

So here we are, with an obvious impact for next year of sequestration which would dramatically impact our ability to defend this Nation. In desperation, I am asking my colleagues to at least agree to smoothing out this path—which would end up with the same reductions in the spending but at least not hit this bottom level which would cause us to have planes that will not fly, ships that can't sail, and men and women in the military unable to train and operate. Once we reduce and impact operations and maintenance, readiness suffers, and readiness incapability only shows up over time.

I spent last Sunday with my friend Senator ALEXANDER. The Senator from Tennessee and I were at Fort Campbell, KY, where we spent some time with the men and women who are serving in the military. We were briefed by the military leadership and the command master sergeants of the various units based at Fort Campbell, KY. We found that already the ability to train, the ability to retain, the ability to act with the kind of proficiency which is necessary in today's world is already being seriously degraded.

So I ask my colleagues, in working with Senator SESSIONS via the Sessions amendment, to consider this amendment to the National Defense Authorization Act so we can at least soften the blow, to some degree, of sequestration.

Senator LAMAR ALEXANDER and I were taken by the patriotism, the hard work, and the quality of the men and women serving our Nation in the United States Army at Fort Campbell, KY. Senator ALEXANDER and I were both deeply alarmed at the fact that these people are literally having to budget and operate on a month-to-month basis. They are not able to sustain the level of readiness and capability that this Nation needs at this very difficult time.

So I urge my colleagues to consider this amendment that Senator SESSIONS will be sponsoring. I look forward to debating and hopefully passing this legislation to give our men and women the relief they need to serve this country with the patriotism and the efficiency we need in these difficult times.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### SEVERE NOVEMBER STORMS

Mr. COATS. Mr. President, I am here to talk about legislation I have introduced that I hope my colleagues will join me in supporting, but first I would like to make a couple of comments about the terrific storms that roared through the Midwest, including my

State, yesterday afternoon and evening. Mother Nature was in full fury and caused significant damage to my State. Fortunately, no deaths were reported, but there were injuries, destroyed buildings, turned-over cars, and downed trees and power lines. There was quite a bit of damage across our State affecting a significant number of towns—Muncie, Kokomo, Marion, Lebanon, Washington, Lafayette, and others. It was a line of storms that packed a lot of power and did a lot of damage.

We were fortunate in Indiana not to suffer loss of life. Our neighbors to the west in Illinois took the brunt of this storm. Our thoughts and prayers go out to those families and those loved ones who were lost in that storm.

There has been a good response by FEMA. People are on the ground already. Assessments are being made and Hoosiers are rolling up their sleeves and cleaning it up, as we fully expect them to do. The response has been terrific. I certainly have to acknowledge that this caused some severe damage but the response addressing it has been terrific.

#### NATIONAL CEMETERIES ACT

Mr. COATS. The bill I would like to talk about is S. 1471, the Alicia Dawn Koehl Respect for National Cemeteries Act, which hopefully will come before the Senate this week. I wish this legislation were not necessary. It should not be. Tragic events happened on May 30, 2012. Obviously, we wish that had never happened and wish there never had to be a bill named after Alicia Dawn Koehl. I regret that the Department of Veterans Affairs made a mistake that resulted in even more pain and heartbreak for this family who is already suffering from heartbreak from the loss of Alicia Dawn Koehl.

These are the circumstances. On May 30, 2012, Michael LaShawn Anderson went on a shooting spree at an Indianapolis apartment complex, injuring three people and taking the life of Alicia Dawn Koehl, a devoted wife and loving mother of two children. As police were arriving at the scene, Anderson then killed himself.

Shortly after the Koehl family faced the unimaginable—putting their mother and wife to rest—they discovered that the local Department of Veterans Affairs had made a very disturbing mistake. The VA erroneously granted the shooter a burial with military honors at Fort Custer National Cemetery in Augusta, MI, on June 6, 2012. Although Anderson was a U.S. veteran, his unthinkable act made him ineligible by law to be buried in a national cemetery. We passed a law prohibiting a veteran who has committed a federal or state capital crime, even though they have given service, from benefiting from the honors of a military cemetery burial.

After learning that Anderson was given this distinct honor of being bur-

ied alongside our country's heroes in a national cemetery, the Koehl family requested that the VA disinter his remains. They contacted our staff, me, and for over a year, together, we worked and we have been working with the VA and the Koehl family to remove Anderson's remains from the Custer National Cemetery in Michigan.

