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(Original Signature of Member)

115TH CONGRESS
1ST SESSION

H. R.

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

IN THE HOUSE OF REPRESENTATIVES

Mr. KING of New York introduced the following bill; which was referred to the Committee on _____

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 2017”.

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

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

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

2 “(a) ESTABLISHMENT.—The Secretary shall estab-
3 lish an Insider Threat Program within the Department.

4 Such Program shall—

5 “(1) provide training and education for Depart-
6 ment personnel to identify, prevent, mitigate, and re-
7 spond to insider threat risks to the Department’s
8 critical assets;

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

12 “(3) conduct risk mitigation activities for in-
13 sider threats.

14 “(b) STEERING COMMITTEE.—

15 “(1) IN GENERAL.—The Secretary shall estab-
16 lish a Steering Committee within the Department.
17 The Under Secretary for Intelligence and Analysis
18 shall serve as the Chair of the Steering Committee.
19 The Chief Security Officer shall serve as the Vice
20 Chair. The Steering Committee shall be comprised
21 of representatives of the Office of Intelligence and
22 Analysis, the Office of the Chief Information Officer,
23 the Office of the General Counsel, the Office for
24 Civil Rights and Civil Liberties, the Privacy Office,
25 the Office of the Chief Human Capital Officer, the
26 Office of the Chief Financial Officer, the Federal

1 Protective Service, the Office of the Chief Procure-
2 ment Officer, the Science and Technology Direc-
3 torate, and other components or offices of the De-
4 partment as appropriate. Such representatives shall
5 meet on a regular basis to discuss cases and issues
6 related to insider threats to the Department's crit-
7 ical assets, in accordance with subsection (a).

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

14 “(A) develop a holistic strategy for Depart-
15 ment-wide efforts to identify, prevent, mitigate,
16 and respond to insider threats to the Depart-
17 ment's critical assets;

18 “(B) develop a plan to implement the in-
19 sider threat measures identified in the strategy
20 developed under subparagraph (A) across the
21 components and offices of the Department;

22 “(C) document insider threat policies and
23 controls;

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

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

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

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

23 “(H) develop, collect, and report metrics
24 on the effectiveness of the Department’s insider
25 threat mitigation efforts.

1 “(c) DEFINITIONS.—In this section:

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

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

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

18 “(B) State, local, tribal, territorial, and
19 private sector personnel who possess security
20 clearances granted by the Department.

21 “(3) INSIDER THREAT.—The term ‘insider
22 threat’ means the threat that an insider will use his
23 or her authorized access, wittingly or unwittingly, to
24 do harm to the security of the United States, includ-
25 ing damage to the United States through espionage,

1 terrorism, the unauthorized disclosure of classified
2 national security information, or through the loss or
3 degradation of departmental resources or capabili-
4 ties.”.

5 (b) REPORTING.—

6 (1) IN GENERAL.—Not later than two years
7 after the date of the enactment of section 104 of the
8 Homeland Security Act of 2002 (as added by sub-
9 section (a) of this section) and the biennially there-
10 after for the next four years, the Secretary of Home-
11 land Security shall submit to the Committee on
12 Homeland Security and the Permanent Select Com-
13 mittee on Intelligence of the House of Representa-
14 tives and the Committee on Homeland Security and
15 Governmental Affairs and the Select Committee on
16 Intelligence of the Senate a report on how the De-
17 partment of Homeland Security and its components
18 and offices have implemented the strategy developed
19 pursuant to subsection (b)(2)(A) of such section
20 104, the status of the Department’s risk assessment
21 of critical assets, the types of insider threat training
22 conducted, the number of Department employees
23 who have received such training, and information on
24 the effectiveness of the Insider Threat Program (es-
25 tablished pursuant to subsection (a) of such section

1 104), based on metrics developed, collected, and re-
2 ported pursuant to subsection (b)(2)(H) of such sec-
3 tion 104.

4 (2) DEFINITIONS.—In this subsection, the
5 terms “critical assets”, “insider”, and “insider
6 threat” have the meanings given such terms in sec-
7 tion 104 of the Homeland Security Act of 2002 (as
8 added by subsection (a) of this section).

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

“Sec. 104. Insider Threat Program.”.