ownership plans, and for other purposes.

S. 1660

At the request of Ms. KLOBUCHAR, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1660, a bill to amend the Toxic Substances Control Act to reduce the emissions of formaldehyde from composite wood products, and for other purposes.

S. 1668

At the request of Mr. BENNET, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1668, a bill to amend title 38, United States Code, to provide for the inclusion of certain active duty service in the reserve components as qualifying service for purposes of Post-9/11 Educational Assistance Program, and for other purposes.

S. 1672

At the request of Mr. REED, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1672, a bill to reauthorize the National Oilheat Research Alliance Act of 2000.

S. 1683

At the request of Mr. BENNET, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 1683, a bill to apply recaptured taxpayer investments toward reducing the national debt.

S. 1694

At the request of Mr. ROCKEFELLER, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1694, a bill to allow the funding for the interoperable emergency communications grant program established under the Digital Television Transition and Public Safety Act of 2005 to remain available until expended through fiscal year 2012, and for other purposes.

S. 1709

At the request of Ms. STABENOW, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1709, a bill to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to establish a grant program to promote efforts to develop, implement, and sustain veterinary services, and for other purposes.

S. 1711

At the request of Mr. REID, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 1711, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives for making homes more water-efficient, for building new water-efficient homes, for public water conservation, and for other purposes.

S.J. RES. 14

At the request of Mr. BROWNBACK, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S.J. Res. 14, a joint resolution to acknowledge a long history of official depredations and ill-conceived policies by the Federal Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States.

S.J. RES. 16

At the request of Mr. DEMINT, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S.J. Res. 16, a joint resolution proposing an amendment to the Constitution of the United States relative to parental rights.

S. RES. 285

At the request of Mr. BENNETT, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. Res. 285, a resolution supporting the goals and ideals of national cybersecurity awareness month and raising awareness and enhancing the state of cybersecurity in the United States.

AMENDMENT NO. 2555

At the request of Mr. JOHANNS, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from Pennsylvania (Mr. CASEY) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of amendment No. 2555 intended to be proposed to H.R. 3326, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORKER (for himself, Mr. WARNER, Mr. BENNET, and Ms. KLOBUCHAR):

S. 1723. A bill to authorize the Secretary of the Treasury to delegate management authority over troubled assets purchased under the Troubled Asset Relief Program, to require the establishment of a trust to manage assets of certain designated TARP recipients, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. CORKER. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1723

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 ''TARP Recipient Ownership Trust Act of 2009''.

SEC. 2. AUTHORITY OF THE SECRETARY OF THE TREASURY TO DELEGATE TARP ASSET MANAGEMENT.

Section 106(b) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5216(b)) is amended by inserting before the period at the end the following: '', and the Secretary may delegate such management authority to a private entity, as the Secretary determines appropriate, with respect to any entity assisted under this Act''.

SEC. 3. CREATION OF MANAGEMENT AUTHORITY FOR DESIGNATED TARP RECIPIENTS.

(a) FEDERAL ASSISTANCE LIMITED.—Notwithstanding any provision of the Emergency Economic Stabilization Act of 2008, or any other provision of law, no funds may be expended under the Troubled Asset Relief Program, or any other provision of that Act, on or after the date of enactment of this Act, until the Secretary transfers all voting, nonvoting, and common equity in any designated TARP recipient to a limited liability company established by the Secretary for such purpose, to be held and managed in trust on behalf of the United States taxpayers.

(b) APPOINTMENT OF TRUSTEES.—

(1) IN GENERAL.—The President shall appoint 3 independent trustees to manage the equity held in the trust, separate and apart from the United States Government.

(2) CRITERIA.—Trustees appointed under this subsection—

(A) may not be elected or appointed Government officials;

(B) shall serve at the pleasure of the President, and may be removed for just cause in violation of their fiduciary responsibilities only; and

(C) shall each be paid at a rate equal to the rate payable for positions at level III of the Executive Schedule under section 5311 of title 5, United States Code.

(c) DUTIES OF TRUST.—Pursuant to protecting the interests and investment of the United States taxpayer, the trust established under this section shall, with the purpose of maximizing the profitability of the designated TARP recipient—

(1) exercise the voting rights of the shares of the taxpayer on all core governance issues;

(2) select the representation on the boards of directors of any designated TARP recipient; and

(3) have a fiduciary duty to the American taxpayer for the maximization of the return on the investment of the taxpayer made under the Emergency Economic Stabilization Act of 2008, in the same manner and to the same extent that any director of an issuer of securities has with respect to its shareholders under the securities laws and all applications of State law.

