

So stand back for a second and see what they are doing. A bunch of right-wing, privileged, mostly White men in the legislature have decided that their political agenda trumps everything else, and they are willing to follow their—so that they can play to their far-right base, they are willing to jeopardize women's health. They are willing to go right up against what the Columbus Dispatch says—few papers in America are more conservative—when they talk about a significant impact on the department's ability to coordinate with hospitals and insurance companies. Why would they do that? They do it because they are playing to this far-right base who votes overwhelmingly in primaries.

The director said that because the bill is so broadly written, "we wouldn't be able to work with any hospital in our jurisdiction."

This Ohio law explicitly targets critical health and health education services for women. Don't take my word for it; all you have to do is read the bill. This chart shows that it prohibits Ohio clinics and hospitals from using Federal dollars—and I am quoting directly from the bill—for any of the programs established by the Violence Against Women Act, the Minority HIV/AIDS Initiative, the Infertility Prevention Project, the Personal Responsibility Education Program, and the Breast and Cervical Cancer Mortality Prevention Act. Think about that—the Mortality Prevention Act. This bill prohibits Ohio clinics and hospitals from using Federal dollars to implement these laws.

It means no Federal dollars for the program administered by the Administration for Children and Families in the Department of Health and Human Services to educate adolescents on abstinence and contraception for the prevention of pregnancy and sexually transmitted diseases. So this legislation that Governor Kasich signed that these privileged, mostly White men in the State legislature—politically far to the right, the majority of the State legislature—the bill they passed and Governor Kasich signed would mean that we wouldn't be able to use the Federal dollars we have to educate adolescents on abstinence and contraception for the prevention of pregnancy and sexually transmitted infections.

So what are they doing? The extremists on the other side are saying no Federal dollars for abortion. There aren't Federal dollars for abortion. But they are saying no Federal dollars to preach abstinence and to educate young people about abstinence and sexually transmitted diseases. So what are they doing and why are they doing this to the women in Ohio?

This law bars women from accessing cancer screenings, fertility services, AIDS prevention, and help coping with abuse and violence. Do these far-right members of the legislature know no low-income or moderate-income young women? Do they know no teenagers, no

female teenagers and young male teenagers, too, who maybe could benefit from some of these programs, including abstinence education, learning about contraceptives, and learning about how sexually transmitted diseases are in fact transmitted?

I support a woman's right to make personal, private health care decisions for herself with her doctor. But no matter your personal feelings about abortion, surely we can agree—although the legislature can't in my State—surely we can agree that cancer screenings and programs that have helped bring Ohio's teen pregnancy and STD rates down are a good thing.

I would say that Ohio right now—and this is embarrassing for me to say on the Senate floor in front of colleagues—my State is 50th for Black babies and infant mortality and 47th overall in infant mortality. We are 47th overall, 50th for Black infant mortality.

The legislature underfunds public health, and they then undercut—because of this legislature's action with Governor Kasich's signature—they undercut the Violence Against Women Act, they undercut minority HIV and AIDS education, they undercut the personal responsibility education program, they undercut breast and cervical cancer mortality prevention, and they undercut infertility prevention projects. I just don't get it.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. BROWN. Madam President, I ask unanimous consent for an additional 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BROWN. A woman in New Carlsle wrote to me saying:

There was a time when I could not find full-time employment, I did not have health insurance, and I also was not eligible for any assistance from the government. My husband and I were newly married and trying to build a responsible life together.

I was 21. I had a family history of breast cancer and ovarian cancer, so access to healthcare was crucial for me. Planned Parenthood was the only place that would help me look after my health and plan my own family and lifestyle in a way that I could afford.

Another woman went on to say: "Planned Parenthood made an impoverished young woman feel safe and comfortable and valued."

Another woman in Boardman, OH, wrote: "Along with many other women, I was treated at Planned Parenthood, and I received a referral to a specialist, which saved my reproduction."

