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Legislative Journal

WEDNESDAY, FEBRUARY 8, 2017

SESSION OF 2017 201ST OF THE GENERAL ASSEMBLY

No. 10

SENATE

WEDNESDAY, February 8, 2017

The Senate met at 11 a.m., Eastern Standard Time.

The PRESIDENT (Lieutenant Governor Mike Stack) in the Chair.

PRAYER

The Chaplain, Reverend DR. DENNY MALLONEE, of Faith Baptist Church, Beaver Springs, offered the following prayer:

Thank you, Lieutenant Governor Stack. It is a privilege to be here today.

Let us bow our heads and hearts in prayer, shall we.

Heavenly Father, we realize it is a great and awesome privilege, as well as an awesome responsibility to be gathered here today. These men and women have been chosen by their constituents to represent them in their respective senatorial districts. In this Chamber, we know there are many different ideas and philosophies represented. Not all of us agree on everything, but as this Session begins, we are reminded of the words of our great founder and statesman Benjamin Franklin, "God governs in the affairs of men." He moved that "henceforth prayers imploring the assistance of heaven and its blessings on our deliberations, be held in this assembly every morning before we proceed to business."

We are admonished in the Holy Scriptures "if any man lack wisdom, let him ask of God." So Lord, we ask You for wisdom and direction for each Member of this great body as they freely discuss and debate the ideas seeking what will be the best for the citizens of this Commonwealth. According to Romans 13:4-6, each Member in this Chamber is a minister of God to us for good. Lord, my prayer is that each of these lawmakers will seek Your perfect will as they administer to us this day. We do commit each into Thy hands and humbly ask You for Your divine direction and blessing as this Session begins, praying in our wonderful Savior and Redeemer's name. Amen.

The PRESIDENT. The Chair thanks Reverend Dr. Mallonee, who is the guest today of Senator Gordner.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was recited by those assembled.)

**COMMITTEE DESIGNATION UNDER
REGULATORY REVIEW ACT**

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

SENATE OF PENNSYLVANIA

February 8, 2017

MEMO TO: Honorable Megan Martin
 Secretary of the Senate

FROM: Senator JOE SCARNATI
 President Pro Tempore

SUBJECT: Committee Designation Under
 Regulatory Review Act

Under the provisions of Act 181 of 1982, as amended and reenacted, known as the Regulatory Review Act, as President Pro Tempore of the Senate, I hereby designate the following standing committees for the purpose of regulatory review as authorized in the Act.

The designated standing committee for any departmental board, commission, committee, and other agency not listed herein shall be the standing committee listed for that department. The Committee on Rules and Executive Nominations shall be the designated standing committee for the purpose of regulatory review for any other agency not specifically listed.

<u>AGENCY</u>	<u>COMMITTEE</u>
Governor and Office of the Governor	State Government
Attorney General and Office of the Attorney General	Judiciary
Auditor General and Office of Auditor General	Finance
State Treasurer and Treasury Department	Finance
Adjutant General and Department of Military and Veterans' Affairs	Veterans' Affairs and Emergency Preparedness
Secretary and Department of Aging	Aging and Youth
Secretary and Department of Agriculture	Agriculture and Rural Affairs
Secretary and Department of Banking and Securities	Banking and Insurance
Secretary and Department of Community and Economic Development	Community, Economic and Recreational Development
Secretary of the Commonwealth and Department of State	State Government
Secretary and Department of Conservation and Natural Resources	Environmental Resources and Energy
Secretary and Department of Corrections	Judiciary
Secretary and Department of Drug and Alcohol Programs	Health and Human Services
Secretary and Department of Education	Education
Secretary and Department of Environmental Protection	Environmental Resources and Energy

Secretary and Department of General Services	State Government	Pennsylvania Gaming Control Board	Community, Economic and Recreational Development
Secretary and Department of Health	Health and Human Services	Pennsylvania Health Care Cost Containment Council	Health and Human Services
Commissioner and Department of Insurance	Banking and Insurance	Pennsylvania Housing Finance Agency	Urban Affairs and Housing
Secretary and Department of Labor and Industry	Labor and Industry	Pennsylvania Industrial Development Authority	Community, Economic and Recreational Development
Secretary and Department of Human Services	Health and Human Services	Pennsylvania Infrastructure Investment Authority	Environmental Resources and Energy
Secretary and Department of Revenue	Finance	Pennsylvania Minority Business Development Authority	Community, Economic and Recreational Development
Commissioner and Pennsylvania State Police	Law and Justice	Philadelphia Parking Authority	Consumer Protection and Professional Licensure
Secretary and Department of Transportation	Transportation	Public Employee Retirement Commission	Finance
Secretary and Office of Administration	State Government	Public School Employees' Retirement Board	Education
General Counsel and Office of General Counsel	State Government	Professional Standards and Practices Commission	Education
Secretary and Office of Budget	Appropriations	Public Utility Commission	Consumer Protection and Professional Licensure
Commissioner and Bureau of Professional and Occupational Affairs	Consumer Protection and Professional Licensure	State Agricultural Land Preservation Board	Agriculture and Rural Affairs
Executive Board	State Government	State Athletic Commission	State Government
Armory Board	Veterans' Affairs and Emergency Preparedness	State Board of Education	Education
Ben Franklin Technology Development Authority	Community, Economic and Recreational Development	State Employees' Retirement Board	Finance
Board of Claims	State Government	State Board for Certification of Sewage Enforcement Officers	Environmental Resources and Energy
Board of Coal Mine Safety	Environmental Resources and Energy	State Board for Certification of Water and Wastewater Systems Operators	Environmental Resources and Energy
Board of Finance and Revenue	Finance	State Board of Private Academic Schools	Education
Board of Governors of State System of Higher Education	Education	State Board of Private Licensed Schools	Education
Board of Pardons	Judiciary	State Conservation Commission	Agriculture and Rural Affairs
Board of Probation and Parole	Judiciary	State Ethics Commission	State Government
Civil Service Commission	State Government	State Health Care Policy Board	Health and Human Services
Commonwealth Financing Authority	Community, Economic and Recreational Development	State Public School Building Authority	Education
Constables' Education and Training Board	Judiciary	State Tax Equalization Board	Finance
Pennsylvania Commission on Sentencing	Judiciary	State Transportation Commission	Transportation
State Coroners' Education Board	Judiciary	Turnpike Commission	Transportation
Council on the Arts	State Government	Underground Storage Tank Indemnification Board	Banking and Insurance
Deputy Sheriffs' Education and Training Board	Local Government	Unemployment Compensation Board of Review	Labor and Industry
Environmental Hearing Board	Environmental Resources and Energy	State Veterans' Commission	Veterans' Affairs and Emergency Preparedness
Environmental Quality Board	Environmental Resources and Energy	Workers' Compensation Appeal Board	Labor and Industry
Higher Educational Assistance Agency	Education	State Workers' Insurance Board	Labor and Industry
Higher Education Facilities Authority	Education	State Board of Accountancy	Consumer Protection and Professional Licensure
Historical and Museum Commission	State Government	State Architects Licensure Board	Consumer Protection and Professional Licensure
State Horse Racing Commission	Agriculture and Rural Affairs	State Board of Auctioneer Examiners	Consumer Protection and Professional Licensure
Human Relations Commission	Labor and Industry	State Board of Barber Examiners	Consumer Protection and Professional Licensure
Independent Regulatory Review Commission	Rules and Executive Nominations	State Board of Chiropractic	Consumer Protection and Professional Licensure
Industrial Board	Labor and Industry	State Board of Cosmetology	Consumer Protection and Professional Licensure
Joint Committee on Documents	Rules and Executive Nominations	State Board of Crane Operators	Consumer Protection and Professional Licensure
Labor Relations Board	Labor and Industry	State Board of Dentistry	Consumer Protection and Professional Licensure
Liquor Control Board	Law and Justice	State Board of Funeral Directors	Consumer Protection and Professional Licensure
Lobbying Disclosure Law Regulation Promulgation Committee	State Government	State Board of Landscape Architects	Consumer Protection and Professional Licensure
Milk Marketing Board	Agriculture and Rural Affairs	State Board of Massage Therapy	Consumer Protection and Professional Licensure
Pennsylvania Municipal Retirement System	Local Government	State Board of Medicine	Consumer Protection and Professional Licensure
Municipal Police Officers Education and Training Commission	Law and Justice	State Board of Certified Real Estate Appraisers	Consumer Protection and Professional Licensure
Office of Open Records	State Government	State Board of Vehicle Manufacturers, Dealers and Salespersons	Consumer Protection and Professional Licensure
Pennsylvania Commission on Crime and Delinquency	Judiciary		
Pennsylvania Economic Development Financing Authority	Community, Economic and Recreational Development		
Pennsylvania Emergency Management Council	Veterans' Affairs and Emergency Preparedness		
Pennsylvania Emergency Management Agency	Veterans' Affairs and Emergency Preparedness		
Pennsylvania Energy Development Authority	Environmental Resources and Energy		

Navigation Commission for the Delaware River and its Navigable Tributaries	Consumer Protection and Professional Licensure
State Board of Nursing	Consumer Protection and Professional Licensure
State Board of Examiners of Nursing Home Administrators	Consumer Protection and Professional Licensure
State Board of Occupational Therapy Education and Licensure	Consumer Protection and Professional Licensure
State Board of Optometry	Consumer Protection and Professional Licensure
State Board of Osteopathic Medicine	Consumer Protection and Professional Licensure
State Board of Pharmacy	Consumer Protection and Professional Licensure
State Board of Physical Therapy	Consumer Protection and Professional Licensure
State Board of Podiatry	Consumer Protection and Professional Licensure
State Board of Psychology	Consumer Protection and Professional Licensure
State Registration Board for Professional Engineers, Land Surveyors and Geologists	Consumer Protection and Professional Licensure
State Real Estate Commission	Consumer Protection and Professional Licensure
State Board of Examiners in Speech-Language and Hearing	Consumer Protection and Professional Licensure
State Board of Veterinary Medicine	Consumer Protection and Professional Licensure
State Board of Social Workers, Marriage and Family Therapists and Professional Counselors	Consumer Protection and Professional Licensure

APPOINTMENTS BY THE PRESIDENT PRO TEMPORE

The PRESIDENT. The Chair wishes to announce the President pro tempore has made the following appointments:

Senator John P. Blake as a member of the Public School Employees' Retirement Board.

Senator Michele Brooks as a member of the Legislative Budget and Finance Committee and as a member of the Long-Term Care Council.

Senator Patrick M. Browne as a member of the Public School Employees' Retirement Board and as a member of the Board of Directors of the Pennsylvania Minority Business Development Authority.

Senator Don White as a member of the Board of Directors of the Pennsylvania Infrastructure Investment Authority.

Senator Gene Yaw as a member of the Municipal Waste Planning, Recycling and Waste Reduction Committee, and as a member of the Board of Directors of the Pennsylvania Energy Development Authority.

Mr. Joseph Fisne as a member of the Pennsylvania eHealth Partnership Authority.

APPOINTMENT BY THE MAJORITY LEADER

The PRESIDENT. The Chair wishes to announce the Majority Leader has made the following appointment:

Mr. Robert G. Loughery as a member of the Pennsylvania Housing Finance Agency.

BILLS REPORTED FROM COMMITTEES

Senator TOMLINSON, from the Committee on Consumer Protection and Professional Licensure, reported the following bills:

SB 54 (Pr. No. 35)

An Act amending the act of December 17, 1968 (P.L.1224, No.387), known as the Unfair Trade Practices and Consumer Protection Law, further providing for dog purchaser protection.

SB 274 (Pr. No. 264)

An Act amending the act of May 22, 1951 (P.L.317, No.69), known as The Professional Nursing Law, providing for the definition of "certified registered nurse anesthetist"; further providing for registered nurse, clinical nurse specialist, use of title "C.N.S." and credentials and fraud; and providing for certified registered nurse anesthetist and qualifications.

SB 297 (Pr. No. 299) (Amended)

An Act amending the act of October 17, 2008 (P.L.1645, No.132), known as the Home Improvement Consumer Protection Act, further providing for definitions, for registration of contractors, for home improvement fraud and for prohibited acts.

Senator RAFFERTY, from the Committee on Transportation, reported the following bills:

SB 251 (Pr. No. 300) (Amended)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in rules of the road in general, further providing for speed timing devices.

SB 265 (Pr. No. 247)

An Act designating the bridge carrying State Route 3012 over the Susquehanna River between City Island and the intersection with State Route 1010 and State Route 1027, commonly referred to as the Market Street Bridge, as the Senator Harold Mowery Market Street Bridge.

SB 279 (Pr. No. 273)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in rules of the road in general, further providing for speed timing devices; and, in powers of department and local authorities, further providing for specific powers of department and local authorities.

SB 288 (Pr. No. 274)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in rules of the road in general, further providing for duty of driver in emergency response areas.

LEGISLATIVE LEAVES

The PRESIDENT. The Chair recognizes the gentleman from Centre, Senator CORMAN.

Senator CORMAN. Mr. President, I request temporary Capitol leaves for Senator McIlhinney, Senator Ward, and Senator Browne.

The PRESIDENT. The Chair recognizes the gentleman from Allegheny, Senator COSTA.

Senator COSTA. Mr. President, I request a legislative leave for Senator Tartaglione.

The PRESIDENT. Senator Corman requests temporary Capitol leaves for Senator McIlhinney, Senator Ward, and Senator Browne.

Senator Costa requests a legislative leave for Senator Tartaglione.

Without objection, the leaves will be granted.

JOURNAL APPROVED

The PRESIDENT. The Journal of the Session of January 24, 2017, is now in print.

The Clerk proceeded to read the Journal of the Session of January 24, 2017.

Senator CORMAN. Mr. President, I move that further reading of the Journal be dispensed with and that the Journal be approved.

On the question,
Will the Senate agree to the motion?

The yeas and nays were required by Senator CORMAN and were as follows, viz:

YEA-50

Alloway	DiSanto	Leach	Street
Argall	Eichelberger	Martin	Tartaglione
Aument	Farnese	McGarrigle	Tomlinson
Baker	Folmer	McIlhinney	Vogel
Bartolotta	Fontana	Mensch	Vulakovich
Blake	Gordner	Rafferty	Wagner
Boscola	Greenleaf	Regan	Ward
Brewster	Haywood	Resenthaler	White
Brooks	Hughes	Sabatina	Williams
Browne	Hutchinson	Scarnati	Yaw
Corman	Killion	Scavello	Yudichak
Costa	Langerholz	Schwank	
Dinniman	Laughlin	Stefano	

NAY-0

A majority of the Senators having voted "aye," the question was determined in the affirmative.

The PRESIDENT. The Journal is approved.

**GUEST OF SENATOR JOHN M. DiSANTO
PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Dauphin, Senator DiSanto.

Senator DiSANTO. Mr. President, I rise to recognize a young man who is shadowing me today. He attends Lower Dauphin High School. He is very involved in politics and is on the right track. In addition, he is active in sports and his soccer team from Lower Dauphin High School won the AAA State Soccer Championship. I introduce Drew Mondì to the State Senate and ask that we give him our usual warm welcome. Thank you.

The PRESIDENT. Would the guest of Senator DiSanto, Drew Mondì, please rise so that we may welcome you to the Senate. (Applause.)

**GUESTS OF SENATOR SCOTT E. HUTCHINSON
PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Venango, Senator Hutchinson.

Senator HUTCHINSON. Mr. President, we are always pleased to welcome folks from the great northwest to Harrisburg.

Today I have several folks here who are working with our local proposed regional community college for the rural areas, and the delegation includes: Duane Vincini, Kate Brock, and Robin Lutz, as well as somebody who is very familiar to this body, our former colleague, a great friend to many of us here, Senator Mary Jo White. Please welcome Mary Jo and the rest of the folks to the Senate.

The PRESIDENT. Would the guests of Senator Hutchinson, our colleague Mary Jo White and the rest of the delegation, please rise so that we may welcome you.

(Applause.)

**GUESTS OF SENATOR JOHN R. GORDNER
PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Columbia, Senator Gordner.

Senator GORDNER. Mr. President, it is my privilege to have our guest Chaplain with us today, Reverend Denny Mallonee. He is joined with his wife, who is in the gallery. He is not only a great pastor from my district, but he is a good friend. I ask that the Senate recognize Pastor Mallonee, as well as his wife, Beverly.

The PRESIDENT. Would the guests of Senator Gordner, Pastor Mallonee and your lovely wife, please rise so that we may welcome you to the Pennsylvania State Senate.

(Applause.)

CALENDAR

THIRD CONSIDERATION CALENDAR

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 3 (Pr. No. 283) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in abortion, further providing for definitions, for medical consultation and judgment and for the offense of abortion on unborn child of 24 or more weeks gestational age, providing for dismemberment abortion ban and further providing for reporting.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

The PRESIDENT. The Chair recognizes the gentleman from Allegheny, Senator Costa.

Senator COSTA. Mr. President, may we be at ease for a moment?

The PRESIDENT. Senator Costa requests the Senate be at ease. Without objection, the Senate is at ease.

(The Senate was at ease.)

And the question recurring,
Shall the bill pass finally?

The PRESIDENT. I advise Senators that we have a great tradition and a great Chamber with respect for each other. Every

Senator who wishes to speak on this issue will have their chance to express themselves. I implore everyone to give your fellow Senators your complete respect regardless of how you feel about the issue. It is important that we stand for those values, and in this Senate, we have higher expectations and higher values, and we will have a great debate.

The Chair recognizes the gentlewoman from Mercer, Senator Brooks.

Senator BROOKS. Mr. President, this legislation does two things. First, due to major scientific advancements that have occurred over the past 25 years, it changes the viability, or when a fetus or a baby can survive, from 6 months to 5 months. In 1973, the Supreme Court held in *Roe v. Wade* that a woman has a right to an abortion until fetal viability. The court went on to define viable as "potentially able to live outside the mother's womb, albeit with artificial aid." The court even stated that viability "is usually placed at about 7 months (28 weeks) but may occur earlier, even at 24 weeks."

In 1988, Pennsylvania's General Assembly passed significant changes to the Abortion Control Act, which, due to the advancements in science, included changing viability to 6 months. This change was signed into law by Governor Bob Casey. In 1992, the Supreme Court upheld most of Pennsylvania's Abortion Control Act, as well as stated. Today, viability is around 23 to 24 weeks, or at some moment, even slightly earlier in the pregnancy. As it may, the fetal respiratory capacity can somehow be enhanced in the future. Whenever it may occur, the attainment of viability may continue to serve as the critical fact in determining these cases. The Supreme Court has the same theme in both of these cases, that the State has the power to restrict abortions after fetal viability.

In 25 years, this country has seen significant medical advancements, including the first face transplant, the first visual prosthetic, the first kidney to be grown in vitro, and now the ability to keep babies alive who are born at just 21 weeks. Fetal medicine has changed so much that we now give the fetus, or baby, anesthesia during surgery to protect it from pain as early as 19 weeks. This legislation seeks to reflect these changes in medicine and to update our law according to these great advances.

