

bravely served our country in overseas deployments since September 11, 2011.

Kentucky's National Guard has also been there to assist Kentuckians when disaster has struck. In the last four years alone, the Commonwealth's Guard has been mobilized nine times following disaster declarations in the State. The Guard has protected and served Kentuckians during and after a wide range of disasters that have wreaked havoc on the state, from floods and tornadoes to the 2009 ice storm. Kentucky's citizens owe a great debt of gratitude to the men and women of the Kentucky National Guard.

Today, on the eve of Veterans Day, I wish to honor the Kentucky Army National Guard for its dedication to better serving Kentucky, and Adjutant General Edward W. Tonini on the organization's continued achievements.

TRIBUTE TO DORIS AND MACKIE REAMS

Mr. McCONNELL. Mr. President, I rise today to pay tribute to a couple who truly exemplify the spirit of Kentucky. Mackie and Doris Reams have been happily married for 57 years and have lived an exciting and romantic life together in London, KY.

When Mackie, now 80, first saw Doris, he was about 20 and was working as a tobacco cutter in a field near her house; she was only 16 at the time. "I saw her a few times and I just got brave enough to ask her to go out," he recalled. "I couldn't resist those pretty blond curls . . . That's how it started. We went together for about three years before we got married." Mackie and Doris were married on October 3, 1953, by preacher Layton Vandaventer and have been inseparable ever since.

The couple lived in Mackie's parents' house on Old Salem Road for several years after they wed and worked on the family farm. Each day they milked 8 cows by hand and tended to 6,000 broiler chickens. "We fed and took care of them for nine weeks," recalls Doris, now 76. "Then Purina Company came and we loaded them on a truck that took them to a processing plant in Mt. Sterling."

In 1955, Mackie began a brief stint of service in the U.S. Army—his service ended in 1957. Afterwards, he began a career at Caron Spinning where he worked for 27 years. Doris was also employed at the Caron Spinning factory for almost 13 years until it finally closed down. Mackie's final job before he retired was as a door greeter at Walmart. "My legs and knees got to bothering me, standing there all the time," Mackie said. "So, I just quit. We just go and do whatever we want to do," he says in reference to their daily routine.

Each day the couple walks at Kmart every morning and visits the Laurel County Older Person Activity Center. "We play cards and play cornhole in the exercise room," Doris said. "We

have lunch. OPAC has a lot of things to do. They took us to the state fair this year," she explained. In what spare time they do have, Doris and Mackie also attend Calvary Baptist Church on Sunday mornings and Wednesday evenings.

"We have been very healthy and happy all our life together," Mackie and Doris are lucky enough to say. "We thank God for that."

Doris and Mackie Reams are an outstanding pair of Kentuckians who are truly blessed for the wonderful lifetime they have shared together. They are hard-working, caring citizens whose lifetime of success and happiness serves as an inspiration to the people of our great Commonwealth.

The Laurel County-area publication the Sentinel Echo recently published an article highlighting this couple's achievements over the years. I ask unanimous consent that the full article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Sentinel Echo, Winter 2011]

TOGETHER, WHEREVER WE GO

(By Carol Mills)

Former Walmart greeter Mackie Reams met his wife Doris 60 years ago, and they have been happily married for 57 years. He is 80 and she is 76.

Their secret to staying in love for so long is they do everything together.

"We just went together wherever we were going, and we still do," Doris said.

Mackie said he lets her do all the shopping, but he goes with her. Sometimes he sits and waits on her to finish shopping, but he is always near.

"If we went somewhere, we took our kids with us and everybody went. That's just the way we lived."

Doris moved to Bill George Road from Knox County with her parents at a young age.

"I've lived around this territory ever since I was 10 years old," she said. "My dad owned all this country back in here where all the houses are. We just farmed. We raised tobacco and corn. After we got married, I worked for Caron Spinning. I worked there for 13 years until they closed out."

