

(2) under the program established in paragraph (1), award competitive grants to mining schools for the purpose of recruiting and educating the next generation of mining engineers and other qualified professionals to meet the future energy and mineral needs of the United States.

(c) GRANTS.—

(1) IN GENERAL.—In carrying out the grant program established under subsection (b)(1), the Secretary shall award not more than 10 grants each year to mining schools.

(2) SELECTION REQUIREMENTS.—

(A) IN GENERAL.—To the maximum extent practicable, the Secretary shall select recipients for grants under paragraph (1) to ensure geographic diversity among grant recipients to ensure that region-specific specialties are developed for region-specific geology.

(B) TIMELINE.—The Secretary shall award the grants under paragraph (1) by not later than the later of—

(i) the date that is 180 days after the start of the applicable fiscal year; and

(ii) the date that is 180 days after the date on which the Act making full-year appropriations for the Department of Energy for the applicable fiscal year is enacted.

(3) RECOMMENDATIONS OF THE BOARD.—

(A) IN GENERAL.—In selecting recipients for grants under paragraph (1) and determining the amount of each grant, the Secretary, to the maximum extent practicable, shall take into consideration the recommendations of the Board under subparagraphs (A) and (B) of subsection (d)(3).

(B) SELECTION STATEMENT.—In selecting recipients for grants under paragraph (1), the Secretary shall—

(i) in response to a recommendation from the Board, submit to the Board a statement that describes—

(I) whether the Secretary accepts or rejects, in whole or in part, the recommendation of the Board; and

(II) the justification and rationale for any rejection, in whole or in part, of the recommendation of the Board; and

(ii) not later than 15 days after awarding a grant for which the Board submitted a recommendation, publish the statement submitted under clause (i) on the Department of Energy website.

(4) USE OF FUNDS.—A mining school receiving a grant under paragraph (1) shall use the grant funds—

(A) to recruit students to the mining school; and

(B) to enhance and support programs related to, as applicable—

(i) mining, mineral extraction efficiency, and related processing technology;

(ii) emphasizing critical mineral and rare earth element exploration, extraction, and refining;

(iii) reclamation technology and practices for active mining operations;

(iv) the development of reprocessing systems and technologies that facilitate reclamation that fosters the recovery of resources at abandoned mine sites;

(v) mineral extraction methods that reduce environmental and human impacts;

(vi) technologies to extract, refine, separate, smelt, or produce minerals, including rare earth elements;

(vii) reducing dependence on foreign energy and mineral supplies through increased domestic critical mineral production;

(viii) enhancing the competitiveness of United States energy and mineral technology exports;

(ix) the extraction or processing of coinciding mineralization, including rare earth elements, within coal, coal processing by-product, overburden, or coal residue;

(x) enhancing technologies and practices relating to mitigation of acid mine drainage,

reforestation, and revegetation in the reclamation of land and water resources adversely affected by mining;

(xi) enhancing exploration and characterization of new or novel deposits, including rare earth elements and critical minerals within phosphate rocks, uranium-bearing deposits, and other nontraditional sources;

(xii) meeting challenges of extreme mining conditions, such as deeper deposits or offshore or cold region mining; and

(xiii) mineral economics, including analysis of supply chains, future mineral needs, and unconventional mining resources.

(d) MINING PROFESSIONAL DEVELOPMENT ADVISORY BOARD.—

(1) IN GENERAL.—There is established an advisory board, to be known as the “Mining Professional Development Advisory Board”.

(2) COMPOSITION.—The Board shall be composed of 6 members, to be appointed by the Secretary not later than 180 days after the date of enactment of this Act, of whom—

(A) 3 shall be individuals who are actively working in the mining profession and for the mining industry; and

(B) 3 shall have experience in academia implementing and operating professional skills training and education programs in the mining sector.

(3) DUTIES.—The Board shall—

(A) evaluate grant applications received under subsection (c) and make recommendations to the Secretary for selection of grant recipients under that subsection;

(B) propose the amount of the grant for each applicant recommended to be selected under subparagraph (A); and

(C) perform oversight to ensure that grant funds awarded under subsection (c) are used for the purposes described in paragraph (4) of that subsection.

(4) TERM.—A member of the Board shall serve for a term of 4 years.

(5) VACANCIES.—A vacancy on the Board—

(A) shall not affect the powers of the Board; and

(B) shall be filled in the same manner as the original appointment was made by not later than 180 days after the date on which the vacancy occurs.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$10,000,000 for each of fiscal years 2024 through 2031.

