

“(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 or possession with intent to disclose, disclosure, or solicitation;

“(II) the person knew or recklessly disregarded that the identifiable individual did not consent to such production or possession with intent to disclose, disclosure, or solicitation; 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—

“(aa) did not consent to such production; and

“(bb) was harmed, or was reasonably likely to be harmed, by the production; and

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

(b) in subparagraph (B)—

(1) 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.—

“(A) IN GENERAL.—In a civil action filed under this section, an identifiable individual may recover—

“(i) damages as provided under subparagraph (C); and

“(ii) the cost of the action, including reasonable attorney fees and other litigation costs reasonably incurred.

“(B) PUNITIVE DAMAGES AND OTHER RELIEF.—The court may, in addition to any other relief available at law, award punitive damages or order equitable relief, including a temporary restraining order, a preliminary injunction, or a permanent injunction ordering the defendant to delete, destroy, or cease display or disclosure of the intimate visual depiction or digital forgery.

“(C) DAMAGES.—For purposes of subparagraph (A)(i), the identifiable individual may recover—

“(i) liquidated damages in the amount of—

“(I) \$150,000; or

“(II) \$250,000 if the conduct at issue in the claim was—

“(aa) committed in relation to actual or attempted sexual assault, stalking, or harassment of the identifiable individual by the defendant; or

“(bb) the direct and proximate cause of actual or attempted sexual assault, stalking, or harassment of the identifiable individual by any person; or

“(ii) actual damages sustained by the individual, which shall include any profits of the defendant that are attributable to the conduct at issue in the claim that are not otherwise taken into account in computing the actual damages.

“(D) CALCULATION OF DEFENDANT’S PROFIT.—For purposes of subparagraph (C)(ii), to establish the defendant’s profits, the identifiable individual shall be required to present proof only of the gross revenue of the defendant, and the defendant shall be required to prove the deductible expenses of the defendant and the elements of profit attributable to factors other than the conduct at issue in the claim.

“(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 disclosure of intimate images or nonconsensual activity involving a digital forgery, as defined in section 1309(a) of the Consolidated Appropriations 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. 4. 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.

#### PRIVILEGES OF THE FLOOR

Mr. DURBIN. Madam President, I ask unanimous consent that the following law clerks to the Senate Judiciary Committee be granted floor privileges until July 26, 2024: Nile Debebe, Ella Kimbell, Erin Rogers, David Jaffe, Colin Dunkley, and Cole Hernandez.

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

#### DISRUPT EXPLICIT FORGED IMAGES AND NON-CONSENSUAL EDITS ACT OF 2024

Mr. SCHUMER. Madam President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. 3696 and the Senate proceed to its immediate consideration.

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

The senior assistant legislative clerk read as follows:

A bill (S. 3696) to improve rights to relief for individuals affected by non-consensual activities involving intimate digital forgeries, and for other purposes.

There being no objection, the committee was discharged, and the Senate proceeded to consider the bill.

Mr. SCHUMER. I ask unanimous consent that the Durbin-Grassley substitute amendment at the desk be considered and agreed to.

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

The amendment (No. 3049), in the nature of a substitute, was agreed to.

(The amendment is printed in today’s RECORD under “Text of Amendments.”)

Mr. SCHUMER. I ask that the bill, as amended, be considered read a third time.

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

Mr. SCHUMER. I know of no further debate on the bill as amended.

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

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

The bill (S. 3696), as amended, was passed.

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

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

Mr. SCHUMER. That, by the way, just to note, is the deepfakes bill. It passed right now, as opposed to a few minutes ago.

#### PREVENTING THE FINANCING OF ILLEGAL SYNTHETIC DRUGS ACT

Mr. SCHUMER. Madam President, I ask unanimous consent that the Banking, Housing, and Urban Affairs Committee be discharged from and the Senate proceed to the immediate consideration of H.R. 1076.

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

The senior assistant legislative clerk read as follows:

A bill (H.R. 1076) to require the Comptroller General of the United States to carry out a study on the trafficking into the United States of synthetic drugs, and related illicit finance, and for other purposes.

There being no objection, the committee was discharged, and the Senate proceeded to consider the bill.

Mr. SCHUMER. I ask unanimous consent that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

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

The bill (H.R. 1076) was ordered to a third reading, was read the third time, and passed.

Mr. SCHUMER. Madam President, that was the fentanyl bill led by Senators CORTEZ MASTO and ROSEN that I mentioned a few minutes ago.

