

SEC. 4006. ADJUSTMENT FOR CHANGES IN THE BASELINE.

The chair of the Committee on the Budget of the House of Representatives and the Chairman of the Committee on the Budget of the Senate may adjust the allocations, aggregates, and other appropriate budgetary levels in this concurrent resolution to reflect changes resulting from the Congressional Budget Office's updates to its baseline for fiscal years 2025 through 2034, including the effects of legislation enacted before the date on which this concurrent resolution is agreed to.

SEC. 4007. EXERCISE OF RULEMAKING POWERS.

Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with full recognition of the constitutional right of either the Senate or the House of Representatives to change those rules (insofar as they relate to that House) at any time, in the same manner, and to the same extent as is the case of any other rule of the Senate or House of Representatives.

AUTHORITY FOR COMMITTEES TO MEET

Mr. CORNYN. Mr. President, I have seven requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority Leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON ARMED SERVICES

The Committee on Armed Services is authorized to meet in open and closed session during the session of the Senate on Thursday, February 13, 2025, at 9:30 a.m., to receive testimony.

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Thursday, February 13, 2025, at 10:30 a.m., to conduct a hearing.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

The Committee on Health, Education, Labor, and Pensions is authorized to meet during the session of the Senate on Thursday, February 13, 2025, at 10 a.m., to conduct a hearing on a nomination.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Thursday, February 13, 2025, at 10 a.m., to conduct a business meeting.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Thursday, February 13, 2025, at 10 a.m., to conduct a hearing.

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Thursday, February 13, 2025, at 9 a.m., to conduct an executive business meeting.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

The Committee on Small Business and Entrepreneurship is authorized to meet during the session of the Senate on Thursday, February 13, 2025, at 2 p.m., to reconvene a business meeting.

PRIVILEGES OF THE FLOOR

Mr. BOOZMAN. Mr. President, I ask unanimous consent that our intern on the Committee on Agriculture, Nutrition, and Forestry Kylee Henneberry be granted floor privileges through May 9, 2025, and the CFTC detailee Kevin Webb also be granted floor privileges through the end of the 119th Congress.

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

TOOLS TO ADDRESS KNOWN EXPLOITATIONS BY IMMOBILIZING TECHNOLOGICAL DEPTAKES ON WEBSITES AND NETWORKS ACT

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be discharged from further consideration of S. 146 and the Senate proceed to its immediate consideration.

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

The senior assistant executive clerk read as follows:

A bill (S. 146) to require covered platforms to remove nonconsensual intimate visual depictions, and for other purposes.

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

Ms. MURKOWSKI. 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 (S. 146) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 146

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 "Tools to Address Known Exploitation by Immobilizing Technological Deepfakes on Websites and Networks Act" or the "TAKE IT DOWN Act".

SEC. 2. CRIMINAL PROHIBITION ON INTENTIONAL DISCLOSURE OF NON-CONSENSUAL INTIMATE VISUAL DEPICTIONS.

(a) IN GENERAL.—Section 223 of the Communications Act of 1934 (47 U.S.C. 223) is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following:

“(h) INTENTIONAL DISCLOSURE OF NON-CONSENSUAL INTIMATE VISUAL DEPICTIONS.—

“(1) DEFINITIONS.—In this subsection:

“(A) CONSENT.—The term ‘consent’ means an affirmative, conscious, and voluntary authorization made by an individual free from force, fraud, duress, misrepresentation, or coercion.

“(B) 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, that, when viewed as a whole by a reasonable person, is indistinguishable from an authentic visual depiction of the individual.

“(C) IDENTIFIABLE INDIVIDUAL.—The term ‘identifiable individual’ means an individual—

“(i) who appears in whole or in part in an intimate visual depiction; and

“(ii) whose face, likeness, or other distinguishing characteristic (including a unique birthmark or other recognizable feature) is displayed in connection with such intimate visual depiction.