SEC. 3. REPEAL OF THE MINING AND MINERAL RESOURCES RESEARCH INSTITUTE ACT OF 1984.

The Mining and Mineral Resources Research Institute Act of 1984 (30 U.S.C. 1221 et seq.) is repealed.

Mr. WELCH. I further ask that the motions to reconsider be considered made and laid upon the table, with no intervening action or debate, all en bloc.

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

STOPPING HARMFUL IMAGE EXPLOITATION AND LIMITING DISTRIBUTION ACT OF 2023

Mr. WELCH. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 78, S. 412.

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

The senior assistant legislative clerk read as follows:

A bill (S. 412) to provide that it is unlawful to knowingly distribute private intimate visual depictions with reckless disregard for the

individual's lack of consent to the distribution, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Stopping Harmful Image Exploitation and Limiting Distribution Act of 2023” or the “SHIELD Act of 2023”.

SEC. 2. CERTAIN ACTIVITIES RELATING TO INTIMATE VISUAL DEPICTIONS.

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

“§ 1802. Certain activities relating to intimate visual depictions

“(a) DEFINITIONS.—In this section:

“(1) COMMUNICATIONS SERVICE.—The term ‘communications service’ means—

“(A) a service provided by a person that is a common carrier, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153), insofar as the person is acting as a common carrier;

“(B) an electronic communication service, as that term is defined in section 2510;

“(C) an information service, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153); and

“(D) an interactive computer service, as that term is defined in section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f)).

“(2) INFORMATION CONTENT PROVIDER.—The term ‘information content provider’ has the meaning given that term in section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f)).

“(3) INTIMATE VISUAL DEPICTION.—The term ‘intimate visual depiction’ means any visual depiction (as that term is defined in section 2256(5)) of an individual who is recognizable by an individual other than the depicted individual from the intimate image itself or information or text displayed in connection with the intimate image who has attained 18 years of age at the time the intimate visual depiction is created and—

“(A) who is depicted engaging in sexually explicit conduct; or

“(B) whose genitals, anus, pubic area, or female nipple are unclothed and visible.

“(4) VISUAL DEPICTION OF A NUDE MINOR.—The term ‘visual depiction of a nude minor’ means any visual depiction (as that term is defined in section 2256(5)) of an individual who is recognizable by an individual other than the depicted individual from the intimate image itself or information or text displayed in connection with the intimate image who was under 18 years of age at the time the visual depiction was created in which the actual anus, genitals, or pubic area, or post-pubescent female nipple, of the minor are unclothed, visible, and displayed in a manner that does not constitute sexually explicit conduct.

“(5) SEXUALLY EXPLICIT CONDUCT.—The term ‘sexually explicit conduct’ has the meaning given that term in section 2256(2)(A).

“(b) OFFENSES.—

“(1) IN GENERAL.—Except as provided in subsection (d), it shall be unlawful to knowingly mail, or to knowingly distribute using any means or facility of interstate or foreign commerce or affecting interstate or foreign commerce, an intimate visual depiction of an individual—

“(A) with knowledge of the lack of consent of the individual to the distribution;

“(B) where what is depicted was not voluntarily exposed by the individual in a public or commercial setting; and

“(C) where what is depicted is not a matter of public concern.

For purposes of this paragraph, the fact that the subject of the depiction consented to the creation of the depiction shall not establish that that person consented to its distribution.

“(2) MINORS.—Except as provided in subsection (d), it shall be unlawful to knowingly mail, or to knowingly distribute using any means or facility of interstate or foreign commerce or affecting interstate or foreign commerce, a visual depiction of a nude minor with intent to abuse, humiliate, harass, or degrade the minor, or to arouse or gratify the sexual desire of any person.

“(c) PENALTY.—

“(1) IN GENERAL.—Any person who violates subsection (b), or attempts or conspires to do so, shall be fined under this title, imprisoned not more than 5 years, or both.

“(2) FORFEITURE.—

“(A) IN GENERAL.—The court, in imposing a sentence on any person convicted of a violation involving intimate visual depictions or visual depictions of a nude minor under this section, or convicted of a conspiracy of a violation involving intimate visual depictions or visual depictions of a nude minor under this section, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person forfeit to the United States—

“(i) any material distributed in violation of this section;

“(ii) such person’s interest in property, real or personal, constituting or derived from any gross proceeds of such violation, or any property traceable to such property, obtained or retained directly or indirectly as a result of such violation; and

“(iii) any property, real or personal, used or intended to be used to commit or to facilitate the commission of such offense.

