

with intent to disclose, disclosure, or solicitation and receipt; and

“(III) such production or possession with intent to disclose, disclosure, or solicitation and receipt, 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 an intimate 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 intimate digital forgery if—

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

“(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)—

(i) in the subparagraph 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”; and

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) by inserting “identifiable” before “individual”; and

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

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

(B) in subparagraph (B)—

(i) by inserting “identifiable” before “individual”; and

(ii) by inserting “or intimate digital forgery” after “depiction” each place it appears; and

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

(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 to display or disclose the intimate visual depiction or intimate 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; and

“(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 intimate digital forgery shall remain in the care, custody, and control of the court.”; and

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

(A) by striking “image” and inserting “visual depiction or intimate 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 intimate 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 an intimate 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; RULE OF CONSTRUCTION.

(a) 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.

(b) RULE OF CONSTRUCTION.—Nothing in this Act, or an amendment made by this Act,

shall be construed to limit or expand any law pertaining to intellectual property.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 239—RE-AFFIRMING THE DEEP AND STEADFAST PARTNERSHIP BETWEEN THE UNITED STATES AND CANADA AND THE TIES THAT BIND THE 2 COUNTRIES IN SUPPORT OF ECONOMIC AND NATIONAL SECURITY

Mr. CRAMER (for himself, Mr. KING, Mr. CRAPO, Mrs. BLACKBURN, Ms. KLOBUCHAR, Ms. MURKOWSKI, Ms. HASSAN, Ms. COLLINS, Mr. ROUNDS, and Mr. WELCH) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 239

Whereas strengthening and deepening United States alliances is critically important, and the Senate is called upon not only to protect, but to advance, United States partnerships;

Whereas the United States enjoys the great fortune of having one of its closest allies next door at a time when countries around the world are facing existential threats from their neighbors;

Whereas, in June 2023, the bipartisan and bicameral American-Canadian Economy and Security Caucus was established in the Senate and the House of Representatives, which presents an opportunity to fortify and advance the indispensable economic and security partnership between the United States and Canada;

Whereas the United States and Canada can together reinforce their shared interest in 4 critical areas, which are—

- (1) economic security;
- (2) energy and critical minerals security;
- (3) national security; and
- (4) global security;

Whereas the prosperity of the citizens of the United States and Canada are supported by their mutually beneficial economic relationship and resilient and integrated supply chains;

Whereas the Agreement between the United States of America, the United Mexican States, and Canada, done at Mexico City on December 10, 2019 (commonly known as the “USMCA”), forms the foundation of the economic competitiveness of the 3 countries;

Whereas the United States and Canada—

(1) share one of the largest trading relationships in the world, with nearly \$1,000,000,000 in bilateral trade in goods and services in 2023, supporting nearly 8,000,000 jobs in the United States and more than 2,400,000 jobs in Canada; and

(2) understand the importance of secure and resilient supply chains, and have established formal mechanisms to further strengthen economic integration and minimize the dependency of the United States on foreign adversaries;

Whereas Canada is the largest single export market for the United States, and Canada was the number one customer for 36 of the 50 States in 2023;

Whereas, in 2023, more than 330 congressional districts each exported more than \$250,000,000 in goods to Canada, and more than congressional 100 districts each exported more than \$1,000,000,000 in goods to Canada;

Whereas bilateral trade in agriculture between Canada and the United States reached

\$72,500,000,000 in 2023 and Canada is the number one agricultural export market for 27 States;

Whereas trade between Canada and the United States is built on long-standing binational supply chains, whereby roughly 70 percent of Canadian goods exported to the United States are used by manufacturers in the United States to produce higher value goods;

Whereas Canada purchases more than \$22,000,000,000 worth of automotive parts and approximately \$33,600,000,000 worth of vehicles from the United States each year;

Whereas, in 2024, the United States imported \$53,000,000,000 worth of motor vehicles and parts from Canada, while United States exports of motor vehicles and parts to Canada totaled \$55,000,000,000, including \$18,000,000,000 worth of automotive parts;

