

heroes whose names are still remembered today emerged from this tumultuous time in our history such as Dolléy Madison, Jean Lafitte, and Davey Crockett.

It was during the bombardment of Fort McHenry in 1814 that Francis Scott Key was inspired to pen the words to what became our national anthem, "The Star Spangled Banner." It was also during the war that patriotic figure "Uncle Sam" made his first appearance. The inspiration for this figure was New York State businessman Samuel Wilson. Mr. Wilson provided beef in barrels to the army which were labeled U.S. for the U.S. These barrels were commonly said to come from Uncle Sam, a reference which still today refers to the Federal Government.

Considering the significance that the War of 1812 had on our young Nation, it is fitting that the U.S. Postal Service issue a stamp commemorating the bicentennial of this pivotal time in our history.

Mr. KAUFMAN. Mr. President, I would like to thank Senator LEVIN for submitting this important resolution to commemorate the significance of the War of 1812. "America's Second War of Independence"—as it is sometimes called—was a critical turning point in forming the Nation we know today. Battles took place throughout the country to define our borders and secure our independence. One of those engagements took place in Lewes, DE.

Lewes sits at the mouth of the Delaware River—a critical gateway to Philadelphia, Wilmington, and Trenton. In March of 1813, under the command of Commodore John Beresford, the British Royal Navy established a blockade of the Delaware Bay and River. Beresford demanded that Lewes provide his squadron with meat, vegetables, and other supplies. He warned that, "If you refuse to comply with this request, I shall be under the necessity of destroying your town."

The residents of Lewes stood their ground. America was at war, and Lewes officials refused to help the British—even though the blockade was significantly impairing trade in the region and driving up the cost of goods.

Lewes prepared for attack. The Delawareans knew they did not have the ammunition to match the British ships, but they readied for battle as best as they could. Led by the intrepid Colonel Samuel Davis, local militias were called in to build a basic fort and small watchtower to protect the town. They blew out the lamps in the Cape Henlopen lighthouse and moved the buoys that marked the shoals in the bay, hoping to disorient enemy vessels during an assault.

On April 6, the British launched their attack. They fired hundreds of cannon balls at Lewes, yet they were unable to do heavy damage to the town. This was partially because the creative tactics of the Delawarean militia disoriented the British, and none of their larger

ships were able to get close to shore. The people of Lewes also retrieved many of the cannons that landed in soft soil and fired them back at the British.

The engagement at Lewes also holds historical significance for the first-ever use of the Congreve rocket. The red glare of these rockets, when used during a similar attack on Fort McHenry in Baltimore, would inspire Francis Scott Key to write the "Star Spangled Banner."

After 22 hours of bombarding Lewes, Beresford's ships retreated on April 7. Although short of supplies and trained soldiers, the people of Lewes were able to repel and cause damage to the British vessels. There was no loss of life in Lewes and a local poet summarized the attack with the simple phrase: "The commodore and his men, wounded a pig and killed a hen."

The defenders of Lewes were brave and resourceful, and while this small battle in Lewes may not have changed the course of the war, it demonstrated to the British—and to the world—that Americans were united and strong in defense of their country.

The War of 1812 was a significant turning point in our natural development. It solidified our independence and marked the emergence of our Nation as a great power. I am pleased to cosponsor Senator LEVIN's resolution to issue a stamp commemorating the War of 1812.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2624. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 2625. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 2847, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2624. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 170, between lines 19 and 20, insert the following:

SEC. 220. Of the amounts appropriated for the Edward Byrne Memorial Justice Assistance Grant Program under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.) under the heading "STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE" under the heading "OFFICE OF JUSTICE PROGRAMS" under the heading "STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES" under title II of the Omnibus Appropriations Act, 2009 (Public Law 111-8; 123 Stat. 579), the amounts to

be made available to Genesee County, Michigan for assistance for individuals transitioning from prison in Genesee County, Michigan pursuant to the joint statement of managers accompanying that Act shall be made available to My Brother's Keeper of Genesee County, Michigan to provide assistance for individuals transitioning from prison in Genesee County, Michigan.

SA 2625. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Department of Commerce and Justice, and Science and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 170 at the end of line 19 insert the following:

SEC. XXX. Section 151 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101-246, as amended by section 11005 of Public Law 107-273; 5 U.S.C. 5928 note) is amended:

(a) by striking "or" after "Drug Enforcement Administration" and inserting ", the"; and

(b) inserting after "Federal Bureau of Investigation": the Bureau of Alcohol, Tobacco, Firearms and Explosives or the United States Marshals Service".