“(B) PROCEDURES.—Section 413 of the Controlled Substances Act (21 U.S.C. 853), with the exception of subsections (a) and (d), applies to the criminal forfeiture of property pursuant to subparagraph (A).

“(3) RESTITUTION.—Restitution shall be available as provided in section 2264 of this title.

“(d) EXCEPTIONS.—

“(1) LAW ENFORCEMENT, LAWFUL REPORTING, AND OTHER LEGAL PROCEEDINGS.—This section—

“(A) does not prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a political subdivision of a State, or of an intelligence agency of the United States;

“(B) shall not apply in the case of an individual acting in good faith to report unlawful or unsolicited activity or in pursuance of a legal or professional or other lawful obligation; and

“(C) shall not apply in the case of a document production or filing associated with a legal proceeding.

“(2) SERVICE PROVIDERS.—This section shall not apply to any provider of a communications service with regard to content provided by another information content provider unless the provider of the communications service intentionally solicits, or knowingly and predominantly distributes, such content.

“(e) THREATS.—Any person who threatens to commit an offense under subsection (b) shall be punished as provided in subsection (c).

“(f) EXTRATERRITORIALITY.—There is extraterritorial Federal jurisdiction over an offense under this section if the defendant or the depicted individual is a citizen or permanent resident of the United States.

“(g) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the application of any other relevant law, including section 2252 of this title.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 88 of title 18, United States Code, is amended by inserting after the item relating to section 1801 the following:

“1802. Certain activities relating to intimate visual depictions.”.

(c) CONFORMING AMENDMENT.—Section 2264(a) of title 18, United States Code, is amended by inserting “, or under section 1802 of this title” before the period.

Mr. WELCH. I ask unanimous consent that the committee-reported substitute amendment be withdrawn, the Klobuchar substitute amendment, which is at the desk, be considered and agreed to, and the bill, as amended, be considered read a third time.

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

The committee-reported amendment, in the nature of a substitute, was withdrawn.

The amendment (No. 2248), in the nature of a substitute, was agreed to as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Stopping Harmful Image Exploitation and Limiting Distribution Act of 2023” or the “SHIELD Act of 2023”.

SEC. 2. CERTAIN ACTIVITIES RELATING TO INTIMATE VISUAL DEPICTIONS.

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

“§ 1802. Certain activities relating to intimate visual depictions

“(a) DEFINITIONS.—In this section:

“(1) COMMUNICATIONS SERVICE.—The term ‘communications service’ means—

“(A) a service provided by a person that is a common carrier, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153), insofar as the person is acting as a common carrier;

“(B) an electronic communication service, as that term is defined in section 2510;

“(C) an information service, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153); and

“(D) an interactive computer service, as that term is defined in section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f)).

“(2) INFORMATION CONTENT PROVIDER.—The term ‘information content provider’ has the meaning given that term in section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f)).

“(3) INTIMATE VISUAL DEPICTION.—The term ‘intimate visual depiction’ means any visual depiction (as that term is defined in section 2256(5)) of an individual—

“(A) who has attained 18 years of age at the time the intimate visual depiction is created;

“(B) who is recognizable to a third party from the intimate image itself or information or text displayed in connection with the intimate image itself or information or text displayed in connection with the intimate image; and

“(C)(i) who is depicted engaging in sexually explicit conduct; or

“(ii) whose genitals, anus, pubic area, or female nipple are unclothed and visible.

“(4) MINOR.—The term ‘minor’ has the meaning given that term in section 2256.

“(5) SEXUALLY EXPLICIT CONDUCT.—The term ‘sexually explicit conduct’ has the meaning given that term in section 2256(2)(A).

“(6) VISUAL DEPICTION OF A NUDE MINOR.—The term ‘visual depiction of a nude minor’ means any visual depiction (as that term is defined in section 2256(5)) of an individual who is recognizable by an individual other than the depicted individual from the inti-

mate image itself or information or text displayed in connection with the intimate image who was under 18 years of age at the time the visual depiction was created in which the actual anus, genitals, or pubic area, or post-pubescent female nipple, of the minor are unclothed, visible, and displayed in a manner that does not constitute sexually explicit conduct.

