

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.