

under the control of the minority; further, that the debate time until 9 p.m. on Wednesday be divided in 1-hour alternating blocks.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, APRIL 5, 2017

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, April 5; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; finally, that following leader remarks, the Senate resume executive session to consider the nomination of Neil Gorsuch as under the previous order.

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

ORDER FOR ADJOURNMENT

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of Senators RUBIO and MERKLEY.

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

The Senator from Florida.

EGYPT

Mr. RUBIO. Mr. President, I come to the floor today to discuss the issue of human rights as part of my office's ongoing effort on what we call the Expression Not Oppression Campaign, where we highlight human rights abuses around the world and tell the stories of political prisoners and other brave leaders who are being repressed, jailed, beaten, or even worse, simply for criticizing the government of a nation in which they live.

This is an important week for human rights. Two nations with concerning records regarding human rights—Egypt and China—have sent their heads of state to meet with our President. And I will have, I hope, a chance later on this week to discuss the issues we confront in China, and they are many.

Today, I want to discuss the state of human rights and our general relationship with Egypt.

Over the past 2 days, the President of Egypt, President ElSisi, has been visiting our Nation's Capital. He had the opportunity to meet with the President and other officials in the administration. Earlier today, I had the opportunity to visit with him as part of a meeting with members of the Senate Foreign Relations Committee.

Before entering my remarks, I want to make abundantly clear that we are

incredibly impressed and grateful and supportive of the efforts that President ElSisi and Egypt are undertaking in battling radicalism and in particular ISIS. They are undertaking this effort, for example, in the Sinai, and it is quite a challenge.

I also understand that the ongoing ability to defeat radicalism in the world depends on the stability of our partners internally. That is why the human rights situation in Egypt is concerning. I believe it is fair to say it is at its worst in decades, and that is saying something. It is important.

Some may ask "Why does America care about that?" beyond, obviously, our moral calling to defend the rights of all people. It is that it is counter-productive behavior. These abuses—the conditions that exist in Egypt and in other places around the world—are actually conducive to jihadi ideology, which is the ability to recruit people who feel vulnerable, who feel oppressed. They become more vulnerable to those campaigns when they feel they are being mistreated.

The current Government of Egypt, under the leadership of President ElSisi, has cracked down on civil society. On that, there can be no debate. They have jailed thousands of political prisoners, including, sadly, some Americans, and it has responded with brute force to those who oppose that government.

Again, I reiterate that a strong U.S.-Egypt relationship is important to America—to advancing our interests in the Middle East. I am here to speak on behalf of American interests and why this is so important in our relationship with Egypt and in the stability of the region, but I must do so by describing the situation on the ground.

In the national interest of our country, we cannot turn a blind eye to the ongoing repression of Egyptian citizens by their government. It weakens our moral standing in the world, and, as I have already said numerous times, it makes Egypt less secure. If Egypt is less secure, ultimately America will be less secure. Today, I said that to President ElSisi.

Over the last decades, the American people have provided Egypt with more than \$77 billion in foreign aid. This includes what is currently \$1.3 billion per year in military aid. But as the human rights situation in Egypt continues to deteriorate and the government refuses to take the serious and necessary steps of reform and respecting the rule of law, then this Congress, on behalf of the American people—who are giving \$1.3 billion of their hard-earned taxpayer money—must continue to pursue the reform of our assistance to Egypt to make sure that not only is it allowing them to confront the challenges that are posed by radicalism today but that it also promotes progress in a way that does not leave Egypt unstable and ultimately vulnerable in the future.

It is in the interest of both our country and Egypt and the Egyptian people

to implement reforms and to release all of its jailed political prisoners, including all jailed Americans. Nations cannot thrive and they cannot prosper if their citizens are oppressed or are unable to express themselves freely without fear of being jailed, tortured, or killed.

Inevitably, if these conditions continue, there will be a street uprising in Egypt once again, and it could very well be led by radical elements who seek to overthrow the government and create a space for terrorism.

