

Calendar No. 190

117TH CONGRESS
1ST SESSION

S. 2340

To improve the safety and security of the Federal judiciary.

IN THE SENATE OF THE UNITED STATES

JULY 14, 2021

Mr. MENENDEZ (for himself, Mr. BOOKER, Mr. GRAHAM, Mr. DURBIN, Mr. KENNEDY, Mrs. FEINSTEIN, Ms. KLOBUCHAR, Mr. COONS, Mr. BLUMENTHAL, Ms. HIRONO, Mr. PADILLA, Mr. GRASSLEY, and Mr. CRUZ) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

DECEMBER 16, 2021

Reported by Mr. DURBIN, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To improve the safety and security of the Federal judiciary.

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 “Daniel Aderl Judicial
5 Security and Privacy Act of 2021”.

1 **SEC. 2. PURPOSE; RULES OF CONSTRUCTION.**

2 (a) **PURPOSE.**—The purpose of this Act is to improve
 3 the safety and security of Federal judges, including senior,
 4 recalled, or retired Federal judges, and their immediate
 5 family, to ensure Federal judges are able to administer
 6 justice fairly without fear of personal reprisal from indi-
 7 viduals affected by the decisions they make in the course
 8 of carrying out their public duties.

9 (b) **RULES OF CONSTRUCTION.**—

10 (1) **IN GENERAL.**—Nothing in this Act shall be
 11 construed—

12 (A) to prohibit, restrain, or limit—

13 (i) the lawful investigation or report-
 14 ing by the press of any unlawful activity or
 15 misconduct alleged to have been committed
 16 by an at-risk individual or their immediate
 17 family; or

18 (ii) the reporting on an at-risk indi-
 19 vidual or their immediate family regarding
 20 matters of public concern;

21 (B) to impair access to decisions and opin-
 22 ions from a Federal judge in the course of ear-
 23 rying out their public functions; or

24 (C) to limit the publication or transfer of
 25 personally identifiable information that the at-
 26 risk individual or their immediate family mem-

1 ber voluntarily publishes on the internet after
2 the date of enactment of this Act.

3 ~~(2) PROTECTION OF PERSONALLY IDENTIFI-~~
4 ~~ABLE INFORMATION.~~—This Act shall be broadly con-
5 strued to favor the protection of the personally iden-
6 tifiable information of at-risk individuals and their
7 immediate family.

8 **SEC. 3. FINDINGS.**

9 Congress finds the following:

10 (1) Members of the Federal judiciary perform
11 the important function of interpreting our Constitu-
12 tion and administering justice in a fair and impartial
13 manner.

14 (2) In recent years, partially as a result of the
15 rise in the use of social media and online access to
16 information, members of the Federal judiciary have
17 been exposed to an increased number of personal
18 threats in connection to their role. The ease of ac-
19 cess to free or inexpensive sources of personally
20 identifiable information has considerably lowered the
21 effort required for malicious actors to discover where
22 individuals live, where they spend leisure hours, and
23 to find information about their family members.
24 Such threats have included calling a judge a traitor
25 with references to mass shootings and serial killings,

1 calling for an “angry mob” to gather outside a
2 judge’s home and, in reference to a United States
3 courts of appeals judge, stating how easy it would be
4 to “get them.”

5 (3) Between 2015 and 2019, threats and other
6 inappropriate communications against Federal
7 judges and other judiciary personnel increased from
8 926 in 2015 to approximately 4,449 in 2019.

9 (4) Over the past decade, several members of
10 the Federal judiciary have experienced acts of vio-
11 lence against themselves or a family member in con-
12 nection to their Federal judiciary role, including the
13 murder of the family of United States District
14 Judge for the Northern District of Illinois Joan
15 Lefkow in 2005.

16 (5) On Sunday July 19, 2020, an assailant
17 went to the home of Esther Salas, a judge for the
18 United States District Court for the District of New
19 Jersey, impersonating a package delivery driver,
20 opening fire upon arrival, and killing Daniel Anderl,
21 the 20-year-old only son of Judge Salas, and seri-
22 ously wounding Mark Anderl, her husband.

23 (6) In the aftermath of the recent tragedy that
24 occurred to Judge Salas and in response to the con-
25 tinuous rise of threats against members of the Fed-

1 eral judiciary, there is an immediate need for en-
2 hanced security procedures and increased availability
3 of tools to protect Federal judges and their families.

4 **SEC. 4. DEFINITIONS.**

5 In this Act:

6 (1) **AT-RISK INDIVIDUAL.**—The term “at-risk
7 individual” means—

8 (A) a Federal judge; or

9 (B) a senior, recalled, or retired Federal
10 judge

11 (2) **DATA BROKER.**—

12 (A) **IN GENERAL.**—The term “data
13 broker” means a business or commercial entity
14 when it is engaged in collecting, assembling, or
15 maintaining personal information concerning an
16 individual who is not a customer, client, or an
17 employee of that entity in order to sell the in-
18 formation or otherwise profit from providing
19 third party access to the information.

20 (B) **EXCLUSION.**—The following activities
21 conducted by a business or commercial entity,
22 and the collection and sale or licensing of per-
23 sonally identifiable information incidental to
24 conducting these activities do not qualify the
25 entity as a data broker.

1 (i) ~~Engaging in reporting, newsga-~~
2 ~~thering, speaking, or other activities in-~~
3 ~~tended to inform the public on matters of~~
4 ~~public interest or public concern.~~

5 (ii) ~~Providing 411 directory assistance~~
6 ~~or directory information services, including~~
7 ~~name, address, and telephone number, on~~
8 ~~behalf of or as a function of a tele-~~
9 ~~communications carrier.~~

10 (iii) ~~Utilizing personal information in-~~
11 ~~ternally, providing access to businesses~~
12 ~~under common ownership or affiliated by~~
13 ~~corporate control, or selling or providing~~
14 ~~data for a transaction or service requested~~
15 ~~by or concerning the individual whose per-~~
16 ~~sonal information is being transferred.~~

17 (iv) ~~Providing publicly available infor-~~
18 ~~mation via real-time or near-real-time alert~~
19 ~~services for health or safety purposes.~~

20 (v) ~~A consumer reporting agency to~~
21 ~~the extent that it is covered by the Federal~~
22 ~~Fair Credit Reporting Act (15 U.S.C.~~
23 ~~1681 et seq.).~~

24 (vi) ~~A financial institution to the ex-~~
25 ~~tent that it is covered by the Gramm-~~

1 Leach-Bliley Act (Public Law 106–102)
2 and implementing regulations.

3 (vii) An entity to the extent that it is
4 covered by the Health Insurance Port-
5 ability and Accountability Act (Public Law
6 104–191).