(d) LIQUIDATION.—

(1) IN GENERAL.—The trustees shall liquidate the trust established under this section, including the assets held by such trust, not later than December 24, 2011, unless—

(A) the trustees submit a report to the Congress that liquidation would not maximize the profitability of the company and the return on investment to the taxpayer; and

(B) within 15 calendar days after the date on which the Congress receives such report, there is enacted into law a joint resolution disapproving the liquidation plan of the Secretary, as described in paragraph (2).

(2) CONTENTS OF JOINT RESOLUTION.—For purposes of this subsection, the term ''joint resolution'' means only a joint resolution—

(A) that is introduced not later than 3 calendar days after the date on which the report referred to in paragraph (1)(A) is received by the Congress;

(B) which does not have a preamble;

(C) the title of which is as follows: ''Joint resolution relating to the disapproval of the liquidation of the TARP management trust''; and

(D) the matter after the resolving clause of which is as follows: ''That Congress disapproves the liquidation of the TARP management trust established under the TARP Recipient Ownership Trust Act of 2009.''.

(3) FAST TRACK CONSIDERATION IN HOUSE OF REPRESENTATIVES.—

(A) RECONVENING.—Upon receipt of a report under paragraph (1)(A), the Speaker, if the House would otherwise be adjourned, shall

notify the Members of the House that, pursuant to this subsection, the House shall convene not later than the second calendar day after receipt of such report.

(B) REPORTING AND DISCHARGE.—Any committee of the House of Representatives to which a joint resolution is referred shall report it to the House not later than 5 calendar days after the date of receipt of the report described in paragraph (1)(A). If a committee fails to report the joint resolution within that period, the committee shall be discharged from further consideration of the joint resolution and the joint resolution shall be referred to the appropriate calendar.

(C) PROCEEDING TO CONSIDERATION.—After each committee authorized to consider a joint resolution reports it to the House or has been discharged from its consideration, it shall be in order, not later than the sixth day after Congress receives the report described in paragraph (1)(A), to move to proceed to consider the joint resolution in the House. All points of order against the motion are waived. Such a motion shall not be in order after the House has disposed of a motion to proceed on the joint resolution. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. The motion shall not be debatable. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

(D) CONSIDERATION.—The joint resolution shall be considered as read. All points of order against the joint resolution and against its consideration are waived. The previous question shall be considered as ordered on the joint resolution to its passage without intervening motion except two hours of debate equally divided and controlled by the proponent and an opponent. A motion to reconsider the vote on passage of the joint resolution shall not be in order.

(4) FAST TRACK CONSIDERATION IN SENATE.—

(A) RECONVENING.—Upon receipt of a report under paragraph (1)(A), if the Senate has adjourned or recessed for more than 2 days, the majority leader of the Senate, after consultation with the minority leader of the Senate, shall notify the Members of the Senate that, pursuant to this subsection, the Senate shall convene not later than the second calendar day after receipt of such message.

(B) PLACEMENT ON CALENDAR.—Upon introduction in the Senate, the joint resolution shall be placed immediately on the calendar.

(C) FLOOR CONSIDERATION.—

(i) IN GENERAL.—Notwithstanding Rule XXII of the Standing Rules of the Senate, it is in order at any time during the period beginning on the 4th day after the date on which Congress receives a report of the plan of the Secretary described in paragraph (1)(A) and ending on the 6th day after the date on which Congress receives a report of the plan of the Secretary described in paragraph (1)(A) (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion to proceed is not debatable. The motion is not subject to a motion to postpone. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the joint resolution shall remain the unfinished business until disposed of.

(ii) DEBATE.—Debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between the majority and minority leaders or their designees. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

(iii) VOTE ON PASSAGE.—The vote on passage shall occur immediately following the conclusion of the debate on a joint resolution, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate.

(iv) RULINGS OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate, as the case may be, to the procedure relating to a joint resolution shall be decided without debate.

(5) RULES RELATING TO SENATE AND HOUSE OF REPRESENTATIVES.—

(A) COORDINATION WITH ACTION BY OTHER HOUSE.—If, before the passage by one House of a joint resolution of that House, that House receives from the other House a joint resolution, then the following procedures shall apply:

(i) The joint resolution of the other House shall not be referred to a committee.

(ii) With respect to a joint resolution of the House receiving the resolution—

(I) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

(II) the vote on passage shall be on the joint resolution of the other House.