“(b) OFFENSES.—

“(1) IN GENERAL.—Except as provided in subsection (d), it shall be unlawful to knowingly mail, or to knowingly distribute using any means or facility of interstate or foreign commerce or affecting interstate or foreign commerce, an intimate visual depiction of an individual—

“(A) that was obtained or created under circumstances in which the actor knew or reasonably should have known the individual depicted had a reasonable expectation of privacy;

“(B) where what is depicted was not voluntarily exposed by the individual in a public or commercial setting;

“(C) where what is depicted is not a matter of public concern; and

“(D) if the distribution—

“(i) is intended to cause harm; or

“(ii) causes harm, including psychological, financial, or reputational harm, to the individual depicted.

For purposes of this paragraph, the fact that the subject of the depiction consented to the creation of the depiction shall not establish that that person consented to its distribution.

“(2) INVOLVING MINORS.—Except as provided in subsection (d), it shall be unlawful to knowingly mail, or to knowingly distribute using any means or facility of interstate or foreign commerce or affecting interstate or foreign commerce, a visual depiction of a nude minor with intent to abuse, humiliate, harass, or degrade the minor, or to arouse or gratify the sexual desire of any person.

“(c) PENALTY.—

“(1) IN GENERAL.—

“(A) VISUAL DEPICTION OF A NUDE MINOR.—Any person who violates subsection (b)(2) shall be fined under this title, imprisoned not more than 3 years, or both.

“(B) INTIMATE VISUAL DEPICTION.—Any person who violates subsection (b)(1) shall be fined under this title, imprisoned for not more than 2 years, or both.

“(2) FORFEITURE.—

“(A) IN GENERAL.—The court, in imposing a sentence on any person convicted of a violation involving intimate visual depictions or visual depictions of a nude minor under this section, or convicted of a conspiracy of a violation involving intimate visual depictions or visual depictions of a nude minor under this section, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person forfeit to the United States—

“(i) any material distributed in violation of this section;

“(ii) such person’s interest in property, real or personal, constituting or derived from any gross proceeds of such violation, or any property traceable to such property, obtained or retained directly or indirectly as a result of such violation; and

“(iii) any personal property of the person used, or intended to be used, in any manner or part, to commit or to facilitate the commission of such violation.

“(B) PROCEDURES.—Section 413 of the Controlled Substances Act (21 U.S.C. 853), with the exception of subsections (a) and (d), applies to the criminal forfeiture of property pursuant to subparagraph (A).

“(3) RESTITUTION.—Restitution shall be available as provided in section 2264 of this title.

“(d) EXCEPTIONS.—

“(1) LAW ENFORCEMENT, LAWFUL REPORTING, AND OTHER LEGAL PROCEEDINGS.—This section—

“(A) does not prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a political subdivision of a State, or of an intelligence agency of the United States; and

“(B) shall not apply to distributions that are made reasonably and in good faith—

“(i) to report unlawful or unsolicited activity or in pursuance of a legal or professional or other lawful obligation;

“(ii) to seek support or help with respect to the receipt of an unsolicited intimate visual depiction;

“(iii) relating to an individual who possesses or distributes a visual depiction of himself or herself engaged in nudity or sexually explicit conduct;

“(iv) to assist the depicted individual;

“(v) for legitimate medical, scientific, or educational purposes; or

“(vi) as part of a document production or filing associated with a legal proceeding.

“(2) SERVICE PROVIDERS.—This section shall not apply to any provider of a communications service with regard to content provided by another information content provider unless the provider of the communications service intentionally solicits, or knowingly and predominantly distributes, such content.

“(e) THREATS.—Any person who intentionally threatens to commit an offense under subsection (b) for the purpose of intimidation, coercion, extortion, or to create mental distress shall be punished as provided in subsection (c).

“(f) EXTRATERRITORIALITY.—There is extraterritorial Federal jurisdiction over an offense under this section if the defendant or the depicted individual is a citizen or permanent resident of the United States.

“(g) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the application of any other relevant law, including section 2252 of this title.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 88 of title 18, United States Code, is amended by inserting after the item relating to section 1801 the following:

“1802. Certain activities relating to intimate visual depictions.”.

(c) CONFORMING AMENDMENT.—Section 2264(a) of title 18, United States Code, is amended by inserting “, or under section 1802 of this title” before the period.

The bill, as amended, was ordered to be engrossed for a third reading and was read the third time.

Mr. WELCH. I know of no further debate on the bill.

The PRESIDING OFFICER. Is there further debate on the bill?

Hearing none, the bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 412), as amended, was passed.

