

*Federal Bureau of Prisons, the chief executive officer of a State (or his or her designee), or the person in charge of a county or local correctional facility not under the authority of the chief executive officer of a State.”.*

**SEC. 3. FCC RULEMAKING REQUIRED.**

*Within 180 days after the date of enactment of this Act, the Federal Communications Commission shall initiate a rulemaking proceeding and shall promulgate final regulations governing the use of jamming systems in correctional facilities under section 333A of the Communications Act of 1934 (47 U.S.C. 333A). In the proceeding, the Commission shall—*

*(1) solicit and consider the recommendations of the National Telecommunications and Information Administration, as well as 1 or more entities with relevant technical expertise in order to develop standards and processes for such jamming systems and jamming devices (as such terms are defined in that section); and*

*(2) consider all available technologies capable of preventing the operation of unauthorized wireless communications devices in correctional facilities, including those devices that may evade detection by the supervisory authority of such a facility.*

**SEC. 4. DEVICE CERTIFICATION CRITERIA RULE-MAKING.**

*(a) IN GENERAL.—Within 120 days after the date of enactment of this Act, the Federal Communications Commission shall adopt a final rule establishing criteria for certification for the manufacture, sale, importation, and interstate shipment of devices that may be used pursuant to authorization under section 333A of the Communications Act of 1934 (47 U.S.C. 333A), notwithstanding section 302 of such Act (47 U.S.C. 302). In carrying out the requirements of this subsection, the Commission shall consider whether such devices can effectively prevent, jam, or interfere with wireless communications within a correctional facility (as defined in section 333A(g)(2) of that Act (47 U.S.C. 333A(g)(2))) without causing harmful interference with commercial mobile services between points outside facility boundaries, or public safety agency wireless communications services between points inside, pursuant to a public safety agency responding to an incident in a correctional facility, and outside facility boundaries. The regulations shall require, at a minimum, that any such device—*

*(1) operate at the lowest technically feasible transmission power that will permit correctional facility staff to prevent, jam, or interfere with wireless communications within the geographic boundaries of a correctional facility by individuals held in the facility;*

*(2) be capable of directionalized operation and limited to approved frequencies;*

*(3) comply with any other technical standards deemed necessary or appropriate by the Commission to ensure that the device does not create interference to other than the targeted wireless communications;*

*(4) be marketed and sold only to correctional facility supervisory authority (as defined in section 333A(g) of the Communications Act of 1934 (47 U.S.C. 333A(g)) authorized by the Commission under section 333A) of that Act (47 U.S.C. 333A) to possess and operate such a device; and*

*(5) is capable of being shut off from jamming public safety agency communications within and around a correctional facility when a public safety agency is responding to an incident at the facility, such as a fire, explosion, medical emergency, or otherwise.*

*(b) TECHNICIAN CREDENTIALING.—As part of the rulemaking proceeding required by subsection (a), the Commission shall seek public comment on whether to establish minimum training, certification, and eligibility requirements for technicians qualified to work on jamming systems installed and operated by a supervisory authority. The Commission may establish such training, certification, and eligibility cri-*

*teria as part of the final rule adopted under subsection (a).*

*(c) CERTIFICATION PROCESS.—The Commission shall conduct field testing of proposed devices to determine whether they can operate without causing harmful interference with commercial mobile service communications outside the boundaries of such a correctional facility or public safety agency wireless communications inside, pursuant to a public safety entity responding to an incident in a correctional facility, and outside the boundaries of such a correctional facility. The Commission shall conduct such testing through a public testing process and program. After the date on which the final rule promulgated under subsection (a) is published in the Federal Register, the Commission shall grant or deny an application for certification of a device described in subsection (a) within 120 calendar days of receiving an application therefor.*

*(d) LIST OF DEVICES.—The Commission shall maintain a list of all approved devices on its web site including the make and model of each approved device and its technical specifications and operating parameters.*

Mr. DURBIN. I ask unanimous consent that the committee-reported substitute be agreed to; the bill, as amended, be read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 251), as amended, was ordered to be engrossed for a third reading, was read the third time and passed.