NOTICE OF HEARING

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a business meeting has been scheduled before Committee on Energy and Natural Resources. The business meeting will be held on Thursday, October 8, 2009, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building, immediately preceding the full committee hearing.

The purpose of the business meeting is to consider pending nominations.

For further information, please contact Sam Fowler at (202) 224-7571 or Amanda Kelly at (202) 224-6836.

UNANIMOUS-CONSENT AGREEMENT—H.R. 3326

Mr. DURBIN. I ask unanimous consent that at 2:15 p.m. Tuesday, October 26, the Senate proceed to a period of morning business until 3:15 p.m., with the time equally divided and controlled between the leaders or their designees, with Senators permitted to speak therein for up to 10 minutes each; that at 3:15 p.m., the Senate then resume consideration of H.R. 3326, for debate only until 3:45 p.m., with the time equally divided and controlled between Senators INOUE and COCHRAN or their designees; that at 3:45 p.m., the Senate then proceed to vote in relation to the pending amendments in the following order, with the other provisions of the order of October 1, 2009, remaining in effect: Barrasso No. 2567; Franken No. 2588; Bond No. 2596; Coburn No. 2565; Coburn No. 2566; Sanders No. 2601; Inhofe No. 2618; McCain No. 2580; McCain No. 2584; Inouye No. 2623, with a side-by-side from Senator McCain No.

2560; McCain No. 2583; Lieberman-Sessions No. 2616, as modified.

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

Mr. DURBIN. Mr. President, I would like to amend my earlier unanimous consent request: that the Inouye amendment No. 2623, which I read seriatim in the list, have a side-by-side of Senator McCain No. 2560; and then Senator McCain amendment No. 2560; McCain No. 2583; Lieberman-Sessions No. 2616, as modified.

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

UNANIMOUS-CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. DURBIN. As in executive session, I ask unanimous consent that on Tuesday, October 6, immediately following any leader remarks, the Senate proceed to executive session to consider Calendar No. 186, the nomination of Thomas Perez to be Assistant Attorney General, and that once the nomination is reported, the cloture motion which will be at the desk be stated; further, that the reading of the names then be waived and the mandatory quorum be waived; that immediately thereafter, the Senate debate the nomination until 12:15 p.m., with the time equally divided and controlled between Senators LEAHY and SESSIONS or their designees; that at 12:15 p.m., the Senate proceed to vote on the motion to invoke cloture on the nomination; that if cloture is invoked on the nomination, then all postcloture time be yielded back and the Senate then vote immediately on confirmation of the nomination; that upon confirmation, the motion to reconsider be considered made and laid upon the table; that no further motions be in order, the President be immediately notified of the Senate's action, and the Senate resume legislative session; provided further that if cloture is not invoked on the nomination, then a motion to reconsider the vote by which cloture was not invoked on the nomination be considered entered and the Senate then resume legislative session and recess until 2:15 p.m.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DURBIN. I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 463, 465, 466, and 467; that the nominations be confirmed en bloc; the motions to reconsider be laid upon the table en bloc; that no further motions be in order; and that any statements related to the nominations be printed in the RECORD; provided further that the President be immediately notified of the Senate's action and the Senate return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF HOMELAND SECURITY

Richard Serino, of Massachusetts, to be Deputy Administrator, Federal Emergency Management Agency, Department of Homeland Security.

FEDERAL MEDIATION AND CONCILIATION SERVICE

George H. Cohen, of Virginia, to be Federal Mediation and Conciliation Director.

DEPARTMENT OF EDUCATION

Alexa E. Posny, of Kansas, to be Assistant Secretary for Special Education and Rehabilitative Services, Department of Education.

Brenda Dann-Messier, of Rhode Island, to be Assistant Secretary for Vocational and Adult Education, Department of Education.

SAFE PRISONS COMMUNICATIONS ACT OF 2009

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 166, S. 251.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

S. 251

A bill (S. 251) to amend the Communications Act of 1934 to permit targeted interference with mobile radio services within facilities.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science, and Transportation with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Safe Prisons Communications Act of 2009".

SEC. 2. INTERFERENCE PERMITTED WITH CORRECTIONAL FACILITIES.