7 (3) FEDERAL JUDGE.—The term “Federal
8 judge” means—

9 (A) a justice or judge of the United States,
10 as those terms are defined in section 451 of
11 title 28, United States Code;

12 (B) a bankruptcy judge appointed under
13 section 152 of title 28, United States Code;

14 (C) a United States magistrate judge ap-
15 pointed under section 631 of title 28, United
16 States Code;

17 (D) a judge confirmed by the United
18 States Senate and empowered by statute in any
19 commonwealth, territory, or possession to per-
20 form the duties of a Federal judge; and

21 (E) a judge of the United States Court of
22 Federal Claims appointed under section 171 of
23 title 28, United States Code.

24 (4) GOVERNMENT AGENCY.—The term “Gov-
25 ernment agency” means any department enumerated

1 in section 4 of title 5 of the United States Code,
 2 independent establishment, commission, administra-
 3 tion, authority, board or bureau of the United States
 4 or any corporation in which the United States has
 5 a proprietary interest. The term includes all such in-
 6 stitutions, offices, and any other bodies politic and
 7 corporate of the United States Government created
 8 by the constitution or statute, whether in the execu-
 9 tive, judicial, or legislative branch; all units and cor-
 10 porate outgrowths created by Executive order of the
 11 President or any constitutional officer, by the Su-
 12 preme Court of the United States, or by resolution
 13 of the United States Congress.

14 (5) IMMEDIATE FAMILY.—The term “immediate
 15 family” means a spouse, child, parent, or any other
 16 familial relative of an at-risk individual whose per-
 17 manent residence is the same as the at-risk indi-
 18 vidual.

19 (6) PERSONALLY IDENTIFIABLE INFORMA-
 20 TION.—The term “personally identifiable informa-
 21 tion” means—

22 (A) a home address, including primary res-
 23 idence or secondary residences;

24 (B) a home or personal mobile telephone
 25 number, or the direct telephone number of a

1 Government-issued cell phone or private exten-
2 sion in the chambers of an at-risk individual;

3 (C) a personal email address;

4 (D) the social security number, driver's li-
5 cense number, or home address displayed on
6 voter registration information;

7 (E) a bank account or credit or debit card
8 information;

9 (F) home or other address displayed on
10 property tax records or held by a Federal,
11 State, or local government agency of an at-risk
12 individual, including a secondary residence and
13 any investment property at which an at-risk in-
14 dividual resides for part of a year;

15 (G) license plate number or home address
16 displayed on vehicle registration information;

17 (H) identification of children of an at-risk
18 individual under the age of 18;

19 (I) full date of birth;

20 (J) a photograph of any vehicle that legibly
21 displays the license plate or a photograph of a
22 residence that legibly displays the residence ad-
23 dress;

1 ~~(K)~~ the name and address of a school or
 2 day care facility attended by immediate family;
 3 or

4 ~~(L)~~ the name and address of an employer
 5 of immediate family.

6 ~~(7) SOCIAL MEDIA.~~—The term “social media”
 7 means any online electronic medium, a live-chat sys-
 8 tem, or an electronic dating service—

9 ~~(A)~~ that primarily serves as a medium for
 10 users to interact with content generated by
 11 other third-party users of the medium;

12 ~~(B)~~ that enables users to create accounts
 13 or profiles specific to the medium or to import
 14 profiles from another medium; and

15 ~~(C)~~ that enables one or more users to gen-
 16 erate content that can be viewed by other third-
 17 party users of the medium.

18 ~~(8) TRANSFER.~~—The term “transfer” means to
 19 sell, license, trade, or exchange for consideration the
 20 personally identifiable information of an at-risk indi-
 21 vidual or immediate family.

22 **SEC. 5. PROTECTING PERSONALLY IDENTIFIABLE INFOR-**
 23 **MATION IN PUBLIC RECORDS.**

24 ~~(a) GOVERNMENT AGENCIES.~~—

1 (1) IN GENERAL.—Each at-risk individual
2 may—

3 (A) file written notice of the status of the
4 individual as an at-risk individual; for them-
5 selves and immediate family, to each Govern-
6 ment agency; and

7 (B) ask each Government agency described
8 in subparagraph (A) to mark as private their
9 personally identifiable information and that of
10 their immediate family.

11 (2) NO PUBLIC POSTING.—Government agen-
12 cies shall not publicly post or display publicly avail-
13 able content that includes personally identifiable in-
14 formation of an at-risk individual or immediate fam-
15 ily. Government agencies, upon receipt of a written
16 request in accordance with subsection (a)(1)(A) of
17 this section, shall remove the personally identifiable
18 information of the at-risk individual or immediate
19 family from publicly available content within 72
20 hours.

21 (3) EXCEPTIONS.—Nothing in this section shall
22 prohibit a Government agency from providing access
23 to records containing judges' personally identifiable
24 information to a third party if the third party pos-
25 sesses a signed release from the judge or a court

1 order, the entity is already subject to the require-
 2 ments of title V of the Gramm-Leach-Bliley Act (15
 3 U.S.C. 6801 et seq.); or the third party executes a
 4 confidentiality agreement with the Government agen-
 5 cy.

6 (b) STATE AND LOCAL GOVERNMENTS.—

7 (1) GRANT PROGRAM TO PREVENT DISCLOSURE
 8 OF PERSONAL INFORMATION OF AT-RISK INDIVID-
 9 UALS OR IMMEDIATE FAMILY.—

10 (A) AUTHORIZATION.—The Attorney Gen-
 11 eral shall make grants to prevent the release of
 12 personally identifiable information of at-risk in-
 13 dividuals and immediate family (in this sub-
 14 section referred to as “judges’ personally identi-
 15 fiable information”) to the detriment of such
 16 individuals or their families to an entity that—

17 (i) is—

18 (I) a State or unit of local gov-
 19 ernment (as such terms are defined in
 20 section 901 of the Omnibus Crime
 21 Control and Safe Streets Act of 1968
 22 (34 U.S.C. 10251)); or

23 (II) an agency of a State or unit
 24 of local government; and

1 (ii) operates a State or local database
2 or registry that contains personally identi-
3 fiable information.

4 (B) APPLICATION.—An eligible entity seek-
5 ing a grant under this section shall submit to
6 the Attorney General an application at such
7 time, in such manner, and containing such in-
8 formation as the Attorney General may reason-
9 ably require.

