

Whereas, in 2022, the high school graduation rate for students experiencing homelessness was 68 percent, compared to 80 percent for low-income students and 85.5 percent for all students;

Whereas the rate of youth homelessness is the same in rural, suburban, and urban areas;

Whereas 29 percent of unaccompanied homeless youth between 13 and 25 years of age have spent time in foster care, compared to approximately 6 percent of all children;

Whereas homelessness among children and youth is a complex issue that often occurs with deep poverty, low education and employment levels, substance misuse and use disorders, mental health disorders, lack of affordable housing, and family conflict; and

Whereas awareness of child and youth homelessness must be heightened to encourage greater support for effective programs to help children and youth overcome homelessness: Now, therefore, be it

Resolved, That the Senate—

(1) supports the efforts of businesses, governments, organizations, educators, and volunteers dedicated to meeting the needs of homeless children and youth;

(2) applauds the initiatives of businesses, governments, organizations, educators, and volunteers that—

(A) use time and resources to raise awareness of child and youth homelessness, the causes of child and youth homelessness, and potential solutions; and

(B) work to prevent homelessness among children and youth;

(3) designates November 2024 as “National Homeless Children and Youth Awareness Month”; and

(4) encourages businesses, governments, organizations, educators, and volunteers to continue to intensify their efforts to address homelessness among children and youth during November 2024.

SENATE RESOLUTION 921—REMEMBERING THE DECEMBER 6, 2019, TERRORIST ATTACK AT NAVAL AIR STATION PENSACOLA AND COMMEMORATING THOSE WHO LOST THEIR LIVES, AND THOSE WHO WERE INJURED, IN THE LINE OF DUTY

Mr. SCOTT of Florida (for himself, Mr. RUBIO, Mr. TUBERVILLE, Mr. WARNOCK, Mr. OSSOFF, and Mrs. BRITT) submitted the following resolution; which was considered and agreed to:

Whereas December 6, 2024, the 5-year anniversary of the terrorist attack at Naval Air Station Pensacola (referred to in this preamble as the “terrorist attack”), is a day of commemoration for those who lost their lives, and those who were injured, during the terrorist attack, including—

(1) Ensign Joshua Kaleb Watson of Enterprise, Alabama;

(2) Petty Officer Third Class Mohammed Sameh Haitham of St. Petersburg, Florida; and

(3) Petty Officer Third Class Cameron Scott Walters of Richmond Hill, Georgia;

Whereas the 3 servicemembers who died in the terrorist attack were posthumously awarded the Navy and Marine Corps Medal and the Purple Heart;

Whereas the terrorist who committed the terrorist attack was a Saudi Arabian foreign military student who had been radicalized and established contact with Al Qaeda operatives prior to attending flight training at Naval Air Station Pensacola;

Whereas Naval Air Station Pensacola security forces and Escambia County, Florida,

law enforcement officers took decisive action to end the terrorist attack and have rightly earned the praises and awards bestowed upon them;

Whereas 2 civilians were awarded the Department of the Navy Superior Civilian Medal for Valor for their heroic actions during the terrorist attack;

Whereas 8 individuals were awarded the Purple Heart, or the law enforcement equivalent, for injuries sustained during the terrorist attack;

Whereas 9 military personnel were awarded the Navy and Marine Corps Medal for their heroic actions during the terrorist attack;

Whereas 8 military personnel were awarded the Navy and Marine Corps Commendation Medal for their heroic actions during the terrorist attack;

Whereas 8 law enforcement officers were awarded the Medal of Valor for their actions taken during the terrorist attack; and

Whereas December 6, 2024, marks 5 years since the lives of 3 military personnel were tragically cut short by the egregious act of terrorism at Naval Air Station Pensacola: Now, therefore, be it

Resolved, That the Senate—

(1) condemns the December 6, 2019, terrorist attack at Naval Air Station Pensacola (referred to in this resolution as the “terrorist attack”);

(2) commemorates in sorrow the servicemembers and civilians who lost their lives, or who were injured, and the harm caused to the surrounding community, as a result of the terrorist attack;

(3) remembers Ensign Joshua Kaleb Watson, Petty Officer Third Class Mohammed Sameh Haitham, and Petty Officer Third Class Cameron Scott Walters, who were killed in the terrorist attack;

(4) expresses gratitude for the heroic actions that the civilians, uniformed personnel, and law enforcement performed during and in the aftermath of the terrorist attack;

(5) lauds the decision to give medals and awards to the law enforcement officers, uniformed servicemembers, and civilians who responded heroically on the morning of December 6, 2019; and

(6) commends the efforts undertaken by the Department of Defense to enhance security at military installations to ensure that the tragedy represented by the terrorist attack is never repeated.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3308. Mr. SCHUMER (for Ms. BUTLER) proposed an amendment to the bill S. 4243, to award posthumously the Congressional Gold Medal to Shirley Chisholm.

