

**AMENDMENT TO RULES COMM. PRINT 118-10**  
**OFFERED BY MS. WASSERMAN SCHULTZ OF**  
**FLORIDA**

Add at the end of subtitle C of title XVIII the following:

1 **SEC. 1859. THREAT ASSESSMENT ON CYBER HARASSMENT**  
2 **AND ITS USE BY TERRORISTS AND FOREIGN**  
3 **MALICIOUS ACTORS.**

4 (a) IN GENERAL.—The Under Secretary for Intel-  
5 ligence and Analysis of the Department of Homeland Se-  
6 curity shall develop and disseminate a threat assessment  
7 regarding the use of cyber harassment, including doxing,  
8 by terrorists and foreign malicious actors.

9 (b) COORDINATION.—The threat assessment devel-  
10 oped pursuant to subsection (a)—

11 (1) shall be developed in coordination with the  
12 Privacy Office of the Department of Homeland Se-  
13 curity and the Office for Civil Rights and Civil Lib-  
14 erties of the Department of Homeland Security; and

15 (2) may be informed by existing products, as  
16 appropriate.

17 (c) REQUIREMENTS.—The threat assessment devel-  
18 oped pursuant to subsection (a) shall include—

1           (1) an overview of cyber harassment tactics,  
2 techniques, and procedures used by terrorists and  
3 foreign malign actors;

4           (2) a list of notable incidents of cyber harass-  
5 ment by terrorists and foreign malign actors;

6           (3) a review of the threat posed by cyber har-  
7 assment, including tactics, techniques, and proce-  
8 dures not currently identified as in use by terrorists  
9 and foreign malign actors, but representing a vulner-  
10 ability based on the common practices of such ac-  
11 tors, as well as a summary of the terrorist and for-  
12 eign malign actors most likely to adapt to use of  
13 such tactics, techniques, and procedures; and

14           (4) an overview of cyber harassment typologies  
15 and methodologies that may inform risk indicators  
16 of relevance to State, local, Tribal, and Federal law  
17 enforcement in identifying cyber harassment that  
18 may be indicative of terrorist or foreign malign actor  
19 involvement.

20           (d) DISSEMINATION AND PUBLICATION.—The Under  
21 Secretary shall—

22           (1) not later than 180 days after the date of  
23 the enactment of this Act, submit the threat assess-  
24 ment to Congressional committees of jurisdiction;  
25 and

1           (2) consistent with the protection of classified  
2           and confidential unclassified information—

3                   (A) disseminate the threat assessment de-  
4                   veloped under this section with State, local, and  
5                   Tribal law enforcement officials, including offi-  
6                   cials who operate within State, local, and re-  
7                   gional fusion centers through the Department  
8                   of Homeland Security State, Local, and Re-  
9                   gional Fusion Center Initiative established in  
10                  accordance with section 210A of the Homeland  
11                  Security Act of 2002 (6 U.S.C. 124h).

12                   (B) ensure a version of the assessment is  
13                   published on the Department’s website no later  
14                   than 30 days following dissemination to Con-  
15                   gress.

16           (e) DEFINITIONS.—For the purposes of this section:

17                   (1) CYBER HARASSMENT.—The term “cyber  
18                   harassment” means electronic communication that  
19                   harasses, torments, threatens, or terrorizes a target.

20                   (2) DOXING.—The term “doxing” means to  
21                   knowingly publish the personally identifiable infor-  
22                   mation of another individual, without the individ-  
23                   ual’s consent and with the intent to—

24                           (A) threaten, intimidate, harass, or stalk  
25                           any person;

1 (B) facilitate another to threaten, intimi-  
2 date, harass, or stalk any person;

3 (C) incite or facilitate the commission of a  
4 crime of violence against any person; or

5 (D) place any person in reasonable fear of  
6 death or serious bodily injury.

7 (3) PERSONALLY IDENTIFIABLE INFORMA-  
8 TION.—The term “personally identifiable informa-  
9 tion” means—

10 (A) any information that can be used to  
11 distinguish or trace an individual’s identity,  
12 such as name, prior legal name, alias, mother’s  
13 maiden name, social security number, date or  
14 place of birth, address, phone number, or bio-  
15 metric data;

16 (B) any information that is linked or  
17 linkable to an individual, such as medical, fi-  
18 nancial, education, consumer, or employment  
19 information, data, or records; or

20 (C) any other sensitive private information  
21 that is linked or linkable to a specific identifi-  
22 able individual, such as gender identity, sexual  
23 orientation, or any sexually intimate visual de-  
24 picture.

1           (4) TERRORISTS.—The term “terrorists” refers  
2           to—

3                   (A) any designated Foreign Terrorist Or-  
4                   ganization (FTO);

5                   (B) any group or actor supporting activi-  
6                   ties that may be covered by section 2331(5) of  
7                   title 18, United States Code; and

8                   (C) any group or actor investigated by the  
9                   intelligence community pursuant to the intel-  
10                  ligence review represented by “Domestic Violent  
11                  Extremism Poses Heightened Threat in 2021”,  
12                  01 March 2021.

13           (5) FOREIGN MALIGN ACTOR.—The term “for-  
14           eign malign actor” refers to any foreign adversary  
15           entities covered by section 5322(e)(2) of the Na-  
16           tional Defense Authorization Act for Fiscal Year  
17           2020 (50 U.S.C. 3059(e)(2)).

18           (f) RULES OF CONSTRUCTION.—For purposes of con-  
19           struing this section, the following shall apply:

20                   (1) AUTHORITIES.—Nothing in this section  
21                   may be construed to confer any authority, including  
22                   law enforcement authority, beyond that which is au-  
23                   thorized under existing law.

24                   (2) CONSTITUTIONAL PROTECTIONS.—Nothing  
25                   in this section may be construed to prohibit any con-

1       stitutionally protected speech, expressive conduct or  
2       activities (regardless of whether compelled by, or  
3       central to, a system of religious belief), including the  
4       exercise of religion protected by the First Amend-  
5       ment and peaceful picketing or demonstration. The  
6       Constitution does not protect speech, conduct, or ac-  
7       tivities consisting of planning for, conspiring to com-  
8       mit, or committing an act of violence.

9           (3) PRIVACY.—Nothing in this section may be  
10       construed to preempt or conflict with existing Fed-  
11       eral privacy laws, except in circumstances listed  
12       herein.

13           (4) FREE EXPRESSION.—Nothing in this sec-  
14       tion may be construed to allow prosecution based  
15       solely upon an individual’s expression of racial, reli-  
16       gious, political, or other beliefs or solely upon an in-  
17       dividual’s membership in a group advocating or es-  
18       pousing such beliefs.

