

country. Equally alarming is the fact that the number of judicial emergency vacancies since Senate Republicans took the majority has risen by 158 percent. These vacancies impact communities across America, and it is doing the most harm to States represented by at least one Republican Senator. Of the 66 current vacancies that exist, 48 of them—or more than 70 percent—are in States with at least one Republican Senator.

We should take action right now and hold confirmation votes on the 21 judicial nominees pending on the floor. The next pending district and circuit court nominees—who will both fill judicial emergency vacancies—were nominated 1 year ago, yet both are still awaiting the majority leader's action to simply schedule their confirmation votes. The next district court nominee on the Executive Calendar is LaShann Hall, an outstanding African-American woman who has been nominated to serve in the Eastern District of New York. And directly following that nomination is Judge Luis Felipe Restrepo who, when confirmed, will be the first ever Hispanic judge from Pennsylvania on the third circuit and only the second Hispanic judge to serve on the third circuit. Judge Restrepo has strong bipartisan support from his home State Senators, Senator TOOMEY and Senator CASEY. At Judge Restrepo's hearing, Senator TOOMEY stated that "there is no question [Judge Restrepo] is a very well qualified candidate to serve on the Third Circuit" and underscored the fact that he recommended that the President nominate Judge Restrepo. Although there is an urgent need to fill the emergency vacancy on the third circuit, the Republican leadership has refused to hold a confirmation vote. All Democrats support this nominee. I hope Senator TOOMEY will seek a firm commitment from his Republican leadership to schedule a vote this week for Judge Restrepo.

In addition to Judge Restrepo, a number of these pending nominees have the support of their Republican home State Senators. Just last week, the Senate Judiciary Committee voted out two Iowa nominees recommended to the President by the chairman of the Judiciary Committee. However, if Republican obstruction continues and if home State Senators cannot persuade the majority leader to schedule a vote for their nominees soon, then it is unlikely that even highly qualified nominees with Republican support will be confirmed by the end of the year.

No Senator has raised a single objection to any of the 21 judicial nominees pending on the floor. Each one was reported out of the Judiciary Committee by unanimous voice vote, and each has the backing of their home State Senators, including Republican Senators. Senate Republicans have no excuses left.

I hope the Republican Senator from Pennsylvania and the other Republican Senators will implore their leadership

to schedule votes on the judicial nominees pending on the floor without further delay.

DETENTION OF HOSSAM BAHGAT

Mr. LEAHY. Mr. President, there is no right that is more fundamental to a democracy than freedom of expression. When this right, enshrined in the Universal Declaration of Human Rights, is threatened or curtailed, dictatorship is the predictable result. Regrettably, that is what we see happening in Egypt today.

Like others here, I received word this morning that Hossam Bahgat, an Egyptian journalist and one of that country's prominent human rights defenders, has been detained and may be charged in military court. He is apparently accused of publishing false news related to an article about an allegedly foiled military coup.

According to information I have received, an October 13 article by Mr. Bahgat described the military prosecution of 26 officers and 2 Muslim Brotherhood members for allegedly planning to overthrow the government. The next day, the same publication printed the article in English under the title, "A coup busted?" For this, Mr. Bahgat is being investigated by military prosecutors and could face 1 or more years behind bars.

According to Mr. Bahgat's article, which was based on the indictment in that case, authorities had summoned or arrested most of the defendants in April. Some of the detained officers alleged that they were tortured during interrogations inside military intelligence headquarters. Eight of the officers and the two Muslim Brotherhood leaders who were prosecuted in absentia were sentenced to life in prison, Mr. Bahgat reported. The rest were sentenced to between 10 and 15 years.

Lawyers for Mr. Bahgat have reported that military prosecutors are investigating him for allegedly violating articles 102 and 188 of the penal code, both of which are minor, vaguely worded offenses that concern the publication of false news.

Article 102 allows the prosecution of anyone who "intentionally broadcasts false or tendentious news, data, or rumors, or propagates subversive propaganda, if this is liable to disturb the public security, spread terror among the people, or harm the public interest." It provides for an undefined period of detention and a fine of up to 200 Egyptian pounds, US\$25.

