

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—116th Cong., 2d Sess.**

**S. 4711**

To provide for judicial security and privacy.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended  
to be proposed by Mr. MENENDEZ (for himself, Mr.  
BOOKER, Mrs. FEINSTEIN, and Mr. GRAHAM)

Viz:

1 Strike all after the enacting clause and insert the fol-  
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Daniel Anderl Judicial  
5 Security and Privacy Act of 2020”.

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.

14           (3) Between 2015 and 2019, threats and other  
15       inappropriate communications against Federal  
16       judges and other judiciary personnel increased from  
17       926 in 2015 to approximately 4,449 in 2019.

18           (4) Over the past decade, several members of  
19       the Federal judiciary have experienced acts of vio-  
20       lence against themselves or a family member in con-  
21       nection to their Federal judiciary role, including the  
22       murder of the family of United States District  
23       Judge for the Northern District of Illinois Joan  
24       Lefkow in 2005.

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

8           (6) In the aftermath of the recent tragedy that  
9           occurred to Judge Salas and in response to the con-  
10          tinuous rise of threats against members of the Fed-  
11          eral judiciary, there is an immediate need for en-  
12          hanced security procedures and increased availability  
13          of tools to protect Federal judges and their families.

14 **SEC. 4. DEFINITIONS.**

15          In this Act:

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

18                   (A) a Federal judge; or

19                   (B) a senior, recalled, or retired Federal  
20          judge

21           (2) **DATA BROKER.**—

22                   (A) **IN GENERAL.**—The term “data  
23          broker” means a business or commercial entity  
24          when it is engaged in collecting, assembling, or  
25          maintaining personal information concerning an

1 individual who is not a customer, client, or an  
2 employee of that entity in order to sell the in-  
3 formation or otherwise profit from providing  
4 third party access to the information.

5 (B) EXCLUSION.—The following activities  
6 conducted by a business or commercial entity,  
7 and the collection and sale or licensing of per-  
8 sonally identifiable information incidental to  
9 conducting these activities do not qualify the  
10 entity as a data broker:

11 (i) Engaging in reporting,  
12 newsgathering, speaking, or other activities  
13 intended to inform the public on matters of  
14 public interest or public concern.

15 (ii) Providing 411 directory assistance  
16 or directory information services, including  
17 name, address, and telephone number, on  
18 behalf of or as a function of a tele-  
19 communications carrier.

20 (iii) Utilizing personal information in-  
21 ternally, providing access to businesses  
22 under common ownership or affiliated by  
23 corporate control, or selling or providing  
24 data for a transaction or service requested

1 by or concerning the individual whose per-  
2 sonal information is being transferred.

3 (iv) Providing publicly available infor-  
4 mation via real-time or near-real-time alert  
5 services for health or safety purposes.

6 (v) A consumer reporting agency to  
7 the extent that it is covered by the Federal  
8 Fair Credit Reporting Act (15 U.S.C.  
9 1681 et seq.).

10 (vi) A financial institution to the ex-  
11 tent that it is covered by the Gramm-  
12 Leach-Bliley Act (Public Law 106–102)  
13 and implementing regulations.

14 (vii) An entity to the extent that it is  
15 covered by the Health Insurance Port-  
16 ability and Accountability Act (Public Law  
17 104–191).

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

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

23 (B) a bankruptcy judge appointed under  
24 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  
5 States Senate and empowered by statute in any  
6 commonwealth, territory, or possession to per-  
7 form the duties of a Federal judge; and

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 (4) GOVERNMENT AGENCY.—The term “Gov-  
12 ernment agency” means any department enumerated  
13 in section 1 of title 5 of the United States Code,  
14 independent establishment, commission, administra-  
15 tion, authority, board or bureau of the United States  
16 or any corporation in which the United States has  
17 a proprietary interest. The term includes all such in-  
18 stitutions, offices, and any other bodies politic and  
19 corporate of the United States Government created  
20 by the constitution or statute, whether in the execu-  
21 tive, judicial, or legislative branch; all units and cor-  
22 porate outgrowths created by Executive order of the  
23 President or any constitutional officer, by the Su-  
24 preme Court of the United States, or by resolution  
25 of the United States Congress.