The second part of this legislation is to eliminate the type of abortion - dismemberment - where a live fetus, or baby, is ripped apart by its head, arm by arm, and foot by foot. Please allow me to cite Supreme Court Justice Kennedy when he described the dismemberment procedure in *Stenberg v. Carhart*. (*Reading:*)

As described by Dr. Carhart, the D&E procedure requires the abortionist to use instruments to grasp a portion (such as a foot or hand) of a developed and living fetus and drag the grasped portion out of the uterus into the vagina.

Dr. Carhart uses the traction created by the opening between the uterus and vagina to dismember the fetus, tearing the grasped portion away from the remainder of the body. The fetus, in many cases, dies just as a human adult or child would: It bleeds to death as it is torn limb from limb. The fetus can be alive at the beginning of the dismemberment process and can survive for a time while its limbs are being torn off. Dr. Carhart agreed that "when you pull out a piece of the fetus, let's say, an arm or a leg and remove that, at the time just prior to removal of the portion of the fetus...the fetus is alive." Dr. Carhart has observed fetal heartbeat via ultrasound with "extensive parts of the fetus removed," and testified that mere dismemberment of a limb does not always cause death because he knows of a physician who removed the arm of a fetus only to have the fetus go on to be born "as a living child

with one arm." At the conclusion of a D&E abortion no intact fetus remains. In Dr. Carhart's words, the abortionist is left with "a tray full of pieces."

Currently in Pennsylvania, a live 6-month-old fetus, or baby, can be ripped apart in its mother's womb and be left to bleed to death.

I want to be very clear and read the definition of dismemberment abortion from this piece of legislation: "The act of knowingly and purposefully causing the death of an unborn child by means of dismembering the unborn child." This bill does not ban all D&E procedures and allows for the procedure to happen if the fetus or baby is already dead in the womb, such as if the mother had a miscarriage. This bill bans the D&E procedure from occurring on a live fetus or baby and allowing it to bleed to death. I also want to be very clear that there are clear exceptions in this bill for the health of the mother, and these are the same exceptions that have been in our Abortion Control Act for 28 years.

The definition of a medical emergency as defined in the Abortion Control Act, is "That condition which, on the basis of the physician's good faith clinical judgment, so complicates the medical condition of a pregnant woman as to necessitate the immediate abortion of her pregnancy to avert her death or for which a delay will create a serious risk of substantial and irreversible impairment of major bodily function." I would also like to refer you to the *Casey* decision, where the Supreme Court refers to the medical emergency definition and determined it was sufficiently broad to cover medical conditions such as preeclampsia, inevitable abortion, and premature ruptured membrane and therefore "imposes no undue burden on a woman's abortion right." Additionally, there are protections in this legislation to protect the medical profession, and these are the same protections that have been in our Abortion Control Act since 1988. Again, in the *Casey* decision of the Supreme Court, they stated, the medical emergency exception of Pennsylvania's abortion statute, which allows physicians to avoid criminal sanctions if, on the basis of good faith clinical judgment, a condition exists that requires immediate termination of pregnancy is not void for vagueness and that the good faith clinical judgment is subjective, not objective.

Mr. President, an article in *Time* magazine asked the question: A 21-week-old baby survives and doctors ask, how young is too young to save? I argue that the 21-week-old baby referenced in that question, Frieda Mangold, did not think she was too young to be saved. Finally, Mr. President, I take note of a very special commercial that was shown on Super Bowl Sunday. The commercial was for Huggies diapers that are made specifically for micropreemies, or babies born before 26 weeks. They have a full staff that hand-checks and hand-packs each diaper for these special little babies into boxes, because as the commercial states, it is worth it for these special babies.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentlewoman from Berks, Senator Schwank.

Senator SCHWANK. Mr. President, since this legislation is most likely to be legally challenged, and whether it survives will depend, at least, in part on its purpose and factual basis behind it, it is important that we all understand what those are or at least what the proponents assert they are before we vote on it. In the age of alternative facts, we need to agree as a body what it is we

are voting on. To that end, Mr. President, I ask if the maker of the bill would be willing to submit to interrogation on the bill.

The PRESIDENT. Senator Schwank has requested of Senator Brooks the opportunity to interrogate Senator Brooks, who is the maker of the bill. Senator Brooks, will you agree to Senator Schwank's request?

Senator BROOKS. Yes, Mr. President.

The PRESIDENT. Senator Brooks has agreed. Senator Schwank, please proceed.

Senator SCHWANK. Mr. President, my first question is, what is the purpose of the bill? What exactly was the maker of the bill trying to accomplish through this bill?

Senator BROOKS. Mr. President, I thought my comments had covered that, but I will state it again. Senate Bill No. 3 is six pages long. The majority of those six pages are what is already in current law. On page one, it gives the definition of dismemberment abortion, which is new. On page two, it talks about an in-person medical consultation with a doctor. On page three, the new part, are the exceptions to the dismemberment abortion, and then on page four it talks about the liability. On page five, it has the same language as the Abortion Control Act, although it adds dismemberment language to the reporting. So what this legislation does is, one, it determines viability of a baby from 6 months to 5 months; and two, it bans a D&E or dismemberment abortion from being performed on a living fetus or baby, and that dismemberment procedure is ripping that live baby or fetus apart, pulling off its head, ripping off its arms, ripping off its legs, and allowing that living fetus to bleed to death. That procedure would now be banned from the abortion procedures list.

Senator SCHWANK. Mr. President, I certainly appreciate the answer, although it did not wholly suffice. And I have read the bill, so I understand what the bill says. Let me go on.

Can the sponsor point to any legal or consensus medical authority for a definition that supports this bill? I note that what we are hearing today is contrary to the position held by the American College of Obstetricians and Gynecologists. I am quite impressed with some of the medical terminology that I am hearing, but who I am hearing it from, the maker, as far as I know, is not a medical doctor, a physician, or a healthcare professional. I would also like to know where is the -- can the maker tell us what resources or sources she used to come to these conclusions? They are medical terms.

Senator BROOKS. Mr. President, in my opening statements, I referred to a Supreme Court Justice and the doctor who described the dismemberment process. So it was a Supreme Court Justice and a doctor who described that process, not myself. As far as the medical society being opposed, I understand that there are special interest groups that may agree with ripping apart a live fetus or baby, but I have spoken to obstetricians who agree with this legislation and disagree with the thought of ripping apart a live fetus or baby when there are other, alternative methods of abortion.

Senator SCHWANK. Mr. President, again, that is an answer that does not suffice in terms of the medical credibility of the claims that are being made here, Mr. President, but I will go on.

I also note that the decision that the maker was speaking to is the *Stenberg v. Carhart* decision. That was many years ago, by the U.S. Supreme Court, and it found a Nebraska abortion law unconstitutional.

POINT OF ORDER

Senator CORMAN. Mr. President, point of order.

Senator SCHWANK. So sometimes the context--

Senator CORMAN. Point of order.

The PRESIDENT. The Chair recognizes the gentleman from Centre, Senator Corman, for a point of order.

Senator CORMAN. Mr. President, it is my understanding that we are in the middle of an interrogation, and certainly the gentleman has the right to ask questions, and we will try to have them answered the best we possibly can, but I think we have gotten past the question and we are into remarks. If she wants to give remarks, she is welcome to do so as long as she likes.

The PRESIDENT. I believe, Senator Corman, she is still within the framework that is appropriate for interrogation. She is laying a foundation to ask a question, and I think that is appropriate, so we are going to give the Senator a little room on that and she can proceed.

Senator SCHWANK. Mr. President, nevertheless, I will try to keep my remarks restricted.

The maker of the bill has talked about the length of time in a pregnancy where a fetus can feel pain. My question is, since there seems to be considerable medical expertise demonstrated here, how do we know exactly when a fetus has reached that age? It is very hard necessarily to determine exactly, any woman who is pregnant and gets a due date will tell you that that due date may not be exact, because determining the specific date of conception is not always easy to do. How can we use a set date if we do not know that?

Senator BROOKS. Mr. President, it is a common practice to use fetal anesthesia during surgery for a fetus at around 19 weeks of pregnancy. In fact, an anesthesiologist at Children's Hospital of Philadelphia routinely administers anesthesia to a 19-week or older fetus during fetal surgery. So, I think that answers the question.

Senator SCHWANK. Mr. President, again, where are the sources? Can the maker of the bill tell me where this information is coming from?

Senator BROOKS. Mr. President, it came from the anesthesiologist at Children's Hospital of Philadelphia, as well as a couple of obstetricians with whom I have spoken.

Senator SCHWANK. Mr. President, would the maker of the bill tell us why, then, if there are reliable sources, medical doctors and other medical professionals, medical ethicists who could speak on this issue, why then we did not have a hearing to discuss and answer these questions? I would feel much more comfortable in relying on information that I knew came from those who really have an understanding of this issue.

Senator BROOKS. Mr. President, an anesthesiologist at Children's Hospital in Philadelphia who does fetal surgeries I think would have a broad understanding of this legislation and an understanding of why anesthesia is performed on a fetus at 19 weeks. He went on to say that the reason that they give anesthesia is not only for the pain, but it also seems to calm the fetus so that the fetus does not move when they are performing that surgery.

As far as a hearing, this piece of legislation is six-pages long. The majority of those six pages are what is already in current law in Pennsylvania. Very little has been added as far as language to these six pages. I have cited a Supreme Court Justice, I have

cited a doctor in *Carhart*, I have also cited several different obstetricians, as well as an anesthesiologist at Children's Hospital of Philadelphia. This language has been around for nearly a year.

Senator SCHWANK. Mr. President, again, I will not rely on second- or third-hand information. We are, indeed, talking about a life-or-death situation. It is just incredible to me that we have not had a hearing where we would have the kind of expertise and the ability to question what we are talking about here today.

Does the sponsor believe a woman should be compelled to carry a pregnancy to its end because a serious circumstance could likely lead to the woman's inability to ever again become pregnant did not arise, or was not detected until near or after the 20th week?

Senator BROOKS. Mr. President, a full anatomy scan can be done between 18 and 22 weeks. Some of the genetic testing for fetal abnormalities are done even earlier, around 14 weeks. This legislation addresses the viability at 20 weeks, 6 days. The kinds of things that are generally picked up on the full anatomy scan can be genetic problems as well as cleft lip, heart abnormalities, or other types of difficulties with the pregnancy. The scan is done now roughly at around 20 weeks, but after speaking to obstetricians who do these scans, they say that it can be done as early as 18 weeks and pick up the same abnormalities. So in your comment, there is a full anatomy scan that can be done at 18 weeks.

Senator SCHWANK. Mr. President, again, the question that I have asked was not answered about a woman being compelled to carry a pregnancy to its end. I am familiar with the tests that the maker is speaking about, but they are not always accurate depending upon the position of the baby. I am not qualified to even speak on these issues in terms of medical technicalities. I do not believe that the maker is either, and, again, Mr. President, I would say that I will not rely on anecdotal information, and I do not think the people of Pennsylvania should rely on anecdotal information when serious legislation such as Senate Bill No. 3 is being considered.

One more question. Is the sponsor aware of any State that has enacted such a ban in which it has gone into effect and is being enforced? Any other State doing this? It is a very simple question, Mr. President.

Senator BROOKS. Mr. President, it is somewhat disingenuous and misleading to say anecdotal. We have talked to specialists, pediatric surgeons, obstetricians, and in response to your question, do I feel that a woman should do this? That is a personal choice that a woman makes after viewing the full anatomy scan.

The PRESIDENT. Senator Brooks, restrain your comments toward--I know sometimes when we are trying to discuss things with each other--but to the Chair, and then the point will be well-taken.

Senator BROOKS. Okay, Mr. President, thank you.

The PRESIDENT. Thank you, Senator Brooks.

Senator BROOKS. Mr. President, the full anatomy scan is usually the last scan that a doctor orders during that pregnancy, so it is not anecdotal. Obstetricians and specialists have provided this information.

As far as the States that have enacted a 20-week ban, as of January of 2017, 17 States, including Ohio, have done that.

Senator SCHWANK. Mr. President, I am sorry, I am a bit speechless at the moment. I will thank the gentlewoman for pro-

viding me with these answers. I will say, Mr. President, that my understanding to the question that I asked is that those bans which she is talking about are not being enforced, so this would set Pennsylvania apart. Thank you.

Senator BROOKS. Mr. President, may I respond?

The PRESIDENT. Yes, please.

Senator BROOKS. Mr. President, Alabama, no court action; Arkansas, no court action; Indiana, no court action; Kansas, no court action; Louisiana, no court action; Mississippi, no court action; Nebraska, no court action; North Dakota, no court action; Ohio, no court action; Oklahoma, no court action; South Carolina, no court action; South Dakota, no court action; Texas, West Virginia, Wisconsin, no court action; North Carolina, it is being challenged; and Georgia was challenged and it is being appealed.

Senator SCHWANK. Mr. President, what I said was--I did not say whether there was court action or not, or whether there was legislative action. I said whether the ban was being enforced. Thank you. No further questions.

The PRESIDENT. Senator Schwank has concluded her interrogation.

The Chair recognizes the gentleman from Montgomery, Senator Leach.

Senator LEACH. Mr. President, I also have a few questions. I wonder if the maker would submit to brief interrogation.

The PRESIDENT. Senator Leach has requested of Senator Brooks to also interrogate her on the legislation. Will Senator Brooks agree to Senator Leach's request?

Senator BROOKS. Yes, Mr. President.

The PRESIDENT. She agrees to the interrogation. Senator Leach, please proceed.

Senator LEACH. Mr. President, I thank my friend, Senator Brooks, for agreeing to interrogation.

When we had the Committee on Judiciary vote on this, there was some discussion on the bill and in my mind, at least, there was some confusion about some of the specific provisions of the bill that I would like to try to flesh out and make sure we all understand.

There is an exception in the bill, as pointed out by the maker, for anything that impacts the major bodily function of a woman. We had a little trouble in the hearing finding out what that was and what that meant. So I am wondering, first of all, is there a place, because it has been mentioned that it is in current law, is there a place in current law where "major bodily function" is defined?

Senator BROOKS. Mr. President, I am actually going to refer to the decision in *Casey* in 1991 where the court refers to the medical emergency definition and the court determined it was sufficiently broad to cover medical conditions such as preeclampsia, inevitable abortion, and premature ruptured membrane, and therefore "imposes no undue burden on a woman's abortion right." I am also going to refer to the definition of medical emergency that is currently in the Abortion Control Act: "That condition which, on the basis of the physician's good faith clinical judgment, so complicates the medical condition of a pregnant woman as to necessitate the immediate abortion of her pregnancy to avert her death or for which a delay will create serious risk of substantial and irreversible impairment of major bodily function." Mr. President, in different court cases, the court

has upheld this definition and said that it is flexible enough to reflect the doctor's judgment in relation to a medical condition for the woman. Thank you.

Senator LEACH. Mr. President, I am sorry, perhaps I could be more precise in my question. Preeclampsia is not a major bodily function of a woman. A torn uterus is not a major bodily function of a woman. I am wondering, what the bill says is that it would impair -- it would cause "substantial and irreversible impairment of major bodily function" of the woman. You cannot say something is substantial and irreversible as preeclampsia.

So, I am wondering, the bodily functions are pretty well known - respiration, reproduction, and digestion. I am wondering, and maybe I can give a specific example, would an adverse impact under this bill of a woman's ability to reproduce in the future be considered a major bodily function that would grant an exception?

Senator BROOKS. Mr. President, currently in the Abortion Control Act, and that is the language in this legislation, says "irreversible impairment of major bodily function." Now, you mentioned preeclampsia and so forth. Bleeding to death is a major bodily function, and the courts actually reference preeclampsia, and that is why I brought it up, that while the medical emergency definition does not mention those specific life-threatening situations, the court determined there is enough flexibility that the doctor makes that judgment. As far as a major bodily function, preeclampsia is very serious and can actually lead to the death of a woman.

Senator LEACH. Mr. President, I do not disagree that preeclampsia can lead to the death of a woman. However, that is not my question. My question is that preeclampsia is not a bodily function. There are lots of illnesses, diseases, and conditions that are not bodily functions. Cancer is not a bodily function. Heart disease is not a bodily function. Heart disease can impair circulation, which is a major bodily function. The major bodily functions are pretty much digestion, circulation, respiration, and reproduction. So I am wondering if all of those, or none of those, or some of those are counted among the major bodily functions, not the conditions that can cause harm to a woman, but I am talking about the sort of harm and what the harm leads to, which is the substantial impairment of a major bodily function. Is, for example, the ability of a woman to reproduce--reproduction being a major bodily function--in the future, would that be enough to create an exception here, or would it not be enough to create an exception here if whatever condition the woman has, preeclampsia, uterine, uterus, whatever condition it is, if it resulted in the failure to get an abortion as prohibited in this act in other circumstances led to the inability of the woman to reproduce in the future, would that be an exception or would that not be an exception?

Senator BROOKS. Mr. President, I understand that some folks may not accept the responses, but I am going to go back to *Casey*, in the decision of *Casey* in 1991, the court determined that the medical emergency definition in the Abortion Control Act was sufficiently broad to cover medical conditions, and then it goes on to mention medical conditions, but the court determined that there is enough flexibility.

Senator LEACH. Mr. President, but medical conditions are not bodily functions, I guess. I hate to be persistent on this, but this is a really important question, Mr. President, in the sense that if I am a woman or physician and this is law, and a woman is in

my office and I want to know if I can perform an abortion under this law if I know that, for example, the woman will not be able to reproduce in the future, am I allowed to perform that abortion? Is reproduction a major bodily function? Putting aside *Casey*, is it the intent of the maker that reproduction is a major bodily function of a woman?

Senator BROOKS. Mr. President, again, I am going to refer to *Casey* in 1991, but I am also going to be very clear, we are not changing that definition. That definition has been in the Abortion Control Act since it was established.

Senator LEACH. Mr. President, okay, so again, and I will not keep asking if you do not want to answer or do not feel that you can answer the question directly, but the very simple question is, is reproduction a major bodily function? Whether it is under *Casey*, whether it is under your subjective view, whether it is under some article that someone wrote somewhere, whatever the source, I want to know because doctors are going to want to know, is reproduction a major bodily function of a woman?

Senator BROOKS. Mr. President, I have answered the question multiple times. The answer is the answer and the definition has not changed. It is currently in the Abortion Control Act.

Senator LEACH. Mr. President, I note that the definition does not say whether reproduction is a major bodily function of a woman under the Abortion Control Act. It does not say that, unless I am wrong. Can the maker of the bill point me to where it tells me whether reproduction is a major bodily function or not?

Senator BROOKS. Mr. President, that specific question is why I continue to go back to the *Casey* decision where the court determined that doctors need the flexibility to establish things like that. Some people might not like the answer, but the courts have determined that and it is currently in our Abortion Control Act.

Senator LEACH. Mr. President, it is not that I do not like the answer. If she said, no, I would not like that answer, but I do not understand the answer, and I think that is more troubling because it leads to uncertainty in people's lives, but I will move on.

