

the condition of the property as of the date of the conveyance of the property under this section.

(C) EXCEPTION.—This paragraph shall not apply with respect to use of the property under subsection (e).

(e) USE BY SECRETARY.—The Secretary shall require, as a condition and term of the conveyance of property under this section, that the State shall, upon the request of the Secretary, allow the United States Fish and Wildlife Service to use the property in cooperation with the Commission for propagation of any critically important aquatic resources held in public trust to address specific restoration or recovery needs of such resource.

#### INVESTIGATIVE ASSISTANCE FOR VIOLENT CRIMES ACT OF 2011

Mr. REID. I ask unanimous consent that the Senate proceed to Calendar No. 236, H.R. 2076.

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

The legislative clerk read as follows:

A bill (H.R. 2076) to amend title 28, United States Code, to clarify the statutory authority for the longstanding practice of the Department of Justice of providing investigatory assistance on request of State and local authorities with respect to certain serious violent crimes, and for other purposes.

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

Mr. REID. I further ask that the committee-reported amendment be considered; the substitute amendment, as amended, be agreed to; the Whitehouse amendment, which is at the desk, be agreed to; the substitute amendment, as amended, be agreed to; the bill, as amended, be read a third time and passed; a motion to reconsider be considered made and laid upon the table, with no intervening action or debate, and any statements related to this matter 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, as follows:

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Investigative Assistance for Violent Crimes Act of 2011".*

#### SEC. 2. INVESTIGATION OF MASS KILLING OR ATTEMPTED MASS KILLING AND OTHER VIOLENT CRIMES.

*Title 28, United States Code, is amended—*

(1) in section 530C(b)(1)(L)(i), by striking "\$2,000,000" and inserting "\$3,000,000";

(2) in section 530C(b)(4), by adding at the end the following: "*The authority to conduct or assist in investigations includes the authority to deploy tactical response, command and control, and other crisis-management assets of the Bureau, as appropriate; and any such conduct or assistance shall be understood presumptively to be within the scope of Federal office or employment.*";

(3) in section 540A—

(A) in the section heading, by striking "*Investigation of violent crimes against travelers*" and inserting "*Investigation of certain violent crimes*";

(B) in subsection (a), by inserting "*, in the investigation of violent acts and shootings occurring in venues such as schools, colleges, universities, non-Federal office buildings, malls, and other public places, and in the investigation of*

*mass killings and attempted mass killings*" after "*traveler*"; and

(C) in subsection (c), by adding the following new paragraph at the end:

"(4) *'mass killings' means 3 or more killings in a single incident.*"; and

(4) *in the table of sections at the beginning of chapter 33, by striking the item relating to section 540A and inserting the following:*

"540A. *Investigation of certain violent crimes.*".

The amendment (No. 3342) was agreed to, as follows:

(Purpose: In the nature of a substitute)

In lieu of matter proposed to be inserted, insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Investigative Assistance for Violent Crimes Act of 2012".

#### SEC. 2. INVESTIGATION OF CERTAIN VIOLENT ACTS, SHOOTINGS, AND MASS KILLINGS.

(a) ATTORNEY GENERAL.—Title 28, United States Code, is amended—

(1) in section 530C(b)(1)(L)(i), by striking "\$2,000,000" and inserting "\$3,000,000"; and

(2) in section 530C(b)(1), by adding at the end the following—

"(M)(i) At the request of an appropriate law enforcement official of a State or political subdivision, the Attorney General may assist in the investigation of violent acts and shootings occurring in a place of public use and in the investigation of mass killings and attempted mass killings. Any assistance provided under this subparagraph shall be presumed to be within the scope of Federal office or employment.

"(ii) For purposes of this subparagraph—

"(I) the term 'mass killings' means 3 or more killings in a single incident; and

"(II) the term 'place of public use' has the meaning given that term under section 2332f(e)(6) of title 18, United States Code."

(b) SECRETARY OF HOMELAND SECURITY.—Section 875 of the Homeland Security Act of 2002 (6 U.S.C. 455) is amended by adding at the end the following:

"(d) INVESTIGATION OF CERTAIN VIOLENT ACTS, SHOOTINGS, AND MASS KILLINGS.—

"(1) IN GENERAL.—At the request of an appropriate law enforcement official of a State or political subdivision, the Secretary, through deployment of the Secret Service or United States Immigration and Customs Enforcement, may assist in the investigation of violent acts and shootings occurring in a place of public use, and in the investigation of mass killings and attempted mass killings. Any assistance provided by the Secretary under this subsection shall be presumed to be within the scope of Federal office or employment.

