

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—117th Cong., 2d Sess.

S. 4488

To establish an interagency committee on global catastrophic risk, 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 Mr. PORTMAN (for himself and Mr.
PADILLA)

Viz:

1 Strike all after the enacting clause and insert the fol-

2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Global Catastrophic

5 Risk Management Act of 2022”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **BASIC NEED.**—The term “basic need”—

9 (A) means any good, service, or activity

10 necessary to protect the health, safety, and gen-

1 eral welfare of the civilian population of the
2 United States; and

3 (B) includes—

4 (i) food;

5 (ii) water;

6 (iii) shelter;

7 (iv) basic communication services;

8 (v) basic sanitation and health serv-
9 ices; and

10 (vi) public safety.

11 (2) CATASTROPHIC INCIDENT.—The term “cat-
12 astrophic incident”—

13 (A) means any natural or man-made dis-
14 aster that results in extraordinary levels of cas-
15 ualties or damage, mass evacuations, or disrup-
16 tion severely affecting the population, infra-
17 structure, environment, economy, national mo-
18 rale, or government functions in an area; and

19 (B) may include an incident—

20 (i) with a sustained national impact
21 over a prolonged period of time;

22 (ii) that may rapidly exceed resources
23 available to State and local government
24 and private sector authorities in the im-
25 pacted area; or

1 (iii) that may significantly interrupt
2 governmental operations and emergency
3 services to such an extent that national se-
4 curity could be threatened.

5 (3) COMMITTEE.—The term “committee”
6 means the interagency committee on global cata-
7 strophic risk established under section 3.

8 (4) CRITICAL INFRASTRUCTURE.—The term
9 “critical infrastructure” has the meaning given the
10 term in section 1016(e) of the Critical Infrastruc-
11 ture Protection Act of 2001 (42 U.S.C. 5195c(e)).

12 (5) EXISTENTIAL RISK.—The term “existential
13 risk” means the potential for an outcome that would
14 result in human extinction.

15 (6) GLOBAL CATASTROPHIC RISK.—The term
16 “global catastrophic risk” means the risk of events
17 or incidents consequential enough to significantly
18 harm, set back, or destroy human civilization at the
19 global scale.

20 (7) GLOBAL CATASTROPHIC AND EXISTENTIAL
21 THREATS.—The term “global catastrophic and exis-
22 tential threats” means those threats that with vary-
23 ing likelihood can produce consequences severe
24 enough to result in significant harm or destruction
25 of human civilization at the global scale, or lead to

1 human extinction. Examples of global catastrophic
2 and existential threats include severe global
3 pandemics, nuclear war, asteroid and comet impacts,
4 supervolcanoes, sudden and severe changes to the
5 climate, and intentional or accidental threats arising
6 from the use and development of emerging tech-
7 nologies.

8 (8) NATIONAL EXERCISE PROGRAM.—The term
9 “national exercise program” means activities carried
10 out to test and evaluate the national preparedness
11 goal and related plans and strategies as described in
12 section 648(b) of the Post-Katrina Emergency Man-
13 agement Reform Act of 2006 (6 U.S.C. 748(b)).

14 (9) TRIBAL GOVERNMENT.—The term “Tribal
15 government” means the recognized governing body
16 of any Indian or Alaska Native Tribe, band, nation,
17 pueblo, village, community, component band, or com-
18 ponent reservation, that is individually identified (in-
19 cluding parenthetically) in the most recent list pub-
20 lished pursuant to section 104 of the Federally Rec-
21 ognized Indian Tribe List Act of 1994 (25 U.S.C.
22 5131).

1 **SEC. 3. INTERAGENCY COMMITTEE ON GLOBAL CATA-**
2 **STROPHIC RISK.**

3 (a) **ESTABLISHMENT.**—Not later than 90 days after
4 the date of enactment of this Act, the President shall es-
5 tablish an interagency committee on global catastrophic
6 risk.

