DEFINITIONS.—**In this section:

7 **“(1) CRITICAL INFRASTRUCTURE.—**The term
8 ‘critical infrastructure’ has the meaning given the
9 term in section 1016(c) of the Critical Infrastruc-
10 tures Protection Act of 2001 (42 U.S.C. 5195e(e)).

11 **“(2) NATIONAL CRITICAL FUNCTIONS.—**The
12 term ‘national critical functions’ means the functions
13 of government and the private sector so vital to the
14 United States that their disruption, corruption, or
15 dysfunction would have a debilitating effect on secu-
16 rity, national economic security, national public
17 health or safety, or any combination thereof.

18 **“(b) NATIONAL RISK MANAGEMENT CYCLE.—**

19 **“(1) RISK IDENTIFICATION AND ASSESS-**
20 **MENT.—**

21 **“(A) IN GENERAL.—**The Secretary, acting
22 through the Director, shall establish a process
23 by which to identify, assess, and prioritize risks
24 to critical infrastructure, considering both cyber
25 and physical threats, vulnerabilities, and con-
26 sequences.

1 “(B) CONSULTATION.—In establishing the
 2 process required under subparagraph (A), the
 3 Secretary shall consult with Sector Risk Man-
 4 agement Agencies, critical infrastructure owners
 5 and operators, and the National Cyber Direc-
 6 tor.

7 “(C) PUBLICATION.—Not later than 180
 8 days after the date of enactment of this section,
 9 the Secretary shall publish in the Federal Reg-
 10 ister procedures for the process established
 11 under subparagraph (A).

12 “(D) REPORT.—The Secretary shall sub-
 13 mit to the President, the Committee on Home-
 14 land Security and Governmental Affairs of the
 15 Senate, and the Committee on Homeland Secu-
 16 rity of the House of Representatives a report on
 17 the risks identified by the process established
 18 under subparagraph (A)—

19 “(i) not later than 1 year after the
 20 date of enactment of this section; and

21 “(ii) not later than 1 year after the
 22 date on which the Secretary submits a
 23 periodic evaluation described in section
 24 9002(b)(2) of title XC of division H of the
 25 William M. (Mac) Thornberry National

1 Defense Authorization Act for Fiscal Year
2 2021 (Public Law 116–283).

3 ~~“(2) NATIONAL CRITICAL INFRASTRUCTURE RE-~~
4 ~~SILIENCE STRATEGY.—~~

5 ~~“(A) IN GENERAL.—Not later than 1 year~~
6 ~~after the date on which the Secretary delivers~~
7 ~~each report required under paragraph (1), the~~
8 ~~President shall deliver to majority and minority~~
9 ~~leaders of the Senate, the Speaker and minority~~
10 ~~leader of the House of Representatives, the~~
11 ~~Committee on Homeland Security and Govern-~~
12 ~~mental Affairs of the Senate, and the Com-~~
13 ~~mittee on Homeland Security of the House of~~
14 ~~Representatives a national critical infrastruc-~~
15 ~~ture resilience strategy designed to address the~~
16 ~~risks identified by the Secretary.~~

17 ~~“(B) ELEMENTS.—In each strategy deliv-~~
18 ~~ered under subparagraph (A), the President~~
19 ~~shall—~~

20 ~~“(i) identify, assess, and prioritize~~
21 ~~areas of risk to critical infrastructure that~~
22 ~~would compromise, disrupt, or impede their~~
23 ~~ability to support the national critical func-~~
24 ~~tions of national security, economic secu-~~
25 ~~rity, or public health and safety;~~

1 “(ii) assess the implementation of the
2 previous national critical infrastructure re-
3 silience strategy, as applicable;

4 “(iii) identify and outline current and
5 proposed national-level actions, programs,
6 and efforts to be taken to address the risks
7 identified;

8 “(iv) identify the Federal departments
9 or agencies responsible for leading each na-
10 tional-level action, program, or effort and
11 the relevant critical infrastructure sectors
12 for each;

13 “(v) outline the budget plan required
14 to provide sufficient resources to success-
15 fully execute the full range of activities
16 proposed or described by the strategy; and

17 “(vi) request any additional authori-
18 ties or resources necessary to successfully
19 execute the strategy.

20 “(C) FORM.—Each strategy delivered
21 under subparagraph (A) shall be unclassified,
22 but may contain a classified annex.

23 “(3) CONGRESSIONAL BRIEFING.—Not later
24 than 1 year after the date on which the President
25 delivers a strategy under this section, and every year

1 thereafter, the Secretary, in coordination with Sector
 2 Risk Management Agencies, shall brief the appro-
 3 priate committees of Congress on the national risk
 4 management cycle activities undertaken pursuant to
 5 the strategy.”.

6 (b) ~~TECHNICAL AND CONFORMING AMENDMENT.—~~

7 The table of contents in section 1(b) of the Homeland Se-
 8 curity Act of 2002 (Public Law 107–296; 116 Stat. 2135)
 9 is amended by inserting after the item relating to section
 10 2217 the following:

“Sec. 2218. National risk management cycle.”.