**PHARMACY DME ACCREDITATION DELAY**

Mr. DURBIN. I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3663, which was received from the House.

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

The bill clerk read as follows:

A bill (H.R. 3663) to amend title XVIII of the Social Security Act to delay the date on which the accreditation requirement under the Medicare Program applies to suppliers of durable medical equipment that are pharmacies.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

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

The bill (H.R. 3663) was ordered to a third reading, was read the third time, and passed.

**REAFFIRMING HISTORIC TIES BETWEEN THE UNITED STATES AND THE NETHERLANDS**

Mr. DURBIN. I ask unanimous consent that the Foreign Relations Committee be discharged from further con-

sideration of H. Con. Res. 178 and the Senate proceed to its immediate consideration.

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

The clerk will report the concurrent resolution by title.

The bill clerk read as follows:

A concurrent resolution (H. Con. Res. 178) expressing the sense of Congress that we reaffirm the historic ties between the United States and the Netherlands by recognizing the Quadrcentennial celebration of the discovery of the Hudson River and honoring the enduring values of the settlers of New Netherland that continue to permeate American society.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DURBIN. I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the measure be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 178) was agreed to.

The preamble was agreed to.

**WORLD MRSA DAY**

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 301, submitted earlier today.

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

The bill clerk read as follows:

A bill (S. Res. 301) designating October 2, 2009, as “World MRSA Day.”

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 301) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

**S. RES. 301**

Whereas methicillin-resistant *Staphylococcus aureus* (MRSA) causes deadly infections in patients that are receiving treatment in health care facilities and affects numerous individuals within our Nation’s communities;

Whereas the Centers for Disease Control and Prevention has estimated that hospital-acquired MRSA infections killed more than 19,000 individuals in the United States in 2006;

Whereas patient and consumer advocacy organizations around the world are lending their voices to a call for leadership and an

international commitment to preventing and eradicating MRSA, a disease that has reached pandemic levels and is spreading at an alarming rate;

Whereas patient and consumer advocacy organizations are calling upon health care officials and government leaders to step up and take a more comprehensive approach to stopping MRSA through implementation of a broad and proactive prevention program;

Whereas the MRSA Survivors Network, the first consumer organization in the United States to raise awareness concerning the MRSA epidemic and other such multi-drug resistant health care-acquired infections, has announced that October 2, 2009, has been designated as "World MRSA Day", which shall be commemorated annually on such date; and

Whereas the MRSA Survivors Network has also designated the month of October as "World MRSA Awareness Month" in order to call attention to this worldwide epidemic; Now, therefore, be it

*Resolved*, That the Senate designates October 2, 2009, as "World MRSA Day".

#### CELEBRATE SAFE COMMUNITIES WEEK AND CRIME PREVENTION MONTH

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 302, submitted earlier today.

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

The bill clerk read as follows:

A resolution (S. Res. 302) raising the awareness of the need for crime prevention in communities across the country and expressing support for designation of October 1, 2009 through October 7, 2009 as "Celebrate Safe Communities Week" and October as "Crime Prevention Month."

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 302) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 302

Whereas communities across the country face localized increases in violence and other crime;

Whereas local law enforcement-community partnerships are an effective tool for preventing crime and addressing the fear of crime;

Whereas the National Sheriffs' Association (NSA) and the National Crime Prevention Council (NCPC) are leading national resources providing community safety and crime prevention tools tested and valued by local law enforcement agencies and communities nationwide;

Whereas the NSA and the NCPC have joined together to create the "Celebrate Safe Communities" (CSC) initiative in partnership with the Bureau of Justice Assistance, Office of Justice Programs, Department of Justice;

Whereas in its premiere year, 153 communities in over 32 States and the District of Columbia participated in "Celebrate Safe Communities";