7 (b) **MEMBERSHIP.**—The committee shall include sen-
8 ior representatives of—

9 (1) the Assistant to the President for National
10 Security Affairs;

11 (2) the Director of the Office of Science and
12 Technology Policy;

13 (3) the Director of National Intelligence and
14 the Director of the National Intelligence Council;

15 (4) the Secretary of Homeland Security and the
16 Administrator of the Federal Emergency Manage-
17 ment Agency;

18 (5) the Secretary of State and the Under Sec-
19 retary of State for Arms Control and International
20 Security;

21 (6) the Attorney General and the Director of
22 the Federal Bureau of Investigation;

23 (7) the Secretary of Energy, the Under Sec-
24 retary of Energy for Nuclear Security, and the Di-
25 rector of Science;

1 (8) the Secretary of Health and Human Serv-
2 ices, the Assistant Secretary for Preparedness and
3 Response, and the Assistant Secretary of Global Af-
4 fairs;

5 (9) the Secretary of Commerce, the Under Sec-
6 retary of Commerce for Oceans and Atmosphere,
7 and the Under Secretary of Commerce for Stand-
8 ards and Technology;

9 (10) the Secretary of the Interior and the Di-
10 rector of the United States Geological Survey;

11 (11) the Administrator of the Environmental
12 Protection Agency and the Assistant Administrator
13 for Water;

14 (12) the Administrator of the National Aero-
15 nautics and Space Administration;

16 (13) the Director of the National Science Foun-
17 dation;

18 (14) the Secretary of the Treasury;

19 (15) the Chair of the Board of Governors of the
20 Federal Reserve System;

21 (16) the Secretary of Defense, the Assistant
22 Secretary of the Army for Civil Works, and the
23 Chief of Engineers and Commanding General of the
24 Army Corps of Engineers;

25 (17) the Chairman of the Joint Chiefs of Staff;

1 (18) the Administrator of the United States
2 Agency for International Development; and

3 (19) other stakeholders the President deter-
4 mines appropriate.

5 (c) CHAIRMANSHIP.—The committee shall be co-
6 chaired by a senior representative of the President and
7 the Deputy Administrator of the Federal Emergency Man-
8 agement Agency for Resilience.

9 **SEC. 4. REPORT REQUIRED.**

10 (a) IN GENERAL.—Not later than 1 year after the
11 date of enactment of this Act, and every 10 years there-
12 after, the President, with support from the committee,
13 shall conduct and submit to Congress a detailed assess-
14 ment of global catastrophic and existential risk.

15 (b) MATTERS COVERED.—Each report required
16 under subsection (a) shall include —

17 (1) expert estimates of cumulative global cata-
18 strophic and existential risk in the next 30 years, in-
19 cluding separate estimates for the likelihood of oc-
20 currence and potential consequences;

21 (2) expert-informed analyses of the risk of the
22 most concerning specific global catastrophic and ex-
23 istential threats, including separate estimates, where
24 reasonably feasible and credible, of each threat for

1 its likelihood of occurrence and its potential con-
2 sequences, as well as associated uncertainties;

3 (3) a comprehensive list of potential cata-
4 strophic or existential threats, including even those
5 that may have very low likelihood;

6 (4) technical assessments and lay explanations
7 of the analyzed global catastrophic and existential
8 risks, including their qualitative character and key
9 factors affecting their likelihood of occurrence and
10 potential consequences;

11 (5) an explanation of any factors that limit the
12 ability of the President to assess the risk both cumu-
13 latively and for particular threats, and how those
14 limitations may be overcome through future research
15 or with additional resources, programs, or authori-
16 ties;

17 (6) a review of the effectiveness of intelligence
18 collection, early warning and detection systems, or
19 other functions and programs necessary to evaluate
20 the risk of particular global catastrophic and exis-
21 tential threats, if any exist and as applicable for par-
22 ticular threats;

23 (7) a forecast of if and why global catastrophic
24 and existential risk is likely to increase or decrease
25 significantly in the next 30 years, both qualitatively

1 and quantitatively, as well as a description of associ-
2 ated uncertainties;

3 (8) proposals for how the Federal Government
4 may more adequately assess global catastrophic and
5 existential risk on an ongoing basis in future years;

6 (9) recommendations for legislative actions, as
7 appropriate, to support the evaluation and assess-
8 ment of global catastrophic and existential risk; and

9 (10) other matters deemed appropriate by the
10 President.