(B) TREATMENT OF JOINT RESOLUTION OF OTHER HOUSE.—If one House fails to introduce or consider a joint resolution under this subsection, the joint resolution of the other House shall be entitled to expedited floor procedures under this subsection.

(C) TREATMENT OF COMPANION MEASURES.—If, following passage of the joint resolution in the Senate, the Senate then receives the companion measure from the House of Representatives, the companion measure shall not be debatable.

(D) CONSIDERATION AFTER PASSAGE.—

(i) IN GENERAL.—If Congress passes a joint resolution, the period beginning on the date the President is presented with the joint resolution and ending on the date the President takes action with respect to the joint resolution shall be disregarded in computing the 15-calendar day period described in paragraph (1)(A).

(ii) VETOES.—If the President vetoes the joint resolution—

(I) the period beginning on the date the President vetoes the joint resolution and ending on the date the Congress receives the veto message with respect to the joint resolution shall be disregarded in computing the 15-calendar day period described in paragraph (1)(A); and

(II) debate on a veto message in the Senate under this subsection shall be 1 hour equally divided between the majority and minority leaders or their designees.

(E) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This paragraph, and paragraphs (2), (3), and (4) are enacted by Congress—

(i) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(ii) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 4. DEFINITIONS.

As used in this Act—

(1) the term ''designated TARP recipient'' means any entity that has received, or will receive, financial assistance under the Troubled Asset Relief Program or any other provision of the Emergency Economic Stabilization Act of 2008 (Public Law 110–343), such that the Federal Government holds or controls, or will hold or control at a future date, not less than a 10 percent ownership stake in the company as a result of such assistance;

(2) the term ''Secretary'' means the Secretary of the Treasury or the designee of the Secretary; and

(3) the terms ''director'', ''issuer'', ''securities'', and ''securities laws'' have the same meanings as in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c).

By Mr. KYL. (for himself and Mr. CORNYN):

S. 1726. A bill to reauthorize the expiring intelligence tools of the USA PATRIOT Improvement and Reauthorization Act of 2005 and defend against terrorism through improved classified procedures and criminal law reforms, and for other purposes; to the Committee on the Judiciary.

Mr. KYL. Mr. President, earlier this month, we paid homage to those who lost their lives in the terrorist attacks on September 11, 2001. Those attacks changed our nation forever, including how we combat the very real and continuing threat of terrorism. One of the most important changes that we made in the wake of September 11 was the enactment of the PATRIOT Act. That legislation, which had strong bipartisan support in the Congress, provided for a number of common sense changes designed to give our national security intelligence community the same tools our police and FBI agents can use against drug dealers and organized crime. Although many of the PATRIOT Act's provisions are now permanent, three critical national security tools—the ''wiretap'' authority contained in Section 206 of the PATRIOT Act; the ''business records'' authority contained in Section 215 of the PATRIOT Act; and the ''lone wolf'' authority contained in Section 6001 of the Intelligence Reform and Terrorism Prevention Act of 2004—will expire on December 31 of this year.

The tools in the PATRIOT Act are as necessary today as they were when first enacted. Just this month, the government confirmed that the Foreign Intelligence Surveillance Act of 1978, FISA, which includes PATRIOT Act provisions, was used to build a case against Najibullah Zazi. Although many details remain classified, it appears as if Najibullah Zazi was an al Qaeda associate who was planning to detonate bombs within the U.S.

Similarly, it has been reported that the FBI likely used its roving wiretap and business records authorities—two of the PATRIOT Act's expiring provisions—to thwart a terrorist plot uncovered earlier this year in New York, in which four former convicts who converted to radical Islam plotted to use

explosives to blow up synagogues and shoot down airplanes with surface-to-air missiles.

Those are two high-profile examples from just this year. There are no doubt countless of other instances, not known to the public, where PATRIOT Act authorities have been used by our national security professionals to keep Americans safe. Recognizing the importance of these tools, the Department of Justice has written the Chairman of the Judiciary Committee to urge renewal of the expiring provisions of the PATRIOT Act. In addition, FBI Director Mueller and David Kris, the Assistant Attorney General for the National Security Division, both expressed their strong support for these authorities in testimony before the Judiciary Committee this month.

The reality is that the war on terrorism is not going to sunset. Neither should the tools that our investigators and analysts rely upon to prevent attack. That is why Mr. CORNYN and I are introducing today the USA PATRIOT Reauthorization and Additional Weapons Against Terrorism Act of 2009. This legislation permanently renews the three expiring PATRIOT Act provisions and addresses other critical national security needs.

