

S. 3341

At the request of Mr. TESTER, the names of the Senator from Nevada (Ms. CORTEZ MASTO) and the Senator from Delaware (Mr. COONS) were added as cosponsors of S. 3341, a bill to improve the emergency management capabilities of the Department of Veterans Affairs, and for other purposes.

S. 3369

At the request of Mr. HEINRICH, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 3369, a bill to amend title 18, United States Code, to restrict the possession of certain firearms, and for other purposes.

S. 3558

At the request of Mr. PETERS, the names of the Senator from Oklahoma (Mr. LANKFORD) and the Senator from Florida (Mr. SCOTT) were added as cosponsors of S. 3558, a bill to prohibit contracting with certain biotechnology providers, and for other purposes.

S. 3609

At the request of Mrs. BLACKBURN, the name of the Senator from Louisiana (Mr. CASSIDY) was added as a cosponsor of S. 3609, a bill to ensure that women seeking an abortion are informed of the medical risks associated with the abortion procedure and the major developmental characteristics of the unborn child, before giving their informed consent to receive an abortion.

S. 3632

At the request of Mr. HAWLEY, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of S. 3632, a bill to prohibit the use of Department of Homeland Security grant funds for politically biased activities.

S. 3666

At the request of Mr. BRAUN, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Tennessee (Mrs. BLACKBURN) were added as cosponsors of S. 3666, a bill to amend the Agricultural Foreign Investment Disclosure Act of 1978 to establish an additional reporting requirement, and for other purposes.

S.J. RES. 4

At the request of Mr. CARDIN, the name of the Senator from California (Ms. BUTLER) was added as a cosponsor of S.J. Res. 4, a joint resolution removing the deadline for the ratification of the Equal Rights Amendment.

S.J. RES. 39

At the request of Mrs. GILLIBRAND, the name of the Senator from California (Ms. BUTLER) was added as a cosponsor of S.J. Res. 39, a joint resolution expressing the sense of Congress that the article of amendment commonly known as the "Equal Rights Amendment" has been validly ratified and is enforceable as the 28th Amendment to the Constitution of the United States, and the Archivist of the United States must certify and publish the Equal Rights Amendment as the 28th Amendment without delay.

S.J. RES. 45

At the request of Mrs. SHAHEEN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S.J. Res. 45, a joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

S. RES. 534

At the request of Mr. BOOKER, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. Res. 534, a resolution expressing support for the recognition of January as "Muslim-American Heritage Month" and celebrating the heritage and culture of Muslim Americans in the United States.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself, Mr. GRAHAM, Mr. HAWLEY, and Ms. KLOBUCHAR):

S. 3696. A bill to improve rights to relief for individuals affected by non-consensual activities involving intimate digital forgeries, and for other purposes; to the Committee on the Judiciary.

Mr. DURBIN. Madam President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3696

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Disrupt Explicit Forged Images and Non-Consensual Edits Act of 2024" or the "DEFIANCE Act of 2024".

### SEC. 2. CIVIL ACTION RELATING TO DISCLOSURE OF INTIMATE IMAGES.

(a) DEFINITIONS.—Section 1309(a) of the Consolidated Appropriations Act, 2022 (15 U.S.C. 6851(a)) is amended—

(1) in paragraph (2), by inserting "competent," after "conscious";

(2) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively;

(3) by redesignating paragraph (3) as paragraph (5);

(4) by inserting after paragraph (2) the following:

"(3) DIGITAL FORGERY.—The term 'digital forgery' means any intimate visual depiction of an identifiable individual created through the use of software, machine learning, artificial intelligence, or any other computer-generated or technological means, including by adapting, modifying, manipulating, or altering an authentic visual depiction, to appear to a reasonable person to be indistinguishable from an authentic visual depiction of the individual, regardless of whether the visual depiction indicates, through a label or some other form of information published with the visual depiction, that the visual depiction is not authentic.";

(5) in paragraph (5), as so redesignated—

(A) by striking "(5) DEPICTED" and inserting "(5) IDENTIFIABLE"; and

(B) by striking "depicted individual" and inserting "identifiable individual"; and

(6) in paragraph (6)(A), as so redesignated—

(A) in clause (i), by striking "or" and inserting a semicolon;

(B) in clause (ii)—

(i) in subclause (I), by striking "individual;" and inserting "individual; or"; and

(ii) by striking subclause (III); and

(C) by adding at the end the following:

"(iii) an identifiable individual engaging in sexually explicit conduct; and".