Another woman wrote saying that she had a child at 13 and gave up the child for adoption. After that she made the choice to get educated about family planning and birth control. She couldn't afford to go to a family doctor, so Planned Parenthood was where she turned to make sure she never had to go through that experience again.

A young woman from Columbus told the Canton Repository newspaper that

while she was speaking at the statehouse. Half of the lawmakers looked like they were about to fall asleep. Many were looking at their cell phones. They didn't want to listen to a young, low-income woman talk about her personal life and what Planned Parenthood meant to her.

What is happening is not all that different in Ohio than across the country. There is an organized attack on women's rights to make health care decisions for themselves. It is not about health or safety. Look at these examples. It is about politicians thinking they know better than women and their doctors. It is happening as we speak. These so-called TRAP laws in Ohio and in dozens of other States have created gaps in care that threaten women's ability to see the providers of their choice.

Health clinics in Texas have shut their doors. If the Supreme Court upholds the Texas law being challenged, the remaining clinics in the State may be forced to turn their patients away for good.

#### FILLING THE SUPREME COURT VACANCY

Mr. BROWN. Madam President, in the last 2 minutes I would like to say a few more words about the Supreme Court vacancy.

Four former U.S. attorneys from Ohio, Washington State, California, and Virginia published an op-ed that went around the country urging the Senate to promptly consider a Supreme Court nominee to replace Justice Scalia.

I ask unanimous consent to have printed in the RECORD the writings of the former U.S. attorneys.

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

Steve Dettelbach, Jenny Durkan, Melinda Haag and Tim Heaphy are Democratic former U.S. attorneys for, respectively, Northern Ohio, Western Washington, Northern California and Western Virginia. As former U.S. attorneys in diverse districts that are home to more than 20 million Americans, we urge that the president promptly nominate, and the Senate promptly consider, a Supreme Court nominee to replace Justice Antonin Scalia. Both the plain language of the Constitution and plain truths regarding public safety and national security demand that result.

For federal prosecutors, agents and criminal investigations, a year is a lifetime. We have seen real threats, whether it is the heroin epidemic or the threat of ISIS recruitment, facing the people in our communities each day.

While law enforcement stands ready to protect the public from those threats, they need to know the rules of the road. Uncertainty about those rules impedes their efforts. Just as with the economy, uncertainty prevents good agents and prosecutors from deciding on investigative strategies and tactics, and making important charging decisions. The Supreme Court is the ultimate arbiter of the hardest and most important questions facing law enforcement and our nation.

Even as we write today, unsettled legal questions regarding search and seizure, digital privacy and federal sentencing are either pending before the Supreme Court or headed there. It is unfair and unsafe to expect good federal agents, police and prosecutors to spend more than a year guessing whether their actions will hold up in court. And it is just as unfair to expect citizens whose rights and liberties are at stake to wait for answers while their homes, emails, cell phones, records and activities are investigated. Equally important, as lawyers and former public officials committed to the Constitution and the rule of law, it is incredible to us that anyone who claims fidelity to those ideas can argue that either the president or the Senate should not fulfill their duties. And we should be clear on what those duties are. Announcing ahead of time that the Senate will reject any nominee, or refusing to hold fair hearings, does not fulfill the Senate's duty to provide "advice and consent" on court nominees. The "advice" called for in the Constitution does not include, "Just forget it, Mr. President."

It is ironic that the arguments being made by those urging a year-plus delay are precisely the types of arguments that Scalia abhorred. They are based on politics and some vague notions of Senate "interpretations" of the Constitution. As U.S. attorneys we were constantly assessing the strength of constitutional and other legal arguments. And there was no more demanding jurist than Scalia when it came to supporting those arguments with written law.

