

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.

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

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 quired 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-

nisms that can be developed to ensure that the swift transport and delivery of the items described in subparagraph (I) is feasible in the event of a distribution network disturbance or degradation, including a distribution network disturbance or degradation caused by a significant event;

(M) include guidance for determining the prioritization for the distribution of the items described in subparagraph (I), including distribution to States and Indian Tribes;

(N) consider the advisability and feasibility of mechanisms for extending the credit of the United States or providing other financial support authorized by law to key participants in the economy of the United States if the extension or provision of other financial support—

(i) is necessary to avoid severe economic degradation; or

(ii) allows for the recovery from a significant event;

(O) include guidance for determining categories of employees that should be prioritized to continue to work in order to sustain the 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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