(b) CIVIL ACTION.—Section 1309(b) of the Consolidated Appropriations Act, 2022 (15 U.S.C. 6851(b)) is amended—

(1) in paragraph (1)—

(A) by striking paragraph (A) and inserting the following:

"(A) IN GENERAL.—Except as provided in paragraph (5)—

"(i) an identifiable individual whose intimate visual depiction is disclosed, in or affecting interstate or foreign commerce or using any means or facility of interstate or foreign commerce, without the consent of the identifiable individual, where such disclosure was made by a person who knows or recklessly disregards that the identifiable individual has not consented to such disclosure, may bring a civil action against that person in an appropriate district court of the United States for relief as set forth in paragraph (3);

"(ii) an identifiable individual who is the subject of a digital forgery may bring a civil action in an appropriate district court of the United States for relief as set forth in paragraph (3) against any person that knowingly produced or possessed the digital forgery with intent to disclose it, or knowingly disclosed or solicited the digital forgery, if—

"(I) the identifiable individual did not consent to such production, disclosure, solicitation, or possession;

"(II) the person knew or recklessly disregarded that the identifiable individual did not consent to such production, disclosure, solicitation, or possession; and

"(III) such production, disclosure, solicitation, or possession is in or affects interstate or foreign commerce or uses any means or facility of interstate or foreign commerce; and

"(iii) an identifiable individual who is the subject of a digital forgery may bring a civil action in an appropriate district court of the United States for relief as set forth in paragraph (3) against any person that knowingly produced the digital forgery if—

"(I) the identifiable individual did not consent to such production;

"(II) the person knew or recklessly disregarded that the identifiable individual did not consent to such production; and

"(III) such production is in or affects interstate or foreign commerce or uses any means or facility of interstate or foreign commerce.";

(B) in subparagraph (B)—

(i) in the heading, by inserting "IDENTIFIABLE" before "INDIVIDUALS"; and

(ii) by striking "an individual who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the individual" and inserting "an identifiable individual who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the identifiable individual";

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) by inserting "identifiable" before "individual";

(ii) by striking "depiction" and inserting "intimate visual depiction or digital forgery"; and

(iii) by striking "distribution" and inserting "disclosure, solicitation, or possession"; and

(B) in subparagraph (B)—

(i) by inserting "identifiable" before individual;

(ii) by inserting "or digital forgery" after each place the term "depiction" appears; and

(iii) by inserting “, solicitation, or possession” after “disclosure”;

(3) by redesignating paragraph (4) as paragraph (5);

(4) by striking paragraph (3) and inserting the following:

“(3) **RELIEF.**—In a civil action filed under this section—

“(A) an identifiable individual may recover the actual damages sustained by the individual or liquidated damages in the amount of \$150,000, and the cost of the action, including reasonable attorney’s fees and other litigation costs reasonably incurred; and

“(B) the court may, in addition to any other relief available at law, order equitable relief, including a temporary restraining order, a preliminary injunction, or a permanent injunction ordering the defendant to cease display or disclosure of the intimate visual depiction or digital forgery.