I. RENEWING THE ROVING WIRETAP AUTHORITY

The roving wiretap authority allows the Government, in certain circumstances, to focus surveillance efforts on monitoring a particular target rather than a particular telephone number. Gone are the days when you used only one phone at home or in the office. Cell phones are ubiquitous. The point is to intercept the calls of a particular person, not a particular phone. Even so, the Government may have such authority only in limited circumstances. It must provide the FISA Court with ''specific facts'' indicating that the ''actions of the target of the application may have the effect of thwarting the identification'' of third parties necessary to accomplish the ordered surveillance. This tool helps ensure that investigators and analysts may overcome a target's efforts to avoid surveillance, for example, rapidly switching cell phone numbers.

As the Department of Justice noted in its September 14, 2009, letter to Chairman LEAHY, the roving wiretap authority has ''proven an important intelligence-gathering tool in a small but significant subset of FISA electronic surveillance orders.'' The Department's letter explains that the authority has been used judiciously—on average, only 22 applications for roving wiretaps have been made per year—and that ''the basic justification offered to Congress in 2001 for the roving authority remains valid today. . . . Any effective surveillance mechanism must incorporate the ability to rapidly address an unanticipated change in the target's communications behavior.''

II. RENEWING THE BUSINESS RECORDS AUTHORITY

The business records authority allows the FISA Court, under appropriate circumstances, to compel the production of needed business records. In its September 14 letter, the Department of Justice expressed its strong support for the business records provision, stating that it ''addresses a gap in intelligence collection authorities and has proven valuable in a number of contexts.'' The Department stated that some of the acquired ''orders were used to support important and highly sensitive intelligence collection operations, of which both Members of the Intelligence Committee and their staffs are aware.'' Although some have questioned the scope and use of this authority, it is important to acknowledge that no one has challenged a business records order in court, even though an explicit right to file such a challenge took effect in 2006. Such authority also exists in at least 300 federal government investigative contexts.

III. RENEWING THE LONE WOLF AUTHORITY

The ''lone wolf'' provision fills a critical intelligence gap in situations where the government can establish that a non-United States person is engaged in international terrorism but cannot yet identify the foreign power or terrorist group to which he belongs. Although this authority has not yet been used, the Department of Justice made clear in its September 14 letter that there are foreseeable situations in which such an authority ''would be the only avenue to effective surveillance.'' The Department stated that ''it is essential to have the tool available for the rare situation in which it is necessary rather than to delay surveillance of a terrorist in the hopes that the necessary links are established.'' Had we had this authority at the time, we could have examined the computer of Zacarias Moussaoui, perhaps gaining enough information to provide some warning of 9/11. Terrorists do not carry membership cards in organizations, but it does not make them any less dangerous.

IV. ADDRESSING OTHER NATIONAL SECURITY NEEDS

In addition to reauthorizing these important national security tools, this legislation responds to several other national security needs. For example, it clarifies what kind of information and disclosures trigger the procedures of the Classified Information Procedures Act, CIPA. This clarification is designed to resolve the difficulties created by the Fourth Circuit's approach in United States v. Moussaoui. The legislation also prohibits individuals from providing material support—for example, providing money to support a suicide bomber's family—to international terrorism efforts. It makes it illegal to conspire to violate the current prohibition on receiving military-type training from a foreign terrorist organization. It prohibits the use, transfer, mass transfer, production, and trafficking of false travel documents. Finally, it ensures that convicted terrorists and sex offenders will not be released pending sentencing or appeal.

These are good, common sense provisions that all members should be able to support. I look forward to working with my colleagues on both sides to ensure that our national security professionals have the tools they need to continue finding and apprehending terrorists before they attack.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1726

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''USA PATRIOT Reauthorization and Additional Weapons Against Terrorism Act of 2009''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—USA PATRIOT REAUTHORIZATION ACT OF 2009

Sec. 101. Short title.
Sec. 102. USA Patriot Improvement and Reauthorization Act repeal of sunset provisions.
Sec. 103. Repeal of sunset relating to individual terrorists as agents of foreign powers.

TITLE II—CLASSIFIED INFORMATION PROCEDURES REFORM ACT

Sec. 201. Short title.
Sec. 202. Definitions.
Sec. 203. Ex parte authorizations under the Classified Information Procedures Act.
Sec. 204. Application of Classified Information Procedures Act to nondocumentary information.
Sec. 205. Interlocutory appeals under the Classified Information Procedures Act.

