

(1) by redesignating paragraphs (4) through (9) and (10) through (12) as paragraphs (5) through (10) and (13) through (15), respectively;

(2) in paragraph (3)(A), by striking “subject to paragraphs (4) and (5)” and inserting “subject to paragraphs (5) and (6)”;

(3) by inserting after paragraph (3) the following:

“(4) **MULTIPURPOSE BROWNFIELDS GRANTS.**—“(A) **IN GENERAL.**—Subject to subparagraph (D) and paragraphs (5) and (6), the Administrator shall establish a program to provide multipurpose grants to an eligible entity based on the considerations under paragraph (3)(C), to carry out inventory, characterization, assessment, planning, or remediation activities at 1 or more brownfield sites in a proposed area.

“(B) **GRANT AMOUNTS.**—

“(i) **INDIVIDUAL GRANT AMOUNTS.**—Each grant awarded under this paragraph shall not exceed \$950,000.

“(ii) **CUMULATIVE GRANT AMOUNTS.**—The total amount of grants awarded for each fiscal year under this paragraph shall not exceed 15 percent of the funds made available for the fiscal year to carry out this subsection.

“(C) **CRITERIA.**—In awarding a grant under this paragraph, the Administrator shall consider the extent to which an eligible entity is able—

“(i) to provide an overall plan for revitalization of the 1 or more brownfield sites in the proposed area in which the multipurpose grant will be used;

“(ii) to demonstrate a capacity to conduct the range of eligible activities that will be funded by the multipurpose grant; and

“(iii) to demonstrate that a multipurpose grant will meet the needs of the 1 or more brownfield sites in the proposed area.

“(D) **CONDITION.**—As a condition of receiving a grant under this paragraph, each eligible entity shall expend the full amount of the grant not later than the date that is 3 years after the date on which the grant is awarded to the eligible entity unless the Administrator, in the discretion of the Administrator, provides an extension.”.

#### **SEC. 4. TREATMENT OF CERTAIN PUBLICLY OWNED BROWNFIELD SITES.**

Section 104(k)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)(2)) is amended by adding at the end the following:

“(C) **EXEMPTION FOR CERTAIN PUBLICLY OWNED BROWNFIELD SITES.**—Notwithstanding any other provision of law, an eligible entity that is a governmental entity may receive a grant under this paragraph for property acquired by that governmental entity prior to January 11, 2002, even if the governmental entity does not qualify as a bona fide prospective purchaser (as that term is defined in section 101(40)), so long as the eligible entity has not caused or contributed to a release or threatened release of a hazardous substance at the property.”.

#### **SEC. 5. INCREASED FUNDING FOR REMEDIATION GRANTS.**

Section 104(k)(3)(A)(ii) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)(3)(A)(ii)) is amended by striking “\$200,000 for each site to be remediated” and inserting “\$500,000 for each site to be remediated, which limit may be waived by the Administrator, but not to exceed a total of \$650,000 for each site, based on the anticipated level of contamination, size, or ownership status of the site”.

#### **SEC. 6. ALLOWING ADMINISTRATIVE COSTS FOR GRANT RECIPIENTS.**

Paragraph (5) of section 104(k) of the Comprehensive Environmental Response, Com-

pensation, and Liability Act of 1980 (42 U.S.C. 9604(k)) (as redesignated by section 3(1)) is amended—

(1) in subparagraph (B)—

(A) in clause (i)—

(i) by striking subclause (III); and

(ii) by redesignating subclauses (IV) and (V) as subclauses (III) and (IV), respectively;

(B) by striking clause (ii);

(C) by redesignating clause (iii) as clause (ii); and

(D) in clause (ii) (as redesignated by subparagraph (C)), by striking “Notwithstanding clause (i)(IV)” and inserting “Notwithstanding clause (i)(III)”;

(2) by adding at the end the following:

“(B) **ADMINISTRATIVE COSTS.**—

“(i) **IN GENERAL.**—An eligible entity may use up to 8 percent of the amounts made available under a grant or loan under this subsection for administrative costs.

“(ii) **RESTRICTION.**—For purposes of clause (i), the term ‘administrative costs’ does not include—

“(I) investigation and identification of the extent of contamination;

“(II) design and performance of a response action; or

“(III) monitoring of a natural resource.”.

#### **SEC. 7. SMALL COMMUNITY TECHNICAL ASSISTANCE GRANTS.**

Paragraph (7)(A) of section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)) (as redesignated by section 3(1)) is amended—

(1) by striking “The Administrator may provide,” and inserting the following:

“(i) **DEFINITIONS.**—In this subparagraph:

“(I) **DISADVANTAGED AREA.**—The term ‘disadvantaged area’ means an area with an annual median household income that is less than 80 percent of the State-wide annual median household income, as determined by the latest available decennial census.

