

proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States.

S. RES. 297

At the request of Mr. WEBB, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. Res. 297, a resolution to recognize the Dyke Marsh Wildlife Preserve as a unique and precious ecosystem.

AMENDMENT NO. 2559

At the request of Mr. SANDERS, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of amendment No. 2559 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 Mrs. FEINSTEIN (for herself and Mr. GRASSLEY):

S. 1749. A bill to amend title 18, United States Code, to prohibit the possession or use of cell phones and similar wireless devices by Federal prisoners; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today I am pleased to introduce the Cell Phone Contraband Act of 2009. This bill would close a loophole that currently exists in Federal law by prohibiting the possession of cell phones and other wireless devices by prisoners in Federal facilities.

Currently, cell phones found in prisons are not specifically defined as contraband material. As a result, guards and inmates found smuggling or in possession of a cell phone in a Federal prison are rarely punished.

This bill would close this loophole by defining cell phones as contraband material under Federal law. As a result, any person smuggling or in possession of a cell phone could potentially serve up to a year in prison.

A cell phone should never be in the hands of a prisoner. The presence of these cell phones poses a grave safety concern for staff, inmates, and the public. We know that inmates use these phones to conduct criminal business outside of prison walls, including directing gang hits, controlling drug trafficking operations and even conducting credit card fraud. Corrections departments across the country are reporting a sharp increase in the number of cell phones being smuggled into prison facilities.

In May, California Inspector General David Shaw released a report on inmate cell phone use in California state prisons. The report found that cell phone seizures have increased tenfold in two years—from 261 in 2006 to 2,811 in 2008. According to the California Department of Corrections and Rehabilitation, cell phone and electronic com-

munication device possession, “is one of the most significant problems facing the Department today.”

So far this year, authorities have discovered over 4,000 cell phones among inmates in California prisons. There are presumably thousands more that were not discovered. Smugglers receive hundreds of dollars for each cell phone and more money if the cell phone contains a camera.

Staff members who smuggle cell phones for inmates often receive more in compensation for the contraband phones than they do from their paychecks. The California Inspector General’s report on inmate cell phone use found that inmates pay \$500 to \$1,000 per cell phone and noted that one corrupt correctional officer received approximately \$150,000 in 1 year to smuggle cell phones to inmates.

The cell phone problem is not limited to California. Maryland, Kansas, Massachusetts, Oklahoma, South Carolina, Tennessee, and Texas are just some of the states that have reported serious incidents coordinated by an inmate with a cell phone.

In Maryland, an inmate used a cell phone from jail to order the assassination of a witness testifying against him.

In Tennessee, a corrections officer was killed as a result of an inmate using a cell phone to plan an escape.

Department of Homeland Security Assistant Secretary Dora Schriro told my office, and I agree that cell phones in prison are “a more serious threat than drugs or other contraband.”

The problem in our Nation’s Federal prisons is no better. In 2008, the Federal Bureau of Prisons confiscated 1,519 phones from Federal prison camps and 255 cell phones from secure Federal institutions. I expect that these numbers will continue to increase unless we take proactive steps to stop the problem.

In July, I became a cosponsor of the Safe Prisons Communications Act of 2009, authored by Senator KAY BAILEY HUTCHISON. This bill would enable state and Federal prisons to petition the Federal Communications Commission and request to operate a wireless jamming device to block inmates from using cell phones to conduct criminal business from inside prison walls. Before granting permission, the FCC would have to first determine whether the jammer would interfere with emergency or public safety communications outside of the prison walls.

If enacted, the bill will provide another necessary tool in the effort to ensure that the growing problem of cell phones in prison does not turn into an epidemic. It is my hope that this will serve as a strong deterrent to those who would profit from smuggling cell phones and other wireless devices into our Federal prisons.

Our Federal prisons house some of the most dangerous criminals in our Nation. Cell phones allow prisoners to traffic drugs and carry out murders

from within our prisons and that is unacceptable.

I urge my colleagues to support this important legislation.

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. 1749

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 “Cell Phone Contraband Act of 2009”.

SEC. 2. WIRELESS DEVICES IN PRISON.

Section 1971 of title 18, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (4), by striking “or (d)(1)(E)” and inserting “, (d)(1)(E), or (d)(1)(F)”;

(B) in paragraph (5), by striking “(d)(1)(F)” and inserting “(d)(1)(G)”;

(2) in subsection (d)(1)—

(A) in subparagraph (E), by striking “and” at the end;

(B) by redesignating subparagraph (F) as subparagraph (G); and

(C) by inserting after subparagraph (E) the following:

“(F) a phone or other device used by a user of commercial mobile service (as defined in section 332(d) of the Communications Act of 1934 (47 U.S.C. 332(d))) in connection with such service; and”.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 301—DESIGNATING OCTOBER 2, 2009, AS “WORLD MRSA DAY”

Mr. BURRIS (for himself and Mr. DURBIN) submitted the following resolution; which was considered and agreed to:

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