Whereas the United States lumber industry produces approximately 70 percent of the lumber needed every year in the United States and Canadian lumber makes up most of the shortfall, helping to meet the needs of United States consumers;

Whereas the United States and Canada—
(1) are global leaders in science, technology, and innovation, and can secure the future of North America as the most competitive region in the world; and

(2) are working together to deepen cooperation in developing and protecting emerging technologies, including artificial intelligence and quantum technologies;

Whereas Canada—
(1) is the world's fourth-largest petroleum producer and is the largest foreign supplier of energy, including oil, uranium, natural gas, and electricity, to the United States;

(2) supports United States energy dominance by providing safe and reliable natural gas, electricity, crude oil, and uranium for nuclear power;

(3) bolsters the position of the United States as the world's number one exporter of liquefied natural gas by supplying border States with Canadian natural gas;

(4) enables the growth of United States artificial intelligence technology by supplying the critical fuels required by the United States power industry; and

(5) is a reliable source of energy and resources for the United States, producing more than 60 minerals and metals, and is a leading global producer of critical minerals on the critical minerals list the United States Geological Survey;

Whereas Canada is—
(1) committed to ensuring North American competitiveness and the success of workers and communities in Canada and the United States; and

(2) taking steps to address nonmarket practices of the People's Republic of China, notably by screening inbound investment into Canada and applying a surtax on products imported from the People's Republic of China, such as electric vehicles, steel, and aluminum;

Whereas the United States and Canada—
(1) have a deeply interconnected electricity sector, with more than 35 active electricity transmission connections between the 2 countries, many of which enable bidirectional flows of electricity, helping to ensure the security and reliability of the North American grid;

(2) have committed to work together to protect biodiverse areas that span their shared border, including in collaboration with Indigenous and Tribal partners, benefiting shared species like migratory birds; and

(3) have jointly collaborated for more than 100 years under the Treaty relating to the Boundary Waters and Questions arising along the Boundary between the United States and Canada, signed at Washington

January 11, 1909 (36 Stat. 2448; 12 Bevans 319) (commonly known as the "Boundary Waters Treaty") to manage and conserve their shared waters for the benefit of both countries, including almost 50 years under the Agreement on Great Lakes Water Quality, 1978, with Annexes and Terms of Reference, signed at Ottawa November 22, 1978 (commonly known as the "Great Lakes Water Quality Agreement");

Whereas the United States and Canada—
(1) share 3 oceans and the world's longest border, and safely oversee the movement of about 400,000 people and more than \$2,500,000,000 worth of goods and services across that border each day;

(2) cooperate to keep the border open to legitimate trade and travel but closed to illegal migration, terrorists, criminals, and threats to the health and safety of citizens;

(3) are committed to jointly protecting the security of their citizens, including through Canada's recent actions and significant investments to strengthen border security by—

(A) fighting sources of illegal migration at the border, and keeping deadly drugs like fentanyl and its precursors from entering;

(B) securing border crossings by maintaining 24/7 eyes on the border using new surveillance technology and increased personnel;

(C) combating fentanyl trafficking through the appointment of a fentanyl czar, listing cartels as terrorist entities, and launching a Canada-United States Joint Strike Force detecting and disrupting the fentanyl trade with more technology, tools, and intelligence;

(D) reinforcing a "one border, one team" approach through more cross-border information and intelligence sharing; and

(E) keeping people safe through joint emergency readiness and creating a joint emergency management partnership similar to the North American Aerospace Defense Command (commonly referred to as "NORAD");

(4) are united in fighting a fentanyl crisis that is indiscriminately affecting citizens on both sides of the border and is fueled by the actions of malign actors abroad;

(5) work together to secure the border between the United States and Canada through the Cross Border Crime Forum, the Integrated Border Enforcement Teams, the Beyond the Border Initiative, the United States-Canada NEXUS Trusted Traveler Program, the Border Enforcement Security Task Forces, the Integrated Cross-Border Maritime Law Enforcement Operations (commonly known as the "Shiprider"), and the United States preclearance operations conducted at airports in Canada, all of which enhance joint security efforts;

