

DECEMBER 6, 2022

RULES COMMITTEE PRINT 117-70
TEXT OF THE HOUSE AMENDMENT TO THE
SENATE AMENDMENT TO H.R. 7776

**[Showing the text of the James M. Inhofe National Defense
Authorization Act for Fiscal Year 2023]**

In lieu of the matter proposed to be inserted by the
Senate, insert the following:

1 SECTION 1. SHORT TITLE.

2 (a) IN GENERAL.—This Act may be cited as the
3 “James M. Inhofe National Defense Authorization Act for
4 Fiscal Year 2023”.

5 (b) REFERENCES.—Any reference in this or any
6 other Act to the “National Defense Authorization Act for
7 Fiscal Year 2023” shall be deemed to be a reference to
8 the “James M. Inhofe National Defense Authorization Act
9 for Fiscal Year 2023”.

10 SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF
11 CONTENTS.

12 (a) DIVISIONS.—This Act is organized into 11 divi-
13 sions as follows:

14 (1) Division A—Department of Defense Au-
15 thorizations.

1 (2) Division B—Military Construction Author-
2 izations.

3 (3) Division C—Department of Energy Na-
4 tional Security Authorizations and Other Authoriza-
5 tions.

6 (4) Division D—Funding Tables.

7 (5) Division E—Non-Department of Defense
8 Matters.

9 (6) Division F—Intelligence Authorization Act
10 for Fiscal Year 2023.

11 (7) Division G—Homeland Security.

12 (8) Division H—Water Resources.

13 (9) Division I—Department of State Authoriza-
14 tions.

15 (10) Division J—Oceans and Atmosphere.

16 (11) Division K—Don Young Coast Guard Au-
17 thorization Act of 2022.

18 (b) TABLE OF CONTENTS.—The table of contents for
19 this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Organization of Act into divisions; table of contents.
- Sec. 3. Congressional defense committees.
- Sec. 4. Budgetary effects of this Act.
- Sec. 5. Explanatory statement.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Authorization of appropriations.

Subtitle B—Army Programs

- Sec. 5891. Rules of construction.
- Sec. 5892. Classified and protected information.
- Sec. 5893. Report.

TITLE LIX—OTHER MATTERS

Subtitle A—Judiciary Matters

- Sec. 5901. Extension of admission to Guam or the Commonwealth of the Northern Mariana Islands for certain nonimmigrant H–2B workers.
- Sec. 5902. Eligibility of Portuguese traders and investors for E–1 and E–2 nonimmigrant visas.
- Sec. 5903. Incentives for States to create sexual assault survivors’ bill of rights.
- Sec. 5904. Extending the statute of limitations for certain money laundering offenses.

Subtitle B—Science, Space, and Technology Matters

- Sec. 5911. Financial assistance for construction of test beds and specialized facilities.
- Sec. 5912. Reports on arctic research, budget, and spending.
- Sec. 5913. National research and development strategy for distributed ledger technology.
- Sec. 5914. Technical corrections.

Subtitle C—FedRamp Authorization Act

- Sec. 5921. FedRAMP Authorization Act.

Subtitle D—Judicial Security and Privacy

- Sec. 5931. Short title.
- Sec. 5932. Findings and purpose.
- Sec. 5933. Definitions.
- Sec. 5934. Protecting covered information in public records.
- Sec. 5935. Training and education.
- Sec. 5936. Vulnerability management capability.
- Sec. 5937. Rules of construction.
- Sec. 5938. Severability.
- Sec. 5939. Effective date.

Subtitle E—Other Matters

- Sec. 5941. Secretary of Agriculture report on improving supply chain shortfalls and infrastructure needs at wholesale produce markets.
- Sec. 5942. Extension of deadline for transfer of parcels of land in New Mexico.
- Sec. 5943. Ending global wildlife poaching and trafficking.
- Sec. 5944. Cost-sharing requirements applicable to certain Bureau of Reclamation dams and dikes.
- Sec. 5945. Transfer of National Oceanic and Atmospheric Administration property in Norfolk, Virginia.
- Sec. 5946. Other matters.
- Sec. 5947. Enhancing transparency on international agreements and non-binding instruments.
- Sec. 5948. Ukraine Invasion War Crimes Deterrence and Accountability Act.
- Sec. 5949. Prohibition on certain semiconductor products and services.

