

117TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

To require the President to develop a strategy to ensure the health, safety, and general welfare of the civilian population of the United States in case of catastrophic incidents disabling 1 or more critical infrastructure sectors or significantly disrupting the critical functions of modern society, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

and Mr. Padilla \_\_\_\_\_

Mr. CORNYN introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To require the President to develop a strategy to ensure the health, safety, and general welfare of the civilian population of the United States in case of catastrophic incidents disabling 1 or more critical infrastructure sectors or significantly disrupting the critical functions of modern society, 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 “Keeping Everyone Safe  
5 and Securing Lives by Emergency Readiness Act” or the  
6 “KESSLER Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) the integration of connected technologies  
4 has become essential to the operation of modern crit-  
5 ical infrastructure;

6 (2) reliance on connected technologies and  
7 interoperability across critical infrastructure sectors  
8 create new vulnerabilities that may be used against  
9 the United States;

10 (3) adversaries of the United States have tar-  
11 geted critical infrastructure and are likely to in-  
12 crease attacks on essential services in the United  
13 States should global conflicts escalate;

14 (4) while strong defenses and mitigation meas-  
15 ures are essential to the safety of the United States,  
16 no strategy can stop all catastrophic events;

17 (5) the Federal Government must prepare Fed-  
18 eral, State, and local governments, along with the  
19 people of the United States, to promote the general  
20 welfare of the civilian population of the United  
21 States even if most or all critical infrastructure sec-  
22 tors are impacted by catastrophic events; and

23 (6) such preparations must include coordination  
24 with State, local, and Tribal governments, private  
25 sector entities, and individual citizens.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

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

4 (A) means any good, service, or activity  
5 necessary to protect the health, safety, and gen-  
6 eral welfare of the civilian population of the  
7 United States; and

8 (B) includes—

9 (i) food;

10 (ii) water;

11 (iii) shelter;

12 (iv) reliable energy;

13 (v) basic communication services; and

14 (vi) public safety.

15 (2) **CATASTROPHIC INCIDENT.**—The term “cat-  
16 astrophic incident” means an incident, whether  
17 caused by human or natural events, in which mul-  
18 tiple levels of United States critical infrastructure  
19 are destroyed, damaged, or interrupted in sufficient  
20 magnitude to threaten the health, safety, or general  
21 welfare of the civilian population of the United  
22 States.

23 (3) **CRITICAL INFRASTRUCTURE.**—The term  
24 “critical infrastructure” has the meaning given the  
25 term in section 1016(e) of the Critical Infrastruc-  
26 ture Protection Act of 2001 (42 U.S.C. 5195c(e)).

1           (4) NATIONAL EXERCISE.—The term “national  
2           exercise” means a national exercise described in sec-  
3           tion 648(b) of the Post-Katrina Emergency Manage-  
4           ment Reform Act of 2006 (6 U.S.C. 748(b)).

5           (5) TRIBAL GOVERNMENT.—The term “Tribal  
6           government” means the recognized governing body  
7           of any Indian or Alaska Native Tribe, band, nation,  
8           pueblo, village, community, component band, or com-  
9           ponent reservation, that is individually identified (in-  
10          cluding parenthetically) in the most recent list pub-  
11          lished pursuant to section 104 of the Federally Rec-  
12          ognized Indian Tribe List Act of 1994 (25 U.S.C.  
13          5131).

14 **SEC. 4. STRATEGY TO ENSURE THE HEALTH, SAFETY, AND**  
15 **GENERAL WELFARE OF THE CIVILIAN POPU-**  
16 **LATION OF THE UNITED STATES.**

17          (a) IN GENERAL.—Not later than 1 year after the  
18          date of enactment of this Act, the President shall develop  
19          and submit to Congress a strategy to—

20               (1) provide for the basic needs of the civilian  
21               population of the United States that is impacted by  
22               catastrophic incidents in the United States;

23               (2) coordinate response efforts with State and  
24               local governments, the private sector, and nonprofit  
25               relief organizations;

1           (3) promote personal and local readiness and  
2 non-reliance on government relief during periods of  
3 heightened tension or after catastrophic incidents;  
4 and

5           (4) develop international partnerships with al-  
6 lied nations for the provision of relief services and  
7 goods.