I want to pick up on something Senator Schwank talked about briefly, because I am not as inherently versed in this, potentially as a man, and so I want to make sure I understand it. Is there a test that can be administered at an abortion clinic which will tell you with precision how many weeks since conception it has been?

Senator BROOKS. Mr. President, the full body scan is done, and with science, they are closer to that, but again, I am going to refer to court cases where it gives the doctor broadness and protections as far as if in good conscience in making that decision that they acted with appropriate information.

Senator LEACH. Mr. President, that answer is a fine answer, assuming I understood it. What you are saying is, if a doctor says this was done at 20 weeks, no one is going to second-guess him and say no, no, it was 24, or whatever it is, because within reason, that would be the doctor's call. Is that what the law implies as you describe it?

The PRESIDENT. Same instruction, Senator Leach, that you address the comments to the President. We understand you are really speaking to Senator Brooks and to all of us.

Senator LEACH. Mr. President, I am sorry. That is my fault. I apologize, Mr. President. I am wondering about that.

The PRESIDENT. I think she heard the question though.
Senator Brooks.

Senator BROOKS. Mr. President, again, I am going to refer to the *Casey* decision in 1992 where they stated that the medical emergency exception of Pennsylvania's abortion statute, which allows physicians to avoid criminal sanctions if, on the basis of good faith clinical judgment, a condition exists that requires immediate termination of a pregnancy is not void for vagueness. Good faith clinical judgment is subjective standards, not objective standards. So I think the courts answered that.

Senator LEACH. Mr. President, the next area is to understand exactly what this ban covers, because, again, this was the subject of some confusion in the hearing. I believe the chairman said that this bill does not ban D&E abortions. It sounded today like you are saying it does. D&E can be used for a fetus which is no longer alive as a post-miscarriage treatment, but it cannot be used as a method of abortion. There has to be some other method of making sure that the fetus is not alive. Do I understand that correctly?

Senator BROOKS. Mr. President, the legislation only removes the procedure of D&E when it is being used to actually kill the fetus, or baby, by ripping it apart arm by arm, foot by foot, or pulling its head off so it bleeds to death.

Senator LEACH. Mr. President, so it does sound like that it is not allowed to be used as a method of abortion. It is allowed to be used as a method of post-miscarriage treatment. Given that, or using your words, in terms of killing the fetus, what method does the bill still allow?

Senator BROOKS. Mr. President, a D&E can be performed if the baby is already dead, such as a miscarriage. If a D&E abortion is necessary, an injection of saline will be administered to the fetus and will kill the baby. Then the doctor can perform the D&E procedure. Other forms of abortion still left in the law would be the first trimester RU-486, the abortion pill; vacuum aspiration; the second-trimester dilation and curettage, which is a surgical procedure to remove tissue or the dead fetus; dilation and evacuation of a dead fetus; induction abortion, which is using salt water or potassium chloride, and it is injected into the amniotic sac, which then kills the baby.

Senator LEACH. Mr. President, without arguing with terminology, it has been brought to, at least I have been told, and you heard about some organizations, but also conversations I have had indicate that the D&E, in many cases, is the safest, statistically, method of abortion for women. Do you disagree with that? And if so, could you tell me how these other methods stack up against D&E in terms of safety for the mother?

Senator BROOKS. Mr. President, a D&E abortion can still be performed, it just cannot kill the baby.

Senator LEACH. Mr. President, again, I have been told things like injecting fluid into the amniotic sac and things like that are statistically less safe for women. If the maker disagrees with that, I wonder if she could tell me how these other methods, all of the ones that she mentioned, would compare in terms of statistical safety with the method being prohibited by this legislation?

Senator BROOKS. Mr. President, could you reference the medical journals that state that?

Senator LEACH. Well, Mr. President, I asked you if you disagreed with that.

The PRESIDENT. Once again, Senators, I know it is unnatural sometimes to--

Senator BROOKS. Mr. President, I know earlier they asked and wanted clear information that was based on professional information, and just wondered which medical journals that came from. But I also want to point out that it is not just in the--there are different ways a D&E abortion can be performed, and some of the other ways are that an injection of saline is directly administered into the fetus.

Senator LEACH. Mr. President, by the way, to answer the maker's question, I cite the American Congress of Obstetricians and Gynecologists who represented that, but I appreciate the answer.

Just a couple of other very quick questions. The maker has referenced some individual gynecologists, I believe, with whom she has spoken. Again, we have not had a hearing on this. Just so we understand the source, I am wondering if she could tell us the names of those physicians that she was referring to?

Senator BROOKS. Mr. President, I would be happy to provide those names after talking with those obstetricians and give them to you and then submit them for the record. I think it is only appropriate. I did not ask if I could submit those names, but I would be happy to provide them. They are all practicing obstetricians and surgeons, and after getting their names and addresses, I would be happy to submit them for the record.

Senator LEACH. Mr. President, I do think if they are being used as sources for us to make major public policy decisions, we should know who they are, know what their affiliations are, and so forth. I mentioned the groups I am relying on, and the letter I have is signed by physicians Kurt Barnhart and Lynne Coslett-Charlton. I think people should know sources, especially since there have been no hearings.

One other quick question. It says there is felony liability to physicians who violate this law, and then there is a list of people who are not liable. Among them is the female patient, presumably who requested this. I am just wondering, why is the female patient not liable?

Senator BROOKS. Mr. President, it is in current law.

Senator LEACH. Mr. President, if I may, on page 4, line 7, section (b)(1), it is underlined. That suggests that it is new language. Do I have that wrong, Mr. President?

Senator BROOKS. Mr. President, you are talking about the dismemberment part? Okay, the dismemberment part, a penalty of a felony in the third degree for a doctor doing these abortions is currently in the Abortion Control Act. We are using the same penalty for dismemberment abortions.

Senator LEACH. Okay, Mr. President. There is no specific reason why women are not considered liable under this law? It is just the way it had been done before, is that correct?

Senator BROOKS. Yes, Mr. President.

Senator LEACH. Okay, Mr. President. That concludes my questioning. I will have argument later on, but I will defer that until another time.

The PRESIDENT. With regard to the attachment of sources for the record, this can be done upon submission to the Clerk and can be attached to the record.

MOTION TO REREFER BILL

The PRESIDENT. The Chair recognizes the gentlewoman from Berks, Senator Schwank.

Senator SCHWANK. Mr. President, in light of the testimony that we have heard, which I most certainly appreciate, I have become even more confused and unclear about the intentions of this legislation and the serious ramifications that will result because of this. I cannot believe that anybody in this body could feel confident knowing what we know, what little we know, and not having the ability to reference medical experts, the professional expertise we need to make decisions that are required in voting on this bill.

I move, Mr. President, that we rerefer Senate Bill No. 3 to the Committee on Health and Human Services for the purpose of public hearings so that not only we, as Senators, can be informed, but the public can be informed too. Thank you.

The PRESIDENT. Senator Schwank, your motion is in order. Senator Schwank moves that the current bill, Senate Bill No. 3, be rereferred to the Committee on Health and Human Services.

On the question,
Will the Senate agree to the motion?

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. Senator McIlhinney, Senator Ward, and Senator Browne have returned, and their temporary Capitol leaves are cancelled.

And the question recurring,
Will the Senate agree to the motion?

The PRESIDENT. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Mr. President, I ask for a negative vote.

And the question recurring,
Will the Senate agree to the motion?

The yeas and nays were required by Senator SCHWANK and were as follows, viz:

YEA-18

Baker	Dinniman	Laughlin	Tartaglione
Blake	Farnese	Leach	Williams
Boscola	Fontana	Sabatina	Yudichak
Brewster	Haywood	Schwank	
Costa	Hughes	Street	

NAY-32

Alloway	Eichelberger	McGarrigle	Stefano
Argall	Folmer	McIlhinney	Tomlinson
Aument	Gordner	Mensch	Vogel
Bartolotta	Greenleaf	Rafferty	Vulakovich
Brooks	Hutchinson	Regan	Wagner
Browne	Killion	Resenthaler	Ward
Corman	Langerholc	Scarnati	White
DiSanto	Martin	Scavello	Yaw

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

And the question recurring,
Shall the bill pass finally?

The PRESIDENT. The Chair recognizes the gentlewoman from Luzerne, Senator Baker.

Senator BAKER. Mr. President, the vote we are about to take has weighed very heavily on my mind and in my heart. My comments and questions are not at odds with legislative efforts to decrease elective abortions. Rather, they are based on the concern that this particular bill could compound the suffering of individuals who are going through the worst moments a mother can experience, and penalize the medical professionals trained to alleviate such trauma.

Protecting life clearly is a paramount responsibility. It has been a common thread in our debates about healthcare, education, the environment, criminal justice, economic opportunity, and more. Despite all of the laws and regulations approved over the years, even taking into account the significant decline in the number of abortions, many Pennsylvanians still believe there are too many being performed. So, it is certainly legitimate for us to re-examine State laws regulating abortion. One of the greatest marvels of medical science is how we have increased survivability of premature births. There are many individuals living among us who, had they been born a generation or two earlier, would have had no hope for a long life. For that, we are truly blessed as a society.

So, for those of us questioning what is being attempted here today, it is not to say that we do not value life or that we have stopped trying to protect life. However, the difficulty in securing change reasonably goes beyond the improbable challenge of bridging the divide between the two sides of this discussion. Many opposed to abortion in all circumstances do so out of deeply held religious and moral beliefs. I understand and respect those individuals, but if we concede that there are exceptions to an absolute ban, then the concern about practice does matter. Should it be dictated legislatively? Once we start substituting legislative judgment for medical judgment, where will it stop?

The hard truth is that medical science is unable to predict or detect a variety of genetic abnormalities on a schedule. So my question is, has everyone taken the time to look at the list of lethal defects that are not detectable or diagnosable until 18 to 20 weeks after gestation? Has everyone taken the time to talk to a physician who has had to deliver terrible news? Has everyone taken the time to talk to a mother who has received this devastating news? Are we going to take into account the impossible choices these individuals confront?

My argument today is not one simply of political or personal philosophy. Rather, it comes from a deeply painful experience. As the mother of a son, my appreciation for the value and wonder of life is incomparable. As the mother of a child who was diagnosed with a rare genetic condition well after the 20-week threshold, my understanding of the intense pain and sorrow involved has not subsided or diminished in 21 years. Nothing prepares a family, a father, or a mother to hear the words: your baby's diagnosis is incompatible with life. For me, early testing offered hope, but that was dashed in an instant when we received the results of extensive diagnostic exams and an amniocentesis. For weeks, I rode the roller coaster of receiving good and bad news from numerous doctors and specialists, and tests that were conducted over a 7-week period. At first, I was assured my baby was fine and that I was going to be the mother of another son. The previous result simply was a false positive, nothing to worry

about. My husband and I opted for further tests to be certain. In the meantime, everything appeared to be normal. My pregnancy was progressing.

Then we received the call that completely changed our lives. A specialist in Philadelphia said the results were in and we needed to be in his office by 9 a.m. the next morning. We had to travel 2 hours knowing something had gone terribly wrong. The news was devastating. The son we thought would join our family was, in fact, a daughter, one who had a very rare chromosome abnormality, a diagnosis that even the doctor had no experience with. He said there was a 1 in 125,000 chance of having this result detected in an amniocentesis test. Needless to say, I could not catch my breath. This could not be happening to my family. My husband and I were in shock and disbelief. He said, go home, talk to your doctor, talk to your family, and talk to your minister. Follow-up visits confirmed in my case that I was already in premature labor. Our daughter, whom we named Alison, was delivered stillborn at the hospital a short time later. I was planning for a nursery, never expecting to plan a funeral.

So yes, my life was forever changed by this experience. My son never got to be the big brother he wished for. My husband and I never had more children. My father suffered an aneurysm the day after my daughter's funeral and died 2 weeks later. My mother always believed it was from a broken heart for our loss. So there, but for the grace of God, go I. I cannot help but think of the women who receive this same devastating news. This is not a matter to be decided based on misperception. Efforts to legislate and criminalize the practice of medicine set a dangerous precedent. The concerns of hundreds of obstetricians and gynecologists should matter, and it is hard to discount their worry and concern for their patients. So once we get into the substitution of legislative preference for medical judgment, there will be many other areas to make a statement of belief in inflexible and unforgiving law. Do we really want to convict a doctor of a third-degree felony punishable by possibly 7 years in jail for maybe offering medically appropriate care?

So, my question is, why are we moving something so consequential so quickly without a public hearing? During the past 2-year Session, I chaired several hearings on subjects of great emotion. Reviews were intensely divided. Each side was given their opportunity to make their case. Members could ask questions and the parties could respond. It is, indeed, what I believe deliberative bodies do when they are seriously in search of an equitable and balanced solution. Why is this issue not being given the same treatment? If this bill cannot withstand an open round of debate involving the medical community and ethicists, what do we really have here? Is it possible to go too far in law and sanction to where we cost lives when we are really intending to save them?

The motivation behind this proposal is very well intended, but for me the implications and the consequences are not. I simply cannot support this in conscience. Thank you.

The PRESIDENT. The Chair recognizes the gentleman from Cambria, Senator Langerholc.

Senator LANGERHOLC. Mr. President, I rise today in full support of Senate Bill No. 3. I thank the work of my colleague. As the father of a daughter born prior to 24 weeks and severely premature, I know firsthand the stress and strain it puts on one's life to be told there is only a 50-percent chance of survival. To say that is difficult to hear is an understatement. Yet today she is

a vibrant, spunky, healthy 9-year-old, who, in 1 month from today, will be 10. To think that current law would have permitted her to be aborted is unthinkable.

I stand in support of this bill which outlaws dismemberment abortion, which by its name is unfathomable and too much for the heart to bear. I stand in support of this bill not as a middle-aged man making decisions for women, not as a legislator with no medical background or training telling physicians how to act, but as a human being who swore an oath to protect all citizens, and most explicity here, the rights to the unborn. I ask my colleagues for an affirmative vote on Senate Bill No. 3.

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator Street.

Senator STREET. Mr. President, first I would like to say that I am choked up, very moved by my colleague's description of her family trauma and I find it to be very moving. I think we should all take heed to some of what she cautioned.

I point out today that we are on the brink of compromising the rights of 50 percent of our population - women - to seek and have redressed their medical needs with the consultation of their doctors and families. We are going to access their ability to get appropriate medical assistance and advice, and substitute our judgment for judgment that really should be in the province of medical professionals. We are going to do this over the objections of the prevailing medical community. We are going to criminalize the conduct of doctors who have taken an oath to do no harm, as they potentially seek to provide what could be appropriate medical care.

Mr. President, I suggest that we are going too far. I urge a "no" vote on Senate Bill No. 3.

The PRESIDENT. The Chair recognizes the gentlewoman from Lehigh, Senator Boscola.

Senator BOSCOLA. Mr. President, I am going to do a couple things here. First of all, I do not think anything I can say is as profound as Senator Baker. Anything I say today is exactly what I am trying to describe in what she and her family had to go through.

I also want to give a shout-out to Keah Tingler. In the meeting of the Committee on Judiciary on Monday, we took up this bill and I had shared some personal experiences of miscarriage after miscarriage, and an ectopic pregnancy, which, if not caught in time could have affected my life. Because I said these things, and it took a lot to say it publicly, she had proceeded to give me flowers. Five roses, white, for each miscarriage, and then the red one there, the red rose is because she says I have a lot of passion. So, I say thank you to her, to all of my family and friends, and also to a lot of my colleagues on the other side of the aisle and my colleagues with whom I sit in caucus with all the time, because when they saw the flowers on my desk, although one smart-aleck over there said he thought I died, they came up to me and asked me about the flowers. Some Members did not know about my experiences, and they shared their thoughts with me and condolences and so forth. So, I really want to say thank you to all of my colleagues for showing that compassion to me.

So, as we stand here today debating this bill, Senate Bill No. 3, we are on the verge of making a vote that will profoundly impact families in ways unknowable to us as a body. This bill before us seeks to take choice away from families in the most difficult of situations and impose on them our will. This Senate

body thinks they know better and what is best for them, those families. I do not think so. Sadly, we are facing this issue in the name of political gamesmanship, in the face of certain veto, and in defiance of a longstanding United States Supreme Court decision. Mr. President, we take up this vote without a single--and we have heard it before--public hearing or discussion about the medicine involved or the consequences these families will have to go through.

During the committee meeting, it was said that significant medical experts indicate that a fetus can be viable before 24 weeks. That is what was said in committee, but most medical experts indicate that the age of viability has barely budged since 1973. Now, improvements in technology have allowed us to manage pregnancy better, to evaluate development of fetuses more in-depth, but the development happens at the same pace. It has not changed.

Abortions in Pennsylvania have hit a historic low since 2014, and this bill we are talking about today impacts about 1 percent of all abortions. About 1 percent occur in the weeks 20 to 24. Why do they occur? Mostly because in the comprehensive tests that women have to go through, or want to go through, to see the development of their fetus, they find something devastating is happening either to themselves or their baby, and then they have to make that painful decision. That decision is a family decision with a doctor. I will tell you something, if you have ever been through it, it is heartbreaking. There are some marriages that do not survive it, but nobody talks about that.

Mr. President, it is not just about 20 weeks that comprehensive fetal testing is taking place. Anatomical sonograms and ultrasounds of the heart are performed at about 20 weeks, and it is during these tests that a physician can discover if there is a major birth defect, a brain malformation, major heart defect, missing organs, and other severe defects that impact viability, because this is what this is about, for the very first time. So you get all of these tests at around 20 weeks and you find out about the viability of the fetus, and you cannot even make a decision based on those tests anymore. The government is going to tell you what to do with that. And this is strange coming from a side of the aisle that normally says they would like government to stay out of our business, but gosh, when it comes to the fetus in a woman's womb, you are right in there.

I am certain, Mr. President, that if we had a hearing on this bill, a lot of what I and others have said, and the facts driven by pregnancy, you would have known, or a hearing would have brought that out, and maybe we would have thought about this bill a little more factually based, anyway. But today we are living in an alternative fact world, so this does not surprise me at all.

Why is it that the chosen course is to ram this bill through so quickly? Mr. President, many pregnancies that Senate Bill No. 3 will impact are wanted pregnancies. Families want these children. Expectant mothers and their families made conscious decisions, they are ready for that baby in their life. Most do not want that pregnancy to end. They have even picked out a name, purchased clothes, it was said, built a nursery, and then something devastating happens, and now the government is going to tell you what to do when you get that information.

I know firsthand how devastating ending pregnancies can be. I wanted all of them. I wish I would have had them, but I will never impose any of my feelings on somebody else and that family decision made with their doctor. I would never do that. Per-

sonally, I would have had every single one of my children. It is funny, because there are only--and maybe people watching this today do not know this--but there are only 7 women in this Chamber out of 50, and 2 of them have gotten up and talked about their own personal experiences.