“3614. Roles and responsibilities of the Office of Management and Budget.

“3615. Reports to Congress; GAO report.

“3616. Federal Secure Cloud Advisory Committee.”.

1 (d) SUNSET.—

2 (1) IN GENERAL.—Effective on the date that is
3 5 years after the date of enactment of this Act,
4 chapter 36 of title 44, United States Code, is
5 amended by striking sections 3607 through 3616.

6 (2) CONFORMING AMENDMENT.—Effective on
7 the date that is 5 years after the date of enactment
8 of this Act, the table of sections for chapter 36 of
9 title 44, United States Code, is amended by striking
10 the items relating to sections 3607 through 3616.

11 (e) RULE OF CONSTRUCTION.—Nothing in this sec-
12 tion or any amendment made by this section shall be con-
13 strued as altering or impairing the authorities of the Di-
14 rector of the Office of Management and Budget or the
15 Secretary of Homeland Security under subchapter II of
16 chapter 35 of title 44, United States Code.

17 **Subtitle D—Judicial Security and** 18 **Privacy**

19 **SEC. 5931. SHORT TITLE.**

20 This subtitle may be cited as the “Daniel Anderl Ju-
21 dicial Security and Privacy Act of 2022”.

22 **SEC. 5932. FINDINGS AND PURPOSE.**

23 (a) FINDINGS.—Congress finds the following:

1 (1) Members of the Federal judiciary perform
2 the important function of interpreting the Constitu-
3 tion of the United States and administering justice
4 in a fair 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 ac-
10 cess to free or inexpensive sources of covered infor-
11 mation has considerably lowered the effort required
12 for malicious actors to discover where individuals
13 live and where they spend leisure hours and to find
14 information about their family members. Such
15 threats have included calling a judge a traitor with
16 references to mass shootings and serial killings, a
17 murder attempt on a justice of the Supreme Court
18 of the United States, calling for an “angry mob” to
19 gather outside a home of a judge and, in reference
20 to a judge on the court of appeals of the United
21 States, stating how easy it would be to “get them”.

22 (3) Between 2015 and 2019, threats and other
23 inappropriate communications against Federal
24 judges and other judiciary personnel increased from
25 926 in 2015 to approximately 4,449 in 2019.

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

8 (5) On Sunday July 19, 2020, an assailant
9 went to the home of Esther Salas, a judge for the
10 United States District Court for the District of New
11 Jersey, impersonating a package delivery driver,
12 opening fire upon arrival, and killing Daniel Anderl,
13 the 20-year-old only son of Judge Salas, and seri-
14 ously wounding 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 Fed-
18 eral judiciary, there is an immediate need for en-
19 hanced security procedures and increased availability
20 of tools to protect Federal judges and their families.

21 (b) PURPOSE.—The purpose of this subtitle is to im-
22 prove the safety and security of Federal judges, including
23 senior, recalled, or retired Federal judges, and their imme-
24 diate family members to ensure Federal judges are able
25 to administer justice fairly without fear of personal re-

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

3 **SEC. 5933. DEFINITIONS.**

4 In this subtitle:

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

7 (A) a Federal judge;

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

10 (C) any individual who is the spouse, par-
11 ent, sibling, or child of an individual described
12 in subparagraph (A) or (B);

13 (D) any individual to whom an individual
14 described in subparagraph (A) or (B) stands in
15 loco parentis; or

16 (E) any other individual living in the
17 household of an individual described in subpara-
18 graph (A) or (B).

19 (2) **COVERED INFORMATION.**—The term “cov-
20 ered information”—

21 (A) means—

22 (i) a home address, including primary
23 residence or secondary residences;

24 (ii) a home or personal mobile tele-
25 phone number;

- 1 (iii) a personal email address;
- 2 (iv) a social security number or driv-
3 er's license number;
- 4 (v) a bank account or credit or debit
5 card information;
- 6 (vi) a license plate number or other
7 unique identifiers of a vehicle owned,
8 leased, or regularly used by an at-risk indi-
9 vidual;
- 10 (vii) the identification of children of
11 an at-risk individual under the age of 18;
- 12 (viii) the full date of birth;
- 13 (ix) information regarding current or
14 future school or day care attendance, in-
15 cluding the name or address of the school
16 or day care, schedules of attendance, or
17 routes taken to or from the school or day
18 care by an at-risk individual; or
- 19 (x) information regarding the employ-
20 ment location of an at-risk individual, in-
21 cluding the name or address of the em-
22 ployer, employment schedules, or routes
23 taken to or from the employer by an at-
24 risk individual; and

1 (B) does not include information regarding
2 employment with a Government agency.

