

117TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To improve the safety and security of the Federal judiciary.

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IN THE SENATE OF THE UNITED STATES

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Mr. MENENDEZ (for himself, Mr. BOOKER, Mr. GRAHAM, Mr. DURBIN, Mr. KENNEDY, and Mrs. FEINSTEIN) introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**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 Anderl Judicial  
5 Security and Privacy Act of 2021”.

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

7       (a) PURPOSE.—The purpose of this Act is to improve  
8 the safety and security of Federal judges, including senior,  
9 recalled, or retired Federal judges, and their immediate  
10 family, to ensure Federal judges are able to administer  
11 justice fairly without fear of personal reprisal from indi-

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

3 (b) RULES OF CONSTRUCTION.—

4 (1) IN GENERAL.—Nothing in this Act shall be  
5 construed—

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

7 (i) the lawful investigation or report-  
8 ing by the press of any unlawful activity or  
9 misconduct alleged to have been committed  
10 by an at-risk individual or their immediate  
11 family; or

12 (ii) the reporting on an at-risk indi-  
13 vidual or their immediate family regarding  
14 matters of public concern;

15 (B) to impair access to decisions and opin-  
16 ions from a Federal judge in the course of car-  
17 rying out their public functions; or

18 (C) to limit the publication or transfer of  
19 personally identifiable information that the at-  
20 risk individual or their immediate family mem-  
21 ber voluntarily publishes on the internet after  
22 the date of enactment of this Act.

23 (2) PROTECTION OF PERSONALLY IDENTIFI-  
24 ABLE INFORMATION.—This Act shall be broadly con-  
25 strued to favor the protection of the personally iden-

1        tifiable information of at-risk individuals and their  
2        immediate family.

3        **SEC. 3. FINDINGS.**

4        Congress finds the following:

5            (1) Members of the Federal judiciary perform  
6        the important function of interpreting our Constitu-  
7        tion and administering justice in a fair and impartial  
8        manner.

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

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

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

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

19          (6) In the aftermath of the recent tragedy that  
20          occurred to Judge Salas and in response to the con-  
21          tinuous rise of threats against members of the Fed-  
22          eral judiciary, there is an immediate need for en-  
23          hanced security procedures and increased availability  
24          of tools to protect Federal judges and their families.

1 **SEC. 4. DEFINITIONS.**

2 In this Act:

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

5 (A) a Federal judge; or

6 (B) a senior, recalled, or retired Federal  
7 judge

8 (2) **DATA BROKER.**—

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

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

23 (i) Engaging in reporting,  
24 newsgathering, speaking, or other activities  
25 intended to inform the public on matters of  
26 public interest or public concern.

1                   (ii) Providing 411 directory assistance  
2                   or directory information services, including  
3                   name, address, and telephone number, on  
4                   behalf of or as a function of a tele-  
5                   communications carrier.

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

13                  (iv) Providing publicly available infor-  
14                  mation via real-time or near-real-time alert  
15                  services for health or safety purposes.

16                  (v) A consumer reporting agency to  
17                  the extent that it is covered by the Federal  
18                  Fair Credit Reporting Act (15 U.S.C.  
19                  1681 et seq.).

20                  (vi) A financial institution to the ex-  
21                  tent that it is covered by the Gramm-  
22                  Leach-Bliley Act (Public Law 106–102)  
23                  and implementing regulations.

24                  (vii) An entity to the extent that it is  
25                  covered by the Health Insurance Port-

1 ability and Accountability Act (Public Law  
2 104–191).

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

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

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

10 (C) a United States magistrate judge ap-  
11 pointed under section 631 of title 28, United  
12 States Code;

13 (D) a judge confirmed by the United  
14 States Senate and empowered by statute in any  
15 commonwealth, territory, or possession to per-  
16 form the duties of a Federal judge; and

17 (E) a judge of the United States Court of  
18 Federal Claims appointed under section 171 of  
19 title 28, United States Code.

20 (4) GOVERNMENT AGENCY.—The term “Gov-  
21 ernment agency” means any department enumerated  
22 in section 1 of title 5 of the United States Code,  
23 independent establishment, commission, administra-  
24 tion, authority, board or bureau of the United States  
25 or any corporation in which the United States has

1 a proprietary interest. The term includes all such in-  
2 stitutions, offices, and any other bodies politic and  
3 corporate of the United States Government created  
4 by the constitution or statute, whether in the execu-  
5 tive, judicial, or legislative branch; all units and cor-  
6 porate outgrowths created by Executive order of the  
7 President or any constitutional officer, by the Su-  
8 preme Court of the United States, or by resolution  
9 of the United States Congress.