TITLE III—ADDITIONAL GOVERNMENT WEAPONS AGAINST TERRORISM ACT

Sec. 301. Short title.
Sec. 302. Prevention and deterrence of material support for terrorist suicide bombings.
Sec. 303. Prohibiting attempts and conspiracies to obtain military-type training from a foreign terrorist organization.
Sec. 304. Prohibiting use of false travel documents.
Sec. 305. Preventing unwarranted release of convicted terrorists and sex offenders pending sentencing or appeal.

TITLE I—USA PATRIOT REAUTHORIZATION ACT OF 2009

SEC. 101. SHORT TITLE.

This title may be cited as the ''USA PATRIOT Reauthorization Act of 2009''.

SEC. 102. USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT REPEAL OF SUNSET PROVISIONS.

Section 102(b) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177; 50 U.S.C. 1805 note, 50 U.S.C. 1861 note, and 50 U.S.C. 1862 note) is repealed.

SEC. 103. REPEAL OF SUNSET RELATING TO INDIVIDUAL TERRORISTS AS AGENTS OF FOREIGN POWERS.

Section 6001(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 50 U.S.C. 1801 note) is repealed.

TITLE II—CLASSIFIED INFORMATION PROCEDURES REFORM ACT

SEC. 201. SHORT TITLE.

This title may be cited as the ''Classified Information Procedures Reform Act of 2009''.

SEC. 202. DEFINITIONS.

(a) IN GENERAL.—Section 1 of the Classified Information Procedures Act (18 U.S.C. App.) is amended—

(1) by redesignating subsection (b) as subsection (c); and

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

''(b) 'Disclosure', as used in this Act—

''(1) means the release, transmittal, or making available of, or providing access to, classified information to any person (including a defendant or counsel for a defendant) during discovery, or to a participant or member of the public at any proceeding; and

''(2) does not include the release, transmittal, or making available of, or providing access to, classified information by the defendant to an attorney representing the defendant in a matter who has received—

''(A) the necessary security clearance to receive the classified information; and

''(B) if the classified information has been designated as sensitive compartmented information or special access program information, any additional required authorization to receive the classified information, .''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 501(3) of the Immigration and Nationality Act (8 U.S.C. 1531(3)) is amended by striking ''section 1(b)'' and inserting ''section 1''.

SEC. 203. EX PARTE AUTHORIZATIONS UNDER THE CLASSIFIED INFORMATION PROCEDURES ACT.

Section 4 of the Classified Information Procedures Act (18 U.S.C. App.) is amended—

(1) in the second sentence—

(A) by striking ''may'' and inserting ''shall''; and

(B) by striking ''authorization in the form of a written statement to be inspected'' and inserting ''authorization, together with any argument in support of that request, in the form of a statement made ex parte and to be considered''; and

(2) in the third sentence—

(A) by striking ''If the court enters an order granting relief following such an ex parte showing, the'' and inserting ''The''; and

(B) inserting '', and the transcript of any argument and any summary of the classified information the defendant seeks to obtain,'' after ''text of the statement of the United States''.

SEC. 204. APPLICATION OF CLASSIFIED INFORMATION PROCEDURES ACT TO NONDOCUMENTARY INFORMATION.

Section 4 of the Classified Information Procedures Act (18 U.S.C. App.), as amended by section 203 of this Act, is amended—

(1) in the section heading, by inserting ''AND ACCESS TO'' after ''OF'';

(2) by inserting ''(a) IN GENERAL.—'' before ''The court, upon''; and

(3) by adding the following at the end the following:

''(b) ACCESS TO OTHER CLASSIFIED INFORMATION.—(1) If the defendant seeks access through deposition under the Federal Rules of Criminal Procedure or otherwise to nondocumentary information from a potential witness or other person which the defendant knows or reasonably believes is classified, the defendant shall notify the attorney for the United States and the district court in writing. Such notice shall specify with particularity the classified information sought by the defendant and the legal basis for such access. At a time set by the court, the United States may oppose such access to the classified information.

''(2) If, after consideration of any objection raised by the United States, including any objection asserted on the basis of privilege, the court determines that the defendant is legally entitled to have access to the information specified in a notice made under paragraph (1), the United States may request the substitution of a summary of the classified information or the substitution of a statement admitting relevant facts that the classified information would tend to prove.

