

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3361
OFFERED BY MR. KING OF NEW YORK**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Department of Home-
3 land Security Insider Threat and Mitigation Act of 2015”.

4 SEC. 2. ESTABLISHMENT OF INSIDER THREAT PROGRAM.

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

8 “SEC. 104. INSIDER THREAT PROGRAM.

9 “(a) ESTABLISHMENT.—The Secretary shall estab-
10 lish an Insider Threat Program within the Department.
11 Such Program shall—

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

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

1 “(3) conduct risk mitigation activities for in-
2 sider threats.

3 “(b) STEERING COMMITTEE.—

4 “(1) IN GENERAL.—The Secretary shall estab-
5 lish a Steering Committee within the Department.
6 The Under Secretary for Intelligence and Analysis
7 shall serve as the Chair of the Steering Committee.
8 The Chief Security Officer shall serve as the Vice
9 Chair. The Steering Committee shall be comprised
10 of representatives of the Office of Intelligence and
11 Analysis, the Office of the Chief Information Officer,
12 the Office of the General Counsel, the Office for
13 Civil Rights and Civil Liberties, the Privacy Office,
14 the Office of the Chief Human Capital Officer, the
15 Office of the Chief Financial Officer, the Federal
16 Protective Service, the Office of the Chief Procure-
17 ment Officer, the Science and Technology Direc-
18 torate, and other components or offices of the De-
19 partment as appropriate. Such representatives shall
20 meet on a regular basis to discuss cases and issues
21 related to insider threats to the Department’s crit-
22 ical assets, in accordance with subsection (a).

23 “(2) RESPONSIBILITIES.—Not later than one
24 year after the date of the enactment of this section,
25 the Under Secretary for Intelligence and Analysis

1 and the Chief Security Officer, in coordination with
2 the Steering Committee established pursuant to
3 paragraph (1), shall—

4 “(A) develop a holistic strategy for Depart-
5 ment-wide efforts to identify, prevent, mitigate,
6 and respond to insider threats to the Depart-
7 ment’s critical assets;

8 “(B) develop a plan to implement the in-
9 sider threat measures identified in the strategy
10 developed under subparagraph (A) across the
11 components and offices of the Department;

12 “(C) document insider threat policies and
13 controls;

14 “(D) conduct a baseline risk assessment of
15 insider threats posed to the Department’s crit-
16 ical assets;

17 “(E) examine existing programmatic and
18 technology best practices adopted by the Fed-
19 eral Government, industry, and research insti-
20 tutions to implement solutions that are vali-
21 dated and cost-effective;

22 “(F) develop a timeline for deploying work-
23 place monitoring technologies, employee aware-
24 ness campaigns, and education and training
25 programs related to identifying, preventing,

1 mitigating, and responding to potential insider
2 threats to the Department's critical assets;

3 "(G) require the Chair and Vice Chair of
4 the Steering Committee to consult with the
5 Under Secretary for Science and Technology
6 and other appropriate stakeholders to ensure
7 the Insider Threat Program is informed, on an
8 ongoing basis, by current information regarding
9 threats, beset practices, and available tech-
10 nology; and

11 "(H) develop, collect, and report metrics
12 on the effectiveness of the Department's insider
13 threat mitigation efforts.

14 "(c) REPORT.—Not later than two years after the
15 date of the enactment of this section and the biennially
16 thereafter for the next four years, the Secretary shall sub-
17 mit to the Committee on Homeland Security and the Per-
18 manent Select Committee on Intelligence of the House of
19 Representatives and the Committee on Homeland Security
20 and Governmental Affairs and the Select Committee on
21 Intelligence of the Senate a report on how the Department
22 and its components and offices have implemented the
23 strategy developed under subsection (b)(2)(A), the status
24 of the Department's risk assessment of critical assets, the
25 types of insider threat training conducted, the number of

1 Department employees who have received such training,
2 and information on the effectiveness of the Insider Threat
3 Program, based on metrics under subsection (b)(2)(H).

4 “(d) DEFINITIONS.—In this section:

5 “(1) CRITICAL ASSETS.—The term ‘critical as-
6 sets’ means the people, facilities, information, and
7 technology required for the Department to fulfill its
8 mission.

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

10 “(A) any person who has access to classi-
11 fied national security information and is em-
12 ployed by, detailed to, or assigned to the De-
13 partment, including members of the Armed
14 Forces, experts or consultants to the Depart-
15 ment, industrial or commercial contractors, li-
16 censees, certificate holders, or grantees of the
17 Department, including all subcontractors, per-
18 sonal services contractors, or any other category
19 of person who acts for or on behalf of the De-
20 partment, as determined by the Secretary; or

21 “(B) State, local, tribal, territorial, and
22 private sector personnel who possess security
23 clearances granted by the Department.

24 “(3) INSIDER THREAT.—The term ‘insider
25 threat’ means the threat that an insider will use his

1 or her authorized access, wittingly or unwittingly, to
2 do harm to the security of the United States, includ-
3 ing damage to the United States through espionage,
4 terrorism, the unauthorized disclosure of classified
5 national security information, or through the loss or
6 degradation of departmental resources or capabili-
7 ties.”.

8 (b) CLERICAL AMENDMENT.—The table of contents
9 of the Homeland Security Act of 2002 is amended by in-
10 serting after the item relating to section 103 the following
11 new item:

“Sec. 104. Insider Threat Program.”.