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

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

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

11           (B) a home or personal mobile telephone  
12 numbers, or the direct telephone number of a  
13 government-issued cell phone or private exten-  
14 sion in the chambers of an at-risk individual;

15           (C) a personal email address;

16           (D) the social security number, driver’s li-  
17 cense number, or home address displayed on  
18 voter registration information;

19           (E) a bank account or credit or debit card  
20 information;

21           (F) home or other address displayed on  
22 property tax records or held by a Federal,  
23 State, or local government agency of an at-risk  
24 individual, including a secondary residence and

1 any investment property at which an at-risk in-  
2 dividual resides for part of a year;

3 (G) license plate number or home address  
4 displayed on vehicle registration information;

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

7 (I) full date of birth;

8 (J) a photograph of any vehicle that legibly  
9 displays the license plate or a photograph of a  
10 residence that legibly displays the residence ad-  
11 dress;

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

15 (L) the name and address of an employer  
16 of immediate family.

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

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

23 (B) that enables users to create accounts  
24 or profiles specific to the medium or to import  
25 profiles from another medium; and

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

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

8 **SEC. 5. PROTECTING PERSONALLY IDENTIFIABLE INFOR-**  
9 **MATION IN PUBLIC RECORDS.**

10 (a) GOVERNMENT AGENCIES.—

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

13 (A) file written notice of the status of the  
14 individual as an at-risk individual, for them-  
15 selves and immediate family, to each Govern-  
16 ment agency; and

17 (B) ask each Government agency described  
18 in subparagraph (A) to mark as confidential  
19 their personally identifiable information and  
20 that of their immediate family.

21 (2) Government agencies shall not publicly post  
22 or display publicly available content that includes  
23 personally identifiable information of an at-risk indi-  
24 vidual or immediate family. Government agencies,  
25 upon receipt of a written request in accordance with

1 subsection (a)(1)(A) of this section, shall remove the  
2 personally identifiable information of the at-risk in-  
3 dividual or immediate family from publicly available  
4 content within 72 hours.

5 (b) STATE AND LOCAL GOVERNMENTS.—

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

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

16 (i) is—

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

22 (II) an agency of a State or unit  
23 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; or

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.

18 (2) REQUIRED CONDUCT.—

19 (A) IN GENERAL.—After a person, busi-  
20 ness, or association has received a written re-  
21 quest from an at-risk individual to protect per-  
22 sonally identifiable information of the at-risk in-  
23 dividual or immediate family, that person, busi-  
24 ness, or association shall have 72 hours to re-

1           move the personally identifiable information  
2           from the internet.

3           (B) INFORMATION PROTECTED.—After a  
4           person, business, or association has received a  
5           written request from an at-risk individual, that  
6           person, business, or association shall ensure  
7           that the personally identifiable information of  
8           the at-risk individual or immediate family is not  
9           made available on any website or subsidiary  
10          website controlled by that person, business, or  
11          association.

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

1           lishes on the internet after the date of enact-  
2           ment of this Act.

3           (d) DELEGATION OF AUTHORITY.—

4           (1) IN GENERAL.—Any notice or request re-  
5           quired or authorized by this section to be made by  
6           an at-risk individual, upon written request of the at-  
7           risk individual, may be made by the Director of the  
8           Administrative Office of the United States Courts.  
9           The Director may delegate this authority to such of-  
10          ficers and employees of the judicial branch of Gov-  
11          ernment as the Director may designate, and subject  
12          to such terms and conditions as the Director may  
13          consider appropriate; and may authorize the succes-  
14          sive redelegation of such authority as the Director  
15          may deem desirable. Any notice or request made  
16          under this subsection shall be deemed to have been  
17          made by the at-risk individual and compliant with  
18          the notice and request requirements 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       (e) 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       diction. 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) PRIVATE RIGHT OF ACTION.—

15           (A) IN GENERAL.—An at-risk individual or  
16      immediate family member who is aggrieved by  
17      a knowing and willful violation of subsection (c)  
18      of this section may bring an action in any court  
19      of competent jurisdiction.

