

116TH CONGRESS
2D SESSION

S. 4965

To regulate the posting of personal information of government officials on the internet, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 3, 2020

Mr. COTTON (for himself, Mr. McCONNELL, Mrs. BLACKBURN, Mr. BOOZMAN, Mrs. LOEFFLER, Mr. PERDUE, and Mr. SCOTT of Florida) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To regulate the posting of personal information of government officials on the internet, and for other purposes.

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 “Public Servant Protec-
5 tion Act of 2020”.

6 **SEC. 2. PRIVACY OF PERSONAL INFORMATION OF GOVERN-**
7 **MENT OFFICIALS.**

8 (a) CRIMINAL PROVISION.—

1 (1) IN GENERAL.—Chapter 88 of title 18,
2 United States Code, is amended by adding at the
3 end the following:

4 **“§ 1802. Privacy of personal information of govern-**
5 **ment officials**

6 “(a) DEFINITIONS.—In this section:

7 “(1) GOVERNMENT OFFICIAL.—The term ‘gov-
8 ernment official’ means—

9 “(A) any officer or employee described in
10 section 1114; and

11 “(B) any officer or employee of a State, a
12 political subdivision of a State, or a Tribal gov-
13 ernment.

14 “(2) IMMEDIATE FAMILY MEMBER.—The term
15 ‘immediate family member’ has the meaning given
16 the term in section 115.

17 “(3) PERSONAL INFORMATION.—The term ‘per-
18 sonal information’ means—

19 “(A) a home address; or

20 “(B) a home phone number.

21 “(4) STATE.—The term ‘State’ means any
22 State of the United States, the District of Columbia,
23 the Commonwealth of Puerto Rico, the Virgin Is-
24 lands, Guam, American Samoa, the Commonwealth

1 of the Northern Mariana Islands, and any possession
2 of the United States.

3 “(5) TRIBAL GOVERNMENT.—The term ‘Tribal
4 government’ has the meaning given the term ‘Indian
5 tribal government’ in section 102 of the Robert T.
6 Stafford Disaster Relief and Emergency Assistance
7 Act (42 U.S.C. 5122).

8 “(b) PROHIBITION.—It shall be unlawful for any per-
9 son to publicly display on the internet the personal infor-
10 mation of a government official or an immediate family
11 member of a government official with the intent to cause
12 bodily harm or other injury to an individual.

13 “(c) PENALTY.—A person who violates subsection
14 (b)—

15 “(1) shall be fined under this title, imprisoned
16 for not more than 1 year, or both; and

17 “(2) if bodily injury or death results from the
18 violation, shall be fined under this title, imprisoned
19 for any term of years or life, or both.”.

20 (2) CLERICAL AMENDMENT.—The table of sec-
21 tions for chapter 88 of title 18, United States Code,
22 is amended by adding at the end the following:

“1802. Privacy of personal information of government officials.”.

23 (b) CIVIL PROVISION.—

24 (1) DEFINITIONS.—In this subsection:

1 (A) GOVERNMENT OFFICIAL; PERSONAL
2 INFORMATION.—The terms “government offi-
3 cial” and “personal information” have the
4 meanings given those terms in section 1802 of
5 title 18, United States Code, as added by sub-
6 section (a).

7 (B) IMMEDIATE FAMILY MEMBER.—The
8 term “immediate family member” has the
9 meaning given the term in section 115 of title
10 18, United States Code.

11 (C) INTERACTIVE COMPUTER SERVICE.—
12 The term “interactive computer service” has
13 the meaning given the term in section 230 of
14 the Communications Act of 1934 (47 U.S.C.
15 230).

16 (2) WRITTEN DEMAND TO PERSONS.—

17 (A) IN GENERAL.—A government official
18 may directly, or through an agent designated by
19 the government official, make a written demand
20 to a person to refrain from publicly displaying
21 on the internet the personal information of the
22 government official or an immediate family
23 member of the government official.

1 (B) EFFECT OF WRITTEN DEMAND.—If a
2 government official makes a written demand to
3 a person under subparagraph (A), the person—

4 (i) shall, not later than 48 hours after
5 the receipt of the written demand, remove
6 any personal information of the govern-
7 ment official or an immediate family mem-
8 ber of the government official displayed on
9 the internet by the person; and

10 (ii) during the 4-year period following
11 the date of the receipt of the written de-
12 mand, may not publicly display on the
13 internet the personal information of the
14 government official or an immediate family
15 member of the government official.

16 (3) WRITTEN DEMAND TO INTERACTIVE COM-
17 PUTER SERVICE PROVIDERS.—

18 (A) IN GENERAL.—A government official
19 may directly, or through an agent designated by
20 the government official, make a written demand
21 to the provider of an interactive computer serv-
22 ice to remove the personal information of the
23 government official or an immediate family
24 member of the government official that is pub-

1 licely displayed on the interactive computer serv-
2 ice.

3 (B) EFFECT OF WRITTEN DEMAND.—If a
4 government official makes a written demand to
5 the provider of an interactive computer service
6 under subparagraph (A), the provider shall, not
7 later than 48 hours after the receipt of the
8 written demand, remove from the interactive
9 computer service any personal information of
10 the government official or an immediate family
11 member of the government official that is pub-
12 licely displayed on the interactive computer serv-
13 ice.

14 (4) CAUSE OF ACTION.—

15 (A) IN GENERAL.—A government official
16 who is aggrieved by a violation of paragraph
17 (2)(B) or (3)(B) may bring a civil action
18 against the person or the provider of an inter-
19 active computer service, respectively, that vio-
20 lated that paragraph in an appropriate district
21 court of the United States.

22 (B) RELIEF.—In an action under subpara-
23 graph (A), the court may award—

24 (i) injunctive relief;

- 1 (ii) if injury or damage results from
- 2 the violation of paragraph (2)(B) or
- 3 (3)(B), the greater of—
- 4 (I) actual damages; or
- 5 (II) \$1,000; and
- 6 (iii) reasonable costs and attorney’s
- 7 fees.

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