3 (3) DATA BROKER.—

4 (A) IN GENERAL.—The term “data
5 broker” means an entity that collects and sells
6 or licenses to third parties the personal infor-
7 mation of an individual with whom the entity
8 does not have a direct relationship..

9 (B) EXCLUSION.—The term “data broker”
10 does not include a commercial entity engaged in
11 the following activities:

12 (i) Engaging in reporting, news-gath-
13 ering, speaking, or other activities intended
14 to inform the public on matters of public
15 interest or public concern.

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

21 (iii) Using personal information inter-
22 nally, providing access to businesses under
23 common ownership or affiliated by cor-
24 porate control, or selling or providing data
25 for a transaction or service requested by or

1 concerning the individual whose personal
2 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 sub-
7 ject to the Fair Credit Reporting Act (15
8 U.S.C. 1681 et seq.).

9 (vi) A financial institution subject to
10 the Gramm-Leach-Bliley Act (Public Law
11 106–102) and regulations implementing
12 that title.

13 (vii) A covered entity for purposes of
14 the privacy regulations promulgated under
15 section 264(c) of the Health Insurance
16 Portability and Accountability Act of 1996
17 (42 U.S.C. 1320d-2 note).

18 (viii) The collection and sale or licens-
19 ing of covered information incidental to
20 conducting the activities described in
21 clauses (i) through (vii).

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

24 (A) a justice of the United States or a
25 judge of the United States, as those terms are

1 defined in section 451 of title 28, United States
2 Code;

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

5 (C) a United States magistrate judge ap-
6 pointed under section 631 of title 28, United
7 States Code;

8 (D) a judge confirmed by the United
9 States Senate and empowered by statute in any
10 commonwealth, territory, or possession to per-
11 form the duties of a Federal judge;

12 (E) a judge of the United States Court of
13 Federal Claims appointed under section 171 of
14 title 28, United States Code;

15 (F) a judge of the United States Court of
16 Appeals for Veterans Claims appointed under
17 section 7253 of title 38, United States Code;

18 (G) a judge of the United States Court of
19 Appeals for the Armed Forces appointed under
20 section 942 of title 10, United States Code;

21 (H) a judge of the United States Tax
22 Court appointed under section 7443 of the In-
23 ternal Revenue Code of 1986; and

1 (I) a special trial judge of the United
2 States Tax Court appointed under section
3 7443A of the Internal Revenue Code of 1986.

4 (5) GOVERNMENT AGENCY.—The term “Gov-
5 ernment agency” includes—

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

8 (B) any agency in the judicial branch or
9 legislative branch.

10 (6) IMMEDIATE FAMILY MEMBER.—The term
11 “immediate family member” means—

12 (A) any individual who is the spouse, par-
13 ent, sibling, or child of an at-risk individual;

14 (B) any individual to whom an at-risk indi-
15 vidual stands in loco parentis; or

16 (C) any other individual living in the
17 household of an at-risk individual.

18 (7) INTERACTIVE COMPUTER SERVICE.—The
19 term “interactive computer service” has the meaning
20 given the term in section 230 of the Communica-
21 tions Act of 1934 (47 U.S.C. 230).

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 im-
25 mediate family member.

1 **SEC. 5934. PROTECTING COVERED INFORMATION IN PUB-**
2 **LIC 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 members, with
9 each Government agency that includes informa-
10 tion necessary to ensure compliance with this
11 section; and

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

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

25 (3) EXCEPTIONS.—Nothing in this section shall
26 prohibit a Government agency from providing access

1 to records containing the covered information of a
2 Federal judge to a third party if the third party—

3 (A) possesses a signed release from the
4 Federal judge or a court order;

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

8 (C) executes a confidentiality agreement
9 with the Government agency.

10 (b) DELEGATION OF AUTHORITY.—

11 (1) IN GENERAL.—An at-risk individual may di-
12 rectly, or through an agent designated by the at-risk
13 individual, make any notice or request required or
14 authorized by this section on behalf of the at-risk in-
15 dividual. The notice or request shall be in writing
16 and contain information necessary to ensure compli-
17 ance with this section, including information ex-
18 pressly referencing the prohibition on the posting or
19 transfer of covered information, information regard-
20 ing redress and penalties for violations provided in
21 subsection (f), and contact information to allow the
22 recipient to verify the accuracy of any notice or re-
23 quest and answer questions by the recipient of the
24 notice or request.