"(2) DEFINITIONS.—For purposes of this subsection—

"(A) the term 'mass killings' means 3 or more killings in a single incident; and

"(B) the term 'place of public use' has the meaning given that term under section 2332f(e)(6) of title 18, United States Code."

The committee amendment in the nature of a substitute, as amended, was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 2076), as amended, was read the third time, and passed.

#### ELECTING PATRICK J. LEAHY TO BE PRESIDENT PRO TEMPORE

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 619.

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

The legislative clerk read as follows:

A resolution (S. Res. 619) to elect PATRICK J. LEAHY, a Senator from the State of Vermont, to be President pro tempore of the Senate of the United States.

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

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to, and the motion to reconsider be laid upon the table, with no intervening action or debate.

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

The resolution (S. Res. 619) was agreed to, as follows:

S. RES. 619

*Resolved*, That PATRICK J. LEAHY, a Senator from the State of Vermont, be, and he is hereby, elected President of the Senate pro tempore.

#### AUTHORIZING HARRY REID TO ADMINISTER THE OATH OF OFFICE

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 620.

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

The legislative clerk read as follows:

A resolution (S. Res. 620) to authorize HARRY REID, a Senator from the State of Nevada, to administer the oath of office of President of the Senate pro tempore to PATRICK J. LEAHY, a Senator from the State of Vermont.

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

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table, with no intervening action or debate.

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

The resolution (S. Res. 620) was agreed to, as follows:

S. RES. 620

*Resolved*, That HARRY REID, a Senator from the State of Nevada, is hereby authorized to administer the oath of office of President of the Senate pro tempore to PATRICK J. LEAHY, a Senator from the State of Vermont.

#### CONDEMNING THE HORRIFIC ATTACKS IN NEWTOWN, CONNECTICUT

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 621.

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

The legislative clerk read as follows:

A resolution (S. Res. 621) condemning the horrific attacks in Newtown, Connecticut, and expressing support and prayers for all those impacted by that tragedy.

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

Mr. REID. Madam 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 this matter be printed in the RECORD.

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

The resolution (S. Res. 621) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 621

Whereas, on December 14, 2012, a mass shooting took place at Sandy Hook Elementary School in Newtown, Connecticut;

Whereas the people of the United States mourn the 26 innocent lives, including those of 20 children, that have been lost at Sandy Hook Elementary School in this unimaginable tragedy;

Whereas the people of the United States will always remember the victims of the previous mass shootings that have occurred in the United States and stand in solidarity with the survivors; and

Whereas the quick action of law enforcement officials and other first responders prevented additional losses of life: Now, therefore, be it

*Resolved*, That the Senate—

(1) condemns the senseless attack at Sandy Hook Elementary School in Newtown, Connecticut, on Friday, December 14, 2012;

(2) offers condolences to all of the students, teachers, administrators, and faculty of Sandy Hook Elementary School, as well as their families, and recognizes that the healing process will be long and difficult for the entire Newtown community;

(3) honors the selfless, dedicated service of—

(A) the teachers, school administrators, school support staff, medical professionals, and others in the greater Newtown community;

(B) the emergency response teams and law enforcement officials who responded to the attack; and

(C) the law enforcement officials who continue to investigate the attack; and

(4) remains committed to working together to help prevent tragedies like this from ever happening again.

Mr. REID. Madam President, understandably, Senator AKAKA wants to make a statement regarding our friend, Senator INOUE. But Senator MCCAIN has been waiting here for hours. I ask unanimous consent that Senator MCCAIN be recognized for a statement; that when we completes that statement, Senator AKAKA be recognized.

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

REMEMBERING DANIEL K. INOUE

Mr. MCCAIN. I thank the majority leader. Today, the Senate lost, America, and especially his beloved citizens of Hawaii lost a unique, brave, wonderful legislator, a man who brought to this institution the most unique credentials I would argue probably of anyone who has ever served in this pretty diverse body.

