

117TH CONGRESS
1ST SESSION

S. _____

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

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

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”.

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. 2218. NATIONAL RISK MANAGEMENT CYCLE.**

2 “(a) DEFINITIONS.—In this section:

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

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

14 “(b) NATIONAL RISK MANAGEMENT CYCLE.—

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

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

23 “(B) CONSULTATION.—In establishing the
24 process required under subparagraph (A), the
25 Secretary shall consult with Sector Risk Man-
26 agement Agencies, critical infrastructure owners

1 and operators, and the National Cyber Direc-
2 tor.

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

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

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

17 “(ii) not later than 1 year after the
18 date on which the Secretary submits a
19 periodic evaluation described in section
20 9002(b)(2) of title XC of division H of the
21 William M. (Mac) Thornberry National
22 Defense Authorization Act for Fiscal Year
23 2021 (Public Law 116–283).

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

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

13 “(B) ELEMENTS.—In each strategy deliv-
14 ered under subparagraph (A), the President
15 shall—

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

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

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

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

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

14 “(vi) request any additional authori-
15 ties or resources necessary to successfully
16 execute the strategy.

17 “(C) FORM.—Each strategy delivered
18 under subparagraph (A) shall be unclassified,
19 but may contain a classified annex.

20 “(3) CONGRESSIONAL BRIEFING.—Not later
21 than 1 year after the date on which the President
22 delivers a strategy under this section, and every year
23 thereafter, the Secretary, in coordination with Sector
24 Risk Management Agencies, shall brief the appro-
25 priate committees of Congress on the national risk

1 management cycle activities undertaken pursuant to
2 the strategy.”.

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 2217 the following:

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