1 (2) AUTHORIZATION OF GOVERNMENT AGEN-
2 CIES TO MAKE REQUESTS.—

3 (A) ADMINISTRATIVE OFFICE OF THE
4 UNITED STATES COURTS.—Upon written re-
5 quest of an at-risk individual described in sub-
6 paragraphs (A) through (E) of section 5933(4),
7 the Director of the Administrative Office of the
8 United States Courts is authorized to make any
9 notice or request required or authorized by this
10 section on behalf of the at-risk individual. The
11 notice or request shall include information nec-
12 essary to ensure compliance with this section,
13 as determined by the Administrative Office of
14 the United States Courts. The Director may
15 delegate this authority under section 602(d) of
16 title 28, United States Code. Any notice or re-
17 quest made under this subsection shall be
18 deemed to have been made by the at-risk indi-
19 vidual and comply with the notice and request
20 requirements of this section.

21 (B) UNITED STATES COURT OF APPEALS
22 FOR VETERANS CLAIMS.—Upon written request
23 of an at-risk individual described in section
24 5933(4)(F), the chief judge of the United
25 States Court of Appeals for Veterans Claims is

1 authorized to make any notice or request re-
2 quired or authorized by this section on behalf of
3 the at-risk individual. Any notice or request
4 made under this subsection shall be deemed to
5 have been made by the at-risk individual and
6 comply with the notice and request require-
7 ments of this section.

8 (C) UNITED STATES COURT OF APPEALS
9 FOR THE ARMED FORCES.—Upon written re-
10 quest of an at-risk individual described in sec-
11 tion 5933(4)(G), the chief judge of the United
12 States Court of Appeals for the Armed Forces
13 is authorized to make any notice or request re-
14 quired or authorized by this section on behalf of
15 the at-risk individual. Any notice or request
16 made under this subsection shall be deemed to
17 have been made by the at-risk individual and
18 comply with the notice and request require-
19 ments of this section.

20 (D) UNITED STATES TAX COURT.—Upon
21 written request of an at-risk individual de-
22 scribed in subparagraph (H) or (I) of section
23 5933(4), the chief judge of the United States
24 Tax Court is authorized to make any notice or
25 request required or authorized by this section

1 on behalf of the at-risk individual. Any notice
2 or request made under this subsection shall be
3 deemed to have been made by the at-risk indi-
4 vidual and comply with the notice and request
5 requirements of this section.

6 (c) STATE AND LOCAL GOVERNMENTS.—

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

10 (A) AUTHORIZATION.—The Attorney Gen-
11 eral may make grants to prevent the release of
12 covered information of at-risk individuals and
13 immediate family members (in this subsection
14 referred to as “judges’ covered information”) to
15 the detriment of such individuals or their imme-
16 diate family members to an entity that—

17 (i) is—

18 (I) a State or unit of local gov-
19 ernment, as defined in section 901 of
20 title I of the Omnibus Crime Control
21 and Safe Streets Act of 1968 (34
22 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 covered informa-
3 tion.

4 (B) APPLICATION.—An entity seeking a
5 grant under this subsection shall submit to the
6 Attorney General an application at such time,
7 in such manner, and containing such informa-
8 tion as the Attorney General may reasonably
9 require.

10 (2) SCOPE OF GRANTS.—Grants made under
11 this subsection may be used to create or expand pro-
12 grams designed to protect judges' covered informa-
13 tion, including through—

14 (A) the creation of programs to redact or
15 remove judges' covered information, upon the
16 request of an at-risk individual, from public
17 records in State agencies, including hiring a
18 third party to redact or remove judges' covered
19 information from public records;

20 (B) the expansion of existing programs
21 that the State may have enacted in an effort to
22 protect judges' covered information;

23 (C) the development or improvement of
24 protocols, procedures, and policies to prevent
25 the release of judges' covered information;

1 (D) the defrayment of costs of modifying
2 or improving existing databases and registries
3 to ensure that judges' covered information is
4 covered 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' covered
8 information out of multiple databases or reg-
9 istries.