We do not know the impact mandating a particular path will have on families, but I know who does: those families do. Today, after 20 weeks, families in consultation with their physicians are able to choose how they react to those situations, but not if this bill becomes law. We will have made that decision for them, handcuffed their doctors from offering the best care. That is something this body is unqualified to do. This bill seeks to interfere in the most difficult time with the most protected relationships that we cherish: family, physician, patient.

Let the physicians recommend the best path involved. Please do not legislate specific treatment protocols. I am asking and begging, stay out of my life when it comes to these choices. That is all I wanted to say. Just a little respect. Thanks.

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator FARNESE.

Senator FARNESE. Mr. President, there are issues that we debate year in and year out, and many times I think the public and the press look at us with a very critical eye. But, I think today, wherever you come down on this issue, there is no question that the Members in this room show what it really, truly takes to do this job, and that is courage. Courage to introduce legislation, courage to oppose this legislation based upon our own personal experiences, which it takes courage, as you have seen here today, to share. I think that point is so often overlooked, and I think it is important because the issues that we debate are critically important. They touch people's lives, and as we have seen, they touch the lives of those in this room who are making those decisions.

I have the utmost respect, Mr. President, for everyone in this room. Not only because of the position that they hold or the title that they hold, but because they are, we all are, adults who are intelligent and able to make our free decisions for ourselves, to decide what we would want to do with our lives, how we choose to live them, how we choose to raise our families, and the type of decisions which we make with our own bodies, within our own families with regard to medical and personal decisions. As I listened to the debate going back and forth, I come back to that point that we must have some modicum of respect for each and every person not only in Pennsylvania, but across this country, and we begin to tread on a very, very disturbing path when we, as legislators, begin to feel that we have the responsibility and we have the right to begin to tell people how they should make personal decisions within their own personal lives that affect them and their families. Decisions that, as we have seen today, are extremely personal, extremely important, and very meaningful. Those decisions about what people will do medically and how they will handle issues and tragedies in their lives have no business being determined by lawmakers.

Specifically, Mr. President, when and under what term a woman's pregnancy should be terminated has absolutely no business being determined by the people in this room or in any legislative body across the country. This is not our choice to take away. If, for whatever reason, you may disagree with abortions, and you feel that they are wrong, the fact that we are able to hold those opinions and express those opinions is exactly, in my view,

the reason why we have no right to impinge upon someone else's ability to decide for themselves. That choice is not for us to make, and those who are trying to eliminate a woman's right to choose will often frame it as a decision to terminate a pregnancy that is taken very lightly or selfishly. That is why I am so proud of the debate in this room today on both sides of this aisle, because whatever the decisions that are made in here, we certainly sent a message that these are significant and important issues to be taken seriously.

I can tell you from my personal experience, from the time that I spent as an escort at a women's reproductive center, that the looks on the faces of those women when I would pick them up in the parking lot and walk them to the doors of the center, there was no look of anything but concern, fear, and a longing for some type of comfort. These were decisions that were clearly made after a lot of thought and certainly a lot of feelings and comfort from friends and family in order to get them to the point where they were able to make the decision for themselves. That is why, I think, that when we had the debate in committee and this issue was discussed, it was pointed out that the bill's sponsor—and this was something that, really, I found disturbing—that the sponsor was identified as a woman, and that in the House there is also going to be a sponsor of similar legislation who is a woman, as if that fact somehow gives merit to the substantive purpose of the legislation. To me, Mr. President, and I think to people who are making reasoned decisions, whether it is a male or female, it does not matter who is leading the charge. For me and for others who share my view, the bill is still wrong.

The bill has been discussed, the constitutional issues and the social issues that are surrounding the legislation have been discussed, but for me one of the points that is specifically important and was touched upon very eloquently by a previous speaker, which addresses the medical judgment of doctors and replaces it with the medical judgment of legislators, and it does so in the face of many experts saying that this, quite simply, is a bad bill and it will do nothing to advance the causes of women's access to healthcare and their free right within this country to an abortion.

I have a letter here, Mr. President, that I will submit for the record. As we know, there were no hearings. That point has been hammered home and there is no need to go back there. But since there has been no testimony taken in a record proceeding, I submit a letter for the record which is signed by doctors across the Commonwealth of Pennsylvania. Some of those names include Sharon Achilles, M.D., University of Pittsburgh; Dr. Jessica Berger, M.D. at UPMC; Lauren Plante, M.D., at Drexel University College of Medicine; Kristin Yates from the Western Pennsylvania Hospital; Stephen P. Emery, M.D. Those are just a few of the 78 doctors, Mr. President, who have signed onto this letter, four pages of signatures in total. These doctors are experts in obstetrics and gynecology and specialists in women's healthcare. They all ask the same thing from each and every one of us in this room. They ask simply to vote "no." When we are looking for medical expert testimony, the knowledgeable individuals who can come forward and tell us what to do and why we should do it, this, I think, meets that criteria. This is, I think, whom many of us in this room expected and, quite frankly, deserved to hear from before this vote today. These doctors are asking us to recognize that we are enacting policies and regulations that could significantly impact the relationship between a doctor and their

female patient. They are the experts, there is no question about that. I do not think anybody would disagree with that.

Again, I go back to the numerous ambiguities and misunderstandings in the bill that were brought up today during the debate. They were brought up on questioning by Members on this side during interrogation and were, I believe, underscored by the good faith responses from the maker of the bill. I think what they underscore is that there is a significant amount of questions and ambiguities still left in this legislation. When you address or you try to legislate, specifically, criminal laws and you leave ambiguity or a question for a judge or for a jury to decide, I can tell you, Mr. President, that is a very, very dangerous road to take. Whether you are a doctor or a nurse, you do not want to be in that position when you are facing the possibility of losing your freedom under a bill or a law which had not been properly vetted, which had left the legislature with questions that someone may have said can be determined later on. That is not what our job is to do. I believe, Mr. President, that if this bill passes and somehow manages to become law, you will have doctors in operating rooms and women literally dying in front of them, and we expect them to figure out whether or not they are about to commit a felony, because we did not take the time and give the attention to do what we were sent here to do, and that is properly vet and properly evaluate legislation, specifically something, again, as important as a statute that seeks to impose criminal liability on the citizens of Pennsylvania.

So as policymakers, Mr. President, I think we owe the people of Pennsylvania at least that. I think that we owe them the opportunity to vet and hear testimony so that they know what to expect when bills are being enacted. Criminalizing behavior is a very, very serious issue, and we should not be going down that path. No matter what the issue is and how critically important the policy at stake is, in fact, by the debate here today, you could certainly assume that this is a critically important policy issue, which is even more reason to argue in support of more vetting and more hearings.

So, I think we should really, seriously consider what we are doing here today. The policy at issue will be debated and will continue to be debated, despite the fact that since 1973 the Supreme Court of the United States has said it is legal for a woman to have an abortion, but that debate will continue. The lesson I think we should take away here today is that we should never err on the side of less hearings, less medical testimony, because we were sent here, Mr. President, to make decisions for the people whom we represent, and we certainly were not sent here to pass laws that could possibly take away their freedoms.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator Williams.

Senator WILLIAMS. Mr. President, my comments will not be extended or steeped in the science, but in the moment. I was listening to the opening comments with regard to the description of the procedure and the type of abortion that we are discussing today. For all of us who listened to the comments about dismemberment, the ripping of limbs, the tearing of arms, and the unsettling, factual commentary as it described the procedure, I was struck by the obvious, and that was, as I was sitting there, I had to think about a parent who had to make the decision about that type of procedure. As always, my faith is instructive. I use my faith because a lot of times when I am in this room it is about

politics, it is about moving, about right or wrong, about our passion, and sometimes you are struck with the obvious, and I am a person who believes in a God.

As I sat in the room listening to that description and was uncomfortable in my seat, the orator of the day decided to take the mic and give testimony about her personal story. Now, I am very fortunate. I have two daughters who are adults, and I have a grandson who is in good health. I can only talk about this issue from a legislative perspective or policy perspective, which sort of tends to drive you toward right or wrong. They are wrong, I am right, all the time, but the reality is that because we had some Member of this Chamber reveal in equally graphic detail the challenge that an individual citizen would have to make and does make, unfortunately, on a too frequent basis, and the pain that they have to bear. Today we are making a decision about right and wrong, and the truth is as my colleague stood and explained her journey, I had to listen to a larger voice than mine. That was to say that this is not about right or wrong, this is about that person's individual perspective with their higher calling.

I cannot imagine that the maker of this bill is disingenuous, and I am sure she has received an ample amount of criticism and an ample amount of praise, but I am not sure there is anyone who has captured the space that our colleague captured in her description of her journey, which obviously was very personal. I certainly would not have been able to reveal that, but what it did do is remove the walls of righteousness from my perspective and the wrongness of that perspective to the most obvious, and that is this is not about right or wrong, this is about the individual. This is about a decision that a family has to make in its most vulnerable moment, and they have made those decisions. Unfortunately, it is no different than mine when I had to make it with my father. He was not an infant. My father died of Alzheimer's, and at some point in time we had to decide whether we were going to support his physical shell or whether we were going to allow him to decline with dignity and not require that physical shell to bear the burden of just existing. I cannot tell you that when we had to make that decision as a family that it was right or wrong for us. That was about a family decision to allow my father to pass on to glory with dignity.

When these parents, these mothers, who protected this embryo for months on end, who ate well, who bought and decorated rooms, who bought toys, who celebrated with families, when these mothers are confronted with the harsh reality that life will not be anything that you would have expected it to be, I cannot imagine as a Commonwealth we would be cruel enough to attach the word "murderer" onto their decision, anymore than anyone attach "murderer" onto mine when I had to make a decision with my family about what to do with my father. I was allowed by my God and by my Commonwealth to make a decision for a family that was very painful and very personal.

I am not challenging the morals of those who think it inappropriate for this procedure to go forward. I am not here to judge, but that is the point. I do not think we should judge anyone. I think we should remove ourselves from this space and allow, if we believe in the structure of family to exist. And family has to be housed in those joyous moments when we celebrate on the holidays, and family has to be housed in these unfortunate moments of true pain and human misery.

I can only thank my colleague for standing and giving us her personal testimony, because she gives voice to the voiceless

women who are not able to be on this floor today, those who will never forget the moment that they had to make the decision, be it yesterday, or 20 years ago. That scar never heals, but we should be, as a compassionate nation and State, in a space that provides understanding, respect, and dignity, because we cannot replace what is lost. As we cast our votes today, I am not sure I will persuade anyone any more than my colleague was able to persuade anyone, but we certainly should be reflective of the actions that we are taking.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator Farnese.

Senator FARNESE. Mr. President, I want to submit for the record the February 7, 2017, letter that I referenced during my remarks.

The PRESIDENT. Without objection, the letter will be spread upon the record.

(The following letter was made part of the record at the request of the gentleman from Philadelphia, Senator FARNESE:)

February 7, 2017

To the Pennsylvania Senate:

The undersigned are physicians in Pennsylvania, or physicians who refer patients to obtain care in Pennsylvania, who write to express our strong objections to Senate Bill 3. We are experts in obstetrics and gynecology and are specialists in women's health care. We are alarmed at the dangerous attempt by Pennsylvania legislators to dictate how physicians should perform a safe, common and medically proven surgical procedure, as well as to outright ban abortion 20 weeks after a woman's last menstrual period, markedly before fetal viability.

Section 3 of Senate Bill 3 could prohibit physicians from providing the best care for each patient by restricting a safe and common method of terminating pregnancies in the second trimester. In many cases, these terminations have been delayed due to current restrictions on abortion or are necessary for the patient to protect her health or future fertility. Accordingly, it represents an unwarranted intrusion into the doctor-patient relationship and could jeopardize the health of Pennsylvanian women.

Section 2 of the bill also bans pre-viability abortion at 20 weeks after a woman's last menstrual period. Once again, this bill would interfere with a physician's best medical judgment as to how to best care for patients who may be experiencing health issues during a pregnancy.

Due to this interference, this bill is opposed by two major medical groups in Pennsylvania: the Pennsylvania Section of the American College of Obstetricians and Gynecologists and the Pennsylvania Medical Society.

The undersigned urge the Senate to consider the effects of this legislation on the doctor-patient relationship. We urge you to enact laws that reflect the standard of care based on current medical evidence and protect the doctor-patient relationship--not laws that jeopardize the sanctity of that relationship and threaten women's health. We further urge you to consider that the abortion restrictions in this bill have been deemed unconstitutional in both state and federal courts. It is our view that passing this bill could lead to costly litigation that wastes state resources better spent improving the lives of Pennsylvanians--not on enacting medically unsound restrictions on patient care.

It is our strong belief that the laws in Pennsylvania should not be changed in this way. We best serve our patients--who are often struggling with difficult decisions--when we allow them to make the best decisions for their health and the well-being of their families and respect their right to the safest care possible. Doctors must be able to act according to best medical evidence and their best medical and professional judgment, without political interference. We therefore urge you to reject this harmful measure.

Thank you for your time and consideration.

Sincerely,

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University of Pittsburgh Magee-Womens Hospital

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Sonia Aneja, MD
Family Planning Clinic
Western Pennsylvania Hospital

Commissioner Val Arkoosh, MD

Margaret Johnson Baylson, MD, MPH

James Becker, MD

Richard H. Beigi, MD, MSc.
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University of Pittsburgh School of Medicine

Jessica Berger, MD
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The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator Hughes.

Senator HUGHES. Mr. President, I have been in this building working since 1987. I was a House Member for 7 years, and on November 21, 1994, I came over to the Senate. One of the first issues that we had to confront, or that I had to confront, in those days back in the beginning, Mr. President, when Robert Casey, Sr., was the Governor of the Commonwealth of Pennsylvania, was his whole set of issues around providing women the right to make decisions over their own body, especially in this area of reproductive healthcare, especially in this area surrounding abortions. I served as a House Member with a gentleman by the name of Representative Stephen Freind. Some of you may remember that name. Many of you, as I look around the room, are new to this process of public service and may not remember that name or may have forgotten that name, but no one who has been around working on this series of issues around the general broad dynamic of reproductive healthcare services, especially for women, no one who has been around this area for that length of time would not remember the name of Stephen Freind. He was a lightning rod, he had national attention, and he clearly, clearly was no friend to women around this set of extremely important issues.

My fear with this legislation that is in front of us right now, Mr. President, is that we are returning back to those very difficult days, those very difficult times where the focus is restricting the rights of women to make the decisions over their own bodies. Not our bodies, their bodies. Their very personal, very serious heart-wrenching decisions, but it is theirs, not ours. It is theirs. It is their body, it should be their decision, it should be their choice. Not allowing them that choice puts them in a second-class status in this State and in this nation. Not allowing people to have the decision, women to have the decision over what happens with their own bodies puts them in a completely different status than it does for everyone else.

So, I remember those times. I speak at this moment in context from those moments when I first came to the legislature. Just as a reminder, as we had to remind folks back in 1989, 1990, those early years in this conversation, *Roe v. Wade* was decided 40 years ago. This issue is settled, it is been challenged, it is settled. Women should have complete control of what happens with their bodies. It is their decision, they should be allowed that opportunity to make a very difficult--as was heard on floor--and personal decision. But *Roe* decided this a long time ago, over 40 years ago.

We also did some research and were very troubled by the fact that there has been essentially no public conversation, at least in the context of public hearings, on this issue. No opportunity to bring doctors, professionals, reproductive healthcare service providers, women, anyone in front of a body of this Senate who would have the right and the jurisdiction to review the data, re-

view the information, and have the conversation. I am not sure why we have not had that opportunity. We should, on such an extremely important issue, we should be in the business of gathering information and data that is clearly updated, clearly in the time that we are dealing with this in 2017, clearly we should be hearing from the public and all of the professionals, some of which were named earlier, some of which when asked we could not get their names, but there should be an opportunity where we take the time out and make thoughtful decisions, and hear good information around this issue, but we have not. We have been in Session here since the first Tuesday of January, not more than 9 Session days, Mr. President, and we have not taken the time to gather the public information that is appropriate to gather on such an extremely important issue.

However, as was done earlier, I will cite information that has been received from various organizations about this particular matter. I have in my possession a letter from the Pennsylvania Section of the American Congress of Obstetricians and Gynecologists saying no. I have in my possession another letter, a fact sheet, also from the American Congress of Obstetricians and Gynecologists also saying no. I have a letter in my possession, and would be glad to submit these for the record, from the Pennsylvania Medical Society saying no. I have a letter in my possession from the American Civil Liberties Union of Pennsylvania also saying no. I have a letter from the University of Pittsburgh School of Medicine, Department of Obstetrics, Gynecology and Reproductive Sciences, signed by the Assistant Professor, Director of Family Planning, Magee-Womens Hospital of UPMC, Department of Obstetrics, Gynecology and Reproductive Sciences, University of Pittsburgh, Dr. Beatrice Chen, saying no.

I have in my possession, Mr. President, I believe it is the letter dated February 7, 2017, that Senator Farnese, the previous speaker referred to, addressed to the Pennsylvania Senate saying no. It is signed by approximately over 100 doctors and medical professionals here in the Commonwealth: James Becker, M.D.; Commissioner Val Arkoosh, M.D.; Jessica Berger, Magee-Women's Hospital of UPMC; Sandra Birnbaum, Thomas Jefferson University Hospital; Grace Ferguson; Courtney Chellew; Jennifer Bowen; Ashley Christ; Paul Damaske from State College; Antonette Dulay; Elizabeth Gurney; Diane Harrison, Erica Hinz; Amy Kaleka; Craig Mayr from Pittsburgh; Jessica Lee; Dr. Joel Lebed, Medical Director of Planned Parenthood of South-eastern Pennsylvania, Staff Physician, Abington Memorial Hospital; Lindsey Latteman; Audrey Lance; Elizabeth Krans; Colleen Krajewski; Meghan Fibbi, Sarah Flaherty. All of these, and I could go on and on, Mr. President, but as I said, there are well over 100 signatures here, all of these are M.D.s, doctors. Joan Zeidman; Carly Werner; Lin-Fan Wang, M.D.; Roxanna Twedt, Andrew Sword, all of these are individuals, doctors, learned individuals in their profession. Individuals who have the responsibility for not just researching the issue, but providing direct medical care for women and families all across the Commonwealth, and I dare say, across the nation. They have said unequivocally that this is wrong, and that this is bad legislation.

It is bad healthcare legislation, and my comment, based on the decision in *Roe v. Wade*, based on the fact that the Supreme Court refused to review decisions permanently blocking Arizona's ban and other matters in other States - Georgia, Idaho, Arizona, Nebraska - based on the unconstitutionality of these provisions, that this is bad legislation and it does not deserve an

affirmative vote. We should have had public conversations gathering updated data and information. Mr. President, as I said earlier, I am reminded when I look at Senate Bill No. 3 of some days of years gone by when we had to confront this legislation in the mid to late 1980s. This returns us to some very dark times, Mr. President. It puts women in a position that they do not have the opportunity to control what happens with their own bodies. I wonder what we would be saying if the decision was reversed, or if the issue was reversed, if we were here discussing what the position of the body would be if it was about making decisions about what happens with men's bodies and men's healthcare services. I wonder if we would be having the same kind of conversation. I look around the room and I suggest that would not be the case.

