

116TH CONGRESS
1ST SESSION

H. R. 3907

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

IN THE HOUSE OF REPRESENTATIVES

JULY 23, 2019

Mr. KING of New York (for himself, Mr. GREEN of Tennessee, and Mr. WALKER) introduced the following bill; which was referred 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 2019”.

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 carry out the following:

14 “(A) Develop a holistic strategy for De-
15 partment-wide efforts to identify, prevent, miti-
16 gate, and respond to insider threats to the De-
17 partment'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
10 workplace monitoring technologies, employee
11 awareness campaigns, and education and train-
12 ing 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.

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 capabilities.”.

4
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 biennially thereafter
10 for the next four years, the Secretary of Homeland
11 Security shall submit to the Committee on Home-
12 land Security and the Permanent Select Committee
13 on Intelligence of the House of Representatives and
14 the Committee on Homeland Security and Govern-
15 mental Affairs and the Select Committee on Intel-
16 ligence of the Senate a report on how the Depart-
17 ment of Homeland Security and its components and
18 offices have implemented the strategy developed pur-
19 suant to subsection (b)(2)(A) of such section 104,
20 the status of the Department’s risk assessment of
21 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 in section 1(b) of the Homeland Security Act of 2002 is
11 amended by inserting after the item relating to section
12 103 the following new item:

“Sec. 104. Insider Threat Program.”.

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