One argument is based on the "Thurmond rule," named for the former senator from South Carolina, which calls for no confirmations in the final months of a president's term. But this "rule" has never been applied to the Supreme Court and it finds no home in the text of the Constitution. We would all have bought tickets to see Scalia question a lawyer who dared to raise an argument like that. Few things in the Constitution seem as unambiguous as term length. The president is elected for four years under Article II. There is no clause diminishing the president's duties in the last year, and as even Jeb Bush acknowledged, such notions are dangerous.

Should the president stop fighting ISIS in his last year? Should senators facing an election year not be allowed to vote on judicial nominees so that the "people can decide?" Certainly not. The people already did decide what would happen from January 2013 to January 2017. They elected President Obama. In both our communities and court system, we don't have more than a year to blithely waste for political reasons. The safety concerns and dangers are pressing, and our leaders in the White House and the Senate do not have built-in vacation time on our dime.

Mr. BROWN. I close just begging, urging, imploring, and beseeching my colleagues on the Republican side to move forward on the Supreme Court nominee.

We have not had a Supreme Court vacancy for as long as a year since the Civil War because we were at war in the 1860s. The average nomination process for confirming a Supreme Court nominee when there are 8 members of the Supreme Court is only about 6 weeks. The longest, Justice Thomas, took 99 days. The President of the United States is elected for 4 years—not a 3-year term. A 4-year term has 300-plus days in the term.

This Senator is disappointed—I will leave it at that—to hear that my col-

leagues have said there will not be hearings. Then they said that not only will there not be hearings for the President's nomination, they will not even meet with a nominee. This Senator finds it rather shameful for an institution with this kind of heritage and this kind of reputation that we don't do better than that. I urge my colleagues to do our jobs, do what we were elected to do, what we were sworn in to do, and do what we are paid to do to bring this nominee—vote against them if you like but bring up this nominee for real Senate consideration.

I yield the floor, and I thank Senator GRASSLEY for allowing me more time.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. GRASSLEY. Well, Madam President, it is another day and another tantrum from the minority leader, but it doesn't matter how much the minority leader jumps up and down or how much the minority leader stomps his feet, we aren't going to let liberals get away with denying the American people an opportunity to be heard. Letting the American people decide this question is a reasonable approach, it is a fair approach, and it is the historical approach. It is the approach the other side advocated when the shoe was on the other foot, and it is what the American people deserve.

They deserve an opportunity and responsibility that we do it right instead of rushing to judgment. Voters deserve the right to be heard. The American people want a reasonable justice, a person who will make the right decisions.

As the American people continue voting during the Presidential election, they face a choice: Do they want just another Justice who will look to her heart and apply her own ethics and perspective when deciding important constitutional questions that impact every American or do they want a Justice who, like Justice Scalia, adheres to the Constitution and the rule of law and decides cases based on wherever the text takes him or her. We can't overstate how critical it is for the American people to understand what is at stake in this debate.

Today take a little bit of time to discuss the impact that these two different visions would have on everyday Americans. Many leading Court observers believe that adding yet another liberal Justice to the Court whose decisions are unmoored from the constitutional text would lead to major changes in the Court's jurisprudence. As a recent New York Times article put it, adding another liberal to the Supreme Court "would be the most consequential ideological shift on the Court . . . creating a liberal majority that would almost certainly reshape American law and American life."

So it will impact all of us. According to the same article, a host of Supreme Court precedents on free speech, freedom of religion, the right to keep and bear arms, the death penalty, and abortion would be overturned. The article

speculates that "abortion rights would become more secure, and gun rights less so. . . . First Amendment arguments in cases on campaign finance, public unions, and commercial speech would meet a more skeptical reception."

In that same article, one law school dean noted that with another liberal on the Court, "the judicial debate over the fundamental possibility of ObamaCare would likely draw to an end." So let's consider just a few of the Supreme Court precedents that would likely be overturned with another liberal Justice on the Court.

First and foremost, it is our Second Amendment rights that would fall squarely within the liberals' sights. The Heller decision, authored by Justice Scalia, recognized, based on the intent of the Framers, that the Second Amendment guarantees an individual constitutional right to gun ownership.