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 protecting
21 judges' covered information;

22 (ii) where the judges' covered infor-
23 mation was found; and

24 (iii) the collection of any new types of
25 personal data found to be used to identify

1 judges who have received threats, including
2 prior home addresses, employers, and insti-
3 tutional affiliations such as nonprofit
4 boards.

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

12 (d) DATA BROKERS AND OTHER BUSINESSES.—

13 (1) PROHIBITIONS.—

14 (A) DATA BROKERS.—It shall be unlawful
15 for a data broker to knowingly sell, license,
16 trade for consideration, transfer, or purchase
17 covered information of an at-risk individual or
18 immediate family members.

19 (B) OTHER PERSONS AND BUSINESSES.—

20 (i) IN GENERAL.—Except as provided
21 in clause (ii), no person, business, or asso-
22 ciation shall publicly post or publicly dis-
23 play on the internet covered information of
24 an at-risk individual or immediate family
25 member if the at-risk individual has made

1 a written request to that person, business,
2 or association not to disclose or acquire the
3 covered information of the at-risk indi-
4 vidual or immediate family member.

5 (ii) EXCEPTIONS.—Clause (i) shall
6 not apply to—

7 (I) the display on the internet of
8 the covered information of an at-risk
9 individual or immediate family mem-
10 ber if the information is relevant to
11 and displayed as part of a news story,
12 commentary, editorial, or other speech
13 on a matter of public concern;

14 (II) covered information that the
15 at-risk individual voluntarily publishes
16 on the internet after the date of en-
17 actment of this Act; or

18 (III) covered information lawfully
19 received from a Federal Government
20 source (or from an employee or agent
21 of the Federal Government).

22 (2) REQUIRED CONDUCT.—

23 (A) IN GENERAL.—After receiving a writ-
24 ten request under paragraph (1)(B), the per-
25 son, business, or association shall—

1 (i) remove within 72 hours the cov-
2 ered information identified in the written
3 request from the internet and ensure that
4 the information is not made available on
5 any website or subsidiary website con-
6 trolled by that person, business, or associa-
7 tion and identify any other instances of the
8 identified information that should also be
9 removed; and

10 (ii) assist the sender to locate the cov-
11 ered information of the at-risk individual
12 or immediate family member posted on any
13 website or subsidiary website controlled by
14 that person, business, or association.

15 (B) TRANSFER.—

16 (i) IN GENERAL.—Except as provided
17 in clause (ii), after receiving a written re-
18 quest under paragraph (1)(B), the person,
19 business, or association shall not transfer
20 the covered information of the at-risk indi-
21 vidual or immediate family member to any
22 other person, business, or association
23 through any medium.

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

1 (I) the transfer of the covered in-
2 formation of the at-risk individual or
3 immediate family member if the infor-
4 mation is relevant to and displayed as
5 part of a news story, commentary,
6 editorial, or other speech on a matter
7 of public concern;

8 (II) covered information that the
9 at-risk individual or immediate family
10 member voluntarily publishes on the
11 internet after the date of enactment
12 of this Act; or

13 (III) a transfer made at the re-
14 quest of the at-risk individual or that
15 is necessary to effectuate a request to
16 the person, business, or association
17 from the at-risk individual.

18 (e) DATA SECURITY.—

19 (1) RECIPIENTS.—Any interactive computer
20 service shall implement and maintain reasonable se-
21 curity procedures and practices to protect any infor-
22 mation collected or received to comply with the re-
23 quirements of this subtitle from unauthorized use,
24 disclosure, access, destruction, or modification.

1 (2) GOVERNMENT CUSTODIANS.—The Adminis-
2 trative Office of the United States Courts and the
3 administrators of the courts described in this sub-
4 title shall implement and maintain reasonable secu-
5 rity procedures and practices to protect any informa-
6 tion they collect, receive, or transmit pursuant to the
7 provisions of this subtitle.

8 (f) REDRESS AND PENALTIES.—

9 (1) IN GENERAL.—If the covered information of
10 an at-risk individual described in subparagraphs (A)
11 through (E) of section 5933(4) or their immediate
12 family is made public as a result of a violation of
13 this subtitle, the Director of the Administrative Of-
14 fice of the United States Courts, or the designee of
15 the Director, may file an action seeking injunctive or
16 declaratory relief in any court of competent jurisdic-
17 tion, through the Department of Justice.