Mackie farmed at his parents' place on Old Salem Road. After he married Doris, the couple stayed with his parents for a couple of years. On his farm, they milked eight cows by hand twice a day for two years and sold the milk to Southern Belle Dairy Company.

The Reams also raised broiler chickens.

"The broiler house held 6,000 chickens," Doris recalled. "We fed and took care of them for nine weeks. Then Purina Company came, and we loaded them on a truck that took them to a processing plant in Mt. Sterling. Then we would have to clean the house and get ready for another bunch of baby chickens and start all over again."

Mackie spent two years in the U.S. Army—1955 to 1957. He then worked at Caron Spinning for 27 years and for 13 years as a door greeter at Walmart.

"I quit about three years ago," Mackie said. "My legs and knees got to bothering me, standing there all the time. So, I just quit. We just go and do whatever we want to do."

The couple walks at Kmart every morning and attend Calvary Baptist Church every Sunday morning and evening and on Wednesday.

The couple also visits Laurel County Older Person Activity Center almost every day.

"We play cards and play cornhole in the exercise room," Doris said. "We have lunch. OPAC has a lot of things to do."

Mackie said OPAC took them to Frankfort to see the Capitol.

"They took us to the state fair this year," Doris said.

They used to travel a lot.

"We've been to a lot of the states," Doris said. "We usually went with friends. We went all the way to California, driving around on two weeks of vacation. We just drove and stopped whenever we got ready."

"Niagara Falls, all up in New York and all up in that territory," Mackie added. "All over Kentucky and the United States just about."

In the '70s and '80s, Mackie and Doris were active in sports. He played baseball while Doris watched and rooted for him. They also went bowling three or four nights a week at Levi Lanes.

"We won lots of trophies," Doris said. "I also used to quilt a lot during the winter months and made crocheted afghans, but I can't anymore because of my arthritis in my hands."

Mackie first noticed Doris at her home near where he was cutting tobacco in a field. Her home was just a couple of houses down from where she now lives on Bill George Road. He was 20 years old, and she was 16.

"I saw her a few times and I just got brave enough to ask her to go out," he recalled. "I couldn't resist those pretty blond curls. That's how it started. We got to going to church together. We went together for about three years before we got married."

Mackie said he drove his father's pickup to do his courting.

"I got to drive it," he said. "I'd go get her and we'd go to church. We'd ride around and maybe go up to town on Saturday and walk up and down the streets. I never did go to the Reda (theater) with her because her family was kind of strict. They didn't want her going places like that at that time."

"My parents were old fashioned," Doris laughed. "I guess they finally decided we were going to get married anyway and agreed. They didn't like it too well, but they went ahead with it. My dad went with us to the wedding, but my mom didn't because she thought she would cry or something. We got married in the preacher's house on Oct. 3, 1953. His name was Layton Vandaventer. He's deceased now."

Doris and Mackie have been in good health for most of their lives.

"We have been very healthy and happy all our life together," they said. "We thank God for that."

The couple has two children, Eddie Reams and Phyllis Purvis, four grandchildren and three great-grandchildren.

CRIME VICTIMS' RIGHTS ACT

Mr. KYL. Mr. President, I ask unanimous consent to have printed in the RECORD a letter from Attorney General Holder.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF JUSTICE,
Washington, DC, November 3, 2011.

Hon. JON KYL,
U.S. Senate, Washington, DC.

DEAR SENATOR KYL: This responds to your letters to Attorney General Holder dated June 6, 2011, and November 2, 2011, regarding the Department of Justice's implementation and enforcement of the Crime Victims'

Rights Act (CVRA), enacted as section 102 of the Justice for All Act of 2004. Pub. L. No. 108–405, 118 Stat. 2260, 2261–64 (codified at 18 U.S.C. § 3771 (2006 & Supp. III 2009)). We apologize for our delay in responding to your June 6 letter. Your November 2 letter raises additional questions, to which we will reply as soon as possible.

