

118TH CONGRESS
1ST SESSION

H. R. 5439

To amend the Homeland Security Act of 2002 to require the Secretary of Homeland Security to establish a national risk management process, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 13, 2023

Mr. GALLAGHER (for himself and Ms. SPANBERGER) introduced the following bill; which was referred to the Committee on Homeland Security

A BILL

To amend the Homeland Security Act of 2002 to require the Secretary of Homeland Security to establish a national risk management process, 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 PROCESS.**

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 new section:

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

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 PROCESS.—

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 to identify and assess risks to critical
15 infrastructure, considering both cybersecurity
16 threats and physical threats, the associated
17 likelihoods of such threats, vulnerabilities within
18 systems rendering such systems susceptible to
19 such threats, and consequences of such threats
20 to critical functions.

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

24 “(i) Sector Risk Management Agen-
25 cies.

1 “(ii) Critical infrastructure owners
2 and operators.

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

5 “(iv) The Assistant to the President
6 for Homeland Security.

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 the enactment of this sec-
3 tion, the Secretary shall publish in the Federal
4 Register procedures for the process established
5 under subparagraph (A).

6 “(E) REPORTS.—The Secretary shall sub-
7 mit to the President, the Committee on Home-
8 land Security and Governmental Affairs of the
9 Senate, and the Committee on Homeland Secu-
10 rity of the House of Representatives a report on
11 the risks from cybersecurity threats and phys-
12 ical threats identified by the process established
13 under subparagraph (A)—

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

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

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

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

13 “(B) ELEMENTS.—Each strategy under
14 subparagraph (A) shall—

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

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

23 “(iii) identify and outline current and
24 proposed national-level actions, programs,
25 and efforts, including resource require-

1 ments, to be taken to address the risks
2 identified;

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

8 “*(v)* request any additional authorities
9 necessary to successfully execute the strat-
10 egy.

11 “(C) FORM.—Each strategy under sub-
12 paragraph (A) shall be unclassified but may
13 contain a classified annex.

14 “(3) CONGRESSIONAL BRIEFING.—Not later
15 than one year after the date on which the President
16 transmits the first strategy required under para-
17 graph (2)(A) and each year thereafter, the Sec-
18 retary, in coordination with Sector Risk Manage-
19 ment Agencies, shall brief the Committee on Home-
20 land Security and Governmental Affairs of the Sen-
21 ate and the Committee on Homeland Security of the
22 House of Representatives on—

23 “(A) the national risk management process
24 activities undertaken pursuant to the strategy

1 transmitted in accordance with paragraph
2 (2)(A); and

3 “(B) the amounts and timeline for funding
4 that the Secretary has determined would be
5 necessary to address risks of cybersecurity
6 threats and physical threats and successfully
7 execute the full range of activities proposed by
8 such strategy.”.

9 (b) CLERICAL AMENDMENT.—The table of contents
10 in section 1(b) of the Homeland Security Act of 2002 is
11 amended by inserting after the item relating to section
12 2220E the following new item:

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

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