DAN INOUE was born of Japanese parents who came to Hawaii, as many

Japanese did in that period of time at the turn of the century, to work in the pineapple fields and agriculture, which was a fundamental of the economy for the State of Hawaii. Their conditions were not good. They worked hard. But they raised their families with pride, with dignity and honor, and were proud to call themselves Americans.

DAN INOUE was as proud as any. As we know, one of the most shameful chapters of American history took place during World War II when an incredible act of injustice took place. The United States of America decided to intern Japanese Americans who lived in California. They were put into internment camps because they happened to be Japanese Americans, not because they had done anything wrong, not that they did not love America, but because they happened to be Japanese Americans. By the way, some of those internment camps were in my home State of Arizona. Conditions were not terrible, but they were not good. People were incarcerated because they happened to be ethnic Japanese.

In Hawaii, there was a group of young Japanese Americans who decided that they wanted to serve their country and they wanted to serve in uniform. One of the most well-known and famous and most highly decorated units of the entire World War II was the battalion in which DAN INOUE served. They were in many of the most gruesome and difficult blood lettings of the entire conflict as the American forces fought their way up through Italy against a very well trained, very well equipped, professional German opposition. DAN INOUE was a proud member of this battalion. In fierce combat, DAN INOUE was gravely wounded on the battlefield. He was brought home. He, as we all know, lost his arm as a result of one of the wounds he sustained.

Interestingly and coincidentally, he went to a veterans hospital in Chicago where a person in the same ward, was a American Army second lieutenant who had also been wounded seriously in Italy, one Bob Dole—2LT Bob Dole of Kansas. And there began a friendship that lasted to this day, both gravely wounded, both dedicated more than ever to serve their country. Both served with distinction. The friendship, the bonds of friendship that were forged in that hospital between Bob Dole and DAN INOUE were unique and enduring.

So DAN INOUE returned to his beloved Hawaii. The story goes—and I do not know if it is true or not—the story goes that a DAN INOUE went down to join the veterans organization, and when he applied for membership, he was told that the only members they took in that organization were Caucasian.

DAN INOUE decided that he wanted to continue to serve his country and the State of Hawaii. He was the first Senator from the State of Hawaii and has served longer than any Senator in

this institution. He was loved by all of us. I did not always agree with Dan. Occasionally, we had differences about how we use appropriations bills. No one—no one ever, ever accused DAN INOUE of partnership or unfairness.

He loved Native Americans, and he loved his Hawaiians. One of the more rewarding periods of my time here in the Senate was being on the Indian Affairs Committee under his chairmanship. Very important pieces of legislation came out of that committee. It was a great honor for me to have the privilege to serve with DAN INOUE. He loved Native Americans. He knew that Native Americans had been wronged in our history. He knew that solemn treaties must be honored by our government even if those treaties sometimes meant that there would be significant expenditures of America's tax dollars.

Have no doubt that our treatment of Native Americans and the treatment of Native Hawaiians is not the most glorious chapter in American history when we look back at what happened to the proud Native Americans, the Native Hawaiians as their civilization collided with the civilization that came to the United States of America from around the world.

DAN INOUE fought for the things he believed in and the principles that he held dear. He held nothing more dear than the glory of being able to serve people who needed to be served.

DAN INOUE will be missed. There will not be another like him. There will not be another Senator literally deprived of his rights. There will not be another Senator who will serve in length and with the dedication that DAN INOUE served this Senate and his beloved Hawaii. So we will all miss DAN INOUE. I hope from time to time, with the bitter partisanship that exists here sometimes in the Senate, maybe we could use DAN INOUE's record as an example of bipartisan, of friendship, of a willingness to reach across the aisle and work with the other side; it characterized DAN INOUE's record here in the Senate.

For some reason, when I heard and thought about Dan's passing today, I was reminded of another person who died and is buried on the island of Samoa, and his poem is inscribed on his gravestone as an epitaph. I think it applies to our dear and beloved friend who passed today. It was by Robert Lewis Stevenson. I quote:

Under the wide and starry sky,  
Dig the grave and let me lie,  
Glad did I live and gladly die,  
And I laid me down with a will.

This be the verse you 'grave for me:  
Here he lies where he longed to be;  
Home is the sailor, home from the sea,  
And the hunter home from the hill.

I see my dear and beloved friend, the other Senator from Hawaii, DAN AKAKA, on the floor.

I thank you, DANNY, and God bless. The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Madam President, it is very difficult for me to rise today—