Human rights abuses in Egypt take on many forms. An example is the lack of press freedom. In 2016, Egypt joined other nations in rising to the top of the rankings as the world's third highest jailer of journalists. According to the Reporters Without Borders' 2016 World Press Freedom Index, Egypt currently ranks 159th out of 180 countries in terms of press freedom. The media, including journalists, bloggers, and those active on social media, are regularly harassed and arrested. There are currently 24 journalists who are jailed on trumped-up and politically motivated charges. Their "crimes" have included publishing false information and inciting terrorism. Censorship has grown as they continue to interfere in the publication and circulation of news—although, by the way, a lot of Egyptian news coverage is very anti-American. These are just a few examples of the ongoing repression of press freedom in Egypt.

There are also human rights abuses the Egyptian Government continues to commit with regard to freedom of association and of assembly. In November of 2016, the Egyptian Parliament passed a draconian law that, if signed by President ElSisi, would ban non-governmental organizations from operating freely in Egypt. The law would essentially eliminate all independent human rights groups. It would make it nearly impossible for charities to function by imposing strict regulations and registration processes. Individuals who violate this law could face jail time simply for speaking out and fighting to defend human rights. Passing laws like these has a chilling effect on dissent.

Here is the good news: President ElSisi has not signed it over 4 months later, and I truly hope it is because he is having second thoughts about it, because he recognizes the terrible impact it will have on his country's future, on their perception around the world, on their ability to make progress and reform, and ultimately because he also recognizes the impact it will have on free nations, like the United States, which desires to work with Egypt on many issues of common interest. I strongly encourage President ElSisi to reject that anti-NGO law.

There is the issue of political prisoners. According to the Project on Middle East Democracy, since 2013 at least 60,000 political prisoners have been arrested in Egypt and 1,800 people have received death sentences in what many

organizations have described as being politically motivated sentences.

In 2014, President Elsi issued a decree that expanded the jurisdiction of military courts over civilians. According to Human Rights Watch, since the decree was issued, the military courts have tried over 7,400 Egyptian civilians.

Additionally, individuals who have been victims of enforced disappearances in Egypt have claimed that they were tortured and subjected to other forms of abuse when they were taken. There has been little accountability for this excessive use of force.

Egypt's repression is not limited to its own citizens. There are currently a number of Americans who are jailed in Egypt. There is one American in particular whom I would like to raise: the case of American-Egyptian citizen Aya Hijazi.

Aya was arrested in May of 2014, along with her husband and other members of her organization, which is called the Belady Foundation, which works with abandoned and homeless youth and rescues these young children off the streets. Three years ago, she was arrested and charged with ridiculous allegations, including sexual abuse and paying the children to participate in demonstrations against the government. To date, no evidence has been provided to back these horrible allegations. Almost 3 years later, this American citizen remains in prison.

Throughout that time, I and others here in the Senate have been calling for her release, and it is time that the charges against her be dropped and her husband and the other workers be released immediately because her case and many others like it are an obstacle to better relations.

The Egyptian people deserve better than the brutal treatment they are receiving at the hands of their government. All human beings do. It is incumbent upon us, the elected representatives of the American people, to make clear to friends, allies, partners, and foes alike that no matter what issues we are working with you on, negotiating a resolution to, or dealing with you on in some other way, we are not going to look the other way when human rights are being abused. We are going to encourage you to reform because in the long run, that is in your interest and ours.

We have seen in recent history the consequences when governments do not respect their citizens. It creates instability in those countries. Instability is the breeding ground of terrorists and radical elements around the world. Ultimately, those terrorists train their sights on us.

As I told President Elsi today, Egypt is a nation rich in culture and history and has made extraordinary contributions to the world. It has played a leading role in fostering peace with Israel. But it faces a dangerous future if it does not create the conditions within the country in which its people

can live peacefully and securely without fear. Otherwise, Egypt remains vulnerable to the kind of instability we have seen in Syria, Libya, and other countries. That is why it should matter to the American people.