Mr. President, I urge, once again, as many have done earlier, that a "no" vote on a proven unconstitutional provision that takes the power away from women in determining what happens with their own bodies, I urge a "no" vote, Mr. President. Thank you very much.

The PRESIDENT. The Chair recognizes the gentleman from Jefferson, Senator Scarnati.

The PRESIDENT pro tempore. Mr. President, I rise today on behalf of those who are unable to stand here with us today. Mr. President, I rise today on behalf of the most innocent, precious, and defenseless amongst us. I rise in support of Senate Bill No. 3, and I do so on behalf of the unborn. We have heard a great deal of talk today, Mr. President, on a lot of different topics. Everything from a woman's health, court cases, motives, and timing, but what this bill is actually about is dismemberment abortion. That is what we are talking about here today, dismemberment abortions. No one is denying, indeed, that this is a gruesome procedure. This abortion technique is inhumane, and that is the reason nearly two-thirds of Pennsylvanians believe it should be illegal. Yet, in 2014, over 1,500 unborn children were killed using this barbaric procedure in the Commonwealth of Pennsylvania.

As if all of this were not bad enough, Mr. President, today in this Commonwealth we are aborting 5- to 6-month old babies, many of whom are at a viable stage to live and survive outside the womb. Only six other countries in the world allow for abortions this late in the pregnancy, Mr. President, including the People's Republic of China, and North Korea.

Mr. President, we are talking about babies fully developed, with functioning body parts and beating hearts. The only difference between the babies we are talking about today and you and me are geography and size. Mr. President, some find it tough to speak out for these voiceless human beings. Because I stand up for the unborn, I may be labeled radical or antiwoman. Those who cast such assertions, however, completely forget the fact that over half of those we stand to protect today are unborn girls. Mr. President, I ask my fellow Senators to stand alongside our courageous female colleagues and bill sponsors, Senator Michele Brooks of Mercer County and Representative Kathy Rapp of Warren County. I urge this body to cast a vote to protect all Pennsylvanians.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Montgomery, Senator Leach.

Senator LEACH. Mr. President, I rise today, obviously, in opposition to this bill. This bill is not some sort of visceral ex-

pression of support for the unborn or anything like that, this bill is actually a piece of legislation which will govern people's lives. The facts matter, the wording of the bill matters, and what the bill does matters. You can pass a resolution supporting anyone's position on any issue without consequences if it makes people feel better, but what this does is some very specific things. That is why it is troubling, as I have discussed in my questioning, and some others have as well, that we had no hearings. We have had hearings here to decide what to name a bridge. We have had hearings here to decide some of the most trivial legislation or legislation that everyone knew was never going anywhere, and we have also had hearings to discuss very complicated pieces of legislation that were important. I know when I introduced a medical marijuana bill, we had six separate hearings in the House and Senate on that. Six. Dozens of witnesses, hundreds of questions, and that was not something that is as intrusive as this. Not only did we have no hearings at all, at our committee meeting where we are supposed to vet legislation and come up with wording that makes sense, no one was there to speak for the bill, answer questions about what the intent was, and so forth. Then today, we asked some more questions, and I submit that we still do not know, in many ways, what this bill does.

Let me be specific about it. The bill says that certain forms of abortion are prohibited unless they are necessary to prevent the substantial impairment of a major bodily function on the part of a woman. What does that mean? I asked that question, and I know, because some of the staff pointed it out to me that I asked 10 or 12 times. I tried to continue, I tried to use all of my moderate legal skills, years of doing trials and taking depositions, to narrow the question to its most simple, distilled form as possible. Is a woman's reproduction a major bodily function which would enable a woman to have an abortion to save it under this bill? I kept hearing, "I refer to *Casey*." Well, *Casey* never discussed that, because it was not before them. Even if they had discussed it, it would have been nonbinding dicta, but they did not discuss it. It is not an answer to the question. We still do not know, anyone watching our questioning still has no idea whether a woman's reproduction is considered a major bodily function under this bill. We still have no idea if a woman's normal sexual function is considered a major bodily function under this bill. Hell, we do not even know if respiration is considered a major bodily function under this bill. No one knows. Referring to some case that does not discuss it does not answer those questions. How can we pass legislation that we do not know a basic question as that?

One of the things we have to consider when we consider legislation is, what does this look like on the ground? What does this look like in doctors' offices? How does this actually work? If I am a doctor, and a woman comes to me and the only way to save her ability to have children in the future is to perform a D&E abortion, I do not know if I am allowed to perform it or if I am going to be charged with a felony. We do not know. No one in this room knows. That might be helpful to have unnamed doctors come and tell us what is a major bodily function. Maybe some wording can be used in certain legislation to define that, but right now doctors do not know, women do not know, and so how are life-and-death decisions in medical offices supposed to be made?

We also do not know what the safest method of abortion in these circumstances is for the woman. Some people think they

know. The American College of Gynecologists and Obstetricians thinks they know. They say it is this procedure. Now, we have heard that there are some doctors who disagree. We are not allowed to know their names, at least not yet. We do not know if they are members of some pro-life organization or some other, we do not know who they are, but we do know that the mainstream organizations that exist to protect the health of women say that this is the safest thing. Then I asked, well, what other methods are there and how do they stack up in terms of safety, historically, with the procedure we are banning? Refer to *Casey*. I do not know what that means. That has no answers. So we could be passing legislation today that actually puts our sisters, our girlfriends, our wives, our daughters in more danger. That does not sound pro-life to me.

The thing that strikes me beyond the technical issues, there is one more, how do we know if it is 20 or 24 weeks? There is no precise test for that. Again, I am a doctor, someone comes into my office. It could be 22 weeks, 20 weeks. It is not entirely clear. Am I going to be second-guessed? Because if I am, that is a third-degree felony. That is the end of my career. That is me going to prison. So am I going to be willing to perform this procedure, which may be necessary even under the terms of the bill to protect the woman's life or major bodily function or, generally speaking, am I going to perform that procedure if I am not sure? When I was a lawyer and a physician came to me and asked me that question, I am like, you know, you are taking a risk. I do not know. I do not know the answer to that. These are all things we should know, which is why we should have hearings, why we should actually change the bill in committee. This was all rushed through extremely quickly with no opportunity to answer these questions.

Now, I would say, just on the issue of constitutional rights that other people touched on, it always strikes me that apparently some like to paraphrase *Animal Farm*, some constitutional rights are more constitutional than others. Whenever someone introduces the slightest bill to say, like, for example, you cannot bring a machine gun into an elementary school, or something like that, anything that affects guns, oh my God, we cannot do that. We cannot regulate that at all. It is constitutional. We cannot touch it. Now, the woman's right to choose an abortion is a constitutional right just like the right to own a gun. Same weight. There is no hierarchy of constitutional rights. Yet, we can do anything. Make it difficult, you know, pass TRAP legislation and pass all kinds of things to make it difficult and unsafe for a woman to make that choice. That is fine.

Finally, because I know people have discussed this issue at some length and I do not want to rehash it, I note that when we talk about government and government staying out of our lives, can you imagine something more intrusive than this? Government tells you not to serve trans fats at your restaurant. Oh my God, it is the nanny State. The government has no business there. The government tells you not to pour -- at the national level we just got rid of a rule that says you cannot dump pollution into a stream. Just got rid of it. Now you can because we do not want "gubmint" telling us that we cannot poison the streams. But we want government inside the doctor's offices and inside the uterus of the women that we know in our lives. It strikes me that, I think it was Churchill who was quoted as saying, consistency is the hobgoblin of little minds. I guess that is true in this case, because there is no consistency here and there is no respect for

women and their ability to make their own choices about their lives. Circumstances that we will never understand, circumstances of women whom we will never meet, circumstances of women who face horrific consequences if they make one choice or another. We know better. A bunch of middle-aged, mostly male legislators know best what women whom we have never met should do with their own bodies. It is absolutely breathtaking.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Blair, Senator Eichelberger.

Senator EICHELBERGER. Mr. President, one thing I have not heard discussed at length after sitting through a long meeting of the Committee on Judiciary and then a long floor debate today is the basic issue that we are talking about, and that is human life - human life inside the womb of a woman. In the law, we recognize, regardless of what some people's opinions are, that babies are babies at some point during that period. We do not allow late-term abortions. We have special rules in place to protect these babies. One of the rules we have, we have had in place since 1982 in Pennsylvania, the Pennsylvania Abortion Control Act regulated when we would stop allowing abortions in Pennsylvania. It is 24 weeks. As science changes, medical science improves, we know a lot more today than we did then.

The intent of these laws, even in the language of the *Roe v. Wade* decision and looking at the Pennsylvania Abortion Control Act, viability is an issue that was addressed by everybody in the system. Years ago in the 1970s and 1980s, viability was a later period than it is today. I have personal friends who were not pro-life and became pro-life because of the technology that is available today. They look at the sonograms today, the digital sonograms, they know the clarity, they see things that they did not see before. When they are looking at their grandchildren now, it has changed their hearts and they understand that these are real human beings inside these mothers.

This bill only does two things, and we have been distracted, which is what a lot of people do when they do not have a real argument. They talk about process, they bring up ancillary issues, they try to confuse things, they talk about technical medical issues that do not apply in this case at all. We are only talking about two things here. Because of the progression of medical science, we are talking about moving the viability age, which many other States are doing, and many other national organizations understand and recognize. We are moving the viability age from 6 months to 5 months. It is not a week, it is not something that we are taking away people's ability to have abortions. We are just recognizing that medical science has improved and we are changing that from 6 months to 5 months.

We are also saying, which I have not heard discussed, that the dismemberment procedure, which is incredible that this is permitted today, and that we would continue to allow that. So we would stop doing that under this bill. When have people, again, who talk about animal welfare, talk about all sorts of things that we do in society, the death penalty, all sorts of things, nobody wants to see some human being ripped apart limb by limb so that they died that way. I do not see anybody saying that sounds reasonable to me, I think when we do the death penalty, we will just put these people in the public square and quarter them, like they used to do hundreds of years ago. We stopped doing that because it was cruel and unusual punishment. We do not do that any-

more, but yet we do it in Pennsylvania today with babies, and people think, well, that is okay. Why would we argue against stopping that provision? That is what I would like to know.

The last point I make is that I am a man. I am a white man. It is a public policy decision, I have to make a vote on this, I do not think it is an exclusive issue for women. I think lots of us want to protect human lives, we want to do what is right, no matter what gender or race we are. We want to make sure that people are protected in the womb in Pennsylvania, that we are not treating anybody in Pennsylvania, any Pennsylvania citizen or somebody who is carrying a future Pennsylvania citizen who will be treated differently than anybody else, who will be treated disrespectfully, who will be harmed in some way, who will be dismembered. I do not think we want to do that. I do not care what gender you are or any other definition that people want to draw. We all are going to make a vote on a public policy decision here, and I think we are all qualified to make that vote. We are not medical professionals, but we have heard from medical professionals and we know that this is a standard that the nation is coming to, and Pennsylvania needs to get on board and do that.

I thank Senator Michele Brooks for all of her work on this bill, Representative Kathy Rapp in the House for all her work on this bill, and their staffs, because I know their staffs have put in a tremendous amount of time.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Lancaster, Senator Martin.

Senator MARTIN. Mr. President, first off, my heart goes out to the personal stories that were told on the Senate floor. As a father who has experienced the joy of two great boys in my life, I also know what the feeling is like to lose a child as a father as well, and that is not easy to put out there and discuss.

I rise today in support of Senate Bill No. 3. Having worked a long time with children who were abused, we have gone to great length in our child welfare system to make sure that the interests of the child are always represented in proceedings, what the outcomes are, and how to put their lives back together. For me, we have to stand up and speak for the child yet again. What is disheartening to me is knowing what we know now from a medical perspective about the barbaric procedure of dismemberment abortion, that science has gotten to the point of using anesthesia to perform surgery on infants in the womb, knowing that they feel pain, that we could still be a society that talks about this issue. In statehouses and in the Federal government down in D.C., you hear discussions about how we treat people in torture situations. In our State and others, we have folks who raise grave concern about the death penalty and the methods that are used in terminating life for some of the folks who have committed some of the most heinous crimes, despite what victims and families might feel. We debate animal cruelty measures in these Chambers, but someone needs to speak up for the voice that cannot speak for itself. Given what we know as a society about these procedures and about an infant's ability to feel pain, I myself know that we as a society are better than that.

I encourage my colleagues to vote "yes" on this bill.

The PRESIDENT. The Chair recognizes, for the second time, the gentleman from Philadelphia, Senator Farnese.

Senator FARNESE. Mr. President, briefly, to one of the speakers who said one of the things we have not discussed today or heard from is the issue of human life, I respectfully disagree.

I would say that this entire debate today was about human life. From the millions of women's voices who were represented by the speakers on both sides of the aisle who talked about their lives, the lives of their families, the lives of the doctors, nurses, and medical personnel who would be influenced and affected by a rash decision today, those are all human lives. So, anybody who happens to see this or happens to catch this in the press, do not be fooled, this entire debate is about human life. The question is, what humans will be deciding what other humans will do with their own lives? That is the real issue, and that is the real question.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentlewoman from Berks, Senator Schwank.

Senator SCHWANK. Mr. President, have I told you I have a 5-month old granddaughter?

The PRESIDENT. You have not told me yet, Senator. Congratulations.

Senator SCHWANK. Mr. President, she is the light of my life, and certainly of her parents' lives. While she was born a few weeks prematurely, she is thriving and bringing great joy to her little family. My daughter and her husband struggled to have this baby. She was loved from the moment my daughter knew she was pregnant. That was also true for Karen, a woman I talked with about her abortion. Karen was 20-weeks pregnant when it was discovered that her baby had a rare form of dwarfism that her physician told her was incompatible with life. There were no bones in the baby's legs, her lungs were unformed as well, meaning that carrying the baby to term would condemn it to a slow and painful death by suffocation. Karen has gone on to get pregnant again and carry her baby to term, but even still, she will never get over the decision that she had to make. Yet, she is grateful that at least she had the option of abortion to prevent an even more tragic and traumatic outcome for her, her husband, and her baby.

Another woman, newly married and expecting her first child, however, at about 17 to 18 weeks, tests revealed the baby's airways were sealed off and its ballooning lungs were crushing the baby's heart, leaving her to allow her baby boy to die in her womb from heart failure, or very likely to die immediately after a special delivery and surgery, or to end the pregnancy. The choices were bleak: suffocation in the womb or termination of the pregnancy to end the trauma to the baby and his mother. This woman told me, through tears, that this experience is what taught her what it means to be a parent, that you must do what is right for the child. Yes, the unborn child does not have a voice, the mother is the voice of an unborn child.

Learning that you are going to have a baby is one of the happiest moments for parents. Moms and dads get busy preparing for the new addition to their family, but let us put ourselves in the shoes of those who learn that late-term prenatal tests indicate that something is very wrong with the baby's development. Helpless and heartbroken is how some fathers, not mothers, explain their feelings to me. These babies are cherished. The decision to terminate their lives is agonizing. It cannot be described as merely a choice or a matter of convenience. It is devastating.

Under Senate Bill No. 3, parents like the women I talked with will not legally be able to do what is right for their child. It will be a crime. This is what a vote for this bill will do. It will be a vote for unconstitutional restrictions because these are not viable

pregnancies that are being outlawed. If this becomes law, legislators will dictate to doctors what medical procedures they may use in ending a pregnancy, rather than their own judgment, their years of experience, or their education as to what is right for the mother and the baby. Physicians caring for miscarriages would be required to ask for the guidance of their hospital's legal department before they can help a woman. By the way, good luck finding a gynecologist who will help you, because we know the chilling affect this legislation will have upon the medical profession. Under this bill, for a woman to have access to one of the safest procedures, care recommended by her doctor, she will literally need to be dying in front of the doctor's eyes, or about to completely lose a major bodily function, and not just one, she will need to have the first doctor's judgment confirmed by a second doctor. We have not talked about this, either, Mr. President, incest or rape. A young victim of incest too scared or naive to even know that she is pregnant will be forced by this legislature not just to bear her rapist's baby, but to risk her own health and her future ability to have children under this law. Let us be clear about this in regards to Senate Bill No. 3: there are no exceptions for rape, incest, or fetal abnormality.

Despite what we heard this morning, obstetricians and gynecologists recognize the threshold of viability for a fetus to be no earlier than the 24th week of gestation. It has not changed in the nearly 30 years since our current law was enacted. A reference was just made to this about the advances in medical technology. Well, darn it, if that is true, why not bring the medical experts here to tell us that? Why have they not made that decision? Why are you or we making that decision? This is just wrong.

Mr. President, why are we doing this? Why are we doing this to our families, to women, husbands and wives, partners and children? What right do we have to invade their lives with a law that will only further the tragedy and trauma they are experiencing when a baby that they love and cherish is suffering? I think our colleague, Senator Baker, spoke eloquently about that. Her personal experience just cannot be challenged. How can we be so self-righteous and stiff-necked that we would callously inflict such pain on women? Because I know that in response to my remarks, and I have heard them already, there will be reference made to the graphic images of how abortions are performed. Even the words that are used in the law are graphic and gruesome. Those images are abhorrent. Believe me, I do not like them either, but are they any less abhorrent than the images of babies born with life-ending abnormalities?

This vote will be taken and everybody here will walk away and give little thought to the pain and suffering that women and their families will be facing as a result of this ill-conceived legislation. But know this, we have gravely harmed women and we have defied the facts and the recommendations of the physicians who care for them and their families. Before you cast your vote, ask yourself this question: who knows best about the medical needs of women and their babies? Their doctors? Their husbands, perhaps, their significant other, their families, or a poorly informed legislative body that cannot even be bothered with the facts and the time that it would take to present the facts? We have no place in this decision, Mr. President. I am only hoping that my colleagues will join me in voting "no" on Senate Bill No. 3. Thank you.

The PRESIDENT. The Chair recognizes the gentlewoman from Mercer, Senator Brooks.

Senator BROOKS. Mr. President, this was not part of my comments, but I do have to respond to the comment about how this legislation forces a woman who has been raped or subjected to incest, it exploits the hideous crime, and forces that woman to have that baby, which is completely false. It does not. That opportunity remains for 5 months and 6 days. I think it is tragic to exploit that hideous, heinous crime, and that victim. This legislation does not seek to nor does it penalize doctors who acted on the basis of good faith. It actually leaves in place protections for doctors who, in the court's words stated, that the medical emergency exception of Pennsylvania's abortion statute which allows physicians to avoid criminal sanctions if, on the basis of good-faith clinical judgment, a condition exists that requires immediate termination of pregnancy is not void for vagueness, good faith, clinical judgment is subjective standards and not objective standards. Nor does this legislation seek to stop the ability for a woman or a couple after receiving heartbreaking news to make a private decision with their doctor.