18 (2) AUTHORITY.—The respective chief judge for
19 judges described in subparagraphs (B), (C), and (D)
20 of section 5934(b)(2) shall have the same authority
21 as the Director under this paragraph for at-risk in-
22 dividuals in their courts or their immediate family
23 members.

24 (3) PENALTIES AND DAMAGES.—If a person,
25 business, or association knowingly violates an order

1 granting injunctive or declarative relief under para-
2 graph (1), the court issuing such order may—

3 (A) if the person, business, or association
4 is a government agency—

5 (i) impose a fine not greater than
6 \$4,000; and

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

10 (B) if the person, business, or association
11 is not a government agency, award to the at-
12 risk individual or their immediate family, as ap-
13 plicable—

14 (i) an amount equal to the actual
15 damages sustained by the at-risk individual
16 or their immediate family; and

17 (ii) court costs and reasonable attor-
18 ney's fees.

19 **SEC. 5935. TRAINING AND EDUCATION.**

20 Amounts appropriated to the Federal judiciary for
21 fiscal year 2022, and each fiscal year thereafter, may be
22 used for biannual judicial security training for active, sen-
23 ior, or recalled Federal judges described in subparagraph
24 (A), (B), (C), (D), or (E) of section 5933(4) and their
25 immediate family members, including—

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

4 (2) home security program and maintenance;

5 (3) understanding removal programs and re-
6 quirements for covered information; and

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

11 **SEC. 5936. VULNERABILITY MANAGEMENT CAPABILITY.**

12 (a) AUTHORIZATION.—

13 (1) VULNERABILITY MANAGEMENT CAPA-
14 BILITY.—The Federal judiciary is authorized to per-
15 form all necessary functions consistent with the pro-
16 visions of this subtitle and to support existing threat
17 management capabilities within the United States
18 Marshals Service and other relevant Federal law en-
19 forcement and security agencies for active, senior,
20 recalled, and retired Federal judges described in
21 subparagraphs (A), (B), (C), (D), and (E) of section
22 5933(4), including—

23 (A) monitoring the protection of at-risk in-
24 dividuals and judiciary assets;

1 (B) managing the monitoring of websites
2 for covered information of at-risk individuals
3 and immediate family members and remove or
4 limit the publication of such information;

5 (C) receiving, reviewing, and analyzing
6 complaints by at-risk individuals of threats,
7 whether direct or indirect, and report such
8 threats to law enforcement partners; and

9 (D) providing training described in section
10 5935.

11 (2) VULNERABILITY MANAGEMENT FOR CER-
12 TAIN ARTICLE I COURTS.—The functions and sup-
13 port authorized in paragraph (1) shall be authorized
14 as follows:

15 (A) The chief judge of the United States
16 Court of Appeals for Veterans Claims is author-
17 ized to perform such functions and support for
18 the Federal judges described in section
19 5933(4)(F).

20 (B) The United States Court of Appeals
21 for the Armed Forces is authorized to perform
22 such functions and support for the Federal
23 judges described in section 5933(4)(G).

24 (C) The United States Tax Court is au-
25 thorized to perform such functions and support

1 for the Federal judges described in subpara-
2 graphs (H) and (I) of section 5933(4).

3 (3) TECHNICAL AND CONFORMING AMEND-
4 MENT.—Section 604(a) of title 28, United States
5 Code is amended—

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

8 (B) in paragraph (24) by striking “him”
9 and inserting “the Director”;

10 (C) by redesignating paragraph (24) as
11 paragraph (25); and

12 (D) by inserting after paragraph (23) the
13 following:

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

16 (b) EXPANSION OF CAPABILITIES OF OFFICE OF
17 PROTECTIVE INTELLIGENCE.—

18 (1) IN GENERAL.—The United States Marshals
19 Service is authorized to expand the current capabili-
20 ties of the Office of Protective Intelligence of the Ju-
21 dicial Security Division to increase the workforce of
22 the Office of Protective Intelligence to include addi-
23 tional intelligence analysts, United States deputy
24 marshals, and any other relevant personnel to ensure
25 that the Office of Protective Intelligence is ready

1 and able to perform all necessary functions, con-
2 sistent with the provisions of this subtitle, in order
3 to anticipate and deter threats to the Federal judici-
4 ary, including—

5 (A) assigning personnel to State and major
6 urban area fusion and intelligence centers for
7 the specific purpose of identifying potential
8 threats against the Federal judiciary and co-
9 ordinating responses to such potential threats;

10 (B) expanding the use of investigative ana-
11 lyst, physical security specialists, and intel-
12 ligence analysts at the 94 judicial districts and
13 territories to enhance the management of local
14 and distant threats and investigations; and

15 (C) increasing the number of United
16 States Marshal Service personnel for the protec-
17 tion of the Federal judicial function and as-
18 signed to protective operations and details for
19 the Federal judiciary.