The Department appreciates your leadership in the area of protecting crime victims' rights, and we share your commitment to ensuring that crime victims receive the rights and services to which they are entitled under federal law. In the six years since passage of the CVRA, Department personnel have made their best efforts in thousands of federal and District of Columbia cases to assert, support, and defend crime victims' rights, often over the objections of defendants, and occasionally in the face of a skeptical judiciary.

Every day, federal prosecutors and victim-witness professionals consult with victims, inform them of their rights, including the right to be represented by an attorney, accompany them to court, and assist them with preparing victim impact statements and seeking and recovering restitution. The number of identified victims registered in our automated system in order to receive notices and other services has grown significantly, totaling 2.2 million in Fiscal Year 2010. In that year, the Department sent out 8 million notifications of public court proceedings to victims to ensure that persons harmed by the charged conduct were informed about those proceedings. In contrast, the year before the CVRA passed, 2.7 million such notices were sent.

In addition, U.S. Attorneys' Offices are increasingly using asset forfeiture laws to help victims by applying forfeited assets to satisfy restitution orders. These efforts have resulted in measurable improvements for victims; the amount of forfeited proceeds returned to victims has jumped from \$13.7 million in FY 2004 to \$250 million in the first 8 months of FY 2011.

In 2009, the Government Accountability Office (GAO) conducted an extensive evaluation of the Department's CVRA implementation efforts. GAO considered the views of victims, victim-witness professionals, federal investigators, prosecutors, defense attorneys, and judges during the audit. The GAO concluded that the Department and the federal judiciary "have made various efforts to implement the CVRA," and "have taken actions to address four factors that have affected CVRA implementation, including the characteristics of certain cases, the increased workload of some USAO staff, the scheduling of court proceedings, and diverging interests between the prosecution and victims." See *Crime Victims' Rights Act: Increasing Victim Awareness and Clarifying Applicability to the District of Columbia Will Improve Implementation of the Act: Hearing Before the H. Comm. on the Judiciary, 110th Cong. at 8 (2009)* (statement of Eileen R. Larence, Director, Homeland Security and Justice, Government Accountability Office). The GAO ultimately offered only minor recommendations for improvements, all of which have been significantly addressed.

Your June 6 letter posed three questions regarding victims' rights. First, you asked about the fair treatment of crime victims prior to charging, specifically during pre-charge plea and non-prosecution negotiations. In 2010, the Attorney General directed the Deputy Attorney General to convene a working group to help evaluate, coordinate, and improve the services the Department provides to crime victims and witnesses. The working group undertook a revision of the Department's basic operational policy manual, the Attorney General Guidelines for Vic-

tim and Witness Assistance (AG Guidelines). As you noted in your November 2 letter, the revised 2011 AG Guidelines (available at www.justice.gov/olp/pdf/ag_guidelines2011.pdf) took effect on October 1, 2011. As part of the revision process, the working group sought input from all Departmental components that interact with victims of crime and, with respect to certain difficult legal issues, sought guidance from the Office of Legal Counsel (OLC). Regarding when the rights accorded by the CVRA apply, OLC determined the statute is best read as providing that rights apply beginning when criminal proceedings are initiated. Even so, the new AG Guidelines go further and provide that Department prosecutors should make reasonable efforts to notify identified victims of, and consider victims' views about, prospective plea negotiations, even prior to the filing of a charging instrument with the court. Art. V.0.2, AG Guidelines (2011 ed.).

Additionally, the revised AG Guidelines strengthen and clarify the Department's policies by encouraging Department personnel to go beyond minimum statutory requirements to assist crime victims at all points in the criminal justice process. Even for those who do not qualify under statutory victim definitions, the revised AG Guidelines authorize the provision of services and information, and support participation by victims in court proceedings. See Art. 11.A and Art. III.E, AG Guidelines (2011 ed.).

