

SECTION 1. SHORT TITLE.

This Act may be cited as the “Uninterrupted Scholars Act (USA)”.

SEC. 2. FAMILY EDUCATIONAL RIGHTS AND PRIVACY.

Section 444(b) of the General Education Provisions Act (20 U.S.C. 1232g(b)) (commonly known as the “Family Educational Rights and Privacy Act of 1974”) is amended—

(1) in paragraph (1)—

(A) in subparagraph (J)(ii), by striking “and” after the semicolon at the end;

(B) in subparagraph (K)(ii), by striking the period at the end and inserting “; and”; and

(C) by inserting after subparagraph (K), the following:

“(L) an agency caseworker or other representative of a State or local child welfare agency, or tribal organization (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)), who has the right to access a student’s case plan, as defined and determined by the State or tribal organization, when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student, provided that the education records, or the personally identifiable information contained in such records, of the student will not be disclosed by such agency or organization, except to an individual or entity engaged in addressing the student’s education needs and authorized by such agency or organization to receive such disclosure and such disclosure is consistent with the State or tribal laws applicable to protecting the confidentiality of a student’s education records.”; and

(2) in paragraph (2)(B), by inserting “, except when a parent is a party to a court proceeding involving child abuse and neglect (as defined in section 3 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 note)) or dependency matters, and the order is issued in the context of that proceeding, additional notice to the parent by the educational agency or institution is not required” after “educational institution or agency”.

PRIVILEGES OF THE FLOOR

Mr. LEAHY. Mr. President, I ask unanimous consent, on behalf of Senator INOUE, that Karen Courington and Mike Hansen, legislative fellows detailed to the Committee on Appropriations, be granted the privileges of the floor during consideration of the fiscal year 2013 disaster assistance supplemental.

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

STRENGTHENING INVESTIGATIONS OF SEX OFFENDERS

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to Calendar No. 246, S. 1792.

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

The legislative clerk read as follows:

A bill (S. 1792) to clarify the authority of the United States Marshal Service to assist other Federal, State, and local law enforcement agencies in the investigation of cases involving sex offenders and missing children.

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

Mr. LEAHY. Madam President, I am pleased that the Senate is finally being

allowed to take up the Investigative Assistance for Violent Crimes Act and the Strengthening Investigations of Sex Offenders and Missing Children Act. These two legislative proposals will enhance federal law enforcement officers’ ability to investigate and solve crimes. I want to thank Senator WHITEHOUSE for his leadership and perseverance in working to pass these important clarifications to existing federal law enforcement authorities.

The Investigative Assistance for Violent Crimes Act of 2011 clarifies the authority of the FBI and other Federal law enforcement agencies to assist state and local law enforcement upon request with investigations of mass killings and other instances of public violence. This important legislation will help to ensure that State and local law enforcement agencies receive the assistance they need in times of crisis. I am disappointed that this Senate bill, which was voted out of the Judiciary Committee on November 17, 2011, with overwhelming support, and the companion House bill, which was passed by the House by a vote of 358 to 9, were held up for more than a year. I hope that there is still time this session for the House to take action so that the bill can be sent to the President and he can sign it into law without further delay.

When tragedy strikes, as with the shootings in Tucson, AZ, in 2011, in Aurora, CO, in 2012, and this past Friday in Newtown, CT, there should be no doubt that Federal law enforcement can assist state and local police officers. The Investigative Assistance for Violent Crimes Act will ensure that all hands can be on deck when law enforcement assistance is needed most.

The Strengthening Investigations of Sex Offenders and Missing Children Act will reconcile an inconsistency in the United States Marshals Service’s statutory authority to improve the ability of U.S. Marshals to investigate cases involving missing children and certain sex offenders. The United States Marshals Service is a key partner in the investigation and prosecution of missing and exploited children, and we must ensure that there is no question as to the marshals’ authority to assist in these cases.

I regret that there are still Republican Senators holding up passage of other legislation to provide Federal assistance to state and local law enforcement that they need. Among the measures being stalled are the Justice for All Reauthorization Act, the National Blue Alert Act, Local Courthouse Safety Act, the Bulletproof Vest Partnership Grant Act, and the Edward Byrne Memorial Justice Award Grant Program Reauthorization.

At least one Republican Senator has gone so far as to contend that it is unconstitutional for the Federal Government to provide assistance and support to State and local law enforcement. I disagree. I believe such support is essential to State and local law enforce-

ment as they work hard to protect communities in difficult times when resources from State and local governments are being squeezed.

I yield the floor.

Mr. WHITEHOUSE. Madam President, I rise today in support of S. 1792, the Strengthening Investigations of Sex Offenders and Missing Children Act of 2011. This legislation, which is cosponsored by Senators SESSIONS, FEINSTEIN, SCHUMER, KLOBUCHAR, and BLUMENTHAL, as well as Chairman LEAHY of the Judiciary Committee, would clarify the authority of the U.S. Marshals to help track down sex offenders and missing children. It is a simple and common sense of piece of legislation. I urge my fellow Senators to support it, with the hope that our colleagues in the House will soon send it to the President’s desk to be signed into law.

As my colleagues know, time is of the essence when children go missing. Of those children who are abducted and subsequently murdered, 74% are killed within 3 hours of being abducted. The U.S. Marshals Service has extensive experience with and sophisticated tools for quickly identifying and tracking down fugitives and missing individuals. Notably, the U.S. Marshals Service has substantial resources for finding the fugitive sex offenders who too often are involved in child abductions.

