

# Security of the Federal Judiciary: Background and Recent Congressional Legislation

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The July 2020 [fatal attack](#) of a family member at the home of a federal judge in New Jersey has continued to prompt calls for enhanced security for federal judges and their families. This attack underscored ongoing concerns related to judicial security, particularly given the increase in the number of threats against federal judges and other judiciary personnel. Specifically, [according to the U.S. Marshals Service \(USMS\)](#), there were 4,511 threats and inappropriate communications against federal judges, other federal court employees, and jurors during FY2021. This represented a 387% increase over threats and inappropriate communications that occurred during 2015 ([when there were 926 such incidents](#)).

Most recently, in May 2022, following the [unauthorized release of a controversial draft opinion](#) for a case pending before the [U.S. Supreme Court](#) and [protests](#) related to the draft opinion, [an 8-foot “nonscalable” fence was erected around the Supreme Court building](#). Attorney General Merrick Garland also directed the USMS to provide [“around-the-clock security”](#) for the Court’s Justices, including at their private residences. These measures were not taken to prevent peaceful protests, but to deter what Attorney General Garland described as [“violence or threats of violence against judges”](#) and other public servants.

## Agencies Responsible for Judicial Security

Security for the federal judiciary is handled by several different entities. The [“vast majority”](#) of the security is handled by two executive branch agencies, the [USMS](#) and the [Federal Protective Service \(FPS\)](#). Specifically, USMS, an agency within the [U.S. Department of Justice](#), is responsible for ensuring the safe and secure conduct of judicial proceedings and for protecting federal judges, jurors, and other members of the federal judiciary (including offsite, as needed). [Overall](#), the USMS protects approximately 2,700 federal judges and approximately 30,300 federal prosecutors and other court officials. The agency is also responsible, generally, for the interior security of 888 federal courthouses and other judicial facilities.

FPS, an agency within the [Department of Homeland Security](#), provides perimeter security at federal courthouses. This security [may include](#), to varying degrees, entry screening, perimeter patrols, garage access control, and mail screening. In general, the judicial security provided by USMS and FPS is for the [U.S. Court of International Trade](#), [U.S. courts of appeals](#), [U.S. district courts](#), and other lower federal courts.

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Security for the Supreme Court, including for the Justices themselves, is handled typically by the Court's own federal law enforcement agency—the [Supreme Court of the United States Police](#) (although, as discussed above, there are circumstances when the USMS might be involved with security measures for the Court).

## Appropriations for Judicial Security

Regular appropriations for judicial security are provided for by Congress in several different accounts of the judiciary's annual budget request. Discretionary funds related to the security of the Supreme Court building and grounds are provided for in the *Supreme Court—Building and Grounds* account. Such funds might be used for physical security upgrades (e.g., placement of additional vehicle barricades) and other control systems supporting the Court's physical security infrastructure. This appropriation is for expenditure by the [Architect of the Capitol](#) under authority of [40 U.S.C. §6111](#). Such funds may also be used by that agency to address needs unrelated to judicial security (e.g., the maintenance of mechanical equipment at the Court).

The *Supreme Court—Salaries and Expenses* account includes appropriations for the salaries of the Supreme Court's police force (discussed in the section above), as well as for that agency's equipment. This appropriation also provides for items such as security cameras and other aspects of the Court's interior and exterior access control systems that regulate the movement of Court employees and members of the public. This account does not solely fund security-related expenses but includes appropriations, generally, for other salaries and expenses at the Court.

The largest appropriation for judicial security is provided for in the *Court Security* account of the judiciary's budget. [By statute](#), the USMS has primary responsibility for the security of the federal judiciary. Consequently, most of this funding is transferred to USMS and its [Judicial Security Division](#) (JSD). This appropriation also reimburses FPS for the basic security services it provides, generally, to [GSA-controlled facilities](#), as well as for site-specific perimeter security services such as contract guards and external security equipment. Since FY2009 there has been a [pilot program](#) to have the USMS be responsible for both perimeter and interior security at selected federal courthouses.

For a summary of the amounts appropriated by Congress in FY2022 for these specific accounts, as well as the amounts the judiciary has requested for FY2023, see [CRS In Focus IF11842, Judiciary Budget Request, FY2023](#).

## Recent Legislation Related to Judicial Security

In addition to judicial security measures provided for by appropriations legislation, several specific pieces of legislation related to judicial security have also been introduced, as of this writing, during the 117<sup>th</sup> Congress. Examples include the following:

- The [Daniel Anderl Judiciary Security and Privacy Act](#) (S. 2340) would, in part, protect judges' personally identifiable information from resale by data brokers and allow federal judges to redact personal information on federal government internet sites. At present, [the legislation](#) is pending on the [Senate Legislative Calendar](#) after having been reported by the [Senate Judiciary Committee](#). A companion measure (H.R. 4436) was introduced in the House and referred to the [House Judiciary Committee](#).
- The [Supreme Court Police Parity Act](#) (S. 4160) [extends security](#) currently provided to Supreme Court Justices to their immediate families. The legislation [passed the Senate](#) by unanimous consent and the House by a vote of 396-27. The President [signed the bill](#) on June 16, 2022.

- The [Supreme Court Families Security Act](#) (H.R. 7712) would extend security currently provided to Supreme Court Justices to their immediate families, as well as to the immediate families of Supreme Court personnel, as determined by the Marshal of the Supreme Court. The legislation was referred to the House Judiciary Committee.

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