

**Suspend the Rules and Pass the Bill, H. R. 3361, With an
Amendment**

**(The amendment strikes all after the enacting clause and inserts a
new text)**

114TH CONGRESS
1ST SESSION

H. R. 3361

To amend the Homeland Security Act of 2002 to establish the Insider
Threat Program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 29, 2015

Mr. KING of New York (for himself, Mr. HIGGINS, Mr. BARLETTA, Mr.
KATKO, and Mr. DONOVAN) introduced the following bill; which was re-
ferred to the Committee on Homeland Security

A BILL

To amend the Homeland Security Act of 2002 to establish
the Insider Threat Program, 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 “Department of Home-
5 land Security Insider Threat and Mitigation Act of 2015”.

1 **SEC. 2. ESTABLISHMENT OF INSIDER THREAT PROGRAM.**

2 (a) IN GENERAL.—Title I of the Homeland Security
3 Act of 2002 (6 U.S.C. 111 et seq.) is amended by adding
4 at the end the following new section:

5 **“SEC. 104. INSIDER THREAT PROGRAM.**

6 “(a) ESTABLISHMENT.—The Secretary shall estab-
7 lish an Insider Threat Program within the Department.
8 Such Program shall—

9 “(1) provide training and education for Depart-
10 ment personnel to identify, prevent, mitigate, and re-
11 spond to insider threat risks to the Department’s
12 critical assets;

13 “(2) provide investigative support regarding po-
14 tential insider threats that may pose a risk to the
15 Department’s critical assets; and

16 “(3) conduct risk mitigation activities for in-
17 sider threats.

18 “(b) STEERING COMMITTEE.—

19 “(1) IN GENERAL.—The Secretary shall estab-
20 lish a Steering Committee within the Department.
21 The Under Secretary for Intelligence and Analysis
22 shall serve as the Chair of the Steering Committee.
23 The Chief Security Officer shall serve as the Vice
24 Chair. The Steering Committee shall be comprised
25 of representatives of the Office of Intelligence and
26 Analysis, the Office of the Chief Information Officer,

1 the Office of the General Counsel, the Office for
2 Civil Rights and Civil Liberties, the Privacy Office,
3 the Office of the Chief Human Capital Officer, the
4 Office of the Chief Financial Officer, the Federal
5 Protective Service, the Office of the Chief Procure-
6 ment Officer, the Science and Technology Direc-
7 torate, and other components or offices of the De-
8 partment as appropriate. Such representatives shall
9 meet on a regular basis to discuss cases and issues
10 related to insider threats to the Department's crit-
11 ical assets, in accordance with subsection (a).

12 “(2) RESPONSIBILITIES.—Not later than one
13 year after the date of the enactment of this section,
14 the Under Secretary for Intelligence and Analysis
15 and the Chief Security Officer, in coordination with
16 the Steering Committee established pursuant to
17 paragraph (1), shall—

18 “(A) develop a holistic strategy for Depart-
19 ment-wide efforts to identify, prevent, mitigate,
20 and respond to insider threats to the Depart-
21 ment's critical assets;

22 “(B) develop a plan to implement the in-
23 sider threat measures identified in the strategy
24 developed under subparagraph (A) across the
25 components and offices of the Department;

1 “(C) document insider threat policies and
2 controls;

3 “(D) conduct a baseline risk assessment of
4 insider threats posed to the Department’s crit-
5 ical assets;

6 “(E) examine existing programmatic and
7 technology best practices adopted by the Fed-
8 eral Government, industry, and research insti-
9 tutions to implement solutions that are vali-
10 dated and cost-effective;

11 “(F) develop a timeline for deploying work-
12 place monitoring technologies, employee aware-
13 ness campaigns, and education and training
14 programs related to identifying, preventing,
15 mitigating, and responding to potential insider
16 threats to the Department’s critical assets;

17 “(G) require the Chair and Vice Chair of
18 the Steering Committee to consult with the
19 Under Secretary for Science and Technology
20 and other appropriate stakeholders to ensure
21 the Insider Threat Program is informed, on an
22 ongoing basis, by current information regarding
23 threats, beset practices, and available tech-
24 nology; and

1 “(H) develop, collect, and report metrics
2 on the effectiveness of the Department’s insider
3 threat mitigation efforts.

4 “(c) REPORT.—Not later than two years after the
5 date of the enactment of this section and the biennially
6 thereafter for the next four years, the Secretary shall sub-
7 mit to the Committee on Homeland Security and the Per-
8 manent Select Committee on Intelligence of the House of
9 Representatives and the Committee on Homeland Security
10 and Governmental Affairs and the Select Committee on
11 Intelligence of the Senate a report on how the Department
12 and its components and offices have implemented the
13 strategy developed under subsection (b)(2)(A), the status
14 of the Department’s risk assessment of critical assets, the
15 types of insider threat training conducted, the number of
16 Department employees who have received such training,
17 and information on the effectiveness of the Insider Threat
18 Program, based on metrics under subsection (b)(2)(H).

19 “(d) DEFINITIONS.—In this section:

20 “(1) CRITICAL ASSETS.—The term ‘critical as-
21 sets’ means the people, facilities, information, and
22 technology required for the Department to fulfill its
23 mission.

24 “(2) INSIDER.—The term ‘insider’ means—

1 “(A) any person who has access to classi-
2 fied national security information and is em-
3 ployed by, detailed to, or assigned to the De-
4 partment, including members of the Armed
5 Forces, experts or consultants to the Depart-
6 ment, industrial or commercial contractors, li-
7 censees, certificate holders, or grantees of the
8 Department, including all subcontractors, per-
9 sonal services contractors, or any other category
10 of person who acts for or on behalf of the De-
11 partment, as determined by the Secretary; or

12 “(B) State, local, tribal, territorial, and
13 private sector personnel who possess security
14 clearances granted by the Department.

15 “(3) INSIDER THREAT.—The term ‘insider
16 threat’ means the threat that an insider will use his
17 or her authorized access, wittingly or unwittingly, to
18 do harm to the security of the United States, includ-
19 ing damage to the United States through espionage,
20 terrorism, the unauthorized disclosure of classified
21 national security information, or through the loss or
22 degradation of departmental resources or capabili-
23 ties.”.

24 (b) CLERICAL AMENDMENT.—The table of contents
25 of the Homeland Security Act of 2002 is amended by in-

1 inserting after the item relating to section 103 the following

2 new item:

“Sec. 104. Insider Threat Program.”.