SA 3309. Mr. SCHUMER (for Mr. CRUZ for himself and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by Mr. SCHUMER to the bill S. 4569, to require covered platforms to remove nonconsensual intimate visual depictions, and for other purposes.

TEXT OF AMENDMENTS

SA 3308. Mr. SCHUMER (for Ms. BUTLER) proposed an amendment to the bill S. 4243, to award posthumously the Congressional Gold Medal to Shirley Chisholm; as follows:

On page 3, strike line 15 and all that follows through line 17 and insert the following:

(1) A historic figure in American political his-

SA 3309. Mr. SCHUMER (for Mr. CRUZ (for himself and Ms. KLOBUCHAR)) sub-

mitted an amendment intended to be proposed by Mr. SCHUMER to the bill S. 4569, to require covered platforms to remove nonconsensual intimate visual depictions, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

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; or

“(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).

“(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; or

“(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).

“(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.

AUTHORITY FOR COMMITTEES TO MEET

Mr. SCHUMER. Madam President, I have one request for committee to meet during today's session of the Senate. It has the approval of the Majority and Minority Leaders.

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

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Tuesday, December 3, 2024, at 2:30 p.m., to conduct a closed briefing.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the republican leader, pursuant to Public Law 117-263, and jointly with the Speaker of the House, announces the appointment of the following individual to serve as co-chairperson of the Commission on the Future of the Navy: Ms. Mackenzie Eaglen of Virginia.

COLORADO RIVER SALINITY CONTROL FIX ACT

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be discharged from further consideration of S. 2514 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. 2514) to amend the Colorado River Basin Salinity Control Act to modify certain requirements applicable to salinity control units, 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.

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

The bill 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.

The PRESIDING OFFICER. If there is no further debate, the bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 2514) was passed, as follows:

S. 2514

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 “Colorado River Salinity Control Fix Act”.

SEC. 2. SALINITY CONTROL UNITS.

Section 205 of the Colorado River Basin Salinity Control Act (43 U.S.C. 1595) is amended—

(1) by striking the section designation and all that follows through “(a) The Secretary” and inserting the following:

“SEC. 205. SALINITY CONTROL UNITS; AUTHORITY AND FUNCTIONS OF THE SECRETARY OF THE INTERIOR.

“(a) ALLOCATION OF COSTS.—The Secretary”;

(2) by striking paragraph (1) and inserting the following:

“(1) NONREIMBURSABLE COSTS; REIMBURSABLE COSTS.—

“(A) NONREIMBURSABLE COSTS.—

“(i) IN GENERAL.—In recognition of Federal responsibility for the Colorado River as an interstate stream and for international comity with Mexico, Federal ownership of the land of the Colorado River Basin from which most of the dissolved salts originate, and the policy established in the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) and except as provided in clause (ii), the following shall be nonreimbursable:

“(I) 75 percent of the total costs of construction and replacement of each unit or separable feature of a unit authorized by section 202(a)(1), including 90 percent of—

“(aa) the costs of operation and maintenance of each unit or separable feature of a unit authorized by that section; and

“(bb) the total costs of construction, operation, and maintenance of the associated measures to replace incidental fish and wildlife values foregone.

“(II) 75 percent of the total costs of construction and replacement of each unit or separable feature of a unit authorized by section 202(a)(2), including 100 percent of—

“(aa) the costs of operation and maintenance of each unit or separable feature of a unit authorized by that section; and

“(bb) the total costs of construction, operation, and maintenance of the associated measures to replace incidental fish and wildlife values foregone.

“(III) 75 percent of the total costs of construction, operation, maintenance, and replacement of each unit or separable feature of a unit authorized by section 202(a)(3), including 75 percent of the total costs of construction, operation, and maintenance of the associated measures to replace incidental fish and wildlife values foregone.

“(IV) 70 percent of the total costs of construction, operation, maintenance, and replacement of each unit or separable feature of a unit authorized by paragraphs (4) and (6) of section 202(a), including 70 percent of the total costs of construction, operation, and maintenance of the associated measures to replace incidental fish and wildlife values foregone.