Again, as one law professor noted in the New York Times, with another liberal in the Court, "The five would narrow Heller to the point of irrelevancy." Another said: "If we got a fifth liberal on the court, the pendulum would swing pretty quickly on gun control. . . . I expect that we'd see a major shift in the kind of gun control laws that get approved by the court."

In other words, Heller and the individual constitutional rights it guarantees would be turned into a relic. It would be an ornament without any practical limiting effect on the government's infringement upon the constitutional right of an individual to have gun ownership. Once this happens, all bets are off on the right to keep and bear arms.

Next, the First Amendment right of the American people to make their voices heard would be drastically curtailed if the Court overturns Citizens United. In fact, as a University of Chicago Law School professor said in the New York Times, "Citizens United is on every liberal's list of opinions that ought to go."

Freedom of religion protections under the First Amendment wouldn't be far behind. Another liberal Justice could allow the government to force Americans to comply with laws that violate their deeply held religious views. For example, a new Justice could provide the fifth vote to overturn the Hobby Lobby decision, which recognized the right of the owners of a closely held corporation to resist laws on religious grounds, such as ObamaCare's contraception mandate.

Of course, we all know free speech protections are being eroded and diluted in this country. On college campuses across the country, speech isn't being protected because of the speaker's viewpoint. Rather than debate openly with opponents as Justice Scalia did, too many people today want to shut down debate and muzzle anyone who disagrees with them.

What other rights are at stake in this election? Incredibly important precedents under the First Amendment's establishment clause would be at risk. Of course, I am talking about Supreme Court cases allowing prayer at town-hall meetings or permitting low-income parents to receive public school vouchers to defray the cost of the child's private school, including religious schools. Of course, while yet another liberal Justice could read narrowly the First and Second Amendments that are in the Constitution, he or she could read broadly those rights that are not in the Constitution at all.

If yet another liberal is nominated to the Court, even reasonable restrictions on abortion enacted into law through the democratic process would be swept away. Just a few years ago the Court upheld the ban on partial birth abortion by a 5-to-4 vote in the case of *Carhart*. Partial birth abortion is a horrific practice that crushes an unborn baby's skull, killing it while its head is still in the womb. It is one very small step short of infanticide. If the American people elect a liberal during this Presidential election, and that President nominates another liberal to replace Justice Scalia, we can all expect a constitutional right to abortion on demand without limitation. In the words of one law professor, "At-risk precedents run from campaign finance to commerce, from race to religion, and they include some signature Scalia projects, such as the Second Amendment. . . . Some would go quickly, like *Citizens United*, and some would go slower . . . but they'll go."

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. GRASSLEY. I ask unanimous consent for 4 more minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRASSLEY. That leads me to a broader point. There is more at stake than the results of any particular case as important as those cases are. The American people need to consider whether they want their next Justice to decide cases based on the text of the Constitution as it was understood at the time it was adopted or whether Justices are free to update the Constitution according to their own moral and political philosophies. Should Justices apply accepted legal principles through sound reasoning of new facts or should they do legal back flips to reach their desired public policy goals?

Of course, this second approach is not law. Instead, it is what Justice Scalia called "legalistic argle-bargle" and "jiggery-pokery." Justice Scalia knew the rule of law was a law of rules. The rule of law is not a law of whatever is in the Justice's heart. When a Justice believes, as President Obama does, that any time he views the Constitution as unclear, he can apply his own life experience and empathy for his or her favorite causes. The Justice has a clear incentive to think the Constitution is

unclear, but a Justice isn't entitled to read those views into the Constitution and impose them on the American people. Our Constitution sets up a Republic, not a government by judiciary.

Unless the Constitution specifically prohibits the democratic process from reflecting the will of the people, the decisions are made by elected individuals who are accountable to the voters. The Supreme Court plays a very important role in keeping the branches of the Federal Government within constitutional powers, keeping the Federal and State governments within their constitutional sphere, and it ensures the government complies with the Bill of Rights. That is the basis for its legitimacy.