10 (2) AUTHORIZATION OF APPROPRIATIONS.—

11 There is authorized to be appropriated such sums as
12 may be necessary to provide grants to entities de-
13 scribed in paragraph (1) to create or expand pro-
14 grams designed to protect judges' personally identifi-
15 able information, including through—

16 (A) the creation of programs to redact or
17 remove judges' personally identifiable informa-
18 tion, upon the request of an at-risk individual,
19 from public records in state agencies; these ef-
20 forts may include but are not limited to hiring
21 a third party to redact or remove judges' per-
22 sonally identifiable information from public
23 records;

24 (B) the expansion of existing programs
25 that the State may have enacted in an effort to

1 protect judges' personally identifiable informa-
2 tion;

3 (C) the development or improvement of
4 protocols, procedures, and policies to prevent
5 the release of judges' personally identifiable in-
6 formation;

7 (D) the defrayment of costs of modifying
8 or improving existing databases and registries
9 to ensure that judges' personally identifiable in-
10 formation is protected from release; and

11 (E) the development of confidential opt out
12 systems that will enable at-risk individuals to
13 make a single request to keep judges' personally
14 identifiable information out of multiple data-
15 bases or registries.

16 (3) REPORT.—

17 (A) IN GENERAL.—Not later than 1 year
18 after the date of enactment of this Act, and bi-
19 ennially thereafter, the Comptroller General of
20 the United States, shall submit to the Com-
21 mittee on the Judiciary of the Senate and the
22 Committee on the Judiciary of the House of
23 Representatives an annual report that in-
24 cludes—

1 (i) a detailed amount spent by States
 2 and local governments on protection of
 3 judges' personally identifiable information;
 4 and

5 (ii) where the judges' personally iden-
 6 tifiable information was found.

7 ~~(B) STATES AND LOCAL GOVERNMENTS.—~~
 8 States and local governments that receive funds
 9 under this section shall submit to the Comp-
 10 troller General a report on data described in
 11 clauses (i) and (ii) of subparagraph (A) to be
 12 included in the report required under that sub-
 13 paragraph.

14 ~~(c) DATA BROKERS AND OTHER BUSINESSES.—~~

15 ~~(1) PROHIBITION.—~~

16 ~~(A) DATA BROKERS.—~~It shall be unlawful
 17 for a data broker to knowingly sell, license,
 18 trade for consideration, or purchase personally
 19 identifiable information of an at-risk individual
 20 or immediate family.

21 ~~(B) OTHER BUSINESSES.—~~No person,
 22 business, or association shall publicly post or
 23 publicly display on the internet personally iden-
 24 tifiable information of an at-risk individual or
 25 immediate family if the at-risk individual has

1 made a written request of that person, business,
2 or association to not disclose the personally
3 identifiable information of the at-risk individual
4 or immediate family.

5 (C) EXCEPTIONS.—The restriction in sub-
6 paragraph (B) shall not apply to—

7 (i) the display on the internet of the
8 personally identifiable information of an
9 at-risk individual or immediate family if
10 the information is relevant to and dis-
11 played as part of a news story, com-
12 mentary, editorial, or other speech on a
13 matter of public concern;

14 (ii) personally identifiable information
15 that the at-risk individual voluntarily pub-
16 lishes on the internet after the date of en-
17 actment of this Act; or

18 (iii) personally identifiable information
19 received from a Federal Government
20 source (or from an employee or agent of
21 the Federal Government).

22 (2) REQUIRED CONDUCT.—

23 (A) IN GENERAL.—After a person, busi-
24 ness, or association has received a written re-
25 quest from an at-risk individual to protect per-

1 personally identifiable information of the at-risk in-
2 dividual or immediate family, that person, busi-
3 ness, or association shall—

4 (i) remove within 72 hours the per-
5 sonally identifiable information from the
6 internet and ensure that the information is
7 not made available on any website or sub-
8 sidiary website controlled by that person,
9 business, or association; and

10 (ii) ensure that the personally identifi-
11 able information of the at-risk individual
12 or immediate family is not made available
13 on any website or subsidiary website con-
14 trolled by that person, business, or associa-
15 tion.

16 ~~(B) TRANSFER.~~—After receiving an at-risk
17 individual's written request, no person, busi-
18 ness, or association shall transfer the personally
19 identifiable information of the at-risk individual
20 or immediate family to any other person, busi-
21 ness, or association through any medium, ex-
22 cept where the at-risk individual's or immediate
23 family member's personally identifiable informa-
24 tion is relevant to and displayed as part of a
25 news story, commentary, editorial, or other

1 speech on a matter of public concern. The re-
2 striction on transfer shall also not apply to per-
3 sonally identifiable information that the at-risk
4 individual or immediate family voluntarily pub-
5 lishes on the internet after the date of enact-
6 ment of this Act.

7 (d) DELEGATION OF AUTHORITY.—

8 (1) IN GENERAL.—Upon written request of the
9 at-risk individual, the Director of the Administrative
10 Office of the United States Courts is authorized to
11 make any notice or request required or authorized
12 by this section on behalf of the at-risk individual.
13 The Director may delegate this authority under sec-
14 tion 602(d) of title 28, United States Code. Any no-
15 tice or request made under this subsection shall be
16 deemed to have been made by the at-risk individual
17 and compliant with the notice and request require-
18 ments of this section.

19 (2) LIST.—In lieu of individual notices or re-
20 quests, the Director may provide Government agen-
21 cies, State and local governments, data brokers, per-
22 sons, businesses, or associations with a list of at-risk
23 individuals and their immediate family for the pur-
24 pose of maintaining compliance with this section.

1 Such list shall be deemed to comply with individual
2 notice and request requirements of this section.

3 ~~(c) REDRESS AND PENALTIES.—~~

4 ~~(1) IN GENERAL.—An at-risk individual or im-~~
5 ~~mediate family member whose personally identifiable~~
6 ~~information is made public as a result of a violation~~
7 ~~of this Act may bring an action seeking injunctive~~
8 ~~or declaratory relief in any court of competent juris-~~
9 ~~isdiction. If the court grants injunctive or declaratory~~
10 ~~relief, the person, business, or association respon-~~
11 ~~sible for the violation shall be required to pay the at-~~
12 ~~risk individual's or immediate family member's costs~~
13 ~~and reasonable attorney's fees.~~

14 ~~(2) PENALTIES AND DAMAGES.—Upon a know-~~
15 ~~ing and willful violation of any order granting in-~~
16 ~~junctive or declarative relief obtained pursuant to~~
17 ~~this subsection, the court issuing such order may—~~

18 ~~(A) if the violator is a public entity, impose~~
19 ~~a fine not exceeding \$4,000 and require the~~
20 ~~payment of court costs and reasonable attor-~~
21 ~~ney's fees;~~

22 ~~(B) if the violator is a person, business, as-~~
23 ~~sociation, or private agency, award damages to~~
24 ~~the affected at-risk individual or immediate~~
25 ~~family in an amount up to a maximum of 3~~

1 times the actual damages, but not less than
2 \$10,000, and require the payment of court
3 costs and reasonable attorney's fees.