I want to refer to a story, and I will submit it for the record, from the March of Dimes "Share Your Story." (*Reading:*)

My son Parker was born at 22+6 weeks. He was born 1 pound 6 oz and he dropped to 16 oz. We were told he only had a 5 percent or less chance of surviving and if he did, he would have a lot of issues. He spent 4 months in the NICU and came home almost a week after his due date. He is the youngest/smallest baby to survive at his hospital. He just turned 3 in May 2016. He has had therapys [*sic*] for speech and eating, but other than that, he is perfectly healthy and happy and a very active boy. When Parker was born, his tiny little hands were the size of a penny.

Contrary to some of the comments made earlier, this legislation leaves in place procedures that give a woman a choice, but this legislation does remove the procedure where you end the life of a 6-month-old fetus or baby by ripping its head off and tearing its legs and arms apart from its body so it bleeds to death. Regardless of what side of the issue a person is on, how can we possibly say this is humane when other procedures exist in terminating this pregnancy? Is it humane for an unborn baby who has no voice but can feel the pain of being ripped apart?

Mr. President, in closing, one speaker said this was political gamesmanship. Mr. President, as my heart grieves for the lost child that I could never hold, but in July on that birthday, I dream of what that child would have been today, the voice that I never heard, the hug that I never felt. Mr. President, this is real life, not gamesmanship.

LEGISLATIVE LEAVES

The PRESIDENT. The Chair recognizes the gentleman from Centre, Senator CORMAN.

Senator CORMAN. Mr. President, I request legislative leaves for Senator Baker and Senator Greenleaf.

The PRESIDENT. Senator Corman requests legislative leaves for Senator Baker and Senator Greenleaf. Without objection, the leaves will be granted.

And the question recurring,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-32

Alloway	DiSanto	Martin	Stefano
Argall	Eichelberger	McGarrigle	Tomlinson
Aument	Folmer	Mensch	Vogel
Bartolotta	Gordner	Rafferty	Vulakovich
Brewster	Greenleaf	Regan	Wagner
Brooks	Hutchinson	Reschenthaler	Ward
Browne	Killion	Scarnati	White
Corman	Langerholc	Scavello	Yaw

NAY-18

Baker	Farnese	Leach	Tartaglione
Blake	Fontana	McIlhinney	Williams
Boscola	Haywood	Sabatina	Yudichak
Costa	Hughes	Schwank	
Dinniman	Laughlin	Street	

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

ANNOUNCEMENT BY MAJORITY AND MINORITY LEADERS

The PRESIDENT. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Mr. President, could all Republican Members please come to the rostrum.

The PRESIDENT. Senator Corman requests all Republican Members join him at the Leader's desk.

Senator Costa requests all Democratic Members do the same. For the purpose of those meetings, the Senate is at ease.

(The Senate was at ease.)

CONSIDERATION OF CALENDAR CONTINUED

THIRD CONSIDERATION CALENDAR CONTINUED

BILL OVER IN ORDER

SB 137 -- Without objection, the bill was passed over in its order at the request of Senator CORMAN.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 166 (Pr. No. 271) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for protection of paychecks of certain workers and for the collection of political contributions.

On the question,

Will the Senate agree to the bill on third consideration?

Senator COSTA offered the following amendment No. A0189:

Amend Bill, page 1, lines 6 and 7, by striking out "of Public Employee Wages" and inserting:

from the Diversion of Taxpayer Money

Amend Bill, page 1, lines 11 through 13, by striking out "orderly and constructive relationships between employers" in line 11, all of line 12 and "accomplished, at least in part, by ensuring" in line 13 and inserting:

the proper use of taxpayer money so that
 Amend Bill, page 1, line 15, by inserting after "employees":
 and that lobbying activities are not paying for or paid with public resources

Amend Bill, page 4, by inserting between lines 2 and 3:
 Section 5. Prohibition on commissions or compensation for lobbying.

(a) Payment prohibited.--A person may not compensate or incur an obligation to compensate a person to engage in lobbying for compensation that is contingent, in whole or in part, upon the receipt or award of a grant, credit, loan, capital funding, contract or another form of Commonwealth funds awarded by an agency.

(b) Lobbying prohibited.--A person may not engage in or agree to engage in lobbying for compensation that is contingent, in whole or in part, upon the receipt or award of a grant, credit, loan, capital funding, contract or another form of Commonwealth funds awarded by an agency.

Amend Bill, page 4, line 3, by striking out "5" and inserting:
 6 Amend Bill, page 4, line 5, by striking out "Section 4" and inserting:
 Sections 4 and 5

On the question,
 Will the Senate agree to the amendment?

The PRESIDENT. The Chair recognizes the gentleman from Allegheny, Senator Costa.

Senator COSTA. Mr. President, this amendment mirrors legislation that passed here during last Session, Senate Bill No. 388, that would limit and prohibit lobbyists from engaging in an agreement that basically is a contingent agreement to be able to go out for their clients and receive grants, credits, loans, capital funding, or contracts. This practice I referenced does happen here in Harrisburg and basically passes money from the public sector for activity that is considered to be political under this legislation, which is specifically defined as lobbying under the legislation we are about to vote on. The extension of political activity to cover lobbying under this bill should require all types of new prohibitions under the law that apply not only to the unions we talked about but also all sorts of activity common here in the Capitol. This includes lobbying for State money, especially State money that later will cover contingency fees.

Mr. President, we have heard a lot about people having the opportunity to make decisions regarding this money, but we should not use State resources so someone can have personal or private gain. That is what we are trying to prohibit here and that is what this legislation does. Again, I let Members know it did pass here unanimously and a large number of the Members here voted to support this measure in the past. I hope they will see their way clear to do the same thing to amend Senate Bill No. 166.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Mr. President, as the gentleman mentioned, this is an amendment that has some merit, clearly, something that we have conceptually supported in the past. However, we do not believe this is necessarily the appropriate place for it. I think if the gentleman would introduce it as a bill, the chairman of the Committee on State Government would certainly give it due consideration and would possibly mark it to run at some point in time in the future, but as far as what we are working on here today, we think this amendment is not appropriate, and I ask for a negative vote.

The PRESIDENT. The Chair recognizes the gentleman from Allegheny, Senator Costa.

Senator COSTA. Mr. President, I respectfully disagree with my colleague. I think anytime we are looking to prohibit the use of public money to be able to inure to the benefit of lobbyists or anybody in this Commonwealth that is being done in this manner, I think it is always relevant to the conversation we are having, whether in this particular bill it is the same subject matter. I think the germaneness issue is addressed, but I would argue that is not the case, and I, again, ask for an affirmative vote.

LEGISLATIVE LEAVES

The PRESIDENT. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Mr. President, I request temporary Capitol leaves for Senator Wagner and Senator Scavello.

The PRESIDENT. Senator Corman requests temporary Capitol leaves for Senator Wagner and Senator Scavello. Without objection, the leaves will be granted.

And the question recurring,
 Will the Senate agree to the amendment?

The yeas and nays were required by Senator COSTA and were as follows, viz:

YEA-16

Blake	Dinniman	Hughes	Street
Boscola	Farnese	Leach	Tartaglione
Brewster	Fontana	Sabatina	Williams
Costa	Haywood	Schwank	Yudichak

NAY-34

Alloway	Eichelberger	McGarrigle	Tomlinson
Argall	Folmer	McIlhinney	Vogel
Aument	Gordner	Mensch	Vulakovich
Baker	Greenleaf	Rafferty	Wagner
Bartolotta	Hutchinson	Regan	Ward
Brooks	Killion	Resenthaler	White
Browne	Langerholc	Scarnati	Yaw
Corman	Laughlin	Scavello	
DiSanto	Martin	Stefano	

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

And the question recurring,
 Will the Senate agree to the bill on third consideration?
 Senator COSTA offered the following amendment No. A0187:

Amend Bill, page 1, line 7, by inserting after "Wages":
 and Corporate Accountability
 Amend Bill, page 1, line 9, by striking out all of said line and inserting:

The General Assembly finds and declares that:

(1) It is the public

Amend Bill, page 1, by inserting between lines 15 and 16:

(2) The Commonwealth has a compelling interest in regulating the affairs of certain business entities and it is important for the shareholders of corporations to be informed of the governance of the organizations relating to the political process.

Amend Bill, page 2, by inserting between lines 2 and 3:

"Department." The Department of State of the Commonwealth.

Amend Bill, page 2, by inserting between lines 13 and 14:

"General treasury funds." The money in possession of a corporation incorporated under the laws of this Commonwealth in the normal course of business, including funds from sales, accounts payable, loans, investments, bonds or debt instruments.

"Issue advocacy campaign." Political contributions for a communication to the general public intended to encourage the public to contact a government official regarding pending legislation, public policy or a government rule or regulation. The term shall not include political contributions for registered lobbyists or other persons employed by the corporation to lobby directly Federal or State government officials.

"Known at the time of the authorization vote." At the time the corporation seeks authorization from shareholders to spend corporate funds for political activities:

(1) the corporation's officers, directors or employees have identified a specific political activity for the corporation to support or oppose;

(2) corporate officers, directors or employees have taken steps to obligate funds to a political activity; or

(3) the corporation has a regularly scheduled payment to a trade association or other entity to pay for a political activity in the next 12 months.

Amend Bill, page 2, by inserting between lines 17 and 18:

"Majority of shareholders." Fifty percent plus one of each outstanding voting security. A shareholder not casting a vote shall not count toward affirmative authorization under this act.

"Political activity." A political contribution made directly or indirectly to, or in support of or opposition to, a candidate, political party, committee, electioneering communication, ballot measure campaign or an issue advocacy campaign. The term shall not include an activity defined as lobbying under a Federal, State or local law.

Amend Bill, page 3, by inserting between lines 9 and 10:

"Separate segregated fund." A political action committee formed by a corporation for the purpose of making political contributions to candidates for office or to political parties. A separate segregated fund which supports a Federal candidate shall have the same meaning as in section 316 of the Federal Election Campaign Act of 1971 (Public Law 92-225, 86 Stat. 3).

Amend Bill, page 4, lines 3 through 7, by striking out all of said lines and inserting:

Section 5. Shareholder vote on corporate and unincorporated association political activities.

(a) Annual vote.--

(1) A corporation organized in this Commonwealth that spends in the aggregate \$10,000 or more of corporate treasury funds on political activities in this Commonwealth must comply with the requirements of this section.

(2) A proxy, consent or authorization for an annual meeting of the shareholders of a corporation organized in this Commonwealth, or a special meeting in lieu of the meeting, where proxies are solicited in respect to a security occurring on or after six months following the date on which final regulations are published under subsection (d), shall provide for a separate resolution subject to shareholder vote to approve spending of \$10,000 or more by the corporation for a political activity.

(3) Notwithstanding the requirement for an annual shareholder vote to authorize spending of \$10,000 or more by the corporation for a political activity, a corporation may request authorization for spending on political activities on a more frequent basis. An authorization request by the corporation that is not made during an annual authorization shall be deemed a special authorization.

(4) If a corporation spends less than an aggregate of \$10,000 in a 12-month period for political activities, the corporation shall not have to seek shareholder authorization for the spending.

(b) Shareholder approval.--

(1) If seeking shareholder authorization for expenditures for political activities, the corporation shall request the authority to spend a maximum dollar amount in the next 12 months.

(2) If known at the time of the authorization vote, the corporation shall articulate whether the corporate treasury funds so authorized are intended to benefit or defeat specific candidates, ballot measures or issue advocacy campaigns or whether it will be paid to specific nonprofits or trade associations for political activities. The following

apply:

(I) To be effective, the authorization vote must garner support from a majority of shareholders.

(ii) A vote by the shareholders to approve or disapprove spending of \$10,000 or more by a corporation for a political activity shall be binding on the corporation.

(iii) Notwithstanding the requirement for an annual shareholder vote to authorize spending of \$10,000 or more by the corporation for a political activity, a corporation may request a special authorization for additional spending on political activities, provided that:

(A) all spending on political activities of \$10,000 or more must be authorized by a shareholder majority vote; and

(B) for any special authorization, the corporation shall articulate whether the corporate treasury funds so authorized are intended to benefit or defeat candidates, ballot measures or issue advocacy campaigns or will be paid to specific nonprofits or trade associations for political activities at the time the special authorization is requested.

(c) Director liability.--If a corporation makes an unauthorized political contribution for a political activity, then the directors at the time that the unauthorized political contribution was incurred are jointly and severally liable to repay to the corporation the amount of the unauthorized expenditure with interest at the rate of 8% per year.

(d) Rulemaking.--The department shall promulgate final regulations to implement this section no later than six months after the effective date of this section.

(e) Sole proprietorships excluded.--Notwithstanding any other provision of this section, nothing in this section shall apply a new duty to the owner of a sole proprietorship.

Section 6. Notification to shareholders of corporate political activities.

(a) Notification to shareholders.--

(1) At least quarterly during each fiscal year, a corporation organized in this Commonwealth that makes political contributions for political activities must notify its shareholders and the department in writing of the nature of all of its political activities, funded by either its separate segregated fund or through its general treasury, including political contributions made directly or indirectly.

(2) A report made under this section shall include the following:

(I) The date of the political contributions.

(ii) The amount of the political contributions.

(iii) The identity of the candidate, political party, committee, electioneering communication, ballot measure campaign or issue advocacy campaign.

(iv) If the political contributions were made for or against a candidate, including an electioneering communication as defined under Federal law, the office sought by the candidate and the political party affiliation of the candidate.

(v) If the political contributions were made for or against a ballot measure, the purpose of the measure and whether the political contributions were made in support or opposition to the ballot measure.

(vi) If the political contributions were made for or against an issue advocacy campaign, the nature of the political issue and whether the political contributions were made in support or opposition to the political issue.

(vii) All political contributions made by a separate segregated fund affiliated with the corporation.

(b) Public disclosure.--

(1) The quarterly reports of political activities by a corporation organized in this Commonwealth to shareholders shall be public records.

(2) A copy of each report filed under subsection (a)(1) shall be:

(I) submitted to the department; and

(ii) posted for at least one year on the corporation's publicly accessible Internet website, if any.

Section 7. Public disclosure of regulated political activities by the department.

(a) Department duty.--The quarterly reports of political activities by a corporation organized in this Commonwealth to shareholders shall be made publicly available by the department.

(b) Electronic form.--A quarterly report required to be filed under this section shall be filed in electronic form using filing software approved or developed by the department in addition to filing in any other form that the department may require by regulation and shall be pub-

lished on the department's publicly accessible Internet website.

(c) Format.--The department shall ensure that, to the greatest extent practicable, the quarterly reports on political activities are publicly available through the department's publicly accessible Internet website in a format that can be searched, sorted and downloaded.

Section 8. Report by Department of the Auditor General.

(a) Audit.--On an annual basis, the Department of the Auditor General shall audit the extent of compliance or noncompliance with the requirements of this act by corporations incorporated under the laws of this Commonwealth and their management and shareholders and the effectiveness of the department in meeting the reporting and disclosure requirements of this act.

(b) Report.--No later than April 1 of each year, the Department of the Auditor General shall submit to the Governor a report on the audit required under subsection (a) for the preceding year.

Section 9. Board approval for political expenditures.

(a) Approval required.--Notwithstanding any other provision of law, a corporation may not make a political contribution unless specifically authorized to do so:

(1) by the vote of the board of directors of the corporation at a regular or special meeting;

(2) by the president, vice president, secretary or treasurer of a corporation whom the board has specifically empowered to authorize political contributions; or

(3) for a corporation, by any other person designated by resolution of the board of directors of a corporation to authorize political contributions.

(b) Form of political contribution.--A corporation may not make a political contribution as defined under Federal or State law, other than an in-kind political contribution, except by check.

Section 10. Applicability to foreign corporations.

(a) General rule.--A foreign corporation, other than a foreign association or foreign nonprofit corporation, but including a foreign parent corporation, even if it does not itself transact intrastate business, is subject to the requirements of this act if the following apply:

(1) the average of property, payroll and sales factors, as defined in section 401 of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, with respect to the foreign corporation, is more than 50% during its latest full-income year; and

(2) more than one-half of its outstanding voting securities are held of record by persons having addresses in this Commonwealth appearing on the books of the corporation on the record date for the latest meeting of shareholders held during its latest full-income year or, if no meeting was held during that year, on the last day of the latest full-income year.

(b) Determination.--

(1) The determination of the property, payroll and sales factors under subsection (a) with respect to any parent corporation shall be made on a consolidated basis, including in a unitary computation, after elimination of intercompany transactions, the property, payroll and sales of the parent corporation and all of its subsidiaries in which it owns directly or indirectly more than 50% of the outstanding shares entitled to vote for the election of directors, but deducting a percentage of the property, payroll and sales of each subsidiary equal to the percentage minority ownership, if any, in the subsidiary.

(2) For the purpose of this section, any securities held to the knowledge of the issuer in the names of broker-dealers, nominees for broker-dealers, including clearing corporations or banks, associations or other entities holding securities in a nominee name or otherwise on behalf of a beneficial owner, collectively considered nominee holders, shall not be considered outstanding.

(3) Notwithstanding paragraph (2), if the foreign corporation requests all nominee holders to certify, with respect to all beneficial owners for whom securities are held, the number of shares held for those beneficial owners having addresses as shown on the records of the nominee holder in this Commonwealth and outside of this Commonwealth, then all shares so certified shall be considered outstanding and held of record by persons having addresses either in this Commonwealth or outside of this Commonwealth as so certified, provided that the certification provided shall be retained with the record of shareholders and made available for inspection and copying.

(4) A current list of beneficial owners of a foreign corporation's securities provided to the corporation by one or more nominee holders or an agent thereof under the requirements of 17 CFR §

240.14b-1(b)(3) (relating to obligation of registered brokers and dealers in connection with the prompt forwarding of certain communications to beneficial owners) or 240.14b-2(b)(3) (relating to obligation of banks, associations and other entities that exercise fiduciary powers in connection with the prompt forwarding of certain communications to beneficial owners), promulgated under the Securities Exchange Act of 1934 (48 Stat. 881, 15 U.S.C. 48 Stat. 881) shall constitute an acceptable certification with respect to beneficial owners for the purposes of this subsection.

(c) Applicability.--This section shall not apply to a corporation:

(1) With outstanding securities listed on the New York Stock Exchange or the American Stock Exchange.

(2) With outstanding securities designated as qualified for trading on the Nasdaq National Market of the Nasdaq Stock Market, or any successor.

(3) If all of its voting shares, other than directors' qualifying shares, are owned directly or indirectly by a corporation or corporations not subject to this section.

(d) Liability.--A party who obtains a final determination by a court of competent jurisdiction that the corporation failed to provide to the party information required under this act or provided the party information required under this act that is incorrect, the court, in its discretion, shall have the power to include in its judgment recovery by the party from the corporation of all court costs and reasonable attorney fees incurred in the legal proceeding to the extent that they relate to obtaining that final determination.

Section 11.

The dollar figures contained in this act shall be adjusted biennially at a rate determined by the Federal Election Commission as authorized under 11 CFR Pt. 110 (relating to contribution and expenditure limitations and prohibitions). The Secretary of the Commonwealth shall certify the calculation of the rate as determined by the Federal Election Commission and shall publish the new dollar figures in the Pennsylvania Bulletin.