Title III of the Communications Act of 1934 (47 U.S.C. 301 et seq.) is amended by inserting after section 333 the following:

"SEC. 333A. JAMMING UNAUTHORIZED WIRELESS DEVICES IN CORRECTIONAL FACILITIES.

"(a) IN GENERAL.—Notwithstanding any other provision of this Act, after the Commission has promulgated final regulations under sections 3 and 4 of the Safe Prisons Communications Act of 2009, the Commission may authorize the supervisory authority of a correctional facility to operate a jamming system within the correctional facility to prevent, jam, or otherwise interfere with unauthorized wireless communications within the facility by individuals held in the facility. In order to obtain such authority, a supervisory authority shall file a notice of intent under subsection (b), file a petition for such authority under subsection (c), and comply with the requirements of this section and the regulations under this section.

"(b) NOTICE OF INTENT PROCEDURE.—

"(1) FILING WITH THE COMMISSION.—Not less than 30 days before filing a petition for authority to operate a jamming system under subsection (c), a correctional facility supervisory authority shall file with the Commission a notice of intent to seek such authority. The notice shall identify the correctional facility to which the authority will relate and be in such form, and contain such information, as the Commission may require.

"(2) NOTIFICATION OF PUBLIC SAFETY AGENCIES AND COMMERCIAL MOBILE SERVICE PROVIDERS.—Within 10 days after receiving a notice under paragraph (1), the Commission shall—

"(A) notify in writing each public safety agency and each commercial mobile service provider serving the area in which the correctional facility to which the notice of intent relates is located; and

"(B) provide the name and address of each such agency and provider so notified by the Commission to the supervisory authority that filed the notice of intent.

"(3) CONSULTATION AND ACCESS.—Before filing a petition for jamming authority under this section, a supervisory authority—

"(A) shall consult with the public safety agencies and commercial mobile service providers identified by the Commission under paragraph (2)(B), if such consultation is requested, to determine—

"(i) the types of equipment used by those agencies and providers in the area in which the correctional facility is located;

"(ii) the locations of towers and facilities containing wireless transmission equipment belonging to those agencies and providers in that area, to the extent those agencies and providers voluntarily provide such information; and

"(iii) the frequencies used by those agencies and providers in that area;

"(B) shall provide access, upon request and in the discretion of the supervisory authority, by those agencies and providers to the outer perimeter of the correctional facility for the purpose of taking measurements and conducting testing to determine signal strength and the potential for interference with their transmissions or service; and

"(C) may solicit recommendations from those agencies and providers on the selection, installation, and configuration of a jamming system and jamming devices.

"(4) EXTENSION OF CONSULTATION PERIOD.—Upon good cause shown, the Commission may require a supervisory authority that has filed a notice of intent under this subsection to provide an additional period of up to 15 days for the activities described in paragraph (3) before submitting a petition for jamming authority to the Commission.

"(c) PETITION PROCEDURE.—

"(1) IN GENERAL.—After completing the consultation process provided under subsection (b)(3) (if such consultation was requested), a supervisory authority may file a petition with the Commission requesting authority to install and operate a jamming system within a correctional facility under the supervisory authority's jurisdiction.

"(2) FEE.—The Commission may not charge a filing fee for a petition under this section.

"(3) NOTIFICATION OF PUBLIC SAFETY AGENCIES AND COMMERCIAL MOBILE SERVICE PROVIDERS.—

"(A) PUBLIC SAFETY AGENCIES.—Upon receipt of a petition under paragraph (1), the Commission shall provide a copy of the petition to each public safety agency serving the area that includes the correctional facility to which the petition applies.

"(B) CMS PROVIDERS.—Upon receipt of a petition under paragraph (1), the Commission shall provide a copy of the petition to each commercial mobile service provider serving the area that includes the correctional facility to which the petition applies.

"(C) CONTENT OF NOTICE.—The notice shall include a detailed description of the jamming system and a list of all jamming devices, including make and model, that the supervisory authority proposes to use at the correctional facility.

"(4) DISPOSITION OF PETITION.—

"(A) In general.—After the Commission has promulgated final regulations under sections 3 and 4 of the Safe Prisons Communications Act of 2009, the Commission shall act on a petition under this subsection within 60 days after the date on which the Commission receives a complete petition.

"(B) DETERMINATION CONSIDERATIONS.—In determining whether to grant requested jamming authority, the Commission—