

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—117th Cong., 1st Sess.

S. 1350

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

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Ms. HASSAN (for herself and Mr. SASSE)

Viz:

1 Strike all after the enacting clause and insert the following:
2

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Risk Management Act of 2021”.
5

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:

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

11 “(a) NATIONAL CRITICAL FUNCTIONS DEFINED.—In
12 this section, the term ‘national critical functions’ means

1 the functions of government and the private sector so vital
2 to the United States that their disruption, corruption, or
3 dysfunction would have a debilitating effect on security,
4 national economic security, national public health or safe-
5 ty, or any combination thereof.

6 “(b) NATIONAL RISK MANAGEMENT CYCLE.—

7 “(1) RISK IDENTIFICATION AND ASSESS-
8 MENT.—

9 “(A) IN GENERAL.—The Secretary, acting
10 through the Director, shall establish a recurring
11 process by which to identify, assess, and
12 prioritize risks to critical infrastructure, consid-
13 ering both cyber and physical threats, the asso-
14 ciated likelihoods, vulnerabilities, and con-
15 sequences, and the resources necessary to ad-
16 dress them.

17 “(B) CONSULTATION.—In establishing the
18 process required under subparagraph (A), the
19 Secretary shall consult with, and request and
20 collect information to support analysis from,
21 Sector Risk Management Agencies, critical in-
22 frastructure owners and operators, the Assist-
23 ant to the President for National Security Af-
24 fairs, the Assistant to the President for Home-
25 land Security, and the National Cyber Director.

1 “(C) 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 “(D) 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 (Public Law 116–283).

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) identify, assess, and prioritize
18 areas of risk to critical infrastructure that
19 would compromise or disrupt national crit-
20 ical functions impacting national security,
21 economic security, or public health and
22 safety;

23 “(ii) assess the implementation of the
24 previous national critical infrastructure re-
25 silience 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; and

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

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

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

22 “(A) the national risk management cycle
23 activities undertaken pursuant to the strategy;
24 and

1 “(B) the amounts and timeline for funding
2 that the Secretary has determined would be
3 necessary to address risks and successfully exe-
4 cute the full range of activities proposed by the
5 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.”.