

Calendar No. 59118TH CONGRESS
1ST SESSION**S. 824****[Report No. 118–20]**

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

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

MAY 9, 2023

Reported by Mr. PETERS, with amendments

[Omit the part struck through and insert the part printed in *italie*]**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”.

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. 2220F. NATIONAL RISK MANAGEMENT CYCLE.**

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

13 “(b) NATIONAL RISK MANAGEMENT CYCLE.—

14 “(1) RISK IDENTIFICATION AND ASSESS-
15 MENT.—

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

22 “(B) CONSULTATION.—In establishing the
23 process required under subparagraph (A), the
24 Secretary shall consult—

25 “(i) Sector Risk Management Agen-
26 cies;

1 “(ii) critical infrastructure owners and
2 operators;

3 “(iii) the Assistant to the President
4 for National Security Affairs;

5 “(iv) the Assistant to the President
6 for Homeland Security; and

7 “(v) the National Cyber Director.

8 “(C) PROCESS ELEMENTS.—The process
9 established under subparagraph (A) shall in-
10 clude elements to—

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

18 “(ii) allow critical infrastructure own-
19 ers and operators to submit relevant infor-
20 mation to the Secretary for consideration;
21 and

22 “(iii) outline how the Secretary will
23 solicit input from other Federal depart-
24 ments and agencies.

1 “(D) PUBLICATION.—Not later than 180
2 days after the date of enactment of this section,
3 the Secretary shall publish in the Federal Reg-
4 ister procedures for the process established
5 under subparagraph (A), subject to any
6 redactions the Secretary determines are nec-
7 essary to protect classified or other sensitive in-
8 formation.

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

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

18 “(ii) not later than 1 year after the
19 date on which the Secretary submits a
20 periodic evaluation described in section
21 9002(b)(2) of title XC of division H of the
22 William M. (Mac) Thornberry National
23 Defense Authorization Act for Fiscal Year
24 2021 (6 U.S.C. 652a(b)(2)).

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

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

15 “(B) ELEMENTS.—Each strategy delivered
16 under subparagraph (A) shall—

17 “(i) prioritize areas of risk to critical
18 infrastructure that would compromise or
19 disrupt national critical functions impact-
20 ing national security, economic security, or
21 public health and safety;

22 “(ii) assess the implementation of the
23 previous national critical infrastructure re-
24 silience strategy, as applicable;

1 “(iii) identify and outline current and
2 proposed national-level actions, programs,
3 and efforts, including resource require-
4 ments, to be taken to address the risks
5 identified;

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

11 “(v) request any additional authorities
12 necessary to successfully execute the strat-
13 egy.

14 “(C) FORM.—Each strategy delivered
15 under subparagraph (A) shall be unclassified,
16 but may contain a classified annex.

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

1 “(A) the national risk management cycle
2 activities undertaken pursuant to the strategy
3 delivered under ~~subparagraph (A)~~ *paragraph*
4 *(2)(A)*; and

5 “(B) the amounts and timeline for funding
6 that the Secretary has determined would be
7 necessary to address risks and successfully exe-
8 cute the full range of activities proposed by the
9 strategy delivered ~~subparagraph (A)~~ *under*
10 *paragraph (2)(A)*.”.

11 (b) TECHNICAL AND CONFORMING AMENDMENT.—
12 The table of contents in section 1(b) of the Homeland Se-
13 curity Act of 2002 (Public Law 107–296; 116 Stat. 2135)
14 is amended by inserting after the item relating to section
15 2220E the following:

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

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