I am disappointed that this issue of human rights did not come up publicly when the President met with the President of Egypt. I hope that will change in the weeks and days and months to come, for it is in our national interest to further these goals. Otherwise, sadly, we could very well have yet another and perhaps the most important country in the region destabilized and ultimately left vulnerable to becoming a breeding ground for terrorism that ultimately targets our people and our Nation.

EXECUTIVE SESSION

EXECUTIVE CALENDAR—Continued

Mr. RUBIO. Mr. President, I ask unanimous consent that the Senate resume executive session and then resume legislative session following the remarks of the Senator from Oregon, Mr. MERKLEY.

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

Mr. RUBIO. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I rise to address the nomination of Neil Gorsuch. I will start by noting that just moments ago the majority leader was on the floor and did something that has never before been done in U.S. history; that is, on the first day—indeed, in the first hours of debate on a Supreme Court Justice on this floor, the majority leader filed a petition, called a cloture petition, to close debate. So here we are on the first day, just hours into the debate, and the majority leader has said: Enough. We do not want to hear any more about this topic. We are going to shut down debate.

The rules provide some protection for this, and that is that it cannot be voted on until Thursday. So there is time between now and Thursday for us to air our views. Historically, often debates went on for a substantial amount of time—a week, some for many weeks—with no cloture petition being filed, with no closing of the debate. Certainly, never before has the majority leader shut down debate, filed that petition on day one in his trying to ram this nomination through.

This is just a continuation of firsts—first events that do absolutely no credit to this institution, no credit to the Supreme Court, no credit to our Nation. In fact, they pose a substantial danger.

It was February 13, a little over a year ago, that Supreme Court Justice Scalia died. Almost immediately, the majority leader indicated that when

the nomination came down from President Obama, this Chamber would not exercise its responsibility of advice and consent under the Constitution in that it would not provide an opportunity for Merrick Garland to be able to appear before a committee and answer the questions of the committee members, the questions of Republicans and the questions of Democrats, so that they could assess whether that individual was appropriate to serve in a Supreme Court seat.

The majority leader made it clear that there would be no committee hearing and no committee vote and no opportunity to come here directly to the floor, bypassing the committee. In other words, he closed off every opportunity for the President's nominee to be considered. This is the first time—this is the only time that has happened in our Nation's history when there was a vacancy in an election year.

What is the essence of this extraordinary and unusual action when this Chamber fails to exercise its advice and consent responsibility under the Constitution? Were we at a time of war, like the Civil War, in which the Capitol at times was under assault? Were we at a moment in which the building was aflame and we had to flee or there was some other significant threat to the functioning of this body? Was there some extraordinary set of circumstances—perhaps a massive storm headed for the Nation's Capital—that led the Senate for the first time in U.S. history to say that it could not take the time to exercise its constitutional advice and consent responsibility? There was no storm. There was no fire. There was no threat. There was no earthquake. There was nothing that would have prevented this Chamber from doing its responsibility.

The President has a responsibility under the Constitution when there is an open seat, and that is to nominate. He proceeded to consult with Members on both sides of the aisle, and he nominated an individual, Merrick Garland, who had an extraordinary reputation and who essentially was considered to come straight down the Main Street of judicial thought, with opinions that were neither labeled "progressive" nor "conservative." They were straight down the middle.

The President made that nomination on March 16, which was a month and 3 days after the seat became vacant, but that was the last action to occur, the last action this Chamber took. A few individuals did courtesy interviews, knowing that it would lead to no committee hearing and no committee vote because the majority team in this Chamber decided to steal a Supreme Court seat. Again, such a theft never, ever has happened in the history of our Nation.

There have been a substantial number of seats that have come open during an election year—16. There have been a substantial number of individuals who were confirmed to those 16