“(D) INTERACTIVE COMPUTER SERVICE.—The term ‘interactive computer service’ has the meaning given the term in section 230.

“(E) INTIMATE VISUAL DEPICTION.—The term ‘intimate visual depiction’ has the meaning given such term in section 1309 of the Consolidated Appropriations Act, 2022 (15 U.S.C. 6851).

“(F) MINOR.—The term ‘minor’ means any individual under the age of 18 years.

“(2) OFFENSE INVOLVING AUTHENTIC INTIMATE VISUAL DEPICTIONS.—

“(A) INVOLVING ADULTS.—Except as provided in subparagraph (C), it shall be unlawful for any person, in interstate or foreign commerce, to use an interactive computer service to knowingly publish an intimate visual depiction of an identifiable individual who is not a minor if—

“(i) the intimate visual depiction was obtained or created under circumstances in which the person knew or reasonably should have known the identifiable individual had a reasonable expectation of privacy;

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

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

“(iv) publication of the intimate visual depiction—

“(I) is intended to cause harm; or

“(II) causes harm, including psychological, financial, or reputational harm, to the identifiable individual.

“(B) INVOLVING MINORS.—Except as provided in subparagraph (C), it shall be unlawful for any person, in interstate or foreign commerce, to use an interactive computer service to knowingly publish an intimate visual depiction of an identifiable individual who is a minor with intent to—

“(i) abuse, humiliate, harass, or degrade the minor; or

“(ii) arouse or gratify the sexual desire of any person.

“(C) EXCEPTIONS.—Subparagraphs (A) and (B) shall not apply to—

“(i) a lawfully authorized investigative, protective, or intelligence activity of—

“(I) a law enforcement agency of the United States, a State, or a political subdivision of a State; or

“(II) an intelligence agency of the United States;

“(ii) a disclosure made reasonably and in good faith—

“(I) to a law enforcement officer or agency;
 “(II) as part of a document production or filing associated with a legal proceeding;

“(III) as part of medical education, diagnosis, or treatment or for a legitimate medical, scientific, or education purpose;

“(IV) in the reporting of unlawful content or unsolicited or unwelcome conduct or in pursuance of a legal, professional, or other lawful obligation; or

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

“(iii) a disclosure reasonably intended to assist the identifiable individual;

“(iv) a person who possesses or publishes an intimate visual depiction of himself or herself engaged in nudity or sexually explicit conduct (as that term is defined in section 2256(2)(A) of title 18, United States Code); or
 “(v) the publication of an intimate visual depiction that constitutes—

“(I) child pornography (as that term is defined in section 2256 of title 18, United States Code); or

“(II) a visual depiction described in subsection (a) or (b) of section 1466A of title 18, United States Code (relating to obscene visual representations of the sexual abuse of children).

“(3) OFFENSE INVOLVING DIGITAL FORGERIES.—

“(A) INVOLVING ADULTS.—Except as provided in subparagraph (C), it shall be unlawful for any person, in interstate or foreign commerce, to use an interactive computer service to knowingly publish a digital forgery of an identifiable individual who is not a minor if—

“(i) the digital forgery was published without the consent of the identifiable individual;

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

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

“(iv) publication of the digital forgery—

“(I) is intended to cause harm; or

“(II) causes harm, including psychological, financial, or reputational harm, to the identifiable individual.

“(B) INVOLVING MINORS.—Except as provided in subparagraph (C), it shall be unlawful for any person, in interstate or foreign commerce, to use an interactive computer service to knowingly publish a digital forgery of an identifiable individual who is a minor with intent to—

“(i) abuse, humiliate, harass, or degrade the minor; or

“(ii) arouse or gratify the sexual desire of any person.