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

15 (6) PERSONALLY IDENTIFIABLE INFORMA-  
16 TION.—The term “personally identifiable informa-  
17 tion” means—

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

20 (B) a home or personal mobile telephone  
21 number, or the direct telephone number of a  
22 government-issued cell phone or private exten-  
23 sion in the chambers of an at-risk individual;

24 (C) a personal email address;

1 (D) the social security number, driver's li-  
2 cense number, or home address displayed on  
3 voter registration information;

4 (E) a bank account or credit or debit card  
5 information;

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

12 (G) license plate number or home address  
13 displayed on vehicle registration information;

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

16 (I) full date of birth;

17 (J) a photograph of any vehicle that legibly  
18 displays the license plate or a photograph of a  
19 residence that legibly displays the residence ad-  
20 dress;

21 (K) the name and address of a school or  
22 day care facility attended by immediate family;  
23 or

24 (L) the name and address of an employer  
25 of immediate family.

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

4           (A) that primarily serves as a medium for  
5 users to interact with content generated by  
6 other third-party users of the medium;

7           (B) that enables users to create accounts  
8 or profiles specific to the medium or to import  
9 profiles from another medium; and

10           (C) that enables one or more users to gen-  
11 erate content that can be viewed by other third-  
12 party users of the medium.

13           (8) TRANSFER.—The term “transfer” means to  
14 sell, license, trade, or exchange for consideration the  
15 personally identifiable information of an at-risk indi-  
16 vidual or immediate family.

17 **SEC. 5. PROTECTING PERSONALLY IDENTIFIABLE INFOR-**  
18 **MATION IN PUBLIC RECORDS.**

19           (a) GOVERNMENT AGENCIES.—

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

22           (A) file written notice of the status of the  
23 individual as an at-risk individual, for them-  
24 selves and immediate family, to each Govern-  
25 ment agency; and

1           (B) ask each Government agency described  
2           in subparagraph (A) to mark as private their  
3           personally identifiable information and that of  
4           their immediate family.

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

15          (3) EXCEPTIONS.—Nothing in this section shall  
16          prohibit a government agency from providing access  
17          to records containing judges' personally identifiable  
18          information to a third party if the third party pos-  
19          sesses a signed release from the judge or a court  
20          order, the entity is already subject to the require-  
21          ments of title V of the Gramm-Leach-Bliley Act (15  
22          U.S.C. 6801 et seq.), or the third party executes a  
23          confidentiality agreement with the government agen-  
24          cy.

25          (b) STATE AND LOCAL GOVERNMENTS.—

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

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

11                   (i) is—

12                           (I) a State or unit of local gov-  
13                           ernment (as such terms are defined in  
14                           section 901 of the Omnibus Crime  
15                           Control and Safe Streets Act of 1968  
16                           (34 U.S.C. 10251)); or

17                           (II) an agency of a State or unit  
18                           of local government; and

19                   (ii) operates a State or local database  
20                   or registry that contains personally identi-  
21                   fiable information.

22          (B) APPLICATION.—An eligible entity seek-  
23          ing a grant under this section shall submit to  
24          the Attorney General an application at such  
25          time, in such manner, and containing such in-

1           formation as the Attorney General may reason-  
2           ably require.

3           (2) AUTHORIZATION OF APPROPRIATIONS.—

4           There is authorized to be appropriated such sums as  
5           may be necessary to provide grants to entities de-  
6           scribed in paragraph (1) to create or expand pro-  
7           grams designed to protect judges' personally identifi-  
8           able information, including through—

9                   (A) the creation of programs to redact or  
10                  remove judges' personally identifiable informa-  
11                  tion, upon the request of an at-risk individual,  
12                  from public records in state agencies; these ef-  
13                  forts may include but are not limited to hiring  
14                  a third party to redact or remove judges' per-  
15                  sonally identifiable information from public  
16                  records;

17                   (B) the expansion of existing programs  
18                  that the State may have enacted in an effort to  
19                  protect judges' personally identifiable informa-  
20                  tion;

21                   (C) the development or improvement of  
22                  protocols, procedures, and policies to prevent  
23                  the release of judges' personally identifiable in-  
24                  formation;

1 (D) the defrayment of costs of modifying  
2 or improving existing databases and registries  
3 to ensure that judges' personally identifiable in-  
4 formation is protected from release; and

5 (E) the development of confidential opt out  
6 systems that will enable at-risk individuals to  
7 make a single request to keep judges' personally  
8 identifiable information out of multiple data-  
9 bases or registries.