“(II) **SMALL COMMUNITY.**—The term ‘small community’ means a community with a population of not more than 15,000 individuals, as determined by the latest available decennial census.

“(iii) **ESTABLISHMENT OF PROGRAM.**—The Administrator shall establish a program to provide grants that provide,”; and

(2) by adding at the end the following:

“(iii) **SMALL OR DISADVANTAGED COMMUNITY RECIPIENTS.**—

“(I) **IN GENERAL.**—Subject to subclause (II), in carrying out the program under clause (ii), the Administrator shall use not more than \$600,000 of the amounts made available to carry out this paragraph to provide grants to States that receive amounts under section 128(a) to assist small communities, Indian tribes, rural areas, or disadvantaged areas in achieving the purposes described in clause (ii).

“(II) **LIMITATION.**—Each grant awarded under subclause (I) shall be not more than \$7,500.”.

#### **SEC. 8. WATERFRONT BROWNFIELDS GRANTS.**

Section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)) is amended by inserting after paragraph (10) (as redesignated by section 3(1)) the following:

“(11) **WATERFRONT BROWNFIELD SITES.**—

“(A) **DEFINITION OF WATERFRONT BROWNFIELD SITE.**—In this paragraph, the term ‘waterfront brownfield site’ means a brownfield site that is adjacent to a body of water or a federally designated floodplain.

“(B) **REQUIREMENTS.**—In providing grants under this subsection, the Administrator shall—

“(i) take into consideration whether the brownfield site to be served by the grant is a waterfront brownfield site; and

“(ii) give consideration to waterfront brownfield sites.”.

#### **SEC. 9. CLEAN ENERGY BROWNFIELDS GRANTS.**

Section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)) (as amended by section 8) is amended by inserting after paragraph (11) the following:

“(12) **CLEAN ENERGY PROJECTS AT BROWNFIELD SITES.**—

“(A) **DEFINITION OF CLEAN ENERGY PROJECT.**—In this paragraph, the term ‘clean energy project’ means—

“(i) a facility that generates renewable electricity from wind, solar, or geothermal energy; and

“(ii) any energy efficiency improvement project at a facility, including combined heat and power and district energy.

“(B) **ESTABLISHMENT.**—The Administrator shall establish a program to provide grants—

“(i) to eligible entities to carry out inventory, characterization, assessment, planning, feasibility analysis, design, or remediation activities to locate a clean energy project at 1 or more brownfield sites; and

“(ii) to capitalize a revolving loan fund for the purposes described in clause (i).

“(C) **MAXIMUM AMOUNT.**—A grant under this paragraph shall not exceed \$500,000.”.

#### **SEC. 10. TARGETED FUNDING FOR STATES.**

Paragraph (15) of section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)) (as redesignated by section 3(1)) is amended by adding at the end the following:

“(C) **TARGETED FUNDING.**—Of the amounts made available under subparagraph (A) for a fiscal year, the Administrator may use not more than \$2,000,000 to provide grants to States for purposes authorized under section 128(a), subject to the condition that each State that receives a grant under this subparagraph shall have used at least 50 percent of the amounts made available to that State in the previous fiscal year to carry out assessment and remediation activities under section 128(a).”.

#### **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

(a) **BROWNFIELDS REVITALIZATION FUNDING.**—Paragraph (15)(A) of section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)) (as redesignated by section 3(1)) is amended by striking “2006” and inserting “2018”.

(b) **STATE RESPONSE PROGRAMS.**—Section 128(a)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9628(a)(3)) is amended by striking “2006” and inserting “2018”.

#### **ORDERS FOR TUESDAY, JUNE 28, 2016**

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Tuesday, June 28; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; further, that following leader remarks, the Senate resume consideration of the conference report to accompany H.R. 2577, with the time until the cloture vote equally divided between the two leaders or their designees.

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

## ORDER FOR ADJOURNMENT

Mr. McCONNELL. If there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of Senators TOOMEY, WYDEN, and BROWN.

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

The Senator from Pennsylvania.

Mr. TOOMEY. Thank you, Mr. President.

(The remarks of Mr. TOOMEY pertaining to the introduction of S. 3100 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. TOOMEY. I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

## INTELLIGENCE AUTHORIZATION BILL

Mr. WYDEN. Mr. President, I want to take a few minutes tonight to discuss the Intelligence authorization bill for fiscal year 2017. The Senate has been asked to provide unanimous consent to move forward on this legislation, and I have objected to doing that and want to take just a few minutes to outline why I feel very strongly about this.

The reality is, this legislation contains a number of valuable provisions, but once again it is being driven by the same issues the Senate looked at last week, and that was the McCain amendment, which involved a major change with respect to national security letters. My colleague is a valuable member of the Intelligence Committee and knows what I am talking about.