However, earlier this year the VA informed me personally that it could not exhumate the remains of Anderson because the Department does not believe it has the legal authority to do so without the Congress passing legislation and signature by the President. In other words, the VA was not permitted under current law to bury Anderson at the national cemetery, but the Department's legal interpretation of the law says it does not have the legal authority to fix that mistake and exhumate the remains of this ineligible veteran. Legislation had to be offered to right this wrong. The bill that is being presented here would grant both the Department of Veterans Affairs and the Department of Defense the authority to disinter ineligible veterans buried at national cemeteries who have committed a Federal or State capital crime. It would give the VA the authority it needs to exhumate the remains of Michael Anderson.

Last month I testified in support of this bill before the Senate Veterans' Affairs Committee hearing, and I was pleased to be joined by Alicia's father-in-law Frank and mother-in-law Carol, who traveled from Fort Wayne, IN, in support of this particular bill. I thank chairman BERNIE SANDERS and ranking member RICHARD BURR and members of the committee for immediately grasping the nature of this and being willing to do everything possible to help us move this legislation. It could not have been done without their support, and their efforts have been advanced and expedited by their commitment to support this and to have Senate action on the legislation as soon as possible.

I am here today to urge my colleagues to support and pass this Alicia Dawn Koehl Respect for National Cemeteries Act. The victims and family members of this tragic shooting have suffered enough and should not be forced to wait much longer to have their requests met. As a veteran myself, I have the deepest respect for those who have worn the uniform to serve and defend our country. But no veteran who commits a capital crime should be given the honor of a military burial and being laid to rest next to our Nation's military heroes. That is the law today, and we need to make sure that law is followed. By passing this legislation, we can resolve an unacceptable mistake and help provide the family with a sense of peace and closure.

My Indiana colleague, Congresswoman SUSAN BROOKS, has introduced legislation in the House and is working to carry this across the finish line.

I urge my colleagues to pass S. 1471, the Alicia Dawn Koehl Respect for National Cemeteries Act, and ensure that our fallen veterans can rest in peace next to loved ones and fellow servicemembers, not criminals who were guilty of such a horrendous crime.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. KING). Without objection, it is so ordered.

#### CALLING FOR THE RELEASE OF YULIA TYMOSHENKO

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 95, S. Res. 165.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 165) calling for the release from prison of former Prime Minister of Ukraine Yulia Tymoshenko in light of the recent European Court of Human Rights ruling.

The PRESIDING OFFICER. There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on Foreign Relations, with an amendment and an amendment to the preamble, as follows:

(Strike out all after the resolving clause and insert the part printed in italic.)

(Strike the preamble and insert the part printed in italic.)

#### S. RES. 165

*Whereas, in August 1991, the Ukrainian Parliament declared independence from the Soviet Union and approved decrees to mint its own currency and take command of all Soviet military units on its soil;*

*Whereas, in December 1991, 90 percent of Ukrainians voted in a referendum to support independence from the Soviet Union;*

*Whereas Ukraine has experienced increased economic and political cooperation with Europe and the United States since its independence from the Soviet Union;*

*Whereas, in 1996, Ukraine adopted its first democratic constitution that included basic freedoms of speech, assembly, religion, and press;*

*Whereas in 2004, Ukrainians organized a series of historic protests, strikes, and sit-ins known as the "Orange Revolution" to protest electoral fraud in the 2004 presidential election;*

*Whereas Yulia Tymoshenko was a leader of the Orange Revolution and was first elected as Prime Minister in 2005;*

*Whereas, in the 2010 presidential election, incumbent President Viktor Yushchenko won only 5.5 percent in the first round of voting, which left former Prime Minister Viktor Yanukovich and then Prime Minister Yulia Tymoshenko to face one another in a run-off election;*

*Whereas Mr. Yanukovich defeated Ms. Tymoshenko by a margin of 49 percent to 44 percent;*

*Whereas, on October 11, 2011, Ms. Tymoshenko was found guilty and sentenced to seven years in prison on charges that she abused her position as Prime Minister in connection with a Russian natural gas contract;*

*Whereas, on January 26, 2012, the Parliamentary Assembly Council of Europe (PACE) passed a resolution (1862) that declared that the articles under which Ms. Tymoshenko was convicted were "overly broad in application and effectively allow for ex post facto criminalization of normal political decision making";*

*Whereas, on May 30, 2012, the European Parliament passed a resolution (C153/21) deploring the sentencing of Ms. Tymoshenko;*

*Whereas, on September 22, 2012, the United States Senate passed a resolution (S. Res. 466, 112th Congress) that condemned the selective and politically motivated prosecution and imprisonment of Yulia Tymoshenko, called for her release based on the politicized charges, and called on the Department of State to institute a visa ban against those responsible for the imprisonment of Ms. Tymoshenko and the other political leaders associated with the 2004 Orange Revolution;*