4 **SEC. 6. TRAINING AND EDUCATION.**

5 There is authorized to be appropriated to the Federal
6 judiciary such sums as may be necessary for biannual judi-
7 cial security training for active, senior, or recalled Federal
8 judges and their immediate family, including—

9 (1) best practices for using social media and
10 other forms of online engagement and for maintain-
11 ing online privacy;

12 (2) home security program and maintenance;

13 (3) understanding removal programs and re-
14 quirements for personally identifiable information;

15 (4) any other judicial security training that the
16 United States Marshals Services and the Adminis-
17 trative Office of the United States Courts deter-
18 mines is relevant.

19 **SEC. 7. VULNERABILITY MANAGEMENT CAPABILITY.**

20 (a) **AUTHORIZATION.**—

21 (1) **VULNERABILITY MANAGEMENT CAPA-**
22 **BILITY.**—The Federal judiciary is authorized to per-
23 form all necessary functions consistent with the pro-
24 visions of this Act, and to support existing threat
25 management capabilities within the United States

1 Marshals Service and other relevant Federal law en-
2 forcement and security agencies. Such functions may
3 include—

4 (A) monitor the protection of at-risk indi-
5 viduals and judiciary assets;

6 (B) manage the monitoring of websites for
7 personally identifiable information of at-risk in-
8 dividuals or immediate family and remove or
9 limit the publication of such information; and

10 (C) receive, review, and analyze complaints
11 by at-risk individuals of threats, whether direct
12 or indirect, and report to law enforcement part-
13 ners.

14 (2) TECHNICAL AND CONFORMING AMEND-
15 MENT.—Section 604(a) of title 28, United States
16 Code is amended—

17 (A) in paragraph (23), by striking “and”
18 at the end;

19 (B) by redesignating paragraph (24) as
20 paragraph (25);

21 (C) by inserting after paragraph 23 the
22 following:

23 “(24) Establish and administer a vulnerability
24 management program in the judicial branch; and”.

1 (b) EXPANSION OF CAPABILITIES OF OFFICE OF
2 PROTECTIVE INTELLIGENCE.—There is authorized to be
3 appropriated such sums as may be necessary to the United
4 States Marshals Service to expand the current capabilities
5 of the Office of Protective Intelligence of the Judicial Se-
6 curity Division to increase the workforce of the Office of
7 Protective Intelligence to include additional intelligence
8 analysts, United States deputy marshals, and any other
9 relevant personnel to ensure that the Office of Protective
10 Intelligence is ready and able to perform all necessary
11 functions, consistent with the provisions of this Act, in
12 order to anticipate and deter threats to the judiciary, in-
13 cluding—

14 (1) assigning personnel to State and major
15 urban area fusion and intelligence centers for the
16 specific purpose of identifying potential threats
17 against the judiciary, and coordination of responses
18 to potential threats.

19 (2) expanding the use of investigative analysts,
20 physical security specialists, and intelligence analysts
21 at the 94 judicial districts and territories to enhance
22 the management of local and distant threats and in-
23 vestigations; and

24 (3) increasing the number of United States
25 Marshal Service personnel for the protection of the

1 judicial function and assigned to protective oper-
2 ations and details for the judiciary.

3 (c) REPORT.—

4 (1) IN GENERAL.—Not later than one year
5 after the date of enactment of this Act, the Depart-
6 ment of Justice, in consultation with the Adminis-
7 trative Office of the United States Courts, shall sub-
8 mit to the Committee on the Judiciary of the Senate
9 and the Committee on the Judiciary of the House of
10 Representatives a report on the security of Federal
11 judges arising from the Federal prosecutions and
12 civil litigation.

13 (2) DESCRIPTION.—The report required under
14 paragraph (1) shall describe—

15 (A) the number and nature of threats and
16 assaults against at-risk individuals handling
17 prosecutions and other matters described in
18 paragraph (1) and the reporting requirements
19 and methods;

20 (B) the security measures that are in place
21 to protect the at-risk individuals handling pros-
22 ecutions described in paragraph (1), including
23 threat assessments, response procedures, avail-
24 ability of security systems and other devices,
25 firearms licensing such as deputations, and

1 other measures designed to protect the at-risk
2 individuals and immediate family of an at-risk
3 individual; and

4 (C) for each requirement, measure, or pol-
5 icy described in subparagraphs (A) and (B),
6 when the requirement, measure, or policy was
7 developed and who was responsible for devel-
8 oping and implementing the requirement, meas-
9 ure, or policy.

10 **SEC. 8. SEVERABILITY.**

11 If any provision of this Act or the application of such
12 provision to any person or circumstance is held to be un-
13 constitutional, the remainder of this Act and the applica-
14 tion of such provision to any person or circumstance shall
15 not be affected thereby.

16 **SEC. 9. EFFECTIVE DATE.**

17 This Act shall take effect upon the date of enactment
18 of this Act, except for subsections (b)(1), (c), and (e) of
19 section 5, which shall take effect on the date that is 120
20 days after the date of enactment of this Act.

21 **SECTION 1. SHORT TITLE.**

22 *This Act may be cited as the “Daniel Anderl Judicial*
23 *Security and Privacy Act of 2021”.*

24 **SEC. 2. FINDINGS AND PURPOSE.**

25 (a) *FINDINGS.*—*Congress finds the following:*

1 (1) *Members of the Federal judiciary perform the*
2 *important function of interpreting the Constitution of*
3 *the United States and administering justice in a fair*
4 *and impartial manner.*

5 (2) *In recent years, partially as a result of the*
6 *rise in the use of social media and online access to*
7 *information, members of the Federal judiciary have*
8 *been exposed to an increased number of personal*
9 *threats in connection to their role. The ease of access*
10 *to free or inexpensive sources of covered information*
11 *has considerably lowered the effort required for mali-*
12 *cious actors to discover where individuals live and*
13 *where they spend leisure hours and to find informa-*
14 *tion about their family members. Such threats have*
15 *included calling a judge a traitor with references to*
16 *mass shootings and serial killings, calling for an*
17 *“angry mob” to gather outside a home of a judge and,*
18 *in reference to a judge on the court of appeals of the*
19 *United States, stating how easy it would be to “get*
20 *them”.*

21 (3) *Between 2015 and 2019, threats and other*
22 *inappropriate communications against Federal judges*
23 *and other judiciary personnel increased from 926 in*
24 *2015 to approximately 4,449 in 2019.*

1 (4) *Over the past decade, several members of the*
2 *Federal judiciary have experienced acts of violence*
3 *against themselves or a family member in connection*
4 *to their Federal judiciary role, including the murder*
5 *in 2005 of the family of Joan Lefkow, a judge for the*
6 *United States District Court for the Northern District*
7 *of Illinois.*

8 (5) *On Sunday July 19, 2020, an assailant went*
9 *to the home of Esther Salas, a judge for the United*
10 *States District Court for the District of New Jersey,*
11 *impersonating a package delivery driver, opening fire*
12 *upon arrival, and killing Daniel Anderl, the 20-year-*
13 *old only son of Judge Salas, and seriously wounding*
14 *Mark Anderl, her husband.*

15 (6) *In the aftermath of the recent tragedy that*
16 *occurred to Judge Salas and in response to the con-*
17 *tinuous rise of threats against members of the Federal*
18 *judiciary, there is an immediate need for enhanced*
19 *security procedures and increased availability of tools*
20 *to protect Federal judges and their families.*

21 (b) *PURPOSE.*—*The purpose of this Act is to improve*
22 *the safety and security of Federal judges, including senior,*
23 *recalled, or retired Federal judges, and their immediate*
24 *family to ensure Federal judges are able to administer jus-*
25 *tice fairly without fear of personal reprisal from individ-*

1 uals affected by the decisions they make in the course of
2 carrying out their public duties.