“(C) EXCEPTIONS.—Subparagraphs (A) and (B) shall not apply to—

“(i) a lawfully authorized investigative, protective, or intelligence activity of—

“(I) a law enforcement agency of the United States, a State, or a political subdivision of a State; or

“(II) an intelligence agency of the United States;

“(ii) a disclosure made reasonably and in good faith—

“(I) to a law enforcement officer or agency;

“(II) as part of a document production or filing associated with a legal proceeding;

“(III) as part of medical education, diagnosis, or treatment or for a legitimate medical, scientific, or education purpose;

“(IV) in the reporting of unlawful content or unsolicited or unwelcome conduct or in pursuance of a legal, professional, or other lawful obligation; or

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

“(iii) a disclosure reasonably intended to assist the identifiable individual;

“(iv) a person who possesses or publishes a digital forgery of himself or herself engaged in nudity or sexually explicit conduct (as that term is defined in section 2256(2)(A) of title 18, United States Code); or

“(v) the publication of an intimate visual depiction that constitutes—

“(I) child pornography (as that term is defined in section 2256 of title 18, United States Code); or

“(II) a visual depiction described in subsection (a) or (b) of section 1466A of title 18, United States Code (relating to obscene visual representations of the sexual abuse of children).

“(4) PENALTIES.—

“(A) OFFENSES INVOLVING ADULTS.—Any person who violates paragraph (2)(A) or (3)(A) shall be fined under title 18, United States Code, imprisoned not more than 2 years, or both.

“(B) OFFENSES INVOLVING MINORS.—Any person who violates paragraph (2)(B) or (3)(B) shall be fined under title 18, United States Code, imprisoned not more than 3 years, or both.

“(5) RULES OF CONSTRUCTION.—For purposes of paragraphs (2) and (3)—

“(A) the fact that the identifiable individual provided consent for the creation of the intimate visual depiction shall not establish that the individual provided consent for the publication of the intimate visual depiction; and

“(B) the fact that the identifiable individual disclosed the intimate visual depiction to another individual shall not establish that the identifiable individual provided consent for the publication of the intimate visual depiction by the person alleged to have violated paragraph (2) or (3), respectively.

“(6) THREATS.—

“(A) THREATS INVOLVING AUTHENTIC INTIMATE VISUAL DEPICTIONS.—Any person who intentionally threatens to commit an offense under paragraph (2) for the purpose of intimidation, coercion, extortion, or to create mental distress shall be punished as provided in paragraph (4).

“(B) THREATS INVOLVING DIGITAL FORGERIES.—

“(i) THREATS INVOLVING ADULTS.—Any person who intentionally threatens to commit an offense under paragraph (3)(A) for the purpose of intimidation, coercion, extortion, or to create mental distress shall be fined under title 18, United States Code, imprisoned not more than 18 months, or both.

“(ii) THREATS INVOLVING MINORS.—Any person who intentionally threatens to commit an offense under paragraph (3)(B) for the purpose of intimidation, coercion, extortion, or to create mental distress shall be fined under title 18, United States Code, imprisoned not more than 30 months, or both.

“(7) FORFEITURE.—

“(A) IN GENERAL.—The court, in imposing a sentence on any person convicted of a violation of paragraph (2) or (3), shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that the person forfeit to the United States—

“(i) any material distributed in violation of that paragraph;

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

“(B) PROCEDURES.—Section 413 of the Controlled Substances Act (21 U.S.C. 853), with

the exception of subsections (a) and (d), shall apply to the criminal forfeiture of property under subparagraph (A).

“(8) RESTITUTION.—The court shall order restitution for an offense under paragraph (2) or (3) in the same manner as under section 2264 of title 18, United States Code.

“(9) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the application of any other relevant law, including section 2252 of title 18, United States Code.”

(b) DEFENSES.—Section 223(e)(1) of the Communications Act of 1934 (47 U.S.C. 223(e)(1)) is amended by striking “or (d)” and inserting “, (d), or (h)”.