(6) have an Integrated Border Enforcement Charter that allows border enforcement agencies to jointly identify national security threats, disrupt organized criminal activities, seize drugs and weapons, and intercept criminal networks trying to smuggle people across the border; and

(7) both understand that a threat to the security of one country is a threat to the security of both countries;

Whereas the United States and Canada—
(1) are Pacific, Atlantic, and Arctic countries;

(2) are unequivocally committed to playing a leadership role in protecting global security and promoting democracy around the world;

(3) recognize that collective security is a shared responsibility, and are committed to expanding cooperation on continental defense and in the Arctic, including by increasing investments in continental defense and modernizing NORAD, the world's only binational military command;

(4) share the desire for a peaceful, stable, and predictable Arctic region, including for the benefit of Arctic and Northern peoples and communities;

(5) work together to advance democratic principles, human rights, and free trade policies through the Group of 7, the Group of 20, the United Nations, the Organization for Security and Co-operation in Europe, the Organisation for Economic Co-operation and Development, the World Trade Organization, and at the Organization of American States;

(6) cooperate extensively through a "Tri-Command Framework" comprised of the United States Northern Command, the Canadian Joint Operations Command, and NORAD;

(7) work together as the only North American members of the North Atlantic Treaty Organization (commonly referred to as "NATO") to ensure peace and security in the transatlantic region;

(8) support NATO's deterrence and defense efforts, and allies in Europe, through their roles as the Framework Nations for the NATO brigades in Latvia and Poland; and

(9) share a long and storied history of civil space partnership between the National Aeronautics and Space Administration (commonly referred to as "NASA") and the Canadian Space Agency, and a Canadian will fly on the historic Artemis II mission around the Moon with NASA;

Whereas Canada has been a committed ally in upholding the rules-based international order by promoting peace, resilience, and security in the Indo-Pacific region through an augmented and diversified military presence;

Whereas Canada has been a reliable and engaged partner of the United States in the Indo-Pacific region by collaborating extensively with the United States Indo-Pacific Command, including through bilateral and multilateral exercises, regional security cooperation and defense engagements, involvement in regional defense forums, and ultimately, through unwavering support of free, open, and inclusive Indo-Pacific region;

Whereas Canada is in consultation with the United States, Australia, and the United Kingdom to identify collaborative projects on advanced capabilities under Pillar II of the enhanced trilateral security partnership between Australia, the United Kingdom, and the United States; and

Whereas history, geography, commerce, security, and shared democratic values underpin a close relationship between the United States and Canada: Now, therefore, be it
Resolved, That the Senate—

(1) recognizes that the relationship between the United States and Canada is—

(A) an essential strategic asset to the United States and the people of the United States; and

(B) critical to promoting peace, expanding global economic opportunity, and being prepared to respond to unforeseen events;

(2) reaffirms its full commitment to maintain and grow the critical partnership between the United States and Canada;

(3) recognizes that the security of either the United States or Canada is dependent on the security of the other, and welcomes greater collaboration in the areas of defense, cyber and technology security, and Arctic security;

(4) reaffirms its commitment to the bilateral and international alliance between the 2 countries, which allows both countries to face common threats together and uphold common values, including democracy, human rights, and the rule of law;

(5) recognizes the strategic importance of one of the most secure borders in the world, the co-management of which facilitates trade and serves as a trusted corridor for the supply chains of both countries;

(6) recognizes that bolstering the supply chains of both countries will make both countries more competitive and more resilient in the face of economic aggression from hostile countries;

(7) supports an increased focus on energy security through greater cross-border energy infrastructure, including infrastructure for oil, natural gas, nuclear, renewable energy, and resilient electricity transmission, and through diversifying supply chains for critical minerals; and

(8) is fully committed to the creation of more well-paying United States jobs through continued trade and investment with Canada.