3 **SEC. 3. DEFINITIONS.**

4 *In this Act:*

5 (1) *AT-RISK INDIVIDUAL.*—*The term “at-risk in-*
6 *dividual” means—*

7 (A) *a Federal judge; or*

8 (B) *a senior, recalled, or retired Federal*
9 *judge.*

10 (2) *COVERED INFORMATION.*—*The term “covered*
11 *information” means—*

12 (A) *a home address, including primary res-*
13 *idence or secondary residences;*

14 (B) *a home or personal mobile telephone*
15 *number, or the direct telephone number of a Gov-*
16 *ernment-issued cell phone or private extension in*
17 *the chambers of an at-risk individual;*

18 (C) *a personal email address;*

19 (D) *the social security number, driver’s li-*
20 *cence number, or home address displayed on*
21 *voter registration information;*

22 (E) *a bank account or credit or debit card*
23 *information;*

24 (F) *the home or other address displayed on*
25 *property tax records or held by a Federal, State,*

1 or local government agency of an at-risk indi-
2 vidual, including a secondary residence and any
3 investment property at which an at-risk indi-
4 vidual resides for part of a year;

5 (G) a license plate number or home address
6 displayed on vehicle registration information;

7 (H) the identification of children of an at-
8 risk individual under the age of 18;

9 (I) the full date of birth;

10 (J) a photograph of any vehicle that legibly
11 displays the license plate or a photograph of a
12 residence that legibly displays the address of the
13 residence;

14 (K) the name and address of a school or
15 day care facility attended by immediate family;

16 or

17 (L) the name and address of an employer of
18 immediate family.

19 (3) *DATA BROKER.*—

20 (A) *IN GENERAL.*—The term “data broker”
21 means a commercial entity engaged in collecting,
22 assembling, or maintaining personal informa-
23 tion concerning an individual who is not a cus-
24 tomer, client, or an employee of that entity in
25 order to sell the information or otherwise profit

1 *from providing third-party access to the infor-*
2 *mation.*

3 (B) *EXCLUSION.—The term “data broker”*
4 *does not include a commercial entity engaged in*
5 *the following activities:*

6 (i) *Engaging in reporting, news-gath-*
7 *ering, speaking, or other activities intended*
8 *to inform the public on matters of public*
9 *interest or public concern.*

10 (ii) *Providing 411 directory assistance*
11 *or directory information services, including*
12 *name, address, and telephone number, on*
13 *behalf of or as a function of a telecommuni-*
14 *cations carrier.*

15 (iii) *Using personal information inter-*
16 *nally, providing access to businesses under*
17 *common ownership or affiliated by cor-*
18 *porate control, or selling or providing data*
19 *for a transaction or service requested by or*
20 *concerning the individual whose personal*
21 *information is being transferred.*

22 (iv) *Providing publicly available infor-*
23 *mation via real-time or near-real-time alert*
24 *services for health or safety purposes.*

1 (v) *A consumer reporting agency sub-*
2 *ject to the Fair Credit Reporting Act (15*
3 *U.S.C. 1681 et seq.).*

4 (vi) *A financial institution to subject*
5 *to the Gramm-Leach-Bliley Act (Public*
6 *Law 106–102) and regulations imple-*
7 *menting that Act.*

8 (vii) *A covered entity for purposes of*
9 *the privacy regulations promulgated under*
10 *section 264(c) of the Health Insurance Port-*
11 *ability and Accountability Act of 1996 (42*
12 *U.S.C. 1320d-2 note).*

13 (viii) *The collection and sale or licens-*
14 *ing of covered information incidental to*
15 *conducting the activities described in*
16 *clauses (i) through (vii).*

17 (4) *FEDERAL JUDGE.*—*The term “Federal judge”*
18 *means—*

19 (A) *a justice of the United States or a judge*
20 *of the United States, as those terms are defined*
21 *in section 451 of title 28, United States Code;*

22 (B) *a bankruptcy judge appointed under*
23 *section 152 of title 28, United States Code;*

1 (C) a United States magistrate judge ap-
2 pointed under section 631 of title 28, United
3 States Code;

4 (D) a judge confirmed by the United States
5 Senate and empowered by statute in any com-
6 monwealth, territory, or possession to perform
7 the duties of a Federal judge;

8 (E) a judge of the United States Court of
9 Federal Claims appointed under section 171 of
10 title 28, United States Code;

11 (F) a judge of the United States Court of
12 Appeals for Veterans Claims appointed under
13 section 7253 of title 38, United States Code;

14 (G) a judge of the United States Court of
15 Appeals for the Armed Forces appointed under
16 section 942 of title 10, United States Code;

17 (H) a judge of the United States Tax Court
18 appointed under section 7443 of the Internal
19 Revenue Code of 1986; and

20 (I) a special trial judge of the United States
21 Tax Court appointed under section 7443A of the
22 Internal Revenue Code of 1986.

23 (5) GOVERNMENT AGENCY.—The term “Govern-
24 ment agency” includes—

1 (A) *an Executive agency, as defined in sec-*
2 *tion 105 of title 5, United States Code; and*

3 (B) *any agency in the judicial branch or*
4 *legislative branch.*

5 (6) *IMMEDIATE FAMILY.—The term “immediate*
6 *family” means a spouse, child, or parent of an at-risk*
7 *individual or any other familial relative of an at-risk*
8 *individual whose permanent residence is the same as*
9 *the at-risk individual.*

10 (7) *SOCIAL MEDIA.—The term “social media”*
11 *means any online electronic medium, a live-chat sys-*
12 *tem, or an electronic dating service—*

13 (A) *that primarily serves as a medium for*
14 *users to interact with content generated by other*
15 *third-party users of the medium;*

16 (B) *that enables users to create accounts or*
17 *profiles specific to the medium or to import pro-*
18 *files from another medium; and*

19 (C) *that enables one or more users to gen-*
20 *erate content that can be viewed by other third-*
21 *party users of the medium.*

22 (8) *TRANSFER.—The term “transfer” means to*
23 *sell, license, trade, or exchange for consideration the*
24 *covered information of an at-risk individual or imme-*
25 *diately family.*