Whereas "Celebrate Safe Communities" will take place the first week of October 2009 to help kickoff recognition of October as "Crime Prevention Month";

Whereas "Crime Prevention Month" was established 25 years ago to encourage public education on being alert to criminal activity within their communities;

Whereas "Celebrate Safe Communities" is designated to help local communities highlight the importance of law enforcement-community partnerships to keep communities safe places to live, learn, work, and play;

Whereas "Celebrate Safe Communities" will enhance the public awareness of vital crime prevention and safety messages and motivate Americans of all ages to learn what they can do to stay safe from crime;

Whereas "Celebrate Safe Communities" will help promote year-round support for locally based and law enforcement-led community safety initiatives that help keep families, neighborhoods, schools, and businesses from crime;

Whereas the week of October 1, 2009, through October 7, 2009, would be an appropriate week to designate as "Celebrate Safe Communities" Week; and

Whereas the month of October is designated "Crime Prevention Month": Now, therefore, be it

*Resolved*, That the Senate

(1) supports the designation of October 1 through October 7, 2009 as "Celebrate Safe Communities Week";

(2) supports the designation of October 2009 as "Crime Prevention Month";

(3) commends the efforts of the thousands of local law enforcement agencies and their countless community partners educating and engaging residents of all ages in the fight against crime;

(4) asks communities across the country to consider how "Celebrate Safe Communities" can help them highlight local successes in the fight against crime;

(5) encourages the National Sheriffs' Association and the National Crime Prevention Council to continue to promote through "Celebrate Safe Communities" and year-round, individual and collective action, in collaboration with law enforcement and other supporting local agencies, to reduce crime and build safer communities throughout the United States; and

(6) encourages government agencies, civic groups, schools, businesses, and youth organizations to educate the public, showcase their accomplishments, and explore new partnerships during "Crime Prevention Month".

#### MEASURE READ THE FIRST TIME—S. 1751

Mr. DURBIN. Mr. President, I understand that there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill.

The bill clerk read as follows:

A bill (S. 1751) to prohibit the Federal Government from awarding contracts, grants, or other agreements to, providing any other Federal funds to, or engaging in activities that promote the Association of Community Organizations for Reform Now or any other entity which has been indicted for or convicted of violations of laws governing election administration or campaign financing.

Mr. DURBIN. Mr. President, I now ask for a second reading and, in order

to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard.

Mr. DURBIN. Mr. President, it is my understanding the bill will be read for the second time on the next legislative day.

The PRESIDING OFFICER. The Senator is correct.

#### ORDERS FOR TUESDAY, OCTOBER 6, 2009

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. Tuesday, October 6; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to executive session to consider the nomination of Thomas Perez, to be Assistant Attorney General, as provided for under the previous order.

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

#### PROGRAM

Mr. DURBIN. Mr. President, Senators should expect the first vote of the day to begin at approximately 12:15 p.m. tomorrow. That vote will be on the motion to invoke cloture on the Perez nomination.

Following the cloture vote, the Senate will recess until 2:15 p.m. to allow for the weekly caucus luncheons. Then, after the recess, there will be a period of morning business until 3:15 p.m. Following morning business, the Senate will resume consideration of the Defense appropriations bill. Under a previous order, Senators should expect up to 14 rollcall votes in relation to the Defense appropriations bill to begin at approximately 3:45 p.m.

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:21 p.m., adjourned until Tuesday, October 6, 2009, at 10 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### DEPARTMENT OF THE TREASURY

CHARLES COLLYNS, OF MARYLAND, TO BE A DEPUTY UNDER SECRETARY OF THE TREASURY, VICE CLAY LOWERY RESIGNED.

##### DEPARTMENT OF HEALTH AND HUMAN SERVICES

RICHARD SORIAN, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES, VICE CHRISTINA H. PEARSON, RESIGNED.