(c) TECHNICAL AND CONFORMING AMENDMENT.—Subsection (i) of section 223 of the Communications Act of 1934 (47 U.S.C. 223), as so redesignated by subsection (a), is amended by inserting “DEFINITIONS.—” before “For purposes of this section”.

SEC. 3. NOTICE AND REMOVAL OF NONCONSENSUAL INTIMATE VISUAL DEPICTIONS.

(a) IN GENERAL.—

(1) NOTICE AND REMOVAL PROCESS.—

(A) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, a covered platform shall establish a process whereby an identifiable individual (or an authorized person acting on behalf of such individual) may—

(i) notify the covered platform of an intimate visual depiction published on the covered platform that—

(I) includes a depiction of the identifiable individual; and

(II) was published without the consent of the identifiable individual; and

(ii) submit a request for the covered platform to remove such intimate visual depiction.

(B) REQUIREMENTS.—A notification and request for removal of an intimate visual depiction submitted under the process established under subparagraph (A) shall include, in writing—

(i) a physical or electronic signature of the identifiable individual (or an authorized person acting on behalf of such individual);

(ii) an identification of, and information reasonably sufficient for the covered platform to locate, the intimate visual depiction of the identifiable individual;

(iii) a brief statement that the identifiable individual has a good faith belief that any intimate visual depiction identified under clause (ii) is not consensual, including any relevant information for the covered platform to determine the intimate visual depiction was published without the consent of the identifiable individual; and

(iv) information sufficient to enable the covered platform to contact the identifiable individual (or an authorized person acting on behalf of such individual).

(2) NOTICE OF PROCESS.—A covered platform shall provide on the platform a clear and conspicuous notice, which may be provided through a clear and conspicuous link to another web page or disclosure, of the notice and removal process established under paragraph (1)(A) that—

(A) is easy to read and in plain language; and

(B) provides information regarding the responsibilities of the covered platform under this section, including a description of how an individual can submit a notification and request for removal.

(3) REMOVAL OF NONCONSENSUAL INTIMATE VISUAL DEPICTIONS.—Upon receiving a valid removal request from an identifiable individual (or an authorized person acting on behalf of such individual) using the process described in paragraph (1)(A)(ii), a covered platform shall, as soon as possible, but not

later than 48 hours after receiving such request—

(A) remove the intimate visual depiction; and

(B) make reasonable efforts to identify and remove any known identical copies of such depiction.

(4) **LIMITATION ON LIABILITY.**—A covered platform shall not be liable for any claim based on the covered platform's good faith disabling of access to, or removal of, material claimed to be a nonconsensual intimate visual depiction based on facts or circumstances from which the unlawful publishing of an intimate visual depiction is apparent, regardless of whether the intimate visual depiction is ultimately determined to be unlawful or not.

(b) **ENFORCEMENT BY THE COMMISSION.**—

(1) **UNFAIR OR DECEPTIVE ACTS OR PRACTICES.**—A failure to reasonably comply with the notice and takedown obligations under subsection (a) shall be treated as a violation of a rule defining an unfair or a deceptive act or practice under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(2) **POWERS OF THE COMMISSION.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (D), the Commission shall enforce this section in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this section.

(B) **PRIVILEGES AND IMMUNITIES.**—Any person who violates this section shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

(C) **AUTHORITY PRESERVED.**—Nothing in this Act shall be construed to limit the authority of the Federal Trade Commission under any other provision of law.

(D) **SCOPE OF JURISDICTION.**—Notwithstanding sections 4, 5(a)(2), or 6 of the Federal Trade Commission Act (15 U.S.C. 44, 45(a)(2), 46), or any jurisdictional limitation of the Commission, the Commission shall also enforce this section in the same manner provided in subparagraph (A), with respect to organizations that are not organized to carry on business for their own profit or that of their members.

SEC. 4. DEFINITIONS.

In this Act:

(1) **COMMISSION.**—The term “Commission” means the Federal Trade Commission.