Section 12. Effective date.

This act shall take effect as follows:

(1) Section 4 shall take effect in 60 days.

(2) Sections 5, 6, 7, 8, 9, 10 and 11 shall take effect January 1, 2018, or immediately, whichever is later.

(3) This section shall take effect immediately.

(4) The remainder of this act shall take effect immediately.

On the question,

Will the Senate agree to the amendment?

The PRESIDENT. The Chair recognizes the gentleman from Allegheny, Senator Costa.

Senator COSTA. Mr. President, this amendment addresses a relatively new phenomenon in political spending. That spending is done by corporations in wake of the *Citizens United v. Federal Election Commission* in 2010. The decision of the United States Supreme Court permitting direct corporate spending in the political process was a significant and fundamental break from the past authorizing such spending for the first time in more than a century. The amendment I offer today is about transparency and accountability, and it is about fairness and balance.

We believe that it is important to reveal their corporate spending and make it transparent to those who it affects - shareholders and its members. The directors of corporations owe a fiduciary duty to all of the shareholders of a corporation for the corporation spending and governance. In this new world of corporate dollars being involved in political campaigns, members who own shares in a corporation have little control over how their piece of the business is being used in a political campaign to the so-called dark money efforts to help candidates' political action committees or for issue advocacy. Shareholders have no idea about how corporations are investing their money in political campaigns.

This amendment authorizes shareholders' approval of political activity by a corporation or incorporated association by shareholders and memberships. Decisions to use corporate funds for political contributions and expenditures are currently made by corporate boards and executives, often without the knowledge or consent of the shareholders and members.

So, Mr. President, what this amendment does, and it is from part of the campaign finance reform proposal that I have put forth in this Chamber before, it does two things. One, it requires the approval by the majority of shareholders when a corporation makes a political contribution in excess of \$10,000. The second thing that this amendment does is it would require corporations to notify shareholders of any and all political campaign activity. I believe it is vitally important that those individuals know how their money is being spent.

Mr. President, this issue and the intent of this amendment is consistent with the issue that has been developing on this paycheck protection legislation, Senate Bill No. 166, for a number of months and number of years, I should say. It started out being called Mary's Law, where there was an individual employee of the PSEA who felt like she had no voice in how her political dollars were being spent, and that was an issue. The consent of the employees is central to Senate Bill No. 166, as we have learned through this discussion over the course of the past several years. I believe it is also equally important that the shareholders and members have that same right to be able to know how their dollars are being spent and when activity is being done with respect to those resources. For those reasons, Mr. President, I ask for an affirmative vote from my colleagues.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Mr. President, I ask for a negative vote.

LEGISLATIVE LEAVES

The PRESIDENT. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Mr. President, I request legislative leaves for Senator Killion and Senator Scarnati.

The PRESIDENT. Senator Corman requests legislative leaves for Senator Killion and Senator Scarnati. Without objection, the leaves will be granted.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Scavello has returned, and his temporary Capitol leave is cancelled.

And the question recurring,
Will the Senate agree to the amendment?

The yeas and nays were required by Senator COSTA and were as follows, viz:

YEA-16

Blake	Dinniman	Hughes	Street
Boscola	Farnese	Leach	Tartaglione
Brewster	Fontana	Sabatina	Williams
Costa	Haywood	Schwank	Yudichak

NAY-34

Alloway	Eichelberger	McGarrigle	Tomlinson
Argall	Folmer	McIlhinney	Vogel
Aument	Gordner	Mensch	Vulakovich
Baker	Greenleaf	Rafferty	Wagner
Bartolotta	Hutchinson	Regan	Ward
Brooks	Killion	Reschenthaler	White
Browne	Langerholc	Scarnati	Yaw
Corman	Laughlin	Scavello	
DiSanto	Martin	Stefano	

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

And the question recurring,
Will the Senate agree to the bill on third consideration?

It was agreed to.

And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

The PRESIDENT. The Chair recognizes the gentleman from Blair, Senator Eichelberger.

Senator EICHELBERGER. Mr. President, after several iterations, this bill before us very simply contains language that would prevent the deduction of political money from a government payroll. As we have seen in this building, using government resources for political gain is illegal. Regardless of cost and regardless of time-honored tradition, this practice is wrong and needs to stop. Somehow, however, we have overlooked using government resources to collect campaign funds and money used for lobbying, get-out-to-vote efforts, and advertising for candidates through payroll deduction. This practice is also wrong and it also must stop. I ask my colleagues for a positive vote on Senate Bill No. 166. Thank you.

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator Hughes.

Senator HUGHES. Mr. President, what this bill does, pure and simple, is it puts limits on the rights of teachers, nurses, police officers, corrections officers, and trashmen and trashwomen, individuals who collect the rubbish and the recycling in our communities. What this does, Mr. President, is shut down their voice. Shut down their voice. This is prototypical legislation that has been appearing in States all across the nation, local municipalities all across the nation, and it is legislation designed specifically to shut down the voice of average working people who have made a conscious decision to organize themselves, who have negotiated their organized body with the governing body to form a union to represent their interests. What this does, Mr. President, is shut down their voice. It denies the opportunity for their collective bargaining representatives to be funded appropriately to express their concerns for nurses, garbage collectors, police officers, corrections officers, teachers, and crossing guard individuals. People who work every day and who provide an extremely important service for everyone in the Commonwealth of Pennsylvania who put their lives on the line, this shuts down their voice.

It limits the ability for the State to collect their dues, which costs absolutely nothing or next to nothing for the State to col-

lect. We did the research, a treasurer's note of June 2014 indicated that the total cost to collect the union dues for all of the employees in the Commonwealth of Pennsylvania is no more than \$100. And to save that \$100 expenditure, this body is making a decision to shut down the voice of working people in the Commonwealth of Pennsylvania. Now, I have a note here, Mr. President, dated February 7, 2017, from the Pennsylvania AFL-CIO on behalf of the 800,000 working men and women in the Commonwealth of Pennsylvania that they represent, urging opposition to Senate Bill No. 166. It is in front of us today. That organization represents 800,000 individuals, but in many respects is the leading voice of working men and women in the Commonwealth of Pennsylvania. The middle class whom we say we care about, the entity that has been advocating and has been champions for workers' rights, whether they are in the union or not in the union, they have spoken up and spoken clearly and asked for a "no" vote on this measure. The Pennsylvania AFL-CIO asked for a "no" vote on this measure. The organization which represents organized individuals, working men and women at the local level and at the State level, has asked for a "no" vote on this measure.

Again, Mr. President, this measure limits and restricts and, in effect, shuts down the voice of working men and women in the Commonwealth of Pennsylvania. That is what it does. Do not be fooled by any other conversations that may come before or after. In its simplest form, it restricts the ability of the State to collect the agreed-upon and negotiated dues payments for the members in that bargaining unit. It says it will not collect them, says it cannot collect them. It shuts down their voice. A vote in the affirmative is a vote against working men and women in this Commonwealth. A vote in the affirmative is a vote against the voice of those who choose to organize themselves and put themselves in a collective bargaining situation. It is a vote against teachers, it is a vote against crossing guard workers, it is a vote against sanitation workers, and as it was specifically said in the Committee on Appropriations, where we had this legislation in front of us, it is a targeted attack, in many respects, at one union - that entity represents our teachers and other public school employees across the State of Pennsylvania. It is a measure to shut down the voice of teachers. It is a measure to shut down the voice of school secretaries. It is a measure to shut down the voice of others who work in our public schools, to limit their ability to speak up and speak clearly about the issues that they have concerns with. Whether it be issues of quality education in their schools, whether it be issues of how many dollars have to be paid at the local and State level for our public education system, it is a measure designed specifically to disallow the voice of public workers in the Commonwealth of Pennsylvania. Be clear, if we choose to shut them down, we begin the advance to shut down the voices of other individuals, other working people across the Commonwealth. This is the first step, Mr. President. This is the initial step in limiting the voice. We had to confront that in this body yesterday, we had to confront that in this body in committee over the past 2 days, and, in fact, we even had a United States Senator who had her voice shut down yesterday because she chose to read from a letter written by the late Coretta Scott King.

So here is what we have in front of us, Mr. President. This advance on the voice of the people in this Commonwealth who choose to come together to advocate for their needs. This creeping advance shuts down the workers. Do not let them speak

through collecting their union dues so they can do it collectively. It does not cost the State any money. We have that documented in a letter from the treasurer in June of 2014. Mr. President, as I said in committee, do not vote for this legislation today to shut down the voice of collective bargaining units, to shut down the voice of people who have made a decision to join the union. Do not vote for this legislation today and show up at the Labor Day parade in September of this year. Do not sit here and speak, basically, out of both sides of your mouth: I am for the working men and women, yet I want to shut down their voice. It does not cut that way, not with this one, Mr. President. This is the vote that people are paying attention to. This is the vote that represents the voice of the average working man and woman in the Commonwealth of Pennsylvania. Do not sing "Solidarity Forever" on one side and then vote against working people with this vote right here. It is not that easy. It is not that simple.

This is the vote, this right here, Mr. President, is the vote that says whether you are for or against, whether you are advocating for the voice of working men and women to allow them to speak clearly, to advocate for the issues and concerns, or whether you want to silence them. We see this growing across the nation, Mr. President. It needs to stop right here in Pennsylvania. I strongly suggest a "no" vote on Senate Bill No. 166. Thank you very much.

The PRESIDENT. The Chair recognizes the gentleman from Montgomery, Senator Rafferty.

Senator RAFFERTY. Mr. President, I am offering my comments for the record, but I have to make a brief statement. I want to compliment my friend, my colleague from Blair, Senator Eichelberger, who has consistently, and that is something that often lacks in Harrisburg, raised this issue and has been forthright in drafting legislation. He has tried to work with me on some of the concerns I have for our first responders and diligently attempted to address those concerns. We were unable to reach an agreement, so I will be siding with the Pennsylvania State Fraternal Order of Police, and the Pennsylvania Professional Firefighters Association on this piece of legislation. I do think that we have to recognize the fact that when someone is sincere and earnest in their beliefs, that they be given due accord for that.

So, Mr. President, I submit my comments for the record on Senate Bill No. 166.

The PRESIDENT. Without objection, the remarks will be spread upon the record.

(The following prepared remarks were made part of the record at the request of the gentleman from Montgomery, Senator RAFFERTY:)

Mr. President, it is well known that I am a strong advocate for support of our police, firefighters, and first responder community. These people are the guardians of our rights and freedoms. Each day, 24/7, they put their lives on the line to protect us, our communities, our Commonwealth, and our property in these increasingly dangerous times.

Our first responders are already treated differently under State law, as defined in statute. They do not have the same rights as the public sector unions under the law and are prohibited from striking. Additionally, many of the first responders are prohibited from working the polls and thereby expressing their support for or against a candidate. It is because of the unique nature of their professions and the statutory restrictions already imposed on these professionals that I oppose their inclusion in this legislation.

The State Fraternal Order of Police and State Professional Firefighters Association adamantly oppose passage of Senate Bill No. 166. These organizations represent the individuals who daily risk their lives for us, I stand with them. I support and appreciate the underlying purpose of the bill and had the individuals that I have mentioned been excluded from the legislation, I would have been able to cast a "yes" vote today. Absent their exclusion, I am compelled to vote "no."

The PRESIDENT. The Chair recognizes the gentleman from Allegheny, Senator Costa.

Senator COSTA. Mr. President, I take a few moments to echo the comments of my friend and colleague from Philadelphia, Senator Hughes, when he talks about ulterior motives, the purpose of this particular legislation. Folks, let us be clear, we know that from the conversation we have had in the Committee on Appropriations and other committees that the costs associated with this are minimal as it relates to the cost to be able to do what we want and what is currently being done through this process. So, we know that is not the real issue. Mr. President, the issue is that this is an attempt to undermine the ability of our labor organizations to be able to engage in political activity in this Commonwealth. We learned from the meeting of the Committee on Appropriations the other day when we were discussing a different bill that we may entertain when we come back, Senate Bill No. 167, which deals with a constitutional amendment. The maker of that particular legislation is someone who stood on this floor and has been a champion of this piece of legislation as well indicated that this is about PSEA. This is about our teachers in this Commonwealth and his dislike for our teachers around this Commonwealth. Unfortunately, it is going to impact a lot of other folks who are very much opposed to this as well.

When you look around at organizations that support the position that we have taken on this legislation, we know that the reasons they do so are appropriate and thoughtful. They look at what has been done with similar types of legislation in other States, and, as Senator Hughes talked about, stifling their voice, the inability for them to be able to articulate the messages that need to be done in this political process. They take steps to do that. The consequences, the results, the outcome of legislation of this nature in other States has severely impacted the ability of our labor groups to be able to participate with the resources of the men and women whom they represent through this process, and that is something, Mr. President, we think is inappropriate. The motives of this particular legislation are to undermine our labor organizations in this Commonwealth. That is what will occur when we do something like this. I believe it is wrong and I think a number of my colleagues on this side of the aisle believe it is wrong as well. You are either going to stand with our working men and women in this Commonwealth and support their endeavors to be able to be part of an organization that is going to be their voice on issues, but also on the political side as well. I ask for a negative vote on this legislation.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Lancaster, Senator Martin.

Senator MARTIN. Mr. President, I rise in support of this bill. Creating a firewall between politics and our official business is critical. The fact of the matter is, Mr. President, there is not one thing in this bill that will prevent any man or woman working man in this Commonwealth to be able to give to a political party or belief of their choice. What this comes down to is who is actu-

ally collecting it, and the vast majority of people in this country who participate in the political process financially do not have the ability of their public sector employer to gather those political dollars. I think we ought to be very careful as a body when we discuss the term "de minimus" or how much it will cost, because, quite frankly, I could run my political campaign out of my district office officially and that would be de minimus, but highly unethical. I could go up to my office here in the Capitol and pick up the phone and start making campaign donor calls. That would be de minimus, but highly unethical. It is time, given the history of things that have occurred up here in this body, to restore the faith and trust of the people of this Commonwealth that we have actions like this to build that wall to make sure government resources are not used for any political purpose. So, I encourage my colleagues to vote "yes" on this bill.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Allegheny, Senator Costa, for the second time.

Senator COSTA. Mr. President, I appreciate the gentleman's comments who spoke just a moment ago, but at the end of the day, when he had the opportunity to put his money where his mouth is, he failed to do that. In fact, every Member on that side of the aisle failed to participate and vote for two amendments that I offered moments ago. On the second amendment, I did not get a word. Somebody said, go do whatever you have to do to yourself. We are not even going to debate your amendment. So I think we need to be consistent if we are going to stand up and take a position that we should or should not do things, we should be consistent in our words. That is all I am asking. At the end of the day, I believe the motives behind this legislation are clearly to undermine political operations and political--

POINT OF ORDER

Senator CORMAN. Mr. President, point of order.

The PRESIDENT. The Chair recognizes the gentleman from Centre, Senator Corman, for a point of order.

Senator CORMAN. Mr. President, I respect the gentleman's passion, but I do not think the rules allow for a Member to talk about the motivation of other Members through the legislative process. I ask him to refrain from doing so.

The PRESIDENT. This is true. Senator Corman, thank you for reminding us.

Senator Costa, of course, we cannot question motivation, but you can give a speech with your opinion.

Senator COSTA. Mr. President, I apologize. The gentleman is correct. I used the word "motivation," and as it came out of my mouth, I knew I was incorrect, and that is why I stopped.

At the end of the day, it is very simple. In other States where this type of legislation has passed, the consequences have been that individuals have failed to participate in the process because they wanted to have the opportunity to do so. It makes it much more difficult. I believe the folks understand and recognize that, and those are the chief reasons why we do that. All we need to do is look at the States that have already enacted legislation like this and look at the number of employees participating as well as the dollars. It has a direct, chilling effect along those lines. I believe that is what the intent is, and I think that is inappropriate.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator Hughes, for the second time.

Senator HUGHES. Mr. President, a point of advice on the issue. I suggest that it is not de minimus to do political work out your district office, it is illegal. I suggest to the Members that they not do political work out of their district office because that is against the law.

Again, this matter, very clearly, this bill, Senate Bill No. 166 in front of us, restricts workers of this State and limits their voice. It shuts down their ability to speak, and that is what this bill does. Without any question, without any hesitation, it limits the voice of working men and women in this State. It just so happens that those working men and women happen to be the leaders of moving pro-working legislation for every other worker in this State, but that is what this legislation does. It shuts down the voice of teachers. It shuts down the voice of nurses. It shuts down the voice of security workers. It shuts down the voice of average working men and women who are putting in a hard day's work and need to have their voice expressed, need to have their concerns expressed. This shuts down their voice.

As I said before, do not sing the song "Solidarity Forever" if you are going to be for this legislation. Do not show up at the Labor Day parade if you are going to be for this legislation. Do not say I got you covered on one hand, working people, but on the other hand you work to undermine their voice, because that is a contradiction. At best it is hypocritical, but clearly a contradiction. These working men and women worked, organized themselves, negotiated fairly across a bargaining table to achieve this right. Maybe of a sacrifice to others to achieve this right. It costs the State next to nothing to implement. A former treasurer in a letter dated June 2014 said \$100 max to administer the collection. \$100. So to save a \$100 expenditure, this body is choosing to shut down the voice of working men and women. That is the choice that is being made here. That is the option that is being laid in front of us. This is against the workers of the State of Pennsylvania, and it has a chilling affect on all of those individuals who choose and want to stand up for themselves and stand up in a collective manner to advocate for themselves and their concern. Mr. President, this is a "no" vote if I have ever seen one. This, if you say you are for working men and women in Pennsylvania, should be a "no" vote.

Thank you, Mr. President.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Wagner has returned, and his temporary Capitol leave is cancelled.

And the question recurring,
Shall the bill pass finally?

The PRESIDENT. The Chair recognizes for the second time the gentleman from Blair, Senator Eichelberger.

Senator EICHELBERGER. Mr. President, I want to clarify that this bill in no way interferes with the operations of unions. In no way. So people who make assertions that this would interfere or take away people's voices, it absolutely does not address that at all. Simply the collection of political activity money is all we are talking about. It does not have anything to do with any

other operation, and the fact that there is no cost for some collection is true. There is cost in a lot of the collection. A lot of the smaller entities have a lot of costs.

The personal attacks that have been happening, I resent. I am glad that our Leader mentioned a point of order and stopped that. I did not say anything about some of the money being spread around this Chamber. I could have said a lot of things, I did not say those. So let us stick to the facts and understand that we are voting on one simple measure here that probably will be outlawed by the courts at some point in time, but Pennsylvania should be out in front of this so that we are doing the right thing for the workers of Pennsylvania, who support this bill. Fifty-six percent of the union households want this bill passed and signed into law. So, I can proudly go to a Labor Day event and stand with people other than the union bosses and know that they support what I am doing here today.

Thank you, Mr. President.