20 (2) INFORMATION SHARING.—If any of the ac-
21 tivities of the United States Marshals Service un-
22 cover information related to threats to individuals
23 other than Federal judges, the United States Mar-
24 shals Service shall, to the maximum extent prac-

1 ticable, share such information with the appropriate
2 Federal, State, and local law enforcement agencies.

3 (c) REPORT.—

4 (1) IN GENERAL.—Not later than 1 year after
5 the date of enactment of this Act, the Department
6 of Justice, in consultation with the Administrative
7 Office of the United States Courts, the United
8 States Court of Appeals for Veterans Claims, the
9 United States Court of Appeals for the Armed
10 Forces, and the United States Tax Court, shall sub-
11 mit to the Committee on the Judiciary of the Senate
12 and the Committee on the Judiciary of the House of
13 Representatives a report on the security of Federal
14 judges arising from Federal prosecutions and civil
15 litigation.

16 (2) DESCRIPTION.—The report required under
17 paragraph (1) shall describe—

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

23 (B) the security measures that are in place
24 to protect at-risk individuals handling prosecu-
25 tions described in paragraph (1), including

1 threat assessments, response procedures, the
2 availability of security systems and other de-
3 vices, firearms licensing such as deputations,
4 and other measures designed to protect the at-
5 risk individuals and their immediate family
6 members; and

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

13 (3) PUBLIC POSTING.—The report described in
14 paragraph (1) shall, in whole or in part, be exempt
15 from public disclosure if the Attorney General deter-
16 mines that such public disclosure could endanger an
17 at-risk individual.

18 **SEC. 5937. RULES OF CONSTRUCTION.**

19 (a) IN GENERAL.—Nothing in this subtitle shall be
20 construed—

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

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

1 (B) the reporting on an at-risk individual
2 or their immediate family member regarding
3 matters of 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 cov-
8 ered information with the written consent of the at-
9 risk individual or their immediate family member;

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

13 (5) to impose liability on an interactive com-
14 puter service in a manner that is inconsistent with
15 the provisions of section 230 of the Communications
16 Act of 1934 (47 U.S.C. 230) if the interactive com-
17 puter service—

18 (A) has removed or disabled access to ma-
19 terial identified in a notice or request, as per-
20 mitted under subsection (c)(2)(A) of that sec-
21 tion (47 U.S.C. 230(c)(2)(A)); and

22 (B) otherwise complies with section
23 5934(d)(2)(A) of this subtitle.

24 (b) PROTECTION OF COVERED INFORMATION.—This
25 subtitle shall be broadly construed to favor the protection

1 of the covered information of at-risk individuals and their
2 immediate family members.

3 **SEC. 5938. SEVERABILITY.**

4 If any provision of this subtitle, an amendment made
5 by this subtitle, or the application of such provision or
6 amendment to any person or circumstance is held to be
7 unconstitutional, the remainder of this subtitle and the
8 amendments made by this subtitle, and the application of
9 the remaining provisions of this subtitle and amendments
10 to any person or circumstance shall not be affected.

11 **SEC. 5939. EFFECTIVE DATE.**

12 (a) IN GENERAL.—Except as provided in subsection
13 (b), this subtitle shall take effect on the date of enactment
14 of this Act.

15 (b) EXCEPTION.—Subsections (c)(1), (d), and (e) of
16 section 5934 shall take effect on the date that is 120 days
17 after the date of enactment of this Act.

18 **Subtitle E—Other Matters**

19 **SEC. 5941. SECRETARY OF AGRICULTURE REPORT ON IM-**
20 **PROVING SUPPLY CHAIN SHORTFALLS AND**
21 **INFRASTRUCTURE NEEDS AT WHOLESALE**
22 **PRODUCE MARKETS.**

23 (a) IN GENERAL.—Not later than one year after the
24 date of the enactment of this Act, the Secretary of Agri-