

**AMENDMENT TO RULES COMM. PRINT 118–36**  
**OFFERED BY MS. WASSERMAN SCHULTZ OF**  
**FLORIDA**

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

1 **SEC. 1748. 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 a threat assessment regarding the use  
7 of cyber harassment, including doxing, by terrorists and  
8 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, the Office for Civil Rights and Civil Liberties  
14 of the Department, and the Cybersecurity and Infra-  
15 structure Security Agency of the Department;

16 (2) may be developed in coordination with any  
17 element of the intelligence community determined to

1 be necessary by the Under Secretary for Intelligence  
2 and Analysis; and

3 (3) may be informed by existing products, as  
4 appropriate.

5 (c) REQUIREMENTS.—The threat assessment devel-  
6 oped pursuant to subsection (a) shall include the following:

7 (1) An overview of cyber harassment tactics,  
8 techniques, and procedures used by terrorists and  
9 foreign malign actors.

10 (2) A list of notable incidents of cyber harass-  
11 ment by terrorists and foreign malign actors.

12 (3) A review of the threat posed by cyber har-  
13 assment, including tactics, techniques, and proce-  
14 dures not currently identified as in use by terrorists  
15 and foreign malign actors, but representing a vulner-  
16 ability based on the common practices of such ter-  
17 rorists and actors, as well as a summary of the ter-  
18 rorist and foreign malign actors most likely to adapt  
19 to use of such tactics, techniques, and procedures.

20 (4) An overview of cyber harassment typologies  
21 and methodologies that may inform risk indicators  
22 of relevance to State, local, Tribal, and territorial  
23 law enforcement in identifying cyber harassment  
24 that may be indicative of terrorist or foreign malign  
25 actor involvement.

1 (d) DISSEMINATION AND PUBLICATION.—The Under  
2 Secretary for Intelligence and Analysis shall—

3 (1) not later than 180 days after the date of  
4 the enactment of this Act, submit to the congress-  
5 sional committees of jurisdiction the threat assess-  
6 ment developed pursuant to subsection (a); and

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

9 (A) disseminate to State, local, Tribal, and  
10 territorial law enforcement officials, including  
11 officials who operate within State, local, and re-  
12 gional fusion centers through the Department  
13 of Homeland Security State, Local, and Re-  
14 gional Fusion Center Initiative established in  
15 accordance with section 210A of the Homeland  
16 Security Act of 2002 (6 U.S.C. 124h), such  
17 threat assessment; and

18 (B) ensure a version of such threat assess-  
19 ment is published on the Department of Home-  
20 land Security’s website not later than 30 days  
21 after submission to Congress in accordance with  
22 paragraph (1).

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

24 (1) CONGRESSIONAL COMMITTEES OF JURISDIC-  
25 TION.—The term “congressional committees of juris-

1       diction” means the Committee of Homeland Security  
2       and the Permanent Select Committee on Intelligence  
3       of the House of Representatives and the Committee  
4       on Homeland Security and Governmental Affairs  
5       and the Select Committee on Intelligence of the Sen-  
6       ate.

7               (2) CYBER HARASSMENT.—The term “cyber  
8       harassment” means electronic communication that  
9       harasses, torments, threatens, or terrorizes a target.

10              (3) DOXING.—The term “doxing” means to  
11       knowingly publish the personally identifiable infor-  
12       mation of another individual, without the individ-  
13       ual’s consent and with the intent to—

14                   (A) threaten, intimidate, harass, or stalk  
15       any person;

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

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

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

22              (4) INTELLIGENCE COMMUNITY.—The term  
23       “intelligence community” has the meaning given  
24       such term in section 3(4) of the National Security  
25       Act of 1947 (50 U.S.C. 3003(4)).

1           (5) FOREIGN MALIGN ACTOR.—The term “for-  
2           eign malign actor” means any actor or group sus-  
3           pected of engaging in suspected of engaging in for-  
4           eign malign influence.

5           (6) FOREIGN MALIGN INFLUENCE.—The term  
6           “foreign malign influence” has the meaning given  
7           such term in section 119C(e)(2) of the National Se-  
8           curity Act of 1947 (50 U.S.C. 3059(e)(2)).

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

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

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

22                 (C) any other sensitive private information  
23                 that is linked or linkable to a specific identifi-  
24                 able individual, such as gender identity, sexual

1 orientation, or any sexually intimate visual de-  
2 picture.

3 (8) **TERRORISTS.**—The term “terrorists” refers  
4 to—

5 (A) any member of a designated foreign  
6 terrorist organization (FTO) designated by the  
7 Secretary of State pursuant to section 219 of  
8 the INA (8 U.S.C. 1189);

9 (B) any group or actor supporting activi-  
10 ties that may be covered by the definition of the  
11 term “terrorism” in section 2(18) of the Home-  
12 land Security Act of 2002 (6 U.S.C. 101(18));  
13 and

14 (C) any group or actor investigated by the  
15 intelligence community pursuant to the intel-  
16 ligence review represented by “Domestic Violent  
17 Extremism Poses Heightened Threat in 2021”  
18 (dated March 1, 2021).

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

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

1           (2) CONSTITUTIONAL PROTECTIONS.—Nothing  
2           in this section may be construed to prohibit any con-  
3           stitutionally protected speech, expressive conduct or  
4           activities (regardless of whether compelled by, or  
5           central to, a system of religious belief), including the  
6           exercise of religion protected by the First Amend-  
7           ment and peaceful picketing or demonstration. The  
8           Constitution does not protect speech, conduct, or ac-  
9           tivities consisting of planning for, conspiring to com-  
10          mit, or committing an act of violence.

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

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

