

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