SENATE RESOLUTION 240—AFFIRMING THAT DIVERSITY, EQUITY, INCLUSION, AND ACCESSIBILITY ARE FUNDAMENTAL VALUES OF THE UNITED STATES AND EMPHASIZING THE ONGOING NEED TO ADDRESS DISCRIMINATION AND INEQUALITY IN THE WORKPLACE, PRE-K THROUGH 12TH GRADE AND HIGHER EDUCATION SYSTEMS, GOVERNMENT PROGRAMS, THE MILITARY, AND OUR SOCIETY

Ms. HIRONO (for herself, Mr. BOOKER, Mr. COONS, Ms. DUCKWORTH, Mr. PADILLA, Mr. SCHIFF, Mr. WHITEHOUSE, Ms. KLOBUCHAR, Mr. WELCH, Mr. BLUMENTHAL, and Ms. SMITH) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 240

Whereas everyone should have the opportunity to achieve the American Dream, and it is too often out of reach for hardworking and talented individuals due to discriminatory barriers to opportunity;

Whereas diversity, equity, inclusion, and accessibility initiatives address discriminatory barriers to opportunity and ongoing discrimination;

Whereas diversity, equity, inclusion, and accessibility initiatives allow everyone to access equal opportunity and are not unlawful quotas;

Whereas, for 6 decades, Presidents of both major political parties have supported diversity, equity, inclusion, and accessibility initiatives to strengthen the workforce, expand opportunity, and ensure everyone has a fair shot at achieving the American Dream;

Whereas diversity, equity, and inclusion initiatives are broadly popular;

Whereas polling shows that over 70 percent of people in the United States, including majorities of White, Black, Latino, and Asian American populations, support diversity, equity, inclusion, and accessibility initiatives;

Whereas data from the Department of Labor, the Bureau of the Census, the Board of Governors of the Federal Reserve System, the Survey of Consumer Finances, the Bureau of Labor Statistics, the Equal Employment Opportunity Commission, the Department of Housing and Urban Development, the Bipartisan Policy Center, the Urban Institute, the Brookings Institution, the Pew Research Center, Citi Group, the KFF Survey on Racism, Discrimination, and Health, the GLSEN National School Climate Survey, McKinsey & Company, and numerous other sources show that Black, Latino, Asian American, and Indigenous people, women, LGBTQ+ people, and people with disabilities experience persistent segregation, exclusion, and discrimination in education, employ-

ment, healthcare, access to capital and financial services, housing, and other sectors, which demonstrates the necessity for diversity, equity, inclusion, and accessibility practices, policies, and programs;

Whereas disability-based discrimination constitutes more than half (53.26 percent) of all housing discrimination complaints filed with fair housing organizations and government agencies;

Whereas, for the past several years, disability has continued to be the top basis of discrimination reported under the Fair Housing Act (42 U.S.C. 3601 et seq.), representing 5,128 complaints filed with the Department of Housing and Urban Development and its Fair Housing Assistance Program partners in fiscal year 2023;

Whereas less than 5 percent of housing nationwide is accessible to individuals with moderate mobility difficulties, and less than 1 percent of housing is accessible for those who use wheelchairs;

Whereas approximately 32 percent of adults with disabilities have reported unfair treatment in healthcare settings due to their disabilities or other personal characteristics;

Whereas, in 2023, only 22.5 percent of people with disabilities were employed, compared to 65.8 percent of those without disabilities;

Whereas students with disabilities frequently receive insufficient support, resulting in lower graduation rates and limited career opportunities;

Whereas Black and Latino homebuyers—

(1) have been steered toward or away from certain neighborhoods, which impacts their ability to buy homes in their preferred areas;

(2) face appraisal discrimination, which diminishes their wealth by undervaluing their property; and

(3) are more likely than White homebuyers to receive costly subprime mortgages, even when their financial situations are comparably qualified;

Whereas these disparities highlight systemic issues in the housing market that disproportionately disadvantage Black and Latino communities, emphasizing the need for ongoing efforts to address and rectify discriminatory lending and appraisal practices;