1 **SEC. 4. PROTECTING COVERED INFORMATION IN PUBLIC**
2 **RECORDS.**

3 (a) *GOVERNMENT AGENCIES.*—

4 (1) *IN GENERAL.*—*Each at-risk individual*
5 *may—*

6 (A) *file written notice of the status of the*
7 *individual as an at-risk individual, for them-*
8 *selves and immediate family, with each Govern-*
9 *ment agency that includes information necessary*
10 *to ensure compliance with this section, as deter-*
11 *mined by the Administrative Office of the United*
12 *States Courts; and*

13 (B) *request that each Government agency*
14 *described in subparagraph (A) mark as private*
15 *their covered information and that of their im-*
16 *mediate family.*

17 (2) *NO PUBLIC POSTING.*—*Government agencies*
18 *shall not publicly post or display publicly available*
19 *content that includes covered information of an at-*
20 *risk individual or immediate family. Government*
21 *agencies, upon receipt of a written request under*
22 *paragraph (1)(A), shall remove the covered informa-*
23 *tion of the at-risk individual or immediate family*
24 *from publicly available content not later than 72*
25 *hours after such receipt.*

1 (3) *EXCEPTIONS.*—*Nothing in this section shall*
2 *prohibit a Government agency from providing access*
3 *to records containing the covered information of a*
4 *Federal judge to a third party if the third party—*

5 (A) *possesses a signed release from the Fed-*
6 *eral judge or a court order;*

7 (B) *is subject to the requirements of title V*
8 *of the Gramm-Leach-Bliley Act (15 U.S.C. 6801*
9 *et seq.); or*

10 (C) *executes a confidentiality agreement*
11 *with the Government agency.*

12 (b) *DELEGATION OF AUTHORITY.*—

13 (1) *IN GENERAL.*—

14 (A) *ADMINISTRATIVE OFFICE OF THE*
15 *UNITED STATES COURTS.*—*Upon written request*
16 *of an at-risk individual, the Director of the Ad-*
17 *ministrative Office of the United States Courts is*
18 *authorized to make any notice or request re-*
19 *quired or authorized by this section on behalf of*
20 *the at-risk individual. The notice or request shall*
21 *include information necessary to ensure compli-*
22 *ance with this section, as determined by the Ad-*
23 *ministrative Office of the United States Courts.*
24 *The Director may delegate this authority under*
25 *section 602(d) of title 28, United States Code.*

1 *Any notice or request made under this subsection*
2 *shall be deemed to have been made by the at-risk*
3 *individual and comply with the notice and re-*
4 *quest requirements of this section.*

5 *(B) UNITED STATES COURT OF APPEALS*
6 *FOR VETERANS CLAIMS.—Upon written request*
7 *of an at-risk individual described in section*
8 *3(4)(F), the chief judge of the United States*
9 *Court of Appeals for Veterans Claims is author-*
10 *ized to make any notice or request required or*
11 *authorized by this section on behalf of the at-risk*
12 *individual. Any notice or request made under*
13 *this subsection shall be deemed to have been*
14 *made by the at-risk individual and comply with*
15 *the notice and request requirements of this sec-*
16 *tion.*

17 *(C) UNITED STATES COURT OF APPEALS*
18 *FOR THE ARMED FORCES.—Upon written request*
19 *of an at-risk individual described in section*
20 *3(4)(G), the chief judge of the United States*
21 *Court of Appeals for the Armed Forces is author-*
22 *ized to make any notice or request required or*
23 *authorized by this section on behalf of the at-risk*
24 *individual. Any notice or request made under*
25 *this subsection shall be deemed to have been*

1 *made by the at-risk individual and comply with*
2 *the notice and request requirements of this sec-*
3 *tion.*

4 (D) *UNITED STATES TAX COURT.*—Upon
5 *written request of an at-risk individual described*
6 *in subparagraph (H) or (I) of section 3(4), the*
7 *chief judge of the United States Tax Court is au-*
8 *thorized to make any notice or request required*
9 *or authorized by this section on behalf of the at-*
10 *risk individual. Any notice or request made*
11 *under this subsection shall be deemed to have*
12 *been made by the at-risk individual and comply*
13 *with the notice and request requirements of this*
14 *section.*

15 (2) *LIST.*—*In lieu of individual notices or re-*
16 *quests, the Director of the Administrative Office of the*
17 *United States Courts, or a Federal judge described in*
18 *subparagraph (F), (G), (H), or (I) of section 3(4), as*
19 *applicable, may provide Government agencies, State*
20 *and local governments, data brokers, persons, busi-*
21 *nesses, or associations with a list of at-risk individ-*
22 *uals and their immediate family that includes infor-*
23 *mation necessary to ensure compliance with this sec-*
24 *tion, as determined by the Administrative Office of*
25 *the United States Courts for the purpose of maintain-*

1 *ing compliance with this section. Such list shall be*
2 *deemed to comply with individual notice and request*
3 *requirements of this section.*

4 *(c) STATE AND LOCAL GOVERNMENTS.—*

5 *(1) GRANT PROGRAM TO PREVENT DISCLOSURE*
6 *OF PERSONAL INFORMATION OF AT-RISK INDIVIDUALS*
7 *OR IMMEDIATE FAMILY.—*

8 *(A) AUTHORIZATION.—The Attorney Gen-*
9 *eral may make grants to prevent the release of*
10 *covered information of at-risk individuals and*
11 *immediate family (in this subsection referred to*
12 *as “judges’ covered information”) to the det-*
13 *riment of such individuals or their families to*
14 *an entity that—*

15 *(i) is—*

16 *(I) a State or unit of local govern-*
17 *ment, as defined in section 901 of title*
18 *I of the Omnibus Crime Control and*
19 *Safe Streets Act of 1968 (34 U.S.C.*
20 *10251); or*

21 *(II) an agency of a State or unit*
22 *of local government; and*

23 *(ii) operates a State or local database*
24 *or registry that contains covered informa-*
25 *tion.*

1 (B) *APPLICATION.*—*An entity seeking a*
2 *grant under this section shall submit to the At-*
3 *torney General an application at such time, in*
4 *such manner, and containing such information*
5 *as the Attorney General may reasonably require.*

6 (2) *SCOPE OF GRANTS.*—*Grants made under this*
7 *subsection may be used to create or expand programs*
8 *designed to protect judges' covered information, in-*
9 *cluding through—*

10 (A) *the creation of programs to redact or re-*
11 *move judges' covered information, upon the re-*
12 *quest of an at-risk individual, from public*
13 *records in State agencies, including hiring a*
14 *third party to redact or remove judges' covered*
15 *information from public records;*

16 (B) *the expansion of existing programs that*
17 *the State may have enacted in an effort to pro-*
18 *tect judges' covered information;*

19 (C) *the development or improvement of pro-*
20 *ocols, procedures, and policies to prevent the re-*
21 *lease of judges' covered information;*

22 (D) *the defrayment of costs of modifying or*
23 *improving existing databases and registries to*
24 *ensure that judges' covered information is cov-*
25 *ered from release; and*

1 (E) the development of confidential opt out
2 systems that will enable at-risk individuals to
3 make a single request to keep judges' covered in-
4 formation out of multiple databases or registries.