11 (c) CONSULTATION REQUIREMENT.—In producing
12 the report required under subsection (a), the President,
13 with support from the committee, shall regularly consult
14 with experts on global catastrophic and existential risks,
15 including from non-governmental, academic, and private
16 sector institutions.

17 (d) FORM.—The report required under subsection (a)
18 shall be submitted in unclassified form, but may include
19 a classified annex.

20 **SEC. 5. REPORT ON CONTINUITY OF OPERATIONS AND**
21 **CONTINUITY OF GOVERNMENT PLANNING.**

22 (a) IN GENERAL.—Not later than 180 days after the
23 submission of the report required under section 4, the
24 President, with support from the committee, shall produce
25 a report on the adequacy of continuity of operations and

1 continuity of government plans based on the assessed glob-
2 al catastrophic and existential risk.

3 (b) MATTERS COVERED.—The report required under
4 subsection (a) shall include—

5 (1) a detailed assessment of the ability of con-
6 tinuity of government and continuity of operations
7 plans and programs, as defined by Executive Order
8 13961 (85 Fed. Reg. 79379; relating to governance
9 and integration of Federal mission resilience), Presi-
10 dential Policy Directive–40 (July 15, 2016; relating
11 to national continuity policy), or successor policies,
12 to maintain national essential functions following
13 global catastrophes, both cumulatively and for par-
14 ticular threats;

15 (2) an assessment of the need to revise Execu-
16 tive Order 13961 (85 Fed. Reg. 79379; relating to
17 governance and integration of Federal mission resil-
18 ience), Presidential Policy Directive–40 (July 15,
19 2016; relating to national continuity policy), or suc-
20 cessor policies to account for global catastrophic and
21 existential risk cumulatively or for particular
22 threats;

23 (3) an assessment of any technology gaps lim-
24 iting mitigation of global catastrophic and existential

1 risks for continuity of operations and continuity of
2 government plans;

3 (4) a budget proposal for continuity of govern-
4 ment and continuity of operations programs nec-
5 essary to adequately maintain national essential
6 functions during global catastrophes;

7 (5) recommendations for legislative actions and
8 technology development and implementation actions
9 necessary to improve continuity of government and
10 continuity of operations plans and programs;

11 (6) a plan for increased senior leader involve-
12 ment in continuity of operations and continuity of
13 government exercises; and

14 (7) other matters deemed appropriate by the
15 co-chairs of the committee.

16 (c) FORM.—The report required under subsection (a)
17 shall be submitted in unclassified form, but may include
18 a classified annex.

19 **SEC. 6. ENHANCED CATASTROPHIC INCIDENT ANNEX.**

20 (a) IN GENERAL.—The President, with support from
21 the committee, shall supplement each Federal Interagency
22 Operational Plan to include an annex containing a strat-
23 egy to ensure the health, safety, and general welfare of
24 the civilian population affected by catastrophic incidents
25 by—

1 (1) providing for the basic needs of the civilian
2 population of the United States that is impacted by
3 catastrophic incidents in the United States;

4 (2) coordinating response efforts with State and
5 local governments, the private sector, and nonprofit
6 relief organizations;

7 (3) promoting personal and local readiness and
8 non-reliance on government relief during periods of
9 heightened tension or after catastrophic incidents;
10 and

11 (4) developing international partnerships with
12 allied nations for the provision of relief services and
13 goods.

14 (b) ELEMENTS OF THE STRATEGY.—The strategy re-
15 quired under subsection (a) shall include a description
16 of—

17 (1) actions the President will take to ensure the
18 basic needs of the civilian population of the United
19 States in a catastrophic incident are met;

20 (2) how the President will coordinate with non-
21 Federal entities to multiply resources and enhance
22 relief capabilities, including—

23 (A) State and local governments;

24 (B) Tribal governments;

25 (C) State disaster relief agencies;

1 (D) State and local disaster relief man-
2 agers;

3 (E) State National Guards;

4 (F) law enforcement and first response en-
5 tities; and

6 (G) nonprofit relief services;

7 (3) actions the President will take to enhance
8 individual resiliency to the effects of a catastrophic
9 incident, which actions shall include—

10 (A) readiness alerts to the public during
11 periods of elevated threat;

12 (B) efforts to enhance domestic supply and
13 availability of critical goods and basic neces-
14 sities; and

15 (C) information campaigns to ensure the
16 public is aware of response plans and services
17 that will be activated when necessary;

18 (4) efforts the President will undertake and
19 agreements the President will seek with inter-
20 national allies to enhance the readiness of the
21 United States to provide for the general welfare;

22 (5) how the strategy will be implemented should
23 multiple levels of critical infrastructure be destroyed
24 or taken offline entirely for an extended period of
25 time; and

1 (6) the authorities the President would impli-
2 cate in responding to a catastrophic incident.