11 **SECTION 1. SHORT TITLE.**

12 *This Act may be cited as the “National Risk Manage-*
 13 *ment Act of 2021”.*

14 **SEC. 2. NATIONAL RISK MANAGEMENT CYCLE.**

15 (a) *IN GENERAL.—*Subtitle A of title XXII of the
 16 *Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is*
 17 *amended by adding at the end the following:*

18 **“SEC. 2218. NATIONAL RISK MANAGEMENT CYCLE.**

19 “(a) *NATIONAL CRITICAL FUNCTIONS DEFINED.—*In
 20 *this section, the term ‘national critical functions’ means the*
 21 *functions of government and the private sector so vital to*
 22 *the United States that their disruption, corruption, or dys-*
 23 *function would have a debilitating effect on security, na-*
 24 *tional economic security, national public health or safety,*
 25 *or any combination thereof.*

1 “(b) *NATIONAL RISK MANAGEMENT CYCLE.*—

2 “(1) *RISK IDENTIFICATION AND ASSESSMENT.*—

3 “(A) *IN GENERAL.*—*The Secretary, acting*
4 *through the Director, shall establish a recurring*
5 *process by which to identify, assess, and*
6 *prioritize risks to critical infrastructure, consid-*
7 *ering both cyber and physical threats, the associ-*
8 *ated likelihoods, vulnerabilities, and con-*
9 *sequences, and the resources necessary to address*
10 *them.*

11 “(B) *CONSULTATION.*—*In establishing the*
12 *process required under subparagraph (A), the*
13 *Secretary shall consult with, and request and*
14 *collect information to support analysis from,*
15 *Sector Risk Management Agencies, critical infra-*
16 *structure owners and operators, the Assistant to*
17 *the President for National Security Affairs, the*
18 *Assistant to the President for Homeland Secu-*
19 *rity, and the National Cyber Director.*

20 “(C) *PUBLICATION.*—*Not later than 180*
21 *days after the date of enactment of this section,*
22 *the Secretary shall publish in the Federal Reg-*
23 *ister procedures for the process established under*
24 *subparagraph (A), subject to any redactions the*

1 *Secretary determines are necessary to protect*
 2 *classified or other sensitive information.*

3 “(D) *REPORT.*—*The Secretary shall submit*
 4 *to the President, the Committee on Homeland*
 5 *Security and Governmental Affairs of the Sen-*
 6 *ate, and the Committee on Homeland Security of*
 7 *the House of Representatives a report on the*
 8 *risks identified by the process established under*
 9 *subparagraph (A)—*

10 “(i) *not later than 1 year after the*
 11 *date of enactment of this section; and*

12 “(ii) *not later than 1 year after the*
 13 *date on which the Secretary submits a peri-*
 14 *odic evaluation described in section*
 15 *9002(b)(2) of title XC of division H of the*
 16 *William M. (Mac) Thornberry National De-*
 17 *fense Authorization Act for Fiscal Year*
 18 *2021 (Public Law 116–283).*

19 “(2) *NATIONAL CRITICAL INFRASTRUCTURE RE-*
 20 *SILIENCE STRATEGY.*—

21 “(A) *IN GENERAL.*—*Not later than 1 year*
 22 *after the date on which the Secretary delivers*
 23 *each report required under paragraph (1), the*
 24 *President shall deliver to majority and minority*
 25 *leaders of the Senate, the Speaker and minority*

1 *leader of the House of Representatives, the Com-*
2 *mittee on Homeland Security and Governmental*
3 *Affairs of the Senate, and the Committee on*
4 *Homeland Security of the House of Representa-*
5 *tives a national critical infrastructure resilience*
6 *strategy designed to address the risks identified*
7 *by the Secretary.*

8 *“(B) ELEMENTS.—Each strategy delivered*
9 *under subparagraph (A) shall—*

10 *“(i) identify, assess, and prioritize*
11 *areas of risk to critical infrastructure that*
12 *would compromise or disrupt national crit-*
13 *ical functions impacting national security,*
14 *economic security, or public health and*
15 *safety;*

16 *“(ii) assess the implementation of the*
17 *previous national critical infrastructure re-*
18 *silience strategy, as applicable;*

19 *“(iii) identify and outline current and*
20 *proposed national-level actions, programs,*
21 *and efforts to be taken to address the risks*
22 *identified;*

23 *“(iv) identify the Federal departments*
24 *or agencies responsible for leading each na-*
25 *tional-level action, program, or effort and*

1 *the relevant critical infrastructure sectors*
2 *for each; and*

3 “(v) *request any additional authorities*
4 *necessary to successfully execute the strat-*
5 *egy.*

6 “(C) *FORM.—Each strategy delivered under*
7 *subparagraph (A) shall be unclassified, but may*
8 *contain a classified annex.*

9 “(3) *CONGRESSIONAL BRIEFING.—Not later than*
10 *1 year after the date on which the President delivers*
11 *the first strategy required under paragraph (2)(A),*
12 *and every year thereafter, the Secretary, in coordina-*
13 *tion with Sector Risk Management Agencies, shall*
14 *brief the appropriate congressional committees on—*

15 “(A) *the national risk management cycle*
16 *activities undertaken pursuant to the strategy;*
17 *and*

18 “(B) *the amounts and timeline for funding*
19 *that the Secretary has determined would be nec-*
20 *essary to address risks and successfully execute*
21 *the full range of activities proposed by the strat-*
22 *egy.”.*

23 “(b) *TECHNICAL AND CONFORMING AMENDMENT.—The*
24 *table of contents in section 1(b) of the Homeland Security*
25 *Act of 2002 (Public Law 107–296; 116 Stat. 2135) is*

1 *amended by inserting after the item relating to section 2217*

2 *the following:*

“Sec. 2218. National risk management cycle.”.

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