5 (3) REPORT.—

6 (A) IN GENERAL.—Not later than 1 year
7 after the date of enactment of this Act, and bien-
8 nially thereafter, the Comptroller General of the
9 United States, shall submit to the Committee on
10 the Judiciary of the Senate and the Committee
11 on the Judiciary of the House of Representatives
12 an annual report that includes—

13 (i) a detailed amount spent by States
14 and local governments on protecting judges'
15 covered information;

16 (ii) where the judges' covered informa-
17 tion was found; and

18 (iii) the collection of any new types of
19 personal data found to be used to identify
20 judges who have received threats, including
21 prior home addresses, employers, and insti-
22 tutional affiliations such as nonprofit
23 boards.

24 (B) STATES AND LOCAL GOVERNMENTS.—

25 States and local governments that receive funds

1 under this section shall submit to the Comp-
2 troller General of the United States a report on
3 data described in clauses (i) and (ii) of subpara-
4 graph (A) to be included in the report required
5 under that subparagraph.

6 (d) *DATA BROKERS AND OTHER BUSINESSES.*—

7 (1) *PROHIBITIONS.*—

8 (A) *DATA BROKERS.*—It shall be unlawful
9 for a data broker to knowingly sell, license, trade
10 for consideration, or purchase covered informa-
11 tion of an at-risk individual or immediate fam-
12 ily.

13 (B) *OTHER BUSINESSES.*—

14 (i) *IN GENERAL.*—Except as provided
15 in clause (ii), no person, business, or asso-
16 ciation shall publicly post or publicly dis-
17 play on the internet covered information of
18 an at-risk individual or immediate family
19 if the at-risk individual has made a written
20 request to that person, business, or associa-
21 tion to not disclose the covered information
22 of the at-risk individual or immediate fam-
23 ily.

24 (ii) *EXCEPTIONS.*—Clause (i) shall not
25 apply to—

1 (I) the display on the internet of
2 the covered information of an at-risk
3 individual or immediate family if the
4 information is relevant to and dis-
5 played as part of a news story, com-
6 mentary, editorial, or other speech on a
7 matter of public concern;

8 (II) covered information that the
9 at-risk individual voluntarily pub-
10 lishes on the internet after the date of
11 enactment of this Act; or

12 (III) covered information received
13 from a Federal Government source (or
14 from an employee or agent of the Fed-
15 eral Government).

16 (2) *REQUIRED CONDUCT.*—

17 (A) *IN GENERAL.*—After receiving a written
18 request under paragraph (1)(B), the person,
19 business, or association shall—

20 (i) remove within 72 hours the covered
21 information from the internet and ensure
22 that the information is not made available
23 on any website or subsidiary website con-
24 trolled by that person, business, or associa-
25 tion; and

1 (ii) ensure that the covered informa-
2 tion of the at-risk individual or immediate
3 family is not made available on any website
4 or subsidiary website controlled by that per-
5 son, business, or association.

6 (B) TRANSFER.—

7 (i) IN GENERAL.—Except as provided
8 in clause (ii), after receiving a written re-
9 quest under paragraph (1)(B), the person,
10 business, or association shall not transfer
11 the covered information of the at-risk indi-
12 vidual or immediate family to any other
13 person, business, or association through any
14 medium.

15 (ii) EXCEPTIONS.—Clause (i) shall not
16 apply to—

17 (I) the transfer of the covered in-
18 formation of the at-risk individual or
19 immediate family if the information is
20 relevant to and displayed as part of a
21 news story, commentary, editorial, or
22 other speech on a matter of public con-
23 cern;

24 (II) covered information that the
25 at-risk individual or immediate family

1 *voluntarily publishes on the internet*
2 *after the date of enactment of this Act;*
3 *or*

4 (III) *a transfer made at the re-*
5 *quest of the at-risk individual or that*
6 *is necessary to effectuate a request to*
7 *the person, business, or association*
8 *from the at-risk individual.*

9 (e) *REDRESS AND PENALTIES.—*

10 (1) *IN GENERAL.—An at-risk individual or their*
11 *immediate family whose covered information is made*
12 *public as a result of a violation of this Act may bring*
13 *an action seeking injunctive or declaratory relief in*
14 *any court of competent jurisdiction. If the court*
15 *grants injunctive or declaratory relief, the person,*
16 *business, or association responsible for the violation*
17 *shall be required to pay the costs and reasonable at-*
18 *torney's fees of the at-risk individual or immediate*
19 *family, as applicable.*

20 (2) *PENALTIES AND DAMAGES.—If a person,*
21 *business, or association knowingly violates an order*
22 *granting injunctive or declarative relief under para-*
23 *graph (1), the court issuing such order may—*

24 (A) *if the person, business, or association is*
25 *a government agency—*

1 (i) impose a fine not greater than
2 \$4,000; and

3 (ii) award to the at-risk individual or
4 their immediate family, as applicable, court
5 costs and reasonable attorney's fees; and

6 (B) if the person, business, or association is
7 not a government agency, award to the at-risk
8 individual or their immediate family, as appli-
9 cable—

10 (i) an amount equal to the actual dam-
11 ages sustained by the at-risk individual or
12 their immediate family; and

13 (ii) court costs and reasonable attor-
14 ney's fees.

15 **SEC. 5. TRAINING AND EDUCATION.**

16 Amounts appropriated to the Federal judiciary for fis-
17 cal year 2022, and each fiscal year thereafter, may be used
18 for biannual judicial security training for active, senior,
19 or recalled Federal judges described in subparagraph (A),
20 (B), (C), (D), or (E) of section 3(4) and their immediate
21 family, including—

22 (1) best practices for using social media and
23 other forms of online engagement and for maintain-
24 ing online privacy;

25 (2) home security program and maintenance;

1 (3) *understanding removal programs and re-*
2 *quirements for covered information; and*

3 (4) *any other judicial security training that the*
4 *United States Marshals Services and the Administra-*
5 *tive Office of the United States Courts determines is*
6 *relevant.*

7 **SEC. 6. VULNERABILITY MANAGEMENT CAPABILITY.**

8 (a) *AUTHORIZATION.—*

9 (1) *VULNERABILITY MANAGEMENT CAPABILITY.—*

10 *The Federal judiciary is authorized to perform all*
11 *necessary functions consistent with the provisions of*
12 *this Act and to support existing threat management*
13 *capabilities within the United States Marshals Serv-*
14 *ice and other relevant Federal law enforcement and*
15 *security agencies for Federal judges described in sub-*
16 *paragraphs (A), (B), (C), (D), and (E) of section*
17 *3(4), including—*

18 (A) *monitoring the protection of at-risk in-*
19 *dividuals and judiciary assets;*

20 (B) *managing the monitoring of websites*
21 *for covered information of at-risk individuals or*
22 *immediate family and remove or limit the publi-*
23 *cation of such information;*

24 (C) *receiving, reviewing, and analyzing*
25 *complaints by at-risk individuals of threats,*

1 *whether direct or indirect, and report such*
2 *threats to law enforcement partners; and*

3 *(D) providing training described in section*
4 5.