Article 188 allows prosecution of anyone who "with ill intent publishes false news, data, or rumors, or forged or fabricated papers, or falsely attributed to others, if this is liable to disturb the general peace or provoke panic among the people or harm the public interest." It provides for detention of up to 1 year and a fine of up to 20,000 Egyptian pounds, US\$2,490.

According to Human Rights Watch, Mr. Bahgat was not the first journalist

to report on the alleged military coup. In a statement, Mr. Bahgat's lawyers stated that he had no criminal intent and that other media outlets had previously reported the verdict.

It is well established that civilians should not be prosecuted in military courts, yet that is what is happening to Mr. Bahgat. In October 2014, President al-Sisi greatly expanded military court jurisdiction for a period of 2 years, allowing the military prosecution of civilians for crimes that occur on "public" or "vital" property. Since then, Egyptian media outlets and human rights groups have reported that thousands of civilians have been charged in military courts, many of them for acts related to protesting and the Muslim Brotherhood.

Egypt's military courts operate under the authority of the Ministry of Defense, not civilian judicial authorities. According to human rights groups, they typically deny defendants the rights accorded by civilian courts, including to be informed of the charges against them, the right to a lawyer, and to be brought promptly before a judge following arrest. This is particularly concerning given the pattern of abuse of detainees in Egypt.

As a former prosecutor who has served as both chairman and ranking member of our Judiciary Committee, I have spoken many times about the importance of an independent judiciary. Nowhere is this needed more today than in Egypt, where sham trials, some lasting only a few minutes, followed by sentences of death or life in prison, are common.

I hope the Egyptian Government will see the wisdom of proceeding no further in its attempt to silence reputable journalists like Mr. Bahgat. Sometimes the news is favorable; sometimes it is unfavorable. That is the way life is, and it is not for government officials—whether elected or unelected—to decide what their citizens should read.

TRIBUTE TO RALPH BAGNESKI

Ms. BALDWIN. Mr. President, I wish to recognize and honor Ralph Bagneski, Milwaukee County's 2016 Veteran of the Year. Mr. Bagneski has served our Nation for 35 years with distinction. As we observe Veterans Day, I am proud to pay tribute to him and to his fellow Wisconsin veterans who have served our Nation to protect and defend the American freedoms we hold dear.

A native of Milwaukee, Mr. Bagneski enlisted in the United States Marine Corps after his graduation from Washington High School. He served on Active Duty during the Vietnam war from 1967 through 1971, leaving full-time service having achieved the post of rifleman squad leader, 96th Rifle Company. From 1973 to 1987, Mr. Bagneski also served in the Wisconsin National Guard, attaining the rank of first sergeant. In addition, Mr. Bagneski served for more than 15 years in the United

States Army Reserve, where he achieved the rank of command sergeant major.

During his military service, Mr. Bagneski received numerous decorations, two of which were the Legion of Merit and the Meritorious Service Medal. Both honors are given to members of the United States Armed Forces who distinguished themselves by exceptionally meritorious conduct in the performance of outstanding services and achievements. Notably, he also received the National Infantry Association's Order of Saint Maurice, an award recognizing those who make significant contributions in support of the infantry and who represent the highest standards of integrity, moral character, professional competence, and dedication to duty.

Beyond his military service, Mr. Bagneski has demonstrated extraordinary service to his fellow servicemembers through his leadership in Wisconsin Vietnam Veterans Chapter 1, the American Legion, the Veterans of Foreign Wars, and Stand Down. He has served his community as a firefighter and EMT, as a Little League baseball coach, and as an active leader in Brewery Workers Local 9.

Mr. Bagneski's lifetime of service to his country, his State, his community, and his fellow servicemembers is an example to us all. I am honored to congratulate him as Milwaukee County's 2016 Veteran of the Year and thank him for dedicating his life to the values we pay tribute to on Veterans Day—duty, honor, and service.