(2) **CONSENT; DIGITAL FORGERY; IDENTIFIABLE INDIVIDUAL; INTIMATE VISUAL DEPICTION.**—The terms “consent”, “digital forgery”, “identifiable individual”, “intimate visual depiction”, and “minor” have the meaning given such terms in section 223(h) of the Communications Act of 1934 (47 U.S.C. 223), as added by section 2.

(3) **COVERED PLATFORM.**—

(A) **IN GENERAL.**—The term “covered platform” means a website, online service, online application, or mobile application—

(i) that serves the public; and

(ii)(I) that primarily provides a forum for user-generated content, including messages, videos, images, games, and audio files; or

(II) for which it is in the regular course of trade or business of the website, online service, online application, or mobile application to publish, curate, host, or make available content of nonconsensual intimate visual depictions.

(B) **EXCLUSIONS.**—The term “covered platform” shall not include the following:

(i) A provider of broadband internet access service (as described in section 8.1(b) of title

47, Code of Federal Regulations, or successor regulation).

(ii) Electronic mail.

(iii) Except as provided in subparagraph (A)(ii)(II), an online service, application, or website—

(I) that consists primarily of content that is not user generated but is preselected by the provider of such online service, application, or website; and

(II) for which any chat, comment, or interactive functionality is incidental to, directly related to, or dependent on the provision of the content described in subclause (I).

SEC. 5. SEVERABILITY.

If any provision of this Act, or an amendment made by this Act, is determined to be unenforceable or invalid, the remaining provisions of this Act and the amendments made by this Act shall not be affected.

HONORING THE MEMORIES OF THE VICTIMS OF THE SENSELESS ATTACK AT MARJORY STONEMAN DOUGLAS HIGH SCHOOL ON FEBRUARY 14, 2018

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 79, which was submitted earlier today.

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

The senior assistant executive clerk read as follows:

A resolution (S. Res. 79) honoring the memories of the victims of the senseless attack at Marjory Stoneman Douglas High School on February 14, 2018.

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

Ms. MURKOWSKI. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions 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. 79) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under “Submitted Resolutions.”)

EXPRESSING GRATITUDE TO THE JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES, THE ARCHITECT OF THE CAPITOL, THE SERGEANT AT ARMS, THE SECRETARY OF THE SENATE, LAW ENFORCEMENT OFFICERS, EMERGENCY PERSONNEL, AND VOLUNTEERS

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 80, which was submitted earlier today.

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

The senior assistant executive clerk read as follows:

A resolution (S. Res. 80) expressing gratitude to the Joint Congressional Committee on Inaugural Ceremonies, the Architect of the Capitol, the Sergeant at Arms, the Secretary of the Senate, law enforcement officers, emergency personnel, and volunteers for their support in making the Presidential Inauguration a success.

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

Ms. MURKOWSKI. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and that the motions 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. 80) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under “Submitted Resolutions.”)

ORDERS FOR FRIDAY, FEBRUARY 14, 2025, THROUGH TUESDAY, FEBRUARY 18, 2025

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn to then convene for pro forma session only with no business being conducted on Friday, February 14, at 9 a.m.; further, that when the Senate adjourns on February 14, it stand adjourned until 3 p.m. on Tuesday, February 18; that following the prayer and pledge, Senator WICKER be recognized to deliver Washington's Farewell Address, as provided under the previous order; and that following his remarks, 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 the Senate be in a period of morning business for debate only until 5:30 p.m., with Senators permitted to speak for up to 10 minutes each; finally, that at 5:30 p.m. the majority leader be recognized.

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

Ms. MURKOWSKI. For the information of all Senators, Senators should expect a procedural vote at 5:30 p.m. in relation to filing cloture on the Patel nomination, followed by the confirmation vote on the Lutnick nomination, and further votes are possible.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. THUNE. Mr. President, 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 3:41 p.m., adjourned until Friday, February 14, 2025, at 9 a.m.