As a result, state and local law enforcement and the National Center for Missing and Exploited Children often call on the marshals to assist in the event that a child goes missing. This bill would make it clear that, upon request, the U.S. Marshals are allowed to assist in investigating these cases, even if an arrest warrant has not yet issued. The bill also clarifies the Marshals Service’s authority to assist other law enforcement agencies, upon request, in investigating sex offender cases.

I thank Senator Sessions for working with me on this important legislation, and my fellow Judiciary Committee members Senators FEINSTEIN, SCHUMER, KLOBUCHAR, and BLUMENTHAL for supporting the bill. I also would like to thank Chairman LEAHY for cosponsoring the bill and for his leadership, both generally with respect to all his work to keep our children safe from predators and specifically for moving this piece of legislation through Committee.

I am confident that every member of the Senate will understand the clear and simple principle behind this legislation and the important threat to our children that it addresses. The bill was reported by a voice vote of the Judiciary Committee, I am aware of no concerns or opposition, and I would urge my colleagues to ensure its prompt passage by the Senate.

I yield the floor.

Mr. REID. Madam President, 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 that any statements related to this matter be placed in the RECORD.

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

The bill (S. 1792) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1792

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 “Strengthening Investigations of Sex Offenders and Missing Children Act of 2011”.

SEC. 2. CLARIFICATION OF AUTHORITY.

Section 566(e)(1)(B) of title 28, United States Code, is amended to read as follows:

“(B) as directed by the Attorney General, investigate—

“(i) fugitive matters, both within and outside the United States; and

“(ii) at the request of another Federal, State, or local law enforcement agency, cases involving—

“(I) a sex offender (as defined in section 111 of the Sex Offender Registration and Notification Act (42 U.S.C. 16911)) who violates a sex offender registration requirement; or

“(II) a missing child.”.

INVESTIGATIVE ASSISTANCE FOR VIOLENT CRIMES ACT

Mr. REID. Madam President, I ask unanimous consent that we proceed to Calendar No. 233, S. 1793.

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

The legislative clerk read as follows:

A bill (S. 1793) 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. WHITEHOUSE. Madam President, I rise in support of S. 1793, the Investigative Assistance for Violent Crimes Act of 2012, which I introduced.

This commonsense bill clarifies that—upon the request of appropriate State and local law enforcement officials—select Federal law enforcement agencies may use their unique capabilities to help investigate and respond to mass killings and other violent crimes.

The measure will provide important clarity to Federal law enforcement officers who are called on by State and local counterparts to assist in response to a mass shooting or other violent crime at a college campus, shopping mall, office building, or other public place. Currently, the FBI and select other Federal agencies often provide requested assistance to State and local law enforcement in these types of cases. The absence of an explicit authorizing statute, however, has created concern that agents responding to these violent crimes could be held liable even though their only goal was to protect the public.

This bill makes sure that the FBI, other law enforcement components at

the Justice Department, Immigration and Customs Enforcement, and the Secret Service can provide State and local law enforcement officers with assistance when so requested. In so doing, it will help State and law enforcement protect victims and solve these terrible crimes.

The bill does not expand the jurisdiction of Federal law enforcement agencies. Assistance from a Federal agency must be requested by the State or local authority and agreed to by Federal authorities. And the bill does not impose new criminal penalties or regulations.

The House passed a companion measure, H.R. 207, last year by a vote of 358 to 9. The Senate bill was reported out of the Judiciary Committee last November, and I thank Chairman LEAHY for his leadership in moving this legislation through Committee. Since then, I have worked with Chairman LEAHY, Senator GRASSLEY, Chairman SMITH of the House Judiciary Committee, and Representative GOWDY to improve the bill, and we have reached an agreement that is reflected in a substitute amendment.

I urge colleagues on both sides of the aisle to support this measure, so we can ensure that our dedicated law enforcement officials can respond to and solve these tragic crimes.

I yield the floor.

Mr. REID. Madam President, I ask unanimous consent that the Whitehouse substitute amendment at the desk be agreed to; the bill, as amended, be read a third time and passed; the motions to reconsider be laid upon the table, with no intervening action or debate; and that any statements related to this matter be printed in the RECORD.

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

The amendment (No. 3341) was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and 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 PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill (S. 1793) was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDING SECTION 1059(e) OF THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to H.R. 6223.

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

The legislative clerk read as follows:

A bill (H.R. 6223) to amend section 1059(e) of the National Defense Authorization Act for Fiscal Year 2006 to clarify that a period of employment abroad by the Chief of Mission or United States Armed Forces as a translator, interpreter, or in a security-related position in an executive or managerial capacity is to be counted as a period of residence and physical presence in the United States for purposes of qualifying for naturalization, and for other purposes.

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

Mr. LEAHY. Madam President, in the 111th Congress, I worked closely with Senator LUGAR on two pieces of legislation to improve our immigration laws in small but meaningful ways. My bill, the Refugee Opportunity Act, would provide refugees and asylees more opportunity to become self-sustaining, productive members of their new American communities. Senator LUGAR’s bill, which I was proud to support, would have permitted lawful permanent residents to return, without penalty to their citizenship process, to