ADDITIONAL STATEMENTS

TRIBUTE TO TESS BRADY

• Mr. DAINES. Mr. President, I rise today to recognize Tess Brady, a lifelong resident of Stanford, MT. Montanans pride themselves in their care and deep respect for all aspects of our communities, and Tess Brady's commitment to bettering Stanford is no exception.

Tess is the founder of Stanford Beautification, a nonprofit effort that continuously provides service to improve the appearance of Main Street in Stanford. Tess does an amazing job multitasking the various ongoing projects she directs. While her many loyal and generous helpers are critical to these efforts, she is the real fireball behind the projects.

One ongoing project Tess devotes herself to is the planting and upkeep of flower displays along Main Street and at the Stanford courthouse. She takes a water tank on the back of an ATV every day during the summer and waters the flowers—a loving gesture that takes her most of the day.

When fall comes around, you can find Tess working and delegating tasks for the Scarecrow Festival—a seasonal event that began as a competition among businesses and townspeople to

decorate Main Street. In winter, Tess devotes her time to maintaining Christmas decorations throughout the season, despite Montana's snowy winters.

It makes me incredibly proud to see a Montanan so devoted and loyal to her town. Tess truly represents the fundamental Montana values of hard work and service, and I am grateful for the work she does for the Stanford community.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE ON NOVEMBER 5, 2015

At 12:53 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 91. Concurrent resolution providing for a conditional adjournment of the House of Representatives.

At 2:17 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 90. Concurrent resolution directing the Secretary of the Senate to make a technical correction in the enrollment of S. 1356.

H. Con. Res. 92. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

The message also announced that the House has passed the bill (S. 1356) to clarify that certain provisions of the Border Patrol Agent Pay Reform Act of 2014 will not take effect until after the Director of the Office of Personnel Management promulgates and makes effective regulations relating to such provisions, with amendment, in which it requests the concurrence of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first

and second times by unanimous consent, and referred as indicated:

By Mr. HATCH:

S. 2258. A bill to amend title 23, United States Code, to reform the surface transportation project delivery program; to the Committee on Environment and Public Works.

By Ms. CANTWELL (for herself, Mr. THUNE, and Mrs. MURRAY):

S. 2259. A bill to amend title XVIII of the Social Security Act to improve the way beneficiaries are assigned under the Medicare shared savings program by also basing such assignment on primary care services furnished by nurse practitioners, physician assistants, and clinical nurse specialists; to the Committee on Finance.

By Mr. WARNER (for himself and Mr. CRAPO):

S. 2260. A bill to amend the Congressional Budget Act of 1974 to require that the Congressional Budget Office prepare long-term scoring estimates for reported bills and joint resolutions that could have significant economic and fiscal effects outside of the normal scoring periods; to the Committee on the Budget.

By Mr. THUNE (for himself, Ms. CANTWELL, and Mrs. MURRAY):

S. 2261. A bill to amend title XVIII of the Social Security Act to improve the way beneficiaries are assigned under the Medicare shared savings program by also basing such assignment on services furnished by Federally qualified health centers and rural health clinics; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. JOHNSON (for himself, Mr. MURPHY, Mr. RUBIO, Ms. AYOTTE, and Mr. KIRK):

S. Res. 310. A resolution condemning the ongoing sexual violence against women and children from Yazidi, Christian, Shabak, Turkmen, and other religious communities by Islamic State of Iraq and Syria militants and urging the prosecution of the perpetrators and those complicit in these crimes; to the Committee on Foreign Relations.

By Mr. MENENDEZ (for himself and Mr. BOOKER):

S. Res. 311. A resolution honoring Rutgers, the State University of New Jersey, as Rutgers celebrates its 250th anniversary; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 314

At the request of Mr. GRASSLEY, the names of the Senator from Arkansas (Mr. COTTON), the Senator from Oregon (Mr. MERKLEY) and the Senator from Delaware (Mr. COONS) were added as cosponsors of S. 314, a bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare program of pharmacist services.

S. 804

At the request of Ms. COLLINS, the name of the Senator from Iowa (Mrs. ERNST) was added as a cosponsor of S. 804, a bill to amend title XVIII of the Social Security Act to specify coverage of continuous glucose monitoring devices, and for other purposes.