''(3) The court shall permit the United States to make an objection to access to classified information under paragraph (1) or a request for a substitution under paragraph (2) in the form of a statement made ex parte and to be considered by the court alone. The entire text of the statement of the United States, and any summary of the classified information the defendant seeks to obtain, shall be sealed and preserved in the records of the court and made available to the appellate court in the event of an appeal.

''(4) A court shall grant the request of the United States to substitute a summary of the classified information or to substitute a statement admitting relevant facts that the classified information would tend to prove under paragraph (2) if the court finds that the summary or statement will provide the defendant with substantially the same ability to make a defense as would disclosure of the specific classified information.

''(5) A defendant may not obtain access to classified information subject to this subsection except as provided in this subsection. Any proceeding, whether by deposition under the Federal Rules of Criminal Procedure or otherwise, in which a defendant seeks to obtain access to classified information subject to this subsection not previously authorized by a court for disclosure under this subsection shall be discontinued or may proceed only as to lines of inquiry not involving the classified information.''.

SEC. 205. INTERLOCUTORY APPEALS UNDER THE CLASSIFIED INFORMATION PROCEDURES ACT.

Section 7(a) of the Classified Information Procedures Act (18 U.S.C. App.) is amended by adding the following at the end: ''The right of the United States to appeal under this subsection applies without regard to whether the order appealed from was entered under this Act.''.

TITLE III—ADDITIONAL GOVERNMENT WEAPONS AGAINST TERRORISM ACT

SEC. 301. SHORT TITLE.

This title may be cited as the ''Additional Government Weapons Against Terrorism Act of 2009''.

SEC. 302. PREVENTION AND DETERRENCE OF MATERIAL SUPPORT FOR TERRORIST SUICIDE BOMBINGS.

(a) IN GENERAL.—Chapter 113B of title 18, United States Code, is amended by adding at the end the following:

''§ 2339E. Providing material support to international terrorism

''(a) DEFINITIONS.—In this section—

''(1) the term 'facility of interstate or foreign commerce' has the meaning given that term in section 1958;

''(2) the term 'material support or resources' has the meaning given that term in section 2339A;

''(3) the term 'perpetrator of an act' includes any person who—

''(A) commits the act;

''(B) aids, abets, counsels, commands, induces, or procures the commission of the act; or

''(C) attempts, plots, or conspires to commit the act; and

''(4) the term 'serious bodily injury' has the meaning given that term in section 1365.

''(b) PROHIBITION.—Whoever, in a circumstance described in subsection (c), provides, or attempts or conspires to provide, material support or resources to the perpetrator of an act of international terrorism, to a family member of the perpetrator of an act of international terrorism, or to any other person, with the intent to facilitate, reward, or encourage that act or other acts of international terrorism, shall be fined under this title, imprisoned not more than 15 years, or both, and, if death results, shall be imprisoned for any term of years or for life.

''(c) JURISDICTIONAL BASES.—A circumstance referred to in this subsection is that—

''(1) the offense occurs in or affects interstate or foreign commerce;

''(2) the offense involves the use of the mails or a facility of interstate or foreign commerce;

''(3) an offender intends to facilitate, reward, or encourage an act of international terrorism that affects interstate or foreign commerce or would have affected interstate or foreign commerce had the act been consummated;

''(4) an offender intends to facilitate, reward, or encourage an act of international terrorism that violates the criminal laws of the United States;

''(5) an offender intends to facilitate, reward, or encourage an act of international terrorism that is designed to influence the policy or affect the conduct of the United States Government;

''(6) an offender intends to facilitate, reward, or encourage an act of international terrorism that occurs in part within the United States and is designed to influence the policy or affect the conduct of a foreign government;

''(7) an offender intends to facilitate, reward, or encourage an act of international terrorism that causes or is designed to cause death or serious bodily injury to a national of the United States while that national is outside the United States, or substantial damage to the property of a legal entity organized under the laws of the United States (including any State, district, commonwealth, territory, or possession of the United States) while that property is outside of the United States;

''(8) the offense occurs in whole or in part within the United States, and an offender intends to facilitate, reward, or encourage an act of international terrorism that is designed to influence the policy or affect the conduct of a foreign government; or

''(9) the offense occurs in whole or in part outside of the United States, and an offender is a national of the United States, a stateless person whose habitual residence is in the United States, or a legal entity organized under the laws of the United States (including any State, district, commonwealth, territory, or possession of the United States).''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF SECTIONS.—The table of sections for chapter 113B of title 18, United States Code, is amended by adding at the end the following:

''2339D. Receiving military-type training from a foreign terrorist organization.

''2339E. Providing material support to international terrorism.''.