But to set the backdrop is again, I want it understood how important it is to make clear that it is a very dangerous time. Those of us who sit on the Intelligence Committee are acutely aware of that. A couple of times a week we go into that special room and come away with a very clear recognition that there are people out there who do not wish our country well. So that is not in question. This is a dangerous time. Given these dangers, it is especially important—critically important—that law enforcement and intelligence authorities have the tools they need to protect the American people.

Tonight, I wish to start with where we really left off with the amendment from the Senator from Arizona, the McCain amendment involving national security letters, because that amendment deals with the very same concern that has led me to object to the Intelligence authorization bill tonight.

I don't take a back seat to anybody—not anybody—in terms of making sure our intelligence and law enforcement officials have the tools they need to protect our country at a dangerous time. That is why in 2013, I began working for it then, and we got it into the USA FREEDOM Act. I wrote the provision that became section 102 of the USA FREEDOM Act. It said that

when our government—the FBI or our intelligence and law enforcement community—believed it has to move quickly and it has to move immediately, our government could do that. It could go get the information that has been in question—the email materials, the text message logs, the chat records, and all of these digital communications. Under section 102, the government could move immediately to get this information and then come back after the fact and settle up with the court. Never once has the court denied the government.

I recall that during the debate over the McCain amendment, the distinguished chairman of the Intelligence Committee said that he was concerned that the FBI might have to wait around for a month—no way, absolutely no way, out of the question. Under section 102, there is not going to be any dawdling. There is not going to be waiting around. The government can move and move immediately to protect the American people.

Given that the government has those tools for the FBI and intelligence officials—making sure that we have the tools needed to protect the security and well-being of the American people—that is a reason for being very careful about thinking through big changes in these national security letters and what the changes would be, specifically. This was in the McCain amendment. It is in the Intelligence authorization bill. An FBI field office could issue a national security letter, in effect, administratively. It is an administrative subpoena without any court oversight. For example, the national security letters could be used to collect what are called electronic communication transaction records. This would be email, chat records, and text message logs.

I have had Senators come up to me to ask me about whether this could be true. When I was responding to questions at home about that this weekend, folks or people asked: Does this really mean that the government can get the Internet browsing history of an individual without a warrant, even when the government has the emergency authority if it is really necessary?

The answer to that question is: Yes, the government can. The government can get access to Web browsing history under the Intelligence authorization legislation, under the McCain amendment, and they can do it without getting a warrant—even when the government can go get it without a warrant when there is an emergency circumstance.

The reality is Web browsing history can reveal an awful lot of information about Americans. I know of little information that could be more intimate than that Web browsing history. If you know that a person is visiting the Web site of a mental health professional or a substance abuse support group or a particular political organization or a particular dating site, you know a tremendous amount of private, personal,

and intimate information about that individual. That is what you get when you can get access to their Web browsing history without a warrant, even, as I have said, when the government's interest is protected in an emergency.

The reality is that getting access to somebody's Web browsing history is almost like spying on their thoughts. This level of surveillance absolutely ought to come with court oversight. As I have spelled out tonight, that is possible in two separate ways. There is the traditional approach with getting a warrant. Then under section 102, which I wrote as part of the USA FREEDOM Act, the government can get information when there is an emergency and come back later after the fact and settle.

The reality is the President's surveillance review group has said that they believe court oversight should be required for this kind of information.

In effect, now we have some law enforcement and intelligence officials saying that we ought to go in exactly the opposite direction. By the way, George W. Bush agreed that we ought to be careful about gathering this information. He didn't want this particular power.

Maybe somebody could argue that, well, intelligence and law enforcement officials ought to be able to do this because it is more convenient for them. To tell you the truth, if we were talking about convenience or protecting the American people in an emergency, I would be pretty sympathetic to the government's argument. But that is not the choice. As to the government's interest, given the safety of the American people being on the line, the government goes to get that information immediately—the Web browsing history, the chat records, and the email. The government gets it immediately under the specific language of section 102.

What this really comes down to is that we have had this horrible tragedy in Orlando. So we are all very concerned about the safety and the well-being of the American people. When we are home, there is no question—as I am sure it is in the case of the Presiding Officer of the Senate, my colleague from Ohio, and myself—that the American people want policies that protect their security and their liberty. They want policies that do both. Frankly, they don't think they are mutually exclusive. They think the government ought to be doing both.

After a tragedy—and you can almost set your clock by it—increasingly, proposals are being brought up that really don't do much of either. They don't do much to advance security. In this case, you protect people's security with that emergency authority when the well-being of our people is on the line and the public wants their liberties protected. They are certainly going to be very concerned about someone being able to see their Web browsing history with an administrative subpoena and no court oversight.