Whereas the racial wealth gap has widened in recent decades, with Black and Latino households experiencing significantly lower average net wealth than White households;

Whereas, while White households hold 86.8 percent of the overall wealth of the United States, they only account for 68.1 percent of the total households in the United States, and in comparison, Black and Hispanic households hold 2.9 percent and 2.8 percent of the overall wealth of the United States, respectively, while accounting for 15.6 percent and 10.9 percent of the United States population, respectively;

Whereas nearly 30 percent of LGBTQ+ people have encountered discrimination, including being denied or discouraged from buying or renting a home, being denied loans, being physically and verbally harassed, and having landlords refuse to provide maintenance;

Whereas people of color have faced significant discrimination in healthcare, impacting access to care, treatment quality, health outcomes, and trust in medical institutions;

Whereas this discrimination has led to disparities in treatment, access, health outcomes, and social determinants of health;

Whereas racial biases result in inadequate pain management, misdiagnoses, and higher maternal and infant mortality rates, particularly among Black and Indigenous women;

Whereas historical injustices contribute to deep mistrust in the medical system, affecting participation in clinical trials and preventive care;

Whereas environmental racism, lack of culturally competent mental health services, and unequal access to quality healthcare further worsen health disparities;

Whereas healthcare discrimination negatively impacts the lives of LGBTQ+ people;

Whereas 1 out of 5 transgender people have been turned away from healthcare, and more than 60 percent of LGBTQ+ adults have had a negative interaction with a healthcare provider, such as being blamed for their health challenges, being ignored, and being denied pain medications;

Whereas, for LGBTQ+ people, these experiences cut across racial lines;

Whereas Black, Indigenous, and Latino students continue to experience discrimination in the pre-k through 12th grade and higher education systems that create barriers to accessing and completing a quality education;

Whereas Black students and Indigenous students are disproportionately disciplined in schools and excluded from classrooms, feeding a pipeline to prison and disengagement from school, particularly for Black girls, who are 4 times more likely to be suspended, 4 times more likely to be expelled, and 3 times more likely to have the police called on them in school, compared to White girls;

Whereas 1 in 5 Black students and 1 in 4 Latino students experience discrimination on college and university campuses;

Whereas most students who are parents while attending higher education identify as Black, Indigenous, and Latino, and they face a variety of barriers to graduation while learning in schools that do not consider their parenting responsibilities;

Whereas LGBTQ+ students face hostility and discrimination in educational settings, which negatively impacts their success in schools;

Whereas more than ⅓ of LGBTQ+ students feel unsafe at school due to their sexual orientation or gender identity, and more than ⅓ of LGBTQ+ students have missed school as a result;

Whereas occupational segregation of Black workers into lower-paid jobs and less lucrative industries persists despite an increase in the number of Black people with college degrees over the previous 20 years;

Whereas Black, Latino, Asian American, and Indigenous workers are over represented in dangerous jobs with worse pay and fewer benefits due to ongoing occupational segregation;

Whereas, in 2023, the wage gap widened for the first time in 20 years, with women working full-time, year-round jobs receiving 83 cents for every dollar paid to men while that number was 84 cents in 2022, and Black women experienced a more severe backslide;

Whereas, in 2023, Black women working full-time, year-round jobs were paid 66 cents for every dollar paid to White, non-Hispanic men, compared to 69 cents in 2022;

Whereas Asian American and Native Hawaiian and Pacific Islander women were paid 97 cents, Latinas were paid 58 cents, and Native women were paid 58 cents for every dollar paid to White, non-Hispanic men;

Whereas women at all education levels experience a wage gap compared to their male counterparts;

Whereas a Latina with a professional degree stands to lose over \$2,900,000 over her lifetime due to the wage gap;

Whereas Native women working a full-time, year-round job must get a bachelor's degree (typical pay of \$58,113) to be paid more than White, non-Hispanic men working a full-time, year-round job with a high school diploma (typical pay of \$50,976);

Whereas disabled women also face a pay gap;