Moreover, in addition to carrying out our responsibilities under the CVRA, the Department is taking other steps to fulfill its mandate to provide services to crime victims from the opening of a criminal investigation. Pursuant to the Victims' Rights and Restitution Act of 1990 (VRRRA), the Department identifies victims and provides to them service referrals, reasonable protection, notice concerning the status of the investigation, and information about the criminal justice process prior to the filing of any charges. The Department's investigative agencies provide such services to thousands of victims every year, whether or not the investigation results in a federal prosecution. The Federal Bureau of Investigation (FBI) alone reports it provided more than 190,000 services to victims during the past fiscal year, including case status updates, assistance with compensation applications and referrals, and counseling referrals. From sexual assaults in Indian Country to child pornography and human trafficking to mass violence and overseas terrorism, FBI victim specialists provide much-needed immediate and ongoing support and information to victims. The FBI addresses victim safety issues when needed, providing on-scene response and crisis intervention services in thousands of investigations. With regard to sexual assault victims, FBI personnel arrange for and often accompany victims to forensic sexual assault medical examinations and provide assistance with HIV/STD testing. In sum, the Department's assistance to victims during the investigatory stage exemplifies a commitment to crime victims above and beyond the statutory mandates.

Second, you asked about the Department's litigation position regarding the standard of review for mandamus cases filed pursuant to the CVRA. The CVRA constitutes a significant, large-scale change in the operation of the federal criminal justice system. For that reason, and because the rights of crime victims must be balanced against recognized rights of criminal defendants, it was inevitable that CVRA implementation would be accompanied by litigation concerning its provisions. The Department has been actively engaged in that litigation, frequently on the side of the victims, seeking to enforce

their rights in court. The litigating decisions we make in those cases are reached only after careful consideration of both the language and the purpose of the CVRA, and of our responsibility to foster a fair criminal justice system that respects the rights of all involved, including victims and defendants. Even when we conclude that victim status is inappropriate, or that a certain claimed right should not be accorded to the person seeking it, we often try to find other ways to accommodate that person's legitimate interests in the outcome of the criminal case at hand.

Concerning the mandamus standard of review, the Department's legal analysis is set forth in the brief that you cite in your letter. In *re Antrobus*, No. 08–4002 (10th Cir. Feb. 12, 2008). As you note, the CVRA requires that the Department use its "best efforts" to afford crime victims their CVRA rights. 18 U.S.C. § 3771(c)(1) ("Officers and employees of the Department of Justice and other departments and agencies of the United States engaged in the detection, investigation, or prosecution of crime shall make their best efforts to see that crime victims are notified of, and accorded, the rights described in [18 U.S.C. § 3771(a)]."). The Department makes its best efforts on a daily basis to ensure victims are notified of and accorded such rights. Indeed, the new AG Guidelines specifically instruct Department personnel to consider a victim's right to fairness when developing and presenting the government's arguments. Art. V.J.3, AG Guidelines (2011 ed.).

Finally, you asked whether the Department has asserted victims' rights on an appeal, even when the appeal is taken by the defendant appealing his or her conviction. See 18 U.S.C. § 3771(d)(4) ("In any appeal in a criminal case, the Government may assert as error the district court's denial of any crime victim's right in the proceeding to which the appeal relates.") We do not maintain statistics on the use of this provision and, therefore, cannot answer this question definitively. We note, however, that the potential utility of this provision is limited, with the exception of a narrow category of cases; an appellate court typically would not be able to grant any relief to correct a CVRA error asserted in response to a defendant's appeal, other than issuing an advisory opinion. We will continue to keep this provision in mind as we evaluate cases in the future and, as we have done in the past, we will continue to defend convictions on appeal in the face of defense challenges to victims' assertions of rights.

Thank you for your interest in the Department's efforts to accord the victims of federal crimes their rights under federal law. We welcome the opportunity to work with you and your staff to ensure that crime victims receive the rights and services they deserve. We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this, or any other matter.

Sincerely,

RONALD WEICH,
Assistant Attorney General.

VETERANS DAY 2011

Ms. MURKOWSKI. Mr. President, I rise today to recognize and thank our Nation's veterans. They have helped define our country with their service, their commitment, their sacrifice, and their legacy.

On November 11, 1918, the hostilities of World War I ceased. The commemoration of this day was originally known