(2) OTHER AMENDMENT.—Section 2332b(g)(5)(B)(i) of title 18, United States Code, is amended by inserting ''2339E (relating to providing material support to international terrorism),'' before ''or 2340A (relating to torture)''.

SEC. 303. PROHIBITING ATTEMPTS AND CONSPIRACIES TO OBTAIN MILITARY-TYPE TRAINING FROM A FOREIGN TERRORIST ORGANIZATION.

Section 2339D(a) of title 18, United States Code, is amended by inserting ``, or attempts or conspires to do so,'' after ``foreign terrorist organization''.

SEC. 304. PROHIBITING USE OF FALSE TRAVEL DOCUMENTS.

(a) IN GENERAL.—Section 1028 of title 18, United States Code, is amended—

(1) in the section heading, by inserting ''**false travel documents,**'' after ''**identification documents,**'';

(2) in subsection (a)—

(A) in paragraph (1), by striking ''or a false identification document'' and inserting ''false identification document, or false travel document'';

(B) in paragraph (2), by striking ''or a false identification document'' and inserting ''false identification document, or false travel document'';

(C) in paragraph (3), by striking ''or false identification documents'' and inserting ''false identification documents, or false travel documents'';

(D) in paragraph (5), by inserting '', false travel document,'' after ''false identification document''; and

(E) in paragraph (8), by inserting ''false travel documents,'' after ''false identification documents,'';

(3) in subsection (b)—

(A) in paragraph (1)(B), by striking ''or false identification documents'' and inserting ''false identification documents, or false travel documents''; and

(B) in paragraph (2)(A)—

(i) by striking ''document,,'' and inserting ''document,''; and

(ii) by striking ''or a false identification document'' and inserting ''a false identification document, or a false travel document'';

(4) in subsection (c)(3)(B), by inserting ''false travel document,'' after ''false identification document,'';

(5) in subsection (d)—

(A) in paragraph (11), by striking ''and'' at the end;

(B) in paragraph (12), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(13) the term 'false travel document' means a document issued for the use of a particular, identified individual and of a type intended or commonly accepted for the purposes of passage on a commercial aircraft or mass transportation vehicle, including a ticket or boarding pass, that—

''(A) was not issued by or under the authority of a commercial airline or mass transportation provider, but appears to be issued by or under the authority of a commercial airline or mass transportation provider; or

''(B) was issued by or under the authority of a commercial airline or mass transportation provider, and was subsequently altered for purposes of deceit.''; and

(6) in subsection (h), by inserting ''false travel documents,'' after ''identification documents,''.

(b) TECHNICAL AMENDMENT.—The table of sections for chapter 47 of title 18, United States Code, is amended by striking the item related to section 1028 and inserting the following:

''1028. Fraud and related activity in connection with identification documents, false travel documents, authentication features, and information.''.

SEC. 305. PREVENTING UNWARRANTED RELEASE OF CONVICTED TERRORISTS AND SEX OFFENDERS PENDING SENTENCING OR APPEAL.

(a) IN GENERAL.—Section 3145 of title 18, United States Code, is amended by adding at the end the following:

''(d) APPLICATION.—No person shall be eligible for release under subsection (c) based on exceptional reasons if the person is being detained pending sentencing or appeal in a case involving—

''(1) an offense under section 2332b of this title;

''(2) an offense listed in section 2332b(g)(5)(B) of this title for which a maximum term of imprisonment of 10 years or more is prescribed; or

''(3) an offense involving a minor victim under section 1201, 1591, 2241, 2242, 2244(a)(1), 2245, 2251, 2251A, 2252(a)(1), 2252(a)(2), 2252(a)(3), 2252A(a)(1), 2252A(a)(2), 2252A(a)(3), 2252A(a)(4), 2260, 2421, 2422, 2423, or 2425 of this title.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 290—TO CONSTITUTE THE MAJORITY PARTY'S MEMBERSHIP ON CERTAIN COMMITTEES FOR THE ONE HUNDRED ELEVENTH CONGRESS, OR UNTIL THEIR SUCCESSORS ARE CHOSEN

Mr. REID submitted the following resolution; which was considered and agreed to:

S. RES. 290

Resolved, That the following shall constitute the majority party's membership on the following committees for the One Hundred Eleventh Congress, or until their successors are chosen:

COMMITTEE ON ARMED SERVICES: Mr. Levin (Chairman), Mr. Byrd, Mr. Lieberman, Mr. Reed, Mr. Akaka, Mr. Nelson (Florida), Mr. Nelson (Nebraska), Mr. Bayh, Mr. Webb, Mrs. McCaskill, Mr. Udall (Colorado), Mrs. Hagan, Mr. Begich, Mr. Burris, and Mr. Kirk.