8           (b) ELEMENTS OF THE STRATEGY.—The strategy  
9 developed under subsection (a) shall include a description  
10 of—

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

14           (2) how the President will coordinate and facili-  
15 tate agreements with non-Federal entities to mul-  
16 tiply resources and enhance relief capabilities, in-  
17 cluding—

18                   (A) State and local governments;

19                   (B) Tribal governments;

20                   (C) State disaster relief agencies;

21                   (D) State and local disaster relief man-  
22 agers;

23                   (E) State National Guards;

24                   (F) law enforcement and first response en-  
25 tities; and

1 (G) nonprofit relief services;

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

5 (A) readiness alerts to the public during  
6 periods of elevated threat;

7 (B) efforts to enhance domestic supply and  
8 availability of critical goods and basic neces-  
9 sities; and

10 (C) information campaigns to ensure the  
11 public is aware of response plans and services  
12 that will be activated when necessary;

13 (4) efforts the President will undertake and  
14 agreements the President will seek with inter-  
15 national allies to enhance the readiness of the  
16 United States to provide for the general welfare;

17 (5) how the strategic plan will be implemented  
18 should multiple levels of critical infrastructure be de-  
19 stroyed or taken offline entirely for an extended pe-  
20 riod of time;

21 (6) how the strategic plan will be made oper-  
22 ational within the larger response strategy of the  
23 United States; and

24 (7) the authorities the President would impli-  
25 cate in responding to a catastrophic incident.

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

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

8           (2) impacted sectors may include—

9           (A) the transportation sector;

10           (B) the communication sector;

11           (C) the energy sector;

12           (D) the healthcare and public health sec-  
13 tor;

14           (E) the water and wastewater sector; and

15           (F) the financial sector;

16           (3) State and local governments have been  
17 equally affected or made largely inoperable by cata-  
18 strophic incidents or the effects of catastrophic inci-  
19 dents;

20           (4) the emergency has exceeded the response  
21 capabilities of State and local governments under  
22 the Robert T. Stafford Disaster Relief and Emer-  
23 gency Assistance Act (42 U.S.C. 5121 et seq.) and  
24 other relevant disaster response laws; and

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

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

11          (e) **AVAILABILITY.**—The strategy developed under  
12          subsection (a)—

13               (1) shall be made available to Congress and ap-  
14               propriate government entities; and

15               (2) may include a classified, or other restricted,  
16               annex.

17          (f) **DELEGATION.**—The President may delegate all or  
18          some of the authority under this section to the Secretary  
19          of Homeland Security or a designee thereof.

20          **SEC. 5. IMPLEMENTATION PLAN.**

21               Not later than 90 days after the issuance of the strat-  
22               egy required under section 4, the President shall issue a  
23               plan to implement and operationalize the strategy, which  
24               shall include—



1 (1) steps the President will take to prepare im-  
2 plicated entities for mobilization under the strategy;  
3 and

4 (2) specific actions the President will take to—

5 (A) ensure the continued readiness of the  
6 United States to implement the strategy;

7 (B) educate the public and non-Federal en-  
8 tities on the strategy and the role individual  
9 citizens should play to ensure the objectives of  
10 the strategy are met;

11 (C) ensure the objectives of the strategy  
12 are met; and

13 (D) ensure foreign adversaries are not able  
14 to undermine the operationalization of the  
15 strategy.

16 **SEC. 6. NATIONAL RESPONSE EXERCISE.**

17 (a) **IN GENERAL.**—Not later than 1 year after the  
18 issuance of the implementation plan required under sec-  
19 tion 5, the Department of Homeland Security shall lead  
20 a national exercise, in coordination with the appropriate  
21 government agencies, to test and enhance the  
22 operationalization of the implementation plan.

23 (b) **REQUIREMENTS.**—A national exercise conducted  
24 under this section shall include participation from most

1 or all entities implicated by the strategy required under  
2 section 4, including—

- 3 (1) State, local, and Tribal governments;
- 4 (2) information sharing and analysis centers;
- 5 and
- 6 (3) owners and operators of critical infrastruc-  
7 ture.

8 **SEC. 7. RECOMMENDATIONS.**

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

- 11 (1) actions that should be taken to prepare the  
12 United States to implement the strategy required  
13 under section 4, increase readiness, and address pre-  
14 paredness gaps for responding to the impacts and  
15 effects of catastrophic incidents on citizens of the  
16 United States; and

- 17 (2) additional authorities that should be consid-  
18 ered for Federal agencies and the President to more  
19 effectively implement the strategy required under  
20 section 4.

21 (b) INCLUSION IN REPORTS.—The President may in-  
22 clude the recommendations required under subsection (a)  
23 in a report submitted under section 8.

1 **SEC. 8. REPORT ON STRATEGY, IMPLEMENTATION PLAN,**  
2 **AND NATIONAL EXERCISE.**

3 Not later than 1 year after the date on which Depart-  
4 ment of Homeland Security leads the national exercise  
5 under section 6, the President shall submit to Congress  
6 a report that includes—

7 (1) a description of the efforts of the President  
8 to develop and update the strategy required under  
9 section 4;

10 (2) a description of the efforts of the President  
11 to develop and update the implementation plan re-  
12 quired under section 5; and

13 (3) an analysis of the effectiveness and benefit  
14 of the national exercise conducted under section 6.