

118TH CONGRESS  
1ST SESSION

# S. 824

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

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## IN THE SENATE OF THE UNITED STATES

MARCH 15, 2023

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

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## 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 2023”.

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

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

1 **“SEC. 2220F. NATIONAL RISK MANAGEMENT CYCLE.**

2       “(a) NATIONAL CRITICAL FUNCTIONS DEFINED.—In  
3 this section, the term ‘national critical functions’ means  
4 the functions of government and the private sector so vital  
5 to the United States that their disruption, corruption, or  
6 dysfunction would have a debilitating effect on security,  
7 national economic security, national public health or safe-  
8 ty, or any combination thereof.

9       “(b) NATIONAL RISK MANAGEMENT CYCLE.—

10           “(1) RISK IDENTIFICATION AND ASSESS-  
11       MENT.—

12           “(A) IN GENERAL.—The Secretary, acting  
13 through the Director, shall establish a recurring  
14 process by which to identify and assess risks to  
15 critical infrastructure, considering both cyber  
16 and physical threats and the associated  
17 likelihoods, vulnerabilities, and consequences.

18           “(B) CONSULTATION.—In establishing the  
19 process required under subparagraph (A), the  
20 Secretary shall consult—

21           “(i) Sector Risk Management Agen-  
22       cies;

23           “(ii) critical infrastructure owners and  
24       operators;

25           “(iii) the Assistant to the President  
26       for National Security Affairs;

1 “(iv) the Assistant to the President  
2 for Homeland Security; and

3 “(v) the National Cyber Director.

4 “(C) PROCESS ELEMENTS.—The process  
5 established under subparagraph (A) shall in-  
6 clude elements to—

7 “(i) collect relevant information, col-  
8 lected pursuant to section 2218, from Sec-  
9 tor Risk Management Agencies relating to  
10 the threats, vulnerabilities, and con-  
11 sequences related to the particular sectors  
12 of those Sector Risk Management Agen-  
13 cies;

14 “(ii) allow critical infrastructure own-  
15 ers and operators to submit relevant infor-  
16 mation to the Secretary for consideration;  
17 and

18 “(iii) outline how the Secretary will  
19 solicit input from other Federal depart-  
20 ments and agencies.

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

1 redactions the Secretary determines are nec-  
2 essary to protect classified or other sensitive in-  
3 formation.

4 “(E) REPORT.—The Secretary shall sub-  
5 mit to the President, the Committee on Home-  
6 land Security and Governmental Affairs of the  
7 Senate, and the Committee on Homeland Secu-  
8 rity of the House of Representatives a report on  
9 the risks identified by the process established  
10 under subparagraph (A)—

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

13 “(ii) not later than 1 year after the  
14 date on which the Secretary submits a  
15 periodic evaluation described in section  
16 9002(b)(2) of title XC of division H of the  
17 William M. (Mac) Thornberry National  
18 Defense Authorization Act for Fiscal Year  
19 2021 (6 U.S.C. 652a(b)(2)).

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

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

1 leaders of the Senate, the Speaker and minority  
2 leader of the House of Representatives, the  
3 Committee on Homeland Security and Govern-  
4 mental Affairs of the Senate, and the Com-  
5 mittee on Homeland Security of the House of  
6 Representatives a national critical infrastruc-  
7 ture resilience strategy designed to address the  
8 risks identified by the Secretary.

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

11 “(i) prioritize areas of risk to critical  
12 infrastructure that would compromise or  
13 disrupt national critical functions impact-  
14 ing national security, economic security, or  
15 public health and safety;

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

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

24 “(iv) identify the Federal departments  
25 or agencies responsible for leading each na-

1           tional-level action, program, or effort and  
2           the relevant critical infrastructure sectors  
3           for each; and

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

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

10          “(3) CONGRESSIONAL BRIEFING.—Not later  
11          than 1 year after the date on which the President  
12          delivers the first strategy required under paragraph  
13          (2)(A), and each year thereafter, the Secretary, in  
14          coordination with Sector Risk Management Agen-  
15          cies, shall brief the Committee on Homeland Secu-  
16          rity and Governmental Affairs of the Senate and the  
17          Committee on Homeland Security of the House of  
18          Representatives on—

19                 “(A) the national risk management cycle  
20                 activities undertaken pursuant to the strategy  
21                 delivered under subparagraph (A); and

22                 “(B) the amounts and timeline for funding  
23                 that the Secretary has determined would be  
24                 necessary to address risks and successfully exe-

1           cute the full range of activities proposed by the  
2           strategy delivered subparagraph (A).”.

3           (b) TECHNICAL AND CONFORMING AMENDMENT.—

4 The table of contents in section 1(b) of the Homeland Se-  
5 curity Act of 2002 (Public Law 107–296; 116 Stat. 2135)

6 is amended by inserting after the item relating to section

7 2220E the following:

“Sec. 2220F. National risk management cycle.”.

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