

116TH CONGRESS  
2D SESSION

# S. 3928

To require the President to develop a plan for the continuity of the economy in response to a significant event, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JUNE 10, 2020

Mr. PETERS introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

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## A BILL

To require the President to develop a plan for the continuity of the economy in response to a significant event, 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 “Continuity of the  
5 Economy Act of 2020”.

6 **SEC. 2. CONTINUITY OF THE ECONOMY PLAN.**

7 (a) DEFINITIONS.—In this section:

8 (1) The term “agency” has the meaning given  
9 the term in section 551 of title 5, United States  
10 Code.

1           (2) The term “economic sector” means a sector  
2 of the economy of the United States.

3           (3) The term “relevant actor” means—

4                   (A) the Federal Government;

5                   (B) a State, local, or Tribal government;

6           or

7                   (C) the private sector.

8           (4) The term “significant event” means an  
9 event that causes severe degradation to economic ac-  
10 tivity in the United States due to—

11                   (A) a cyber attack; or

12                   (B) another significant event that is nat-  
13 ural or human-caused.

14           (5) The term “State” means any State of the  
15 United States, the District of Columbia, the Com-  
16 monwealth of Puerto Rico, the Virgin Islands,  
17 Guam, American Samoa, the Commonwealth of the  
18 Northern Mariana Islands, and any possession of the  
19 United States.

20 (b) REQUIREMENT.—

21           (1) IN GENERAL.—The President shall develop  
22 and maintain a plan to maintain and restore the  
23 economy of the United States in response to a sig-  
24 nificant event.

1           (2) PRINCIPLES.—The plan required under  
2 paragraph (1) shall—

3           (A) be consistent with—

4                   (i) a free market economy; and

5                   (ii) the rule of law; and

6           (B) respect private property rights.

7           (3) CONTENTS.—The plan required under para-  
8 graph (1) shall—

9           (A) examine the distribution of goods and  
10 services across the United States necessary for  
11 the reliable functioning of the United States  
12 during a significant event;

13           (B) identify the economic functions of rel-  
14 evant actors, the disruption, corruption, or dys-  
15 function of which would have a debilitating ef-  
16 fect in the United States on—

17                   (i) security;

18                   (ii) economic security;

19                   (iii) defense readiness; or

20                   (iv) public health or safety;

21           (C) identify the critical distribution mecha-  
22 nisms for each economic sector that should be  
23 prioritized for operation during a significant  
24 event, including—

1 (i) bulk power and electric trans-  
2 mission systems;

3 (ii) national and international finan-  
4 cial systems, including wholesale payments,  
5 stocks, and currency exchanges;

6 (iii) national and international com-  
7 munications networks, data-hosting serv-  
8 ices, and cloud services;

9 (iv) interstate oil and natural gas  
10 pipelines; and

11 (v) mechanisms for the interstate and  
12 international trade and distribution of ma-  
13 terials, food, and medical supplies, includ-  
14 ing road, rail, air, and maritime shipping;

15 (D) identify economic functions of relevant  
16 actors, the disruption, corruption, or dysfunc-  
17 tion of which would cause—

18 (i) catastrophic economic loss;

19 (ii) the loss of public confidence; or

20 (iii) the widespread imperilment of  
21 human life;

22 (E) identify the economic functions of rel-  
23 evant actors that are so vital to the economy of  
24 the United States that the disruption, corrup-  
25 tion, or dysfunction of those economic functions

1 would undermine response, recovery, or mobili-  
2 zation efforts during a significant event;

3 (F) incorporate, to the greatest extent  
4 practicable, the principles and practices con-  
5 tained within Federal plans for the continuity  
6 of Government and continuity of operations;

7 (G) identify—

8 (i) industrial control networks on  
9 which the interests of national security  
10 outweigh the benefits of dependence on  
11 internet connectivity, including networks  
12 that are required to maintain defense read-  
13 iness; and

14 (ii) for each industrial control network  
15 described in clause (i), the most feasible  
16 and optimal locations for the installation  
17 of—

18 (I) parallel services;

19 (II) stand-alone analog services;

20 and

21 (III) services that are otherwise  
22 hardened against failure;

23 (H) identify critical economic sectors for  
24 which the preservation of data in a protected,  
25 verified, and uncorrupted status would be re-

1           required for the quick recovery of the economy of  
2           the United States in the face of a significant  
3           disruption following a significant event;

4           (I) include a list of raw materials, indus-  
5           trial goods, and other items, the absence of  
6           which would significantly undermine the ability  
7           of the United States to sustain the functions  
8           described in subparagraphs (B), (D), and (E);

9           (J) provide an analysis of supply chain di-  
10          versification for the items described in subpara-  
11          graph (I) in the event of a disruption caused by  
12          a significant event;

13          (K) include—

14           (i) a recommendation as to whether  
15           the United States should maintain a stra-  
16           tegic reserve of one or more of the items  
17           described in subparagraph (I); and

