

114<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 3361

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## AN ACT

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,*

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

19 “(3) conduct risk mitigation activities for in-  
20 sider threats.

21 “(b) STEERING COMMITTEE.—

22 “(1) IN GENERAL.—The Secretary shall estab-  
23 lish a Steering Committee within the Department.

24 The Under Secretary for Intelligence and Analysis  
25 shall serve as the Chair of the Steering Committee.

26 The Chief Security Officer shall serve as the Vice

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

15 “(2) RESPONSIBILITIES.—Not later than 1 year  
16 after the date of the enactment of this section, the  
17 Under Secretary for Intelligence and Analysis and  
18 the Chief Security Officer, in coordination with the  
19 Steering Committee established pursuant to para-  
20 graph (1), shall—

21 “(A) develop a holistic strategy for Depart-  
22 ment-wide efforts to identify, prevent, mitigate,  
23 and respond to insider threats to the Depart-  
24 ment’s critical assets;

1           “(B) develop a plan to implement the in-  
2           sider threat measures identified in the strategy  
3           developed under subparagraph (A) across the  
4           components and offices of the Department;

5           “(C) document insider threat policies and  
6           controls;

7           “(D) conduct a baseline risk assessment of  
8           insider threats posed to the Department’s crit-  
9           ical assets;

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

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

21          “(G) require the Chair and Vice Chair of  
22          the Steering Committee to consult with the  
23          Under Secretary for Science and Technology  
24          and other appropriate stakeholders to ensure  
25          the Insider Threat Program is informed, on an

1 ongoing basis, by current information regarding  
2 threats, beset practices, and available tech-  
3 nology; and

4 “(H) develop, collect, and report metrics  
5 on the effectiveness of the Department’s insider  
6 threat mitigation efforts.

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

22 “(d) DEFINITIONS.—In this section:

23 “(1) CRITICAL ASSETS.—The term ‘critical as-  
24 sets’ means the people, facilities, information, and

1 technology required for the Department to fulfill its  
2 mission.

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

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

15 “(B) State, local, tribal, territorial, and  
16 private sector personnel who possess security  
17 clearances granted by the Department.

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

1 degradation of departmental resources or capabili-  
2 ties.”.

3 (b) CLERICAL AMENDMENT.—The table of contents  
4 of the Homeland Security Act of 2002 is amended by in-  
5 serting after the item relating to section 103 the following  
6 new item:

“Sec. 104. Insider Threat Program.”.

Passed the House of Representatives November 2,  
2015.

Attest:

*Clerk.*

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