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118TH CONGRESS
1ST SESSION

H. R. 3547

To require the Department of Homeland Security to develop and disseminate a threat assessment regarding the use of cyber harassment, including doxing, by terrorists and foreign malicious actors, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 18, 2023

Ms. WASSERMAN SCHULTZ (for herself, Mr. COHEN, Mr. GOLDMAN of New York, Mr. GOTTHEIMER, Ms. JACKSON LEE, Mr. LANDSMAN, Mr. MAGAZINER, Mr. MOSKOWITZ, Mr. NADLER, Mr. NICKEL, Mr. PAYNE, Mr. PETERS, Mr. RYAN, Mr. SCHIFF, Mr. SHERMAN, Ms. SHERRILL, Ms. SLOTKIN, Ms. SPANBERGER, Ms. WILD, Ms. LOIS FRANKEL of Florida, Ms. BALINT, Mr. BACON, Mr. MENENDEZ, Ms. MANNING, Mr. SCHNEIDER, Mr. AUCHINCLOSS, Mr. MCCAUL, and Mr. WILSON of South Carolina) introduced the following bill; which was referred to the Committee on Homeland Security

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A BILL

To require the Department of Homeland Security to develop and disseminate a threat assessment regarding the use of cyber harassment, including doxing, by terrorists and foreign malicious actors, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Doxing Threat Assessment Act''.

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

(a) IN GENERAL.—The Under Secretary for Intelligence and Analysis of the Department of Homeland Security shall develop and disseminate a threat assessment regarding the use of cyber harassment, including doxing, by terrorists and foreign malicious actors.

(b) COORDINATION.—The threat assessment developed pursuant to subsection (a)—

(1) shall be developed in coordination with the Privacy Office of the Department of Homeland Security and the Office for Civil Rights and Civil Liberties of the Department of Homeland Security; and

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

(c) REQUIREMENTS.—The threat assessment developed pursuant to subsection (a) shall include—

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

(2) a list of notable incidents of cyber harassment by terrorists and foreign malign actors;

(3) a review of the threat posed by cyber harassment, including tactics, techniques, and procedures not currently identified as in use by terrorists

and foreign malign actors, but representing a vulnerability based on the common practices of such actors, as well as a summary of the terrorist and foreign malign actors most likely to adapt to use of such tactics, techniques, and procedures; and

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

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

(1) not later than 180 days after the date of the enactment of this Act, submit the threat assessment to Congressional committees of jurisdiction; and

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

(A) disseminate the threat assessment developed under this section with State, local, and Tribal law enforcement officials, including officials who operate within State, local, and regional fusion centers through the Department of Homeland Security State, Local, and Re-

gional Fusion Center Initiative established in accordance with section 210A of the Homeland Security Act of 2002 (6 U.S.C. 124h).

(B) ensure a version of the assessment is published on the Department's website no later than 30 days following dissemination to Congress.

SEC. 3. DEFINITIONS.

For the purposes of this Act:

(1) CYBER HARASSMENT.—The term ''cyber harassment'' means electronic communication that harasses, torments, threatens, or terrorizes a target.

(2) DOXING.—The term ''doxing'' means to knowingly publish the personally identifiable information of another individual, without the individual's consent and with the intent to—

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

(B) facilitate another to threaten, intimidate, harass, or stalk any person;

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

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

(3) PERSONALLY IDENTIFIABLE INFORMATION.—The term ''personally identifiable information'' means—

(A) any information that can be used to distinguish or trace an individual's identity, such as name, prior legal name, alias, mother's maiden name, social security number, date or place of birth, address, phone number, or biometric data;

(B) any information that is linked or linkable to an individual, such as medical, financial, education, consumer, or employment information, data, or records; or

(C) any other sensitive private information that is linked or linkable to a specific identifiable individual, such as gender identity, sexual orientation, or any sexually intimate visual depiction.

(4) TERRORISTS.—The term ''terrorists'' refers to—

(A) any designated Foreign Terrorist Organization (FTO);

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

(C) any group or actor investigated by the intelligence community pursuant to the intelligence review represented by ''Domestic Violent Extremism Poses Heightened Threat in 2021'', 01 March 2021.

(5) FOREIGN MALIGN ACTOR.—The term ''foreign malign actor'' refers to any foreign adversary entities covered by section 5322(e)(2) of the National Defense Authorization Act for Fiscal Year 2020 (50 U.S.C. 3059(e)(2)).

SEC. 4. RULES OF CONSTRUCTION.

For purposes of construing this Act and amendments made by this Act, the following shall apply:

(1) AUTHORITIES.—Nothing in this Act shall be construed to confer any authority, including law enforcement authority, beyond that which is authorized under existing law.

(2) CONSTITUTIONAL PROTECTIONS.—Nothing in this Act shall be construed to prohibit any constitutionally protected speech, expressive conduct or activities (regardless of whether compelled by, or central to, a system of religious belief), including the exercise of religion protected by the First Amendment and peaceful picketing or demonstration. The Constitution does not protect speech, conduct, or ac-

tivities consisting of planning for, conspiring to commit, or committing an act of violence.

(3) PRIVACY.—Nothing in this Act shall be construed to preempt or conflict with existing Federal privacy laws, except in circumstances listed herein.

(4) FREE EXPRESSION.—Nothing in this Act shall be construed to allow prosecution based solely upon an individual's expression of racial, religious, political, or other beliefs or solely upon an individual's membership in a group advocating or espousing such beliefs.

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