20           (B) DAMAGES.—A prevailing plaintiff in  
21      an action described in subparagraph (A) shall  
22      be awarded damages in an amount—

23                   (i) not greater than 3 times the actual  
24                   damages to the plaintiff; and

25                   (ii) not less than \$10,000.

1 **SEC. 6. HOME INTRUSION DETECTION SYSTEM PROGRAM.**

2       There is authorized to be appropriated such sums as  
3 may be necessary to provide security monitoring services  
4 for active, senior, recalled, or retired Federal judges, in-  
5 cluding any method or methods designed to provide secu-  
6 rity through a system of interworking components and de-  
7 vices such as integrated electronic devices working to-  
8 gether with a central control panel, including doorbell  
9 cameras, outdoor cameras, and motion detection devices.

10 **SEC. 7. TRAINING AND EDUCATION.**

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

15           (1) best practices for using social media and  
16 other forms of online engagement and for maintain-  
17 ing online privacy;

18           (2) home security program and maintenance;

19           (3) understanding removal programs and re-  
20 quirements for personally identifiable information;

21           (4) any other judicial security training that the  
22 United States Marshals Services and the Adminis-  
23 trative Office of the United States Courts deter-  
24 mines is relevant.

25 **SEC. 8. THREAT MANAGEMENT CAPABILITY.**

26       (a) AUTHORIZATION OF APPROPRIATIONS.—

1           (1) THREAT MANAGEMENT CAPABILITY.—The  
2           Administrative Office of the United States Courts is  
3           authorized to perform all necessary functions con-  
4           sistent with the provisions of this Act, and to sup-  
5           port existing threat management capabilities within  
6           the United States Marshals Service and other rel-  
7           evant Federal law enforcement and security agen-  
8           cies. Such functions may include—

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

11                  (B) manage the monitoring of data broker  
12                  websites for personally identifiable information  
13                  of at-risk individuals or immediate family and  
14                  report violations to the United States Marshals  
15                  Service, and other appropriate Federal and  
16                  local law enforcement authorities; and

17                  (C) receive, review, and analyze complaints  
18                  by at-risk individuals of threats, whether direct  
19                  or indirect, and report to law enforcement part-  
20                  ners.

21           (2) AUTHORIZATION OF APPROPRIATIONS.—  
22           There is authorized to be appropriated to the Fed-  
23           eral judiciary such sums as may be necessary to  
24           carry out the purposes and authorized activities of  
25           this section.

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.

13           (c) REPORT.—

14           (1) IN GENERAL.—Not later than one year  
15 after the date of enactment of this Act, the Depart-  
16 ment of Justice, in consultation with the Adminis-  
17 trative Office of the United States Courts, shall sub-  
18 mit to the Committee on the Judiciary of the Senate  
19 and the Committee on the Judiciary of the House of  
20 Representatives a report on the security of Federal  
21 judges arising from the Federal prosecutions and  
22 civil litigation.

23           (2) DESCRIPTION.—The report required under  
24 paragraph (1) shall describe—

1 (A) the number and nature of threats and  
2 assaults against at-risk individuals handling  
3 prosecutions and other matters described in  
4 paragraph (1) and the reporting requirements  
5 and methods;

6 (B) the security measures that are in place  
7 to protect the at-risk individuals handling pros-  
8 ecutions described in paragraph (1), including  
9 threat assessments, response procedures, avail-  
10 ability of security systems and other devices,  
11 firearms licensing such as deputations, and  
12 other measures designed to protect the at-risk  
13 individuals and immediate family of an at-risk  
14 individual; and

15 (C) for each requirement, measure, or pol-  
16 icy described in subparagraphs (A) and (B),  
17 when the requirement, measure, or policy was  
18 developed and who was responsible for devel-  
19 oping and implementing the requirement, meas-  
20 ure, or policy.

21 **SEC. 9. SEVERABILITY.**

22 If any provision of this Act or the application of such  
23 provision to any person or circumstance is held to be un-  
24 constitutional, the remainder of this Act and the applica-

1 tion of such provision to any person or circumstance shall  
2 not be affected thereby.

3 **SEC. 10. EFFECTIVE DATE.**

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