18           (ii) for each item described in sub-  
19           paragraph (I) for which the President rec-  
20           ommends maintaining a strategic reserve  
21           under clause (i), an identification of mech-  
22           anisms for tracking inventory and avail-  
23           ability of the item in the strategic reserve;

24          (L) identify mechanisms in existence on  
25          the date of enactment of this Act and mecha-

1 nisms that can be developed to ensure that the  
2 swift transport and delivery of the items de-  
3 scribed in subparagraph (I) is feasible in the  
4 event of a distribution network disturbance or  
5 degradation, including a distribution network  
6 disturbance or degradation caused by a signifi-  
7 cant event;

8 (M) include guidance for determining the  
9 prioritization for the distribution of the items  
10 described in subparagraph (I), including dis-  
11 tribution to States and Indian Tribes;

12 (N) consider the advisability and feasibility  
13 of mechanisms for extending the credit of the  
14 United States or providing other financial sup-  
15 port authorized by law to key participants in  
16 the economy of the United States if the exten-  
17 sion or provision of other financial support—

18 (i) is necessary to avoid severe eco-  
19 nomic degradation; or

20 (ii) allows for the recovery from a sig-  
21 nificant event;

22 (O) include guidance for determining cat-  
23 egories of employees that should be prioritized  
24 to continue to work in order to sustain the  
25 functions described in subparagraphs (B), (D),

1 and (E) in the event that there are limitations  
2 on the ability of individuals to travel to work-  
3 places or to work remotely, including consider-  
4 ations for defense readiness;

5 (P) identify critical economic sectors nec-  
6 essary to provide material and operational sup-  
7 port to the defense of the United States;

8 (Q) determine whether the Secretary of  
9 Homeland Security, the National Guard, and  
10 the Secretary of Defense have adequate author-  
11 ity to assist the United States in a recovery  
12 from a severe economic degradation caused by  
13 a significant event;

14 (R) review and assess the authority and  
15 capability of heads of other agencies that the  
16 President determines necessary to assist the  
17 United States in a recovery from a severe eco-  
18 nomic degradation caused by a significant  
19 event; and

20 (S) consider any other matter that would  
21 aid in protecting and increasing the resilience of  
22 the economy of the United States from a sig-  
23 nificant event.

24 (c) COORDINATION.—In developing the plan required  
25 under subsection (b)(1), the President shall—



1 (1) receive advice from—

2 (A) the Secretary of Homeland Security;

3 (B) the Secretary of Defense; and

4 (C) the head of any other agency that the  
5 President determines necessary to complete the  
6 plan;

7 (2) consult with economic sectors relating to  
8 critical infrastructure through sector-coordinated  
9 councils, as appropriate;

10 (3) consult with relevant State, Tribal, and  
11 local governments and organizations that represent  
12 those governments; and

13 (4) consult with any other non-Federal entity  
14 that the President determines necessary to complete  
15 the plan.

16 (d) SUBMISSION TO CONGRESS.—

17 (1) IN GENERAL.—Not later than 2 years after  
18 the date of enactment of this Act, and not less fre-  
19 quently than every 3 years thereafter, the President  
20 shall submit the plan required under subsection  
21 (b)(1) and the information described in paragraph  
22 (2) to—

23 (A) the majority and minority leaders of  
24 the Senate;

1 (B) the Speaker and the minority leader of  
2 the House of Representatives;

3 (C) the Committee on Armed Services of  
4 the Senate;

5 (D) the Committee on Armed Services of  
6 the House of Representatives;

7 (E) the Committee on Homeland Security  
8 and Governmental Affairs of the Senate;

9 (F) Committee on Homeland Security of  
10 the House of Representatives; and

11 (G) any other committee of the Senate or  
12 the House of Representatives that has jurisdic-  
13 tion over the subject of the plan.

14 (2) ADDITIONAL INFORMATION.—The informa-  
15 tion described in this paragraph is—

16 (A) any change to Federal law that would  
17 be necessary to carry out the plan required  
18 under subsection (b)(1); and

19 (B) any proposed changes to the funding  
20 levels provided in appropriation Acts for the  
21 most recent fiscal year that can be implemented  
22 in future appropriation Acts or additional re-  
23 sources necessary to—

24 (i) implement the plan required under  
25 subsection (b)(1); or

1 (ii) maintain any program offices and  
2 personnel necessary to—

3 (I) maintain the plan required  
4 under subsection (a)(1) and the plans  
5 described in subsection (b)(3)(F); and

6 (II) conduct exercises, assess-  
7 ments, and updates to the plans de-  
8 scribed in subclause (I) over time.

9 (3) BUDGET OF THE PRESIDENT.—The Presi-  
10 dent may include the information described in para-  
11 graph (2)(B) in the budget required to be submitted  
12 by the President under section 1105(a) of title 31,  
13 United States Code.

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