10 (3) REPORT.—

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

19 (i) a detailed amount spent by States  
20 and local governments on protection of  
21 judges' personally identifiable information;  
22 and

23 (ii) where the judges' personally iden-  
24 tifiable information was found.

1 (B) STATES AND LOCAL GOVERNMENTS.—  
2 States and local governments that receive funds  
3 under this section shall submit to the Comp-  
4 troller General a report on data described in  
5 clauses (i) and (ii) of subparagraph (A) to be  
6 included in the report required under that sub-  
7 paragraph.

8 (c) DATA BROKERS AND OTHER BUSINESSES.—

9 (1) PROHIBITION.—

10 (A) DATA BROKERS.—It shall be unlawful  
11 for a data broker to knowingly sell, license,  
12 trade for consideration, or purchase personally  
13 identifiable information of an at-risk individual  
14 or immediate family.

15 (B) OTHER BUSINESSES.—No person,  
16 business, or association shall publicly post or  
17 publicly display on the internet personally iden-  
18 tifiable information of an at-risk individual or  
19 immediate family if the at-risk individual has  
20 made a written request of that person, business,  
21 or association to not disclose the personally  
22 identifiable information of the at-risk individual  
23 or immediate family.

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

1 (i) the display on the internet of the  
2 personally identifiable information of an  
3 at-risk individual or immediate family if  
4 the 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) personally identifiable information  
9 that the at-risk individual voluntarily pub-  
10 lishes on the internet after the date of en-  
11 actment of this Act; or

12 (iii) personally identifiable information  
13 received from a Federal Government  
14 source (or from an employee or agent of  
15 the Federal Government).

16 (2) REQUIRED CONDUCT.—

17 (A) IN GENERAL.—After a person, busi-  
18 ness, or association has received a written re-  
19 quest from an at-risk individual to protect per-  
20 sonally identifiable information of the at-risk in-  
21 dividual or immediate family, that person, busi-  
22 ness, or association shall—

23 (i) remove within 72 hours the per-  
24 sonally identifiable information from the  
25 internet and ensure that the information is

1 not made available on any website or sub-  
2 subsidiary website controlled by that person,  
3 business, or association; and

4 (ii) ensure that the personally identifi-  
5 able information of the at-risk individual  
6 or immediate family is not made available  
7 on any website or subsidiary website con-  
8 trolled by that person, business, or associa-  
9 tion.

10 (B) TRANSFER.—After receiving an at-risk  
11 individual’s written request, no person, busi-  
12 ness, or association shall transfer the personally  
13 identifiable information of the at-risk individual  
14 or immediate family to any other person, busi-  
15 ness, or association through any medium, ex-  
16 cept where the at-risk individual’s or immediate  
17 family member’s personally identifiable informa-  
18 tion is relevant to and displayed as part of a  
19 news story, commentary, editorial, or other  
20 speech on a matter of public concern. The re-  
21 striction on transfer shall also not apply to per-  
22 sonally identifiable information that the at-risk  
23 individual or immediate family voluntarily pub-  
24 lishes on the internet after the date of enact-  
25 ment of this Act.

1 (d) DELEGATION OF AUTHORITY.—

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

13 (2) LIST.—In lieu of individual notices or re-  
14 quests, the Director may provide government agen-  
15 cies, State and local governments, data brokers, per-  
16 sons, businesses, or associations with a list of at-risk  
17 individuals and their immediate family for the pur-  
18 pose of maintaining compliance with this section.  
19 Such list shall be deemed to comply with individual  
20 notice and request requirements of this section.

21 (e) REDRESS AND PENALTIES.—

22 (1) IN GENERAL.—An at-risk individual or im-  
23 mediate family member whose personally identifiable  
24 information is made public as a result of a violation  
25 of this Act may bring an action seeking injunctive

1 or declaratory relief in any court of competent juris-  
2 diction. If the court grants injunctive or declaratory  
3 relief, the person, business, or association respon-  
4 sible for the violation shall be required to pay the at-  
5 risk individual's or immediate family member's costs  
6 and reasonable attorney's fees.

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

11 (A) if the violator is a public entity, impose  
12 a fine not exceeding \$4,000 and require the  
13 payment of court costs and reasonable attor-  
14 ney's fees;

15 (B) if the violator is a person, business, as-  
16 sociation, or private agency, award damages to  
17 the affected at-risk individual or immediate  
18 family in an amount up to a maximum of 3  
19 times the actual damages, but not less than  
20 \$10,000, and require the payment of court  
21 costs and reasonable attorney's fees.