“(4) **PRESERVATION OF PRIVACY.**—In a civil action filed under this section, the court may issue an order to protect the privacy of a plaintiff, including by—

“(A) permitting the plaintiff to use a pseudonym;

“(B) requiring the parties to redact the personal identifying information of the plaintiff from any public filing, or to file such documents under seal; and

“(C) issuing a protective order for purposes of discovery, which may include an order indicating that any intimate visual depiction or digital forgery shall remain in the care, custody, and control of the court.”;

(5) in paragraph (5)(A), as so redesignated—

(A) by striking “image” and inserting “visual depiction or digital forgery”; and

(B) by striking “depicted” and inserting “identifiable”; and

(6) by adding at the end the following:

“(6) **STATUTE OF LIMITATIONS.**—Any action commenced under this section shall be barred unless the complaint is filed not later than 10 years from the later of—

“(A) the date on which the identifiable individual reasonably discovers the violation that forms the basis for the claim; or

“(B) the date on which the identifiable individual reaches 18 years of age.

“(7) **DUPLICATIVE RECOVERY BARRED.**—No relief may be ordered under paragraph (3) against a person who is subject to a judgment under section 2255 of title 18, United States Code, for the same conduct involving the same identifiable individual and the same intimate visual depiction or digital forgery.”

(c) **CONTINUED APPLICABILITY OF FEDERAL, STATE, AND TRIBAL LAW.**—

(1) **IN GENERAL.**—This Act shall not be construed to impair, supersede, or limit a provision of Federal, State, or Tribal law.

(2) **NO PREEMPTION.**—Nothing in this Act shall prohibit a State or Tribal government from adopting and enforcing a provision of law governing nonconsensual activity involving a digital forgery, as defined in section 1309(a) of the Consolidated Appropria-

tions Act, 2022 (15 U.S.C. 6851(a)), as amended by this Act, that is at least as protective of the rights of a victim as this Act.

### SEC. 3. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such a provision or amendment to any person or circumstance, is held to be unconstitutional, the remaining provisions of and amendments made by this Act, and the application of the provision or amendment held to be unconstitutional to any other person or circumstance, shall not be affected thereby.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 535—RECOGNIZING JANUARY 30, 2024, AS “HELP AMERICA VOTE DAY”

Ms. KLOBUCHAR (for herself and Mrs. FISCHER) submitted the following resolution; which was considered and agreed to:

*Resolved*, That the Senate—

(1) recognizes January 30, 2024, as “Help America Vote Day”;

(2) recognizes the need for, and appreciation of, the service of poll workers;

(3) encourages eligible people to help American citizens to vote in the 2024 elections by serving as poll workers; and

(4) encourages voters to contact or visit the website of their local election office for accurate and up-to-date information on voter registration and casting a ballot.

### RECOGNIZING JANUARY 30, 2024, AS HELP AMERICA VOTE DAY

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 535, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 535) recognizing January 30, 2024, as “Help America Vote Day”.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SCHUMER. I ask unanimous consent that the resolution be agreed to and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 535) was agreed to.

(The resolution is printed in today’s RECORD under “Submitted Resolutions.”)

## ORDERS FOR WEDNESDAY, JANUARY 31, 2024

Mr. SCHUMER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. on Wednesday, January 31; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; that upon the conclusion of morning business, the Senate proceed to executive session to resume consideration of the Mehalchick nomination; further, that notwithstanding rule XXII, at 11:30 a.m., the Senate vote on confirmation of the Sherriff nomination, followed immediately by a vote on cloture on the Mehalchick nomination; that the Senate recess following the cloture vote until 2:15 p.m. to allow for the weekly caucus meetings; that if cloture has been invoked on the Mehalchick nomination, all time be considered expired at 2:15 p.m.; and that if cloture has been invoked on the Goffman nomination, all time be considered expired at 5:30 p.m.; finally, that if any nominations are confirmed during Wednesday’s session, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate’s action.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. If there is no further business to come before the Senate, I ask that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:39 p.m., adjourned until Wednesday, January 31, 2024, at 10 a.m.

## CONFIRMATION

Executive nomination confirmed by the Senate January 30, 2024:

### THE JUDICIARY

JOSHUA PAUL KOLAR, OF INDIANA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SEVENTH CIRCUIT.