5 (2) *VULNERABILITY MANAGEMENT FOR CERTAIN*
6 *ARTICLE I COURTS.—The functions and support au-*
7 *thorized in paragraph (1) shall be authorized as fol-*
8 *lows:*

9 *(A) The chief judge of the United States*
10 *Court of Appeals for Veterans Claims is author-*
11 *ized to perform such functions and support for*
12 *the Federal judges described in section 3(4)(F).*

13 *(B) The United States Court of Appeals for*
14 *the Armed Forces is authorized to perform such*
15 *functions and support for the Federal judges de-*
16 *scribed in section 3(4)(G).*

17 *(C) The United States Tax Court is author-*
18 *ized to perform such functions and support for*
19 *the Federal judges described in subparagraphs*
20 *(H) and (I) of section 3(4).*

21 (3) *TECHNICAL AND CONFORMING AMEND-*
22 *MENT.—Section 604(a) of title 28, United States Code*
23 *is amended—*

24 *(A) in paragraph (23), by striking “and”*
25 *at the end;*

1 (B) by redesignating paragraph (24) as
2 paragraph (25); and

3 (C) by inserting after paragraph (23) the
4 following:

5 “(24) Establish and administer a vulnerability
6 management program in the judicial branch; and”.

7 (b) *EXPANSION OF CAPABILITIES OF OFFICE OF PRO-*
8 *TECTIVE INTELLIGENCE.—The United States Marshals*
9 *Service is authorized to expand the current capabilities of*
10 *the Office of Protective Intelligence of the Judicial Security*
11 *Division to increase the workforce of the Office of Protective*
12 *Intelligence to include additional intelligence analysts,*
13 *United States deputy marshals, and any other relevant per-*
14 *sonnel to ensure that the Office of Protective Intelligence*
15 *is ready and able to perform all necessary functions, con-*
16 *sistent with the provisions of this Act, in order to anticipate*
17 *and deter threats to the judiciary, including—*

18 (1) *assigning personnel to State and major*
19 *urban area fusion and intelligence centers for the spe-*
20 *cific purpose of identifying potential threats against*
21 *the judiciary and coordinating responses to such po-*
22 *tential threats;*

23 (2) *expanding the use of investigative analysts,*
24 *physical security specialists, and intelligence analysts*
25 *at the 94 judicial districts and territories to enhance*

1 *the management of local and distant threats and in-*
2 *vestigations; and*

3 (3) *increasing the number of United States Mar-*
4 *shal Service personnel for the protection of the judi-*
5 *cial function and assigned to protective operations*
6 *and details for the judiciary.*

7 (c) *REPORT.—*

8 (1) *IN GENERAL.—Not later than 1 year after*
9 *the date of enactment of this Act, the Department of*
10 *Justice, in consultation with the Administrative Of-*
11 *fice of the United States Courts, the United States*
12 *Court of Appeals for Veterans Claims, the United*
13 *States Court of Appeals for the Armed Forces, and the*
14 *United States Tax Court, shall submit to the Com-*
15 *mittee on the Judiciary of the Senate and the Com-*
16 *mittee on the Judiciary of the House of Representa-*
17 *tives a report on the security of Federal judges aris-*
18 *ing from Federal prosecutions and civil litigation.*

19 (2) *DESCRIPTION.—The report required under*
20 *paragraph (1) shall describe—*

21 (A) *the number and nature of threats and*
22 *assaults against at-risk individuals handling*
23 *prosecutions and other matters described in*
24 *paragraph (1) and the reporting requirements*
25 *and methods;*

1 (B) the security measures that are in place
2 to protect at-risk individuals handling prosecu-
3 tions described in paragraph (1), including
4 threat assessments, response procedures, the
5 availability of security systems and other de-
6 vices, firearms licensing such as deputations,
7 and other measures designed to protect the at-
8 risk individuals and their immediate family;
9 and

10 (C) for each requirement, measure, or policy
11 described in subparagraphs (A) and (B), when
12 the requirement, measure, or policy was devel-
13 oped and who was responsible for developing and
14 implementing the requirement, measure, or pol-
15 icy.

16 **SEC. 7. RULES OF CONSTRUCTION.**

17 (a) *IN GENERAL.*—Nothing in this Act shall be con-
18 strued—

19 (1) to prohibit, restrain, or limit—

20 (A) the lawful investigation or reporting by
21 the press of any unlawful activity or misconduct
22 alleged to have been committed by an at-risk in-
23 dividual or their immediate family; or

1 (B) the reporting on an at-risk individual
2 or their immediate family regarding matters of
3 public concern;

4 (2) to impair access to decisions and opinions
5 from a Federal judge in the course of carrying out
6 their public functions;

7 (3) to limit the publication or transfer of covered
8 information that the at-risk individual or their im-
9 mediate family member voluntarily publishes on the
10 internet after the date of enactment of this Act; or

11 (4) to prohibit information sharing by a data
12 broker to a Federal, State, Tribal, or local govern-
13 ment, or any unit thereof.

14 (b) *PROTECTION OF COVERED INFORMATION.*—This
15 Act shall be broadly construed to favor the protection of the
16 covered information of at-risk individuals and their imme-
17 diate family.

18 **SEC. 8. SEVERABILITY.**

19 If any provision of this Act, an amendment made by
20 this Act, or the application of such provision or amendment
21 to any person or circumstance is held to be unconstitu-
22 tional, the remainder of this Act and the amendments made
23 by this Act, and the application of the remaining provisions
24 of this Act and amendments to any person or circumstance
25 shall not be affected.

1 **SEC. 9. EFFECTIVE DATE.**

2 (a) *IN GENERAL.*—*Except as provided in subsection*
3 *(b), this Act shall take effect on the date of enactment of*
4 *this Act.*

5 (b) *EXCEPTION.*—*Subsections (c)(1), (d), and (e) of*
6 *section 4 shall take effect on the date that is 120 days after*
7 *the date of enactment of this Act.*

Calendar No. 190

117TH CONGRESS
1ST Session
S. 2340

A BILL

To improve the safety and security of the Federal
judiciary.

DECEMBER 16, 2021

Reported with an amendment