22 **SEC. 6. TRAINING AND EDUCATION.**

23 There is authorized to be appropriated to the Federal  
24 judiciary such sums as may be necessary for biannual judi-

1 cial security training for active, senior, or recalled Federal  
2 judges and their immediate family, including—

3 (1) best practices for using social media and  
4 other forms of online engagement and for maintain-  
5 ing online privacy;

6 (2) home security program and maintenance;

7 (3) understanding removal programs and re-  
8 quirements for personally identifiable information;

9 (4) any other judicial security training that the  
10 United States Marshals Services and the Adminis-  
11 trative Office of the United States Courts deter-  
12 mines is relevant.

13 **SEC. 7. VULNERABILITY MANAGEMENT CAPABILITY.**

14 (a) AUTHORIZATION.—

15 (1) VULNERABILITY MANAGEMENT CAPA-  
16 BILITY.—The Federal judiciary is authorized to per-  
17 form all necessary functions consistent with the pro-  
18 visions of this Act, and to support existing threat  
19 management capabilities within the United States  
20 Marshals Service and other relevant Federal law en-  
21 forcement and security agencies. Such functions may  
22 include—

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

1 (B) manage the monitoring of websites for  
2 personally identifiable information of at-risk in-  
3 dividuals or immediate family and remove or  
4 limit the publication of such information; and

5 (C) receive, review, and analyze complaints  
6 by at-risk individuals of threats, whether direct  
7 or indirect, and report to law enforcement part-  
8 ners.

9 (2) TECHNICAL AND CONFORMING AMEND-  
10 MENT.—Section 604(a) of title 28, United States  
11 Code is amended—

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

14 (B) by redesignating paragraph (24) as  
15 paragraph (25);

16 (C) by inserting after paragraph 23 the  
17 following:

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

20 (b) EXPANSION OF CAPABILITIES OF OFFICE OF  
21 PROTECTIVE INTELLIGENCE.—There is authorized to be  
22 appropriated such sums as may be necessary to the United  
23 States Marshals Service to expand the current capabilities  
24 of the Office of Protective Intelligence of the Judicial Se-  
25 curity Division to increase the workforce of the Office of

1 Protective Intelligence to include additional intelligence  
2 analysts, United States deputy marshals, and any other  
3 relevant personnel to ensure that the Office of Protective  
4 Intelligence is ready and able to perform all necessary  
5 functions, consistent with the provisions of this Act, in  
6 order to anticipate and deter threats to the judiciary, in-  
7 cluding—

8           (1) assigning personnel to State and major  
9           urban area fusion and intelligence centers for the  
10           specific purpose of identifying potential threats  
11           against the judiciary, and coordination of responses  
12           to potential threats.

13           (2) expanding the use of investigative analysts,  
14           physical security specialists, and intelligence analysts  
15           at the 94 judicial districts and territories to enhance  
16           the management of local and distant threats and in-  
17           vestigations; and

18           (3) increasing the number of United States  
19           Marshal Service personnel for the protection of the  
20           judicial function and assigned to protective oper-  
21           ations and details for the judiciary.

22           (c) REPORT.—

23           (1) IN GENERAL.—Not later than one year  
24           after the date of enactment of this Act, the Depart-  
25           ment of Justice, in consultation with the Adminis-

1       trative Office of the United States Courts, shall sub-  
2       mit to the Committee on the Judiciary of the Senate  
3       and the Committee on the Judiciary of the House of  
4       Representatives a report on the security of Federal  
5       judges arising from the Federal prosecutions and  
6       civil litigation.

7               (2) DESCRIPTION.—The report required under  
8       paragraph (1) shall describe—

9               (A) the number and nature of threats and  
10       assaults against at-risk individuals handling  
11       prosecutions and other matters described in  
12       paragraph (1) and the reporting requirements  
13       and methods;

14              (B) the security measures that are in place  
15       to protect the at-risk individuals handling pros-  
16       ecutions described in paragraph (1), including  
17       threat assessments, response procedures, avail-  
18       ability of security systems and other devices,  
19       firearms licensing such as deputations, and  
20       other measures designed to protect the at-risk  
21       individuals and immediate family of an at-risk  
22       individual; and

23              (C) for each requirement, measure, or pol-  
24       icy described in subparagraphs (A) and (B),  
25       when the requirement, measure, or policy was

1           developed and who was responsible for devel-  
2           oping and implementing the requirement, meas-  
3           ure, or policy.

4 **SEC. 8. SEVERABILITY.**

5           If any provision of this Act or the application of such  
6           provision to any person or circumstance is held to be un-  
7           constitutional, the remainder of this Act and the applica-  
8           tion of such provision to any person or circumstance shall  
9           not be affected thereby.

10 **SEC. 9. EFFECTIVE DATE.**

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