3 (c) ASSUMPTIONS.—In designing the strategy under
4 subsection (a), the President shall account for certain fac-
5 tors to make the strategy operationally viable, including
6 the assumption that—

7 (1) multiple levels of critical infrastructure have
8 been taken offline or destroyed by catastrophic inci-
9 dents or the effects of catastrophic incidents;

10 (2) impacted sectors may include—

11 (A) the transportation sector;

12 (B) the communication sector;

13 (C) the energy sector;

14 (D) the healthcare and public health sec-
15 tor;

16 (E) the water and wastewater sector; and

17 (F) the financial sector;

18 (3) State, local, Tribal, and territorial govern-
19 ments have been equally affected or made largely in-
20 operable by catastrophic incidents or the effects of
21 catastrophic incidents;

22 (4) the emergency has exceeded the response
23 capabilities of State and local governments under
24 the Robert T. Stafford Disaster Relief and Emer-

1 agency Assistance Act (42 U.S.C. 5121 et seq.) and
2 other relevant disaster response laws; and

3 (5) the United States military is sufficiently en-
4 gaged in armed or cyber conflict with State or non-
5 State adversaries, or is otherwise unable to augment
6 domestic response capabilities in a significant man-
7 ner due to a catastrophic incident.

8 (d) EXISTING PLANS.—The President may incor-
9 porate existing contingency plans in the strategy developed
10 under subsection (a) so long as those contingency plans
11 are amended to be operational in accordance with the re-
12 quirements under this section.

13 (e) AVAILABILITY.—The strategy developed under
14 subsection (a) shall be available to the public but may in-
15 clude a classified, or other restricted, annex to be made
16 available to the appropriate committees of Congress and
17 appropriate government entities.

18 **SEC. 7. VALIDATION OF THE STRATEGY THROUGH AN EX-**

19 **ERCISE.**

20 Not later than 1 year after the addition of the annex
21 required under section 6, the Department of Homeland
22 Security shall lead an exercise as part of the national exer-
23 cise program, in coordination with the committee, to test
24 and enhance the operationalization of the strategy.

1 **SEC. 8. RECOMMENDATIONS.**

2 (a) IN GENERAL.—The President shall provide rec-
3 ommendations to Congress for—

4 (1) actions that should be taken to prepare the
5 United States to implement the strategy required
6 under section 6, increase readiness, and address pre-
7 paredness gaps for responding to the impacts of cat-
8 astrophic incidents on citizens of the United States;
9 and

10 (2) additional authorities that should be consid-
11 ered for Federal agencies and the President to more
12 effectively implement the strategy required under
13 section 6.

14 (b) INCLUSION IN REPORTS.—The President may in-
15 clude the recommendations required under subsection (a)
16 in a report submitted under section 9.

17 **SEC. 9. REPORTING REQUIREMENTS.**

18 Not later than 1 year after the date on which Depart-
19 ment of Homeland Security leads the exercise under sec-
20 tion 7, the President shall submit to Congress a report
21 that includes—

22 (1) a description of the efforts of the President
23 to develop and update the strategy required under
24 section 6; and

25 (2) an after-action report following the conduct
26 of the exercise described in section 7.

1 **SEC. 10. RULE OF CONSTRUCTION.**

2 Nothing in this Act shall be construed to supersede
3 the civilian emergency management authority of the Ad-
4 ministrator of the Federal Emergency Management Agen-
5 cy under the Robert T. Stafford Disaster Relief and
6 Emergency Assistance Act (42 U.S.C. 5121 et seq.) or the
7 Post Katrina Emergency Management Reform Act (6
8 U.S.C. 701 et seq.).