When the Court reads the Constitution in ways that reflect the Justice's personal policy views rather than the text, it does not act legitimately. Instead, it denies the people the legal right to govern themselves. Justice Scalia understood this better than anyone. The more the Court reaches out and grabs power it is not entitled to hold, the more it legislates from the bench, the more decisions it robs from the American people.

As a direct result, step-by-step and inch-by-inch, liberty is lost. As John Adams observed, "Liberty, once lost, is lost forever."

Since the days of the Warren Court, this is what liberal Justices have done. Under the guise of constitutional interpretation, they have imposed liberalism on the American people. They have done it on issues and in ways they couldn't achieve through the ballot box.

This is the decision facing the American people during this Presidential election. If the American people elect a liberal as their next President, and he or she nominates a like-minded judge to replace Justice Scalia, liberalism will be imposed on the American people to a degree this country has never before witnessed. I hope anyone who cares about these important issues will take very serious note.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

#### BEEF AGREEMENT WITH ISRAEL

Mrs. FISCHER. Madam President, I rise to congratulate Nebraska's beef producers for continuing to reach new areas of the world with our very high-quality American beef. Earlier this month it was announced that WR Reserve, a beef-processing plant in Hastings, NE, will have the honor of delivering the first U.S. shipments to Israel in nearly 13 years. In December 2003, Israel was one of many countries to suspend imports of U.S. beef, following a confirmed case of BSE in the United States. Because of this, America's beef producers have been unable to ship their products to this close friend and ally. However, during my visit to Israel last fall, U.S. Ambassador to Israel

Dan Shapiro asked me to begin a dialogue with the U.S. Department of Agriculture and find a way to bring Nebraska beef to Israel. The Ambassador was especially interested in serving that Nebraska beef at the Embassy's annual 4th of July celebration.

Over the last few months, I have worked with the USDA's Food Safety and Inspection Service and with officials at the Nebraska Department of Agriculture in a concerted effort to find a solution. I am extremely pleased to inform this body that an agreement was achieved, the ban was lifted, and Nebraska will supply the first shipments of beef to Israel in over a decade.

Ambassador Shapiro was quick to praise this breakthrough, noting:

This agreement gives Israeli consumers access to the world's highest-quality beef. At the same time, it creates and supports jobs in the great state of Nebraska.

I couldn't agree with the Ambassador more. Israel is a critical ally of the United States, and I was pleased to work with the USDA and the Israeli Government to supply the first American beef shipments to Israel in over a decade.

Nebraska's beef producers are the best in the world, and this agreement is a testament to their tireless commitment to delivering safe and high-quality beef to millions of dinner tables around the world. In Nebraska, cattle outnumber people more than 3 to 1. With nearly \$7.2 billion in annual cash receipts, our beef production is the largest sector of the State's economy, and Nebraska leads the Nation in every aspect of beef production. I would also like to note that this agreement shows that science-based trade can overcome myth and misinformation.

By ending this ban, Israel becomes one of the last countries to reopen its market to U.S. beef and abide by international trade regulations. In doing so, this agreement reinforces the progress made by the U.S. beef industry to eliminate BSE-related trade restrictions.

I also join the Nebraska Agriculture Department director, Greg Ibach, in congratulating WR Reserve. Their hard work made this agreement possible after complying with a rigorous inspection process that included regular visits from the Israeli Government.

Prior to this agreement, according to the USDA, Israel imported beef products from other nations worth \$405 million in 2014. Ninety-five percent of these imports originated in Latin America with smaller volumes coming from Australia and the European Union.

Now the United States will have the opportunity to showcase our world-famous beef to a new global market, and Nebraska is very proud to lead that charge. I was honored to work collaboratively with State, Federal, and international officials to ensure that Nebraska's beef producers achieved those necessary approvals.