#### ORDERS FOR WEDNESDAY, JULY 24, 2024

Mr. SCHUMER. Madam President, now, finally, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. on Wednesday, July 24; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and morning business be closed; that following the conclusion of morning business, the Senate proceed to executive session to resume consideration of the Way nomination; further, that notwithstanding rule XXII, the cloture vote on the Way nomination occur at 3:15 p.m. and the cloture votes on the Landy and Taylor nominations occur at 5 p.m. in the order in which cloture was filed; further, that the Senate recess from 11:45 a.m. until 3 p.m.; fur-

ther, that if cloture is invoked on any of the nominations, the confirmation votes occur at times to be determined by the majority leader in consultation with the Republican leader.

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

Mr. SCHUMER. Finally, as a reminder, tomorrow at 2 p.m., Binyamin Netanyahu, Prime Minister of Israel, will address a joint meeting of Congress. Senators should gather in the Senate Chamber at 1:20 p.m., and we will proceed to the House Chamber at 1:30 p.m.

#### ORDER FOR ADJOURNMENT

Mr. SCHUMER. Madam President, if there is no further business to come before the Senate, I ask that it stand adjourned under the previous order following the remarks of Senators WELCH and SANDERS.

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

Mr. SCHUMER. I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

#### ISRAEL

Mr. WELCH. Madam President, in recent weeks, the attention of the American people has been on the rapidly evolving campaign for the Presidency issues. But while our national media and the focus have shifted, it is important that we do not lose sight of the crisis in Gaza, where innocent people have suffered one calamity after another.

Also in recent weeks, thousands of defenseless, homeless people sheltering in schools, including one located in an area reportedly designated by the Israeli military as a humanitarian safe zone, have been targeted by the Israeli military with missiles supplied by the United States. Regrettably, scores have been killed, and hundreds have been wounded.

What little is left of Gaza's demolished hospitals have no capacity to properly treat injuries. Children are particularly vulnerable in this conflict. Thousands of children have been killed. Thousands have sustained severe injuries that require surgery or advanced medical care, and many suffer from other life-threatening illnesses, like cancer, that are going completely untreated. In the past 9 months, only 19 of these children have been allowed to leave Gaza, and that is shocking.

Today, my colleagues and I sent a letter to the Ambassadors of Israel and Egypt calling on them to work together, with the full cooperation of the United States, so that these children can leave Gaza and get the medical care they desperately need, and I urge their governments to do that. Gaza's children have paid far too high a price in this war.

Negotiations for a cease-fire between Israel and Hamas have been on again and off again. Each time we hear of a

possible breakthrough, one side or the other makes a new demand, and then weeks pass without further word of progress, and the suffering continues. I hope soon they will reach agreement on a cease-fire.

In the meantime, it is hard to imagine the depth of misery suffered by the Palestinian people. It is also hard to imagine the depth of misery suffered by the hostages trapped underground for 9 months, subject to constant psychological and physical abuse by their captors.

I have spoken many times about the war in Gaza. It was a war, in my view, poorly conceived, with vague goals that were nothing more than slogans—not unlike our own failed wars in Iraq and Afghanistan.

Prime Minister Netanyahu was warned not to repeat our mistakes, but instead of heeding that advice, he has pursued a scorched-earth strategy that has destroyed Gaza and killed tens of thousands of people who had absolutely nothing to do with the atrocities committed by Hamas on October 7. Two million destitute people are homeless, suffering from acute hunger, and facing the real possibility of death at any moment.

Mr. Netanyahu and—I use this word intentionally—his extremist Ministers have divided the Israeli people, divided the American people, and damaged Israel's standing on the global stage.

Mr. Netanyahu's war has been carried out with our war planes, our tanks, our guns, our bombs, missiles, and bullets. It has been carried out in a manner shockingly inconsistent with the principle of proportionality, a central element of international humanitarian law that is designed to protect the innocent—international law that Israel and the United States are both bound to respect.

The counterresponse that we hear is that because Hamas fighters hide in tunnels and use civilian houses and buildings to carry out their attacks, anything is a legitimate target—even, apparently, if it means killing 50 Palestinians and wounding 100 in order to kill 1 Hamas combatant.

Of course, Israel has the right to go after those involved in the October 7 attacks. I support that. Hamas mercilessly slaughtered 1,200 innocent Israelis, and the perpetrators of those atrocities must not escape punishment. But that does not give Israel the right to use weapons supplied by the United States to kill 30 times the number of innocent Palestinians as though their lives are worth nothing. That is wrong.

Meanwhile, in the West Bank, attacks against Palestinians by Israeli settlers—illegal Israeli settlers—have skyrocketed, and hundreds have been killed.

Last week, the International Court of Justice ruled that Israel's decades-long occupation of the West Bank violates international law and amounts to annexation. The court called on Israel to cease new settlement activities, which