

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

as "Armistice Day" and was declared a Federal holiday. During a House debate on the topic, one Representative suggested that Armistice Day would "not be devoted to the exaltation of glories achieved in war but, rather to an emphasis upon those blessings which are associated with the peacetime activities of mankind." By 1954 it was official that November 11 was the day to honor American veterans of all wars, and the day would officially be known as "Veterans Day."

As we reflect on the service of heroes who have served our country in conflicts past including World War I, World War II, the Korean war, the Vietnam war, the Persian Gulf war and others, we must pause also to honor the dedication of the men and women who are putting their lives on the line today to protect our freedom. This includes not only those serving in Southwest Asia but also those in Kosovo, those standing watch of the Korean demilitarized zone, and those serving and sacrificing in countless other countries and regions around the world.

For veterans of the Iraq and Afghanistan wars, we need to highlight the increasing problems they are having as they return home from service, from obtaining appropriate health care to finding jobs. In Alaska, I hear concerns about how the Federal Government's efforts to reduce the national debt may impact our servicemembers and veterans. I understand those concerns and believe we must honor our commitments to these men and women.

In my home State of Alaska, we have the distinct pleasure and honor of having the largest per capita percentage of veterans of any State in the Union with 77,000 veterans who call Alaska home. In just a few months, Alaska-based soldiers will represent approximately 10 percent of America's Afghanistan presence. In Alaska, veterans are our neighbors, our coworkers, and our friends. I think it is fair to say that Alaskans understand and appreciate the sacrifice thousands of young men and women in uniform today are making, as well as the sacrifice all of our veterans have made. It is all of them who we honor today.

Today as we honor those who have served, we also mourn. We mourn those veterans who made the ultimate sacrifice in the defense of freedom. Alaska has lost many members of our military community in the Afghanistan and Iraq wars. I extend my heartfelt sympathy to the families of all our fallen servicemembers.

Finally, I would like to recognize one last group: the families and loved ones of America's veterans. These are the folks who have had to see their loved ones sent away to war zones and who worried about their well being every second, of every minute, of every day until the they returned. These are the people who singlehandedly manage households. These are the people who deal firsthand with the invisible scars and injuries of war, such as PTSD,

when their loved one comes home. The family members of our veterans are heroes who bravely serve our Nation and rightfully deserve our recognition.

So on this Veterans Day, I am honored to have the opportunity to stand among my colleagues to honor the veterans who made the ultimate sacrifice, those who made it home, those who are still serving across the world, and the families and loved ones of America's veterans. While words cannot express the gratitude we have for our veterans, with a unified voice we want to say thank you.

Mr. THUNE. Mr. President, in honor of Veterans Day and the men and women of the Armed Forces and their families I ask unanimous consent that this poem penned by Albert Caswell be printed in the RECORD.

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

THIS VETERAN'S DAY
(By Albert Caswell)

This. . . .
This Veteran's Day. . . .
As you kneel down and pray. . . .
Pray a prayer, for all those heroes who can not so be here this day. . . .
Who now so far across the shores, so walk into that valley of death for us as do they. . . .
All with families who live so close, whose love ones but mean the most . . . we pray. . . .
Who live in worry and so fear, who live in tears. . . .
And the ones who but gave That Last Full Measure, America's Greatest of All Treasures here!
Who are now so separated on this earth, forevermore because of their fine worth so portrayed. . . .
Until, up in Heaven once more they will together be as their tears begin to burst will they. . . .
And pray for all those families, who with such faith do now so believe!
Who are now so left upon this earth, now so left all alone to so grieve. . . .
And when you look upon your child. . . .
And you so see, all of their most wonderful smiles. . . .
And everything seems so right, as you hold them tight so all the while. . . .
Remember all of them and all of these!
The Armed Forces and their families, do so please!
One and all, all Patriots of Peace!
And remember all of those children, who now so live in tears. . . .
This Veterans Day, hold them so close all in your quiet prayers. . . .
For this is but a most sacred day. . . .
For all those who fight, and have so fought for us throughout the years and days!
And now so too, the ones who now so who. . . . but lie in such soft cold quiet graves. . . .
Who have so taught us all, so how to so behave!
Who but lived and died, and so bled and cried . . . all in time, for all of us who so gave!
For they are America's very Heart, and Soul. . . .
All because them, all of our Freedoms we now so hold!
So make sure of this, that all of your children are so told!
Take the time, to tell them all about. . . . all of their most splendid hearts of gold!

And all of those families whose loved ones, they can no longer so hold. . . .

Who are so separated by time and distance and so death. . . . to our world to so bless!

Forget not, all of these most brilliant hearts of splendid gold. . . .

Who without arms and legs, who now so live on today whose fine hearts so crest!

Without eyes upon their faces, and broken in all places, whose courageous hearts us so bless!

Who too on this day so grieve, all for their Brother and Sisters in Arms who too so believed!

The ones who awake in the middle of the night, with dreams of dreadful fright. . . .

Reliving all of those moments, of all of those lost lives. . . .

The ones who so died in their arms, as they so cried. . . .

As now it's for them too, we all all so cry. . . .

And when they play Taps, remember all of those most splendid of lost lives. . . .

As you wipe away those tears from all your eyes. . . .

And when you look into That Old Red, White and Blue. . . .

Old Glory Our Flag. . . . and you see all of their faces, all in her most magnificent hue. . . .

Take time to salute America's Very Best. . . . on This Veteran's Day imbued!

For all of those, who have so lived and died. . . . for what was right and true!

And for all those, who now so lie in such soft cold quiet graves. . . .

For them feel the sun in your face, and hug your children tight at night. . . .

And as with them all you play. . . . Cherish, your Freedom On This Veteran's Day!

And take a moment, for all of them and their most magnificent families to so pray. . . .

And thank The Army, Navy, Air Force, Coast Guard, and The United States Marines. . . .

Who for all of us, The Great Price of Freedom They So Pay!

Remember Them, and be thankful as you kneel down to pray!

On This Veteran's Day.

EUROPEAN COURT DECISION

Mr. CARDIN. Mr. President, I had the opportunity to visit Slovakia in 2009. It was a great opportunity for me to meet with representatives of a country that is a close ally of the United States. Slovakia and the United States share strong ties thanks to the heritage of many Americans whose parents, grandparents or great grandparents came from Slovakia. We are also bound by our common devotion to democracy and human rights. It is an important friendship.

My visit to Bratislava gave me a chance to strengthen those ties. It also provided me with an opportunity to share with my Slovak friends concerns I have about the practice of targeting Romani women for sterilization without informed consent—a practice that was documented and condemned by the Charter 77 human rights movement more than 30 years ago. Unfortunately, sterilizations without consent continued to be performed in State-run hospitals in the Czech and Slovak Republics—reportedly even in this century.