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS: Mr. Harkin (Chairman), Mr. Dodd, Ms. Mikulski, Mr. Bingaman, Mrs. Murray, Mr. Reed, Mr. Sanders, Mr. Brown, Mr. Casey, Mrs. Hagan, Mr. Merkley, Mr. Franken, and Mr. Bennet.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS: Mr. Lieberman (Chairman), Mr. Levin, Mr. Akaka, Mr. Carper, Mr. Pryor, Ms. Landrieu, Mrs. McCaskill, Mr. Tester, Mr. Burris, and Mr. Kirk.

JOINT ECONOMIC COMMITTEE: Mr. Schumer (Vice Chairman), Mr. Bingaman, Ms. Klobuchar, Mr. Casey, Mr. Webb, and Mr. Warner.

SENATE RESOLUTION 291—EXPRESSING SUPPORT FOR THE GOALS OF NATIONAL ADOPTION DAY AND NATIONAL ADOPTION MONTH BY PROMOTING NATIONAL AWARENESS OF ADOPTION AND THE CHILDREN AWAITING FAMILIES, CELEBRATING CHILDREN AND FAMILIES INVOLVED IN ADOPTION, AND ENCOURAGING AMERICANS TO SECURE SAFETY, PERMANENCY, AND WELL-BEING FOR ALL CHILDREN

Ms. LANDRIEU (for herself, Mrs. LINCOLN, Mr. LEVIN, Mr. BURR, Mr. KERRY, Mr. DEMINT, Mr. ROBERTS, Mr. THUNE, Mr. ALEXANDER, Mr. MENENDEZ, Mr. BROWNBACK, Mr. BAUCUS, Mr. REID, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. VITTER, Mr. CARDIN, Mr. DURBIN, Mr. JOHNSON, Ms. KLOBUCHAR, Mr. INHOFE, Mr. BEGICH, Mrs. HUTCHISON, Mrs. GILLIBRAND, Mr. CONRAD, Mr. FRANKEN, Mr. JOHANNS, Mr. HATCH, Ms. COLLINS, Mr. NELSON of Nebraska, Mr. BROWN, Mr. GREGG, Mr. SPECTER, Mr. CASEY, Mr. MERKLEY, Mr. DODD, and Mr. RISCH) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 291

Whereas there are approximately 510,000 children in the foster care system in the United States, approximately 129,000 of whom are waiting for families to adopt them;

Whereas 61 percent of the children in foster care are age 10 or younger;

Whereas the average length of time a child spends in foster care is over 3 years;

Whereas, for many foster children, the wait for a loving family in which they are nurtured, comforted, and protected seems endless;

Whereas the number of youth who ''age out'' of foster care by reaching adulthood without being placed in a permanent home has continued to increase since 1998, and more than 26,000 foster youth age out every year;

Whereas every day loving and nurturing families are strengthened and expanded when committed and dedicated individuals make an important difference in the life of a child through adoption;

Whereas a 2007 survey conducted by the Dave Thomas Foundation for Adoption demonstrated that though ''Americans overwhelmingly support the concept of adoption, and in particular foster care adoption . . . foster care adoptions have not increased significantly over the past five years'';

Whereas, while 4 in 10 Americans have considered adoption, a majority of Americans have misperceptions about the process of adopting children from foster care and the children who are eligible for adoption;

Whereas 71 percent of those who have considered adoption consider adopting children from foster care above other forms of adoption;

Whereas 45 percent of Americans believe that children enter the foster care system because of juvenile delinquency, when in reality the vast majority of children who have entered the foster care system were victims of neglect, abandonment, or abuse;

Whereas 46 percent of Americans believe that foster care adoption is expensive, when in reality there is no substantial cost for adopting from foster care and financial support is available to adoptive parents after the adoption is finalized;

Whereas both National Adoption Day and National Adoption Month occur in November;

Whereas National Adoption Day is a collective national effort to find permanent, loving families for children in the foster care system;

Whereas, since the first National Adoption Day in 2000, more than 25,000 children have joined forever families during National Adoption Day;

Whereas, in 2008, adoptions were finalized for over 4,500 children through more than 325 National Adoption Day events in all 50 States, the District of Columbia, Puerto Rico, and Guam; and