Mr. WELCH. I ask that the motion to reconsider be considered made and laid upon the table.

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

MORNING BUSINESS

REPRODUCTIVE FREEDOM FOR WOMEN ACT

Ms. BUTLER. Mr. President, I rise today to join my colleagues in strong support of the Reproductive Freedom for Women Act. I would like to start by thanking Leader SCHUMER for bringing this to the floor and Senator MURRAY for always showing up as a fierce champion for women's right to make their own reproductive health care decisions.

This commonsense approach affirms the right to abortion access and emphasizes the need to restore and strengthen the protections formerly enshrined in *Roe v. Wade*.

This should not be controversial—not when 28 million women in 21 States face ever-growing risks due to a lack of reproductive care options where they live; not when healthcare providers throughout our country have become the target of extremist legislators, who seek to punish those who deliver life-saving care and treatments to their patients; not when our sons and daughters face a future where they are afforded fewer rights than their mothers and grandmothers.

We are living in a moment where patients' power to govern their own bodies is being snatched out of their hands and seized by far-right leaders in State courts and legislatures who won't quit until they have established a national abortion ban.

Ever since the Supreme Court issued its devastating *Dobbs* decision, reversing nearly 50 years of settled law, these politicians have pulled every lever to put reproductive health care out of reach—on everything from IVF to contraception.

But while these extremists have worked nonstop to restrict reproductive freedom, they have been challenged at nearly every turn. The Biden-Harris administration and leaders in this Chamber have used every tool possible to stand in strong opposition to those who seek to turn back the clock and drag our Nation backwards.

Legislation like the Women's Health Protection Act, the Right to Contraception Act, the Freedom to Travel for Health Care Act, and numerous others take considerable steps to safeguard reproductive freedom across the board.

I am proud to serve more than 40 million Californians in a State where reproductive rights and protections have been advanced and strengthened.

While California has been a champion on this front, patients in neighboring States like Arizona have experienced extreme shifts in their reproductive rights following the *Dobbs* decision.

Two weeks ago, I chaired a Judiciary Subcommittee field hearing in Phoenix, AZ, to examine the ever-changing landscape of abortion rights in our Nation. During this hearing, I heard from advocates, patients, and providers, who were all directly affected by the *Dobbs* decision.

One witness included Dr. Misha Pangasa, a board-certified obstetrician and gynecologist who provides full spectrum reproductive health care in Phoenix. In her testimony, Dr. Pangasa spoke about the upheaval she has witnessed on the ground.

Regarding her patients, she stated, “They wonder whether tomorrow, next week, or next month they will still have options if faced with a pregnancy complication. They wonder if I will be able to care for them, or have to send them to another state if they find themselves in a situation in which abortion is right for them.”

“They wonder whether I'll even be allowed to counsel them through all their options, or if I'll be threatened with a lawsuit or prison time for even bringing up the possibility of abortion, like providers in other states have been. I see and hear their fear about the future every day.”

Stories from people like Dr. Pangasa demonstrate the urgency for Congress to pass legislation to protect a woman's right to choose. Surveys show that 8 in 10 Americans believe the government shouldn't meddle in patients' reproductive health. The bill introduced by Leader SCHUMER and Senator MURRAY supports the American majority's position, so I urge my colleagues to join me in getting this across the finish line.

THE SHIELDING CHILDREN'S RETINAS FROM EGREGIOUS EXPOSURE ON THE NET ACT

Mr. WYDEN. Mr. President, as a parent of young children, I certainly understand the impulse to shield children from harmful or inappropriate content online. That is why I wrote section 230 of the Communications Act back in 1996—to empower companies to offer tools that allow families to decide what content to block and filter for their children. However, the Shielding Children's Retinas from Egregious Exposure on the Net Act goes far beyond empowering parents and protecting kids—or any compelling governmental interest.

Instead, it would violate the privacy rights of every single American by requiring invasive and data-abusive age verification technology to access a broad swath of lawful adult content on the internet. Indeed, it would encourage platforms to verify any internet user attempting to access a broad array of websites that might host deemed-harmful content using the most common form of verification—a government-issued ID. Requiring websites to collect the IDs of everyone attempting to view adult content will inevitably lead to a privacy, national security, and counterintelligence disaster when adversaries and criminals obtain those records.

In addition, it would incentivize platforms to censor anything that might fit the bill's broad definition of content harmful to minors, to avoid investigations and fines, even if that content is