*Whereas, on April 7, 2013, President of Ukraine Viktor Yanukovich pardoned former interior minister Yuri Lutsenko and several other opposition figures allied with Ms. Tymoshenko;*

*Whereas, on April 30, 2013, the European Court of Human Rights, which settles cases of rights abuses after plaintiffs have exhausted appeals in their home country courts, ruled that Ms. Tymoshenko's pre-trial detention had been arbitrary; that the lawfulness of her pre-trial detention had not been properly reviewed; that her right to liberty had been restricted; and, that she had no possibility to seek compensation for her unlawful deprivation of liberty;*

*Whereas, on April 30, 2013, Department of State Spokesman Patrick Ventrell reiterated the United States call that Ms. Tymoshenko "be released and that the practice of selective prosecution end immediately" in light of the European Court of Human Rights decision;*

*Whereas Ukraine hopes to sign an association agreement with the European Union during the Eastern Partnership Summit in November 2013; and*

*Whereas, after the European Court of Human Rights ruling, European Parliament Committee on Foreign Affairs chairman Elmar Brok stated that "Ukraine is still miles away from fulfilling European standards" and must "end its selective justice" before signing the association agreement: Now, therefore, be it*

*Resolved That the Senate—*

*(1) calls on the Government of Ukraine to release former Prime Minister Yulia Tymoshenko from imprisonment based on politicized and selective charges and in light of the April 2013 European Court of Human Rights verdict;*

*(2) calls on the European Union members to include the release of Ms. Tymoshenko from imprisonment based on politicized and selective charges as a criterion for signing an association agreement with Ukraine at the upcoming Eastern Partnership Summit in Lithuania;*

*(3) expresses its belief and hope that Ukraine's future rests with stronger ties to Europe, the United States, and others in the community of democracies; and*

*(4) expresses its concern and disappointment that the continued selective and politically motivated imprisonment of former Prime Minister Yulia Tymoshenko unnecessarily detracts from Ukraine's otherwise strong relationship with Europe, the United States, and the community of democracies.*

Mr. DURBIN. Mr. President, I rise to speak to an issue relative to the nation of Ukraine. It is the continued imprisonment of former Ukrainian Prime Minister Yulia Tymoshenko. Sadly, for over 2 years now, she has been languishing in prison on politicized

charges that she abused her position in connection with a natural gas contract with Russia.

This is a photo showing the former Prime Minister's trial in Ukraine. This occurred, as I said, more than 2 years ago.

I am not going to judge the wisdom of that contract—one of an endless series of policy decisions any chief executive makes in most nations. But this is an imprisonment that has been recognized by the international community and countless human rights organizations and by the European Court of Human Rights as selectively prosecuted and politically motivated. This is an imprisonment that has a whiff of the neighboring nation of Belarus, where those who run for President against strongman dictator Alexander Lukashenko not only always lose the election but virtually always get thrown in jail—talk about a disincentive to run for office—but not from Ukraine, which has looked to solidify its place among the community of democracies, do we expect this kind of conduct.

When I visited Ukraine last May, I had the opportunity to meet with President Yanukovich, the Prime Minister, and the Foreign Minister. I was grateful they gave me their time. During those discussions, I always raised the issue of Ms. Tymoshenko's imprisonment, hoping it would be solved. They gave me kind of indirect assurances that it would in a very brief time.

Last year, Senator INHOFE of Oklahoma, as well as Senators BOXER, CASEY, MENENDEZ, and I, introduced a Senate resolution calling for her release. It passed unanimously last September—over 1 year ago. Yet here we are today, more than 1 year later and a few weeks before an important opportunity for Ukraine to strengthen its ties to the West by potentially signing an agreement with the European Union, and Ms. Tymoshenko is still in jail.

This is not only embarrassing, it is disgraceful. This is a costly distraction from all the other important issues in the Ukraine, a nation which has such great potential. It plays into Russian President Putin's hands, who would like nothing more than to see the European Union Association Agreement scuttled because of the failure of the Ukrainian Government to release Ms. Tymoshenko. Why would Ukraine's leaders want to succumb to Russian bullying and jeopardize political ties to the West over a simple grudge regarding the previous Prime Minister?

I am dismayed by the seeming inability to find a reasonable compromise that would allow Ms. Tymoshenko to seek medical treatment abroad, a move that would allow us to instead focus on strengthening the important ties between the United States, the European Union, and Ukraine.

Ukraine is our friend and ally. It helped us in Libya and in Afghanistan.