And the question recurring,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-28

Alloway	Corman	Langerhole	Stefano
Argall	DiSanto	Martin	Vogel
Aument	Eichelberger	McIlhinney	Vulakovich
Baker	Folmer	Mensch	Wagner
Bartolotta	Gordner	Regan	Ward
Brooks	Hutchinson	Reschenthaler	White
Browne	Killion	Scarnati	Yaw

NAY-22

Blake	Fontana	McGarrigle	Tartaglione
Boscola	Greenleaf	Rafferty	Tomlinson
Brewster	Haywood	Sabatina	Williams
Costa	Hughes	Scavello	Yudichak
Dinniman	Laughlin	Schwank	
Farnese	Leach	Street	

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

SB 167 and **SB 169** -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

SB 241 (Pr. No. 297) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 17, 1959 (P.L.1913, No.694), known as the Equal Pay Law, further providing for wage rates; and providing for preemption.

Considered the third time and agreed to,
And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator Williams.

Senator WILLIAMS. Mr. President, we had a process of amendments yesterday which were completed. This is on final passage, if I understand correctly?

The PRESIDENT. Yes, sir.

Senator WILLIAMS. Mr. President, I ask if the maker of the bill will stand for a brief period of interrogation.

The PRESIDENT. Senator Williams has asked Senator McGarrigle to stand for interrogation. Does Senator McGarrigle agree to stand for interrogation?

Senator McGARRIGLE. Mr. President, I do.

The PRESIDENT. Senator Williams, proceed.

Senator WILLIAMS. Mr. President, I greatly appreciate the gentleman's efforts to move legislation that we have been concerned about for some time. I did draw attention to some areas that were not included in his bill yesterday in the attempt of amendments, and, so, I can only ask the question, because it is my understanding the gentleman voted against those amendments, as to why.

So let me divide them. The first part is regarding the protection that were added for women. There are four categories as were described yesterday in which one may claim defense or a company may claim defense when it comes to the issue of discriminating against pay equity. For those who are listening and do not know what pay equity is, that is when you pay a man differently than a woman simply because they are a man versus a woman, and there are legitimate defenses to that, which would be education, experience, and training. There is a fourth category which has been described as "other." Unfortunately, this is why we have the issue of pay inequity in Pennsylvania, because frequently in those cases, there are a variety of issues which the court will allow to be considered and, unfortunately, they do not necessarily avail themselves to credible reasons as to the distinction of the pay. Thus, we were attempting to put it in the bill.

So, the question for me to the gentleman is, why would we not agree to that amendment, given the nature of what I described, and that is the continuation of pay inequity because of that broad loophole?

Senator McGARRIGLE. Mr. President, we voted that amendment down because we feel that the way the bill is written provides equal pay for everybody, and Senator Williams' amendment was muddying-up the water.

Senator WILLIAMS. Okay, Mr. President, so I guess I will address the committee again. Once again, there is a loophole, and I am not sure the gentleman was explained this by those who are advising him. There is a loophole in the amendment which the courts have allowed the disparity in pay. They have come up with issues such as the marketplace and a variety of issues. The question is, it is not about muddying, it is about, if we are going to offer a bill that really, truly validates equity in pay and respects that there is discrimination in the workplace, and that we are truly concerned about it, it is not about muddying, it is about

transforming and providing clarity. The loophole is what is muddying up the process. So for me, I scratch my head with the answer. Maybe I can get more detail about the legal portion of the loophole and get a better understanding of why we are not closing that loophole and allowing it to continue.

Senator McGARRIGLE. Mr. President, there is no loophole. This bill is consistent with current laws, and we are just strengthening it up to keep it that way.

Senator WILLIAMS. Mr. President, I think that is the best I am going to get on an answer. Okay.

The second part is, there was a discussion talking about the fair labor standards that allows all citizens to be protected by some portion of that. Why would we not allow for that to be put in place as well?

Senator McGARRIGLE. Mr. President, we wanted to remain consistent with the current law.

Senator WILLIAMS. Mr. President, this is starting to remind me of, I take the fifth every time. So, okay, I got that.

The last issue, which is kind of obvious, and that is, the nature of the bill. While I disagree with the fact that we allowed substance to be removed, there is a significant portion that relates to local control, and a preemptive amendment was introduced, and actually voted on. So, I ask the gentleman first, is he familiar with the conversations regarding local control and maintaining local control?

Senator McGARRIGLE. Mr. President, businesses do business in multiple counties throughout this Commonwealth, and we wanted to keep it consistent with the law.

Senator WILLIAMS. Mr. President, I do not think he heard my question. I think they were preparing for the next question, but the question was, specifically, is the gentleman familiar with the issue that many of us debated about, and that is maintaining local control?

Senator McGARRIGLE. Yes, Mr. President.

Senator WILLIAMS. Mr. President, and, I ask his view on the issue of local control.

Senator McGARRIGLE. Mr. President, that has nothing to do with the current legislation proposed.

Senator WILLIAMS. Well, Mr. President, it may not be with the legislation, but it does with the amendment. The amendment, as described by others at their microphones yesterday, was exactly that. It was to remove and provide a continuity across the Commonwealth as opposed to the patchwork approach. So, that gentleman, in anticipation of a question, answered that, and yesterday that was the answer, and so, with all due respect, that is what was described yesterday in advancement of the amendment, and, so, I am not sure how you can have both answers to the same question.

So again, I ask the simple question, does the gentleman have a view or a perspective with regard to local control?

Senator McGARRIGLE. Mr. President, this law is going to strengthen the equal pay law that we have currently, and we want to keep it consistent across the Commonwealth.

Senator WILLIAMS. Mr. President, lastly, that amendment that dealt with local control, frankly, had nothing to do with the bill. I am asking specifically, there was preemptive language which was reintroduced, does the gentleman have a view about preemptive legislation as it relates to municipalities, or counties, or boroughs, or towns?

Senator McGARRIGLE. Mr. President, we want to support consistency with this bill across the Commonwealth.

Senator WILLIAMS. Mr. President, I will close out with a comment and end my interrogation.

The PRESIDENT. Senator Williams has ended his interrogation. To speak on the bill, Senator Williams.

Senator WILLIAMS. Mr. President, I read from the gentleman's own Web site. I suggest that we did not strengthen the bill yesterday. If anything, all we did was strip it from any capacity to protect women across Pennsylvania, and certainly those in Delaware County who work in Philadelphia County are even more grossly impacted. I suggest that the loophole, which I described as a loophole, still remains. The courts still use it. It was described as a loophole beyond my opinion on this floor, in a variety of judiciary commentary and periodicals have used this, and, thus, we arrive at a moment where we have begun as a nation to begin to speak about pay equity. I think that, frankly, the bill has, unfortunately, declined.

The most egregious portion relates to the preemptive language which was introduced and affects many counties across Pennsylvania in terms of their decisions that they were making in this specific area. I am particularly shocked, though, that the gentleman who introduced this bill would be a participant in that given that his own Web site reflects the following: *(Reading)*

Prior to running for the Senate, McGarrigle served on the Delaware County Council where he played an integral role in projects that helped to create jobs for Delaware County residents. He also served as a Springfield Township Commissioner.

This is an excerpt from his campaign.

POINT OF ORDER

Senator CORMAN. Mr. President, point of order.

The PRESIDENT. Senator Corman with a point of order.

Senator CORMAN. Mr. President, may we be at ease?

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

Senator CORMAN. Mr. President, I withdraw my point of order.

The PRESIDENT. Senator Corman has withdrawn his request for a point of order.

Senator Williams, please proceed.

Senator WILLIAMS. Mr. President, so for the record, I am reminded that personal commentary and admonishment of a Member is inappropriate. That is not my intent. So, during the course of this lengthy and emotional day, I have tried to maintain my civility, but, nonetheless, I have a responsibility to call it as I see it. I happen to get along with the gentleman whom I am talking about today, but, nonetheless, he is elected to do a job and I am elected to do my job and I am going to do my job. So, there is nothing that I am intending to make personal, but I am going to make it reflective, because the consequence of this legislation is greater than he or I, and to a larger body and community than he or I. I have a responsibility to the community that I am elected to to make points, and I am going to do that.

So, I was simply alluding to the fact, when I talked about preemptive and local control, that is a conversation which we have frequently in this Chamber, and there are Members who are

elected here who run on the out-of-control bureaucracy. They come to Harrisburg and they say they want to rein in the out-of-control bureaucracy. They want to give more authority to local municipalities to make decisions that are best for families at the local levels. I think that last amendment, which, by the way, was introduced to me at the eleventh hour, and was suggested that I act a certain way--and as I said to many people around here, look, I am more than happy to have conversations, I am more than happy to negotiate, I am more than happy to bend over, but I am not going to be bullied and put into a position that someone intimidates me simply because they are in the Majority. I have done that all my life. My entire life. I have beaten odds that people thought I would never beat. So, to suggest that I am going to make this a personal activity means they do not really understand me. This is about the integrity of a bill and the people whom we represent, and I think that it should stay there. But if people want to take it to other places, I will be happy to do it as well.

So, the construct of it falls into the face, in my opinion, of hypocrisy for those who are fighting for local governments and local municipalities and allowing those who represent those areas to make those decisions. This is one of those moments, this is that space, and I believe that the record should reflect that the last amendment is inconsistent with that, that it works against those who want to make those judgments at the local level. Those who vote for it have to understand this bill is bigger than just women and their ability to get fair pay and now affects local governments and their decisions that they are able to make. I believe that if we are going to be consistent, we should understand that and those who support that argument.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Delaware, Senator McGarrigle.

Senator McGARRIGLE. Mr. President, I do believe there are cases where things should be controlled and voted on at a local level, but when it comes to equal pay for all Pennsylvanians, I think it rises far above a local issue and it arrives at the door that we are standing at here today, and that is why I support that amendment.

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator Street.

Senator STREET. Mr. President, I rise to speak on this bill. The bill started out as a noble attempt to, however meager and with however many holes, increase the protections for women in our Commonwealth. But at this point, given the gaping holes that it has, and the fact that the preemption amendment now causes it to actually reduce the protections for many women in the Commonwealth that are already enjoyed by local ordinances--I point out that the Philadelphia ordinance not only protects women who live in Philadelphia from workplace discrimination, closing more loopholes than this legislation does, but also protects 25,000 women from Delaware County who work in Philadelphia, and many other women who work in Montgomery County, Bucks, Chester, and who come into the city. The same would apply to similar protections that the city of Pittsburgh provides to suburbanites who come and work there.

So I point out for all of those people of goodwill who wanted to add protections to women throughout the Commonwealth, I think that we should note that this bill probably hurts more women in terms of protection for equal pay than it helps at this

point, and that the preemption amendment took this from being a bill that was giving rights and protections to women in Pennsylvania to a bill that is denying rights to women. If we truly care about protecting equal pay for equal work, what we need to do is introduce and pass a version of this bill that does not preempt those protections, or pass a version that gives similar protections statewide to those protections that many women already enjoy under local law. Thank you so much.

The PRESIDENT. The Chair thanks the gentleman and notes he has been very much involved for just a few weeks on the job.

The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Mr. President, as the maker of the amendment that seems to be getting a lot of attention, I guess I should own up to it and talk a little bit about it.

This is an important issue. I am a father of a 14-year-old daughter who has great aspirations. One day, as a father normally does, I dropped off my daughter at a fitness place and there was a young boy about her age who comes from a fairly wealthy family going in at the same time and I was like, hey, honey, go up and talk to him, his family does pretty well, and she looked at me and said, Dad, I am not going to need a man to make money in my life. I was like, well, good for you. That said, dad, get back into the 21st century here. I am very proud of her and she is a great student and I think she has a bright, bright future, and I certainly hope that my daughter, as well as my sisters, certainly when they go to work in the workforce, are judged by their merit, judged by their talents, and their experience. If their experience is that or equal to a male, then she should be compensated at that level.

So that is our goal here today, because there is a problem in this country. I know this is a national issue dealing with pay equity. I know colleagues on that side of the aisle have championed this issue in the past. We have not, for whatever reason, gotten to a point where we could pass a bill. This bill, I think, reflects a compromise. A lot of times in this building we advocate for such a strong position that if we cannot get to a position that we want, we do not take progress. I argue that we made great progress in our liquor sales last year. We did not go all the way to privatization as some people wanted, but we made progress, and that is important. So you have to take the progress that you can get. I know the gentleman from Philadelphia has been a strong advocate for this bill and he would like to add more to it. This was a compromise we were able to achieve to make progress. So that is important. Hopefully, we can all be supportive.

The language that dealt with my amendment is essentially what the Senator from Delaware County said, this is a statewide issue. Whether you live in State College, Erie, Pittsburgh, Clarion, we can go all around the Commonwealth, this issue should be the same. We want to provide protections for pay equity for all women, no matter where you live in Pennsylvania. If different communities would like to have stronger protections than what we were saying here, then they need to come to the Capitol and discuss it, because why would one part of the State have stronger protections than other parts of the State? This is a statewide issue. Now look, is there inconsistency? Probably, somewhere in there. The old joke, I am for local control unless I am not for local control. I will be the first to say my positions over time have evolved and gone in different directions. That is the nature of the business, the nature of what we do here. I think all of us

have probably been inconsistent a little bit somewhere along the way. I believe this is a very important statewide issue, very important no matter what part of the Commonwealth you live in, and we should provide protections to make sure that all people, my daughter included, when they go into the workforce they have the ability to have equal pay for their talents.

Certainly, this is not the end of the road. If we make progress here today and the House picks it up and gets it to the Governor, hopefully he will sign it. Then we can continue to see if more is necessary. If the folks in Philadelphia or Warren or Chambersburg all think we can do more, then we should have that discussion here and maybe we can do more. Maybe the House will provide something more than what we have provided, and we will take that up then. I do think that it is such a significant issue that no matter what part of the Commonwealth you are in, you deserve protections. That is why I offered the amendment to make sure that it is consistent throughout the Commonwealth.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Allegheny, Senator Costa.

Senator COSTA. Mr. President, I rise and I do not intend to support the measure. If you were to ask me the question about what are my thoughts and beliefs on pay equity, I would tell you that I think it is something we need to address and I would be very supportive of, but not this measure. Mr. President, I come from the city of Pittsburgh where our city has contemplated this issue for quite a long time. Given that the language has been amended, Senate Bill No. 241 was amended over the course of this week to provide for preemption language, it really strips the people of Pittsburgh and surrounding communities the opportunity to have the benefit of two programs or two ordinances that the city of Pittsburgh put into place. Mr. President, the broad preemption states, "the provisions of this act shall preempt and supercede any local ordinance or rule concerning the subject matter of this act." It is a very broad designation, "the subject matter of this act." That represents to me, and many other folks on this side of the aisle, anything dealing with pay equity.

In Pittsburgh, we provided two particular ordinances that were adopted by our city council and signed by our mayor and were very, very important to the people of Pittsburgh, as I mentioned. They addressed this issue. So what is happening here is that we are taking an issue that we had provided, let us say, more significant benefits to women in Pittsburgh and the surrounding communities. The adoption of Senate Bill No. 241 reduces the benefits that these individuals, women in particular, will be receiving. At the end of the day we diminish the value of the services that they provide in Pittsburgh and the surrounding community. Similarly, as was mentioned by my colleague from Philadelphia, Senator Street, when you look at Pittsburgh, we have approximately 300,000 folks who reside in our city limits, but we have about 300,000 folks who make their way into Pittsburgh, many of whom work for the city of Pittsburgh and other capacities, but also folks who work there. They would be impacted by provisions of this, because the benefit they receive and the protections they receive would be diminished in a significant way. More importantly, Mr. President, a second ordinance will be also rendered and superceded and rendered invalid, and that will be an ordinance that looks to the community to participate in a process that allows for the appropriate action to be taken by the city to figure out exactly what our pay equity issues and pay equity

ordinances and regulations need to be in the city, and that would bring in folks from various sectors, the private and public sector, to be able to have that conversation. They now would not be able to do that. So, again, we have two instances in my case where two of our ordinances in the city of Pittsburgh, which I have the privilege and honor of representing, women in those communities would have the benefit of weaker legislation, a weaker ordinance. Regardless of whether it is a statewide ordinance or not, it diminishes the value of the protections they have in the city of Pittsburgh, and for those reasons I cannot in good conscience support Senate Bill No. 241 as it is written right now, specifically because of the preemption language.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator Williams.

Senator WILLIAMS. Mr. President, I thank the Majority Leader for his comments and putting back in perspective the direction we are heading. So, I thank him publicly for that.

I will say this, that words regarding compromise beyond or below a certain standard, that is not a compromise, there is just a relinquishing of one's responsibilities and rights. Certainly, this can be described as a statewide issue, and I am appreciative that we have begun discussions in regard to this area of pay inequity or pay equity. I am respectful of those who are engaged in this conversation, whenever they got engaged in this conversation, but I suggest there are a number of issues which are statewide that we allow local municipalities and boroughs to make their own decisions about. Policing can be considered a statewide responsibility, keeping the public safe, but, yet, we have a decision that we have had local police departments police across Pennsylvania, and they, in fact, police different laws in different municipalities across Pennsylvania. If you were fortunate enough, as I have been, to travel from one end of Pennsylvania in a car to the other end, you do it in a car and you go through local municipalities and, by the way, they have different speed limits, and they have different penalties. Nonetheless, we are all within the State of Pennsylvania.

So, the fact that the gentleman suggests that this is a statewide issue, of course it is a statewide issue, but that does not remove the responsibility nor the prerogative of a local government that may have a concentration of corporations or companies within its boundaries to dictate the terms that they would want those companies to be good corporate or company stewards. That is the nature behind this legislation or this drive to have positive legislation.

Unfortunately, this particular bill does two things. It removes the local commitment and ability to make decisions, but more importantly, it leaves a vast hole for the gentleman's daughter and my daughter, and a hill too steep to climb without tools to climb it. The court should be a place of remedy when it comes to discrimination, not a place to escape. Unfortunately, because we have left this loophole in place, it now continues to become a place of escape for those corporations or companies that have crafty lawyers and people who are not committed to equality and fairness. So, while I respect the desire to work toward a compromise bill and law, we have to start someplace. We have to raise the bar to a level that is requisite with the standards that we want to have all of our daughters, wives, mothers, and aunts live with, and that is to have the courts protect them as they would protect a man.

Again, I thank the gentleman for his intervention and civility. I think his comments were common, and I hope that we continue down that road and, hopefully, work toward a more substantive bill that would have a greater impact to all Pennsylvanians, and certainly to all women.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Mr. President, I think it is important to know what this bill does. We have not talked about the protections that it will provide, again, the protections it will provide all over the Commonwealth. The gentleman before me, the distinguished Leader from Allegheny County, talked about what Pittsburgh is thinking about. We are not thinking, we are acting. We want to provide people of the city of Pittsburgh, as well as the city of Philadelphia, as well as people in State College, and Lebanon, all over the State, with these post-hire protections that do not exist today. For one, there cannot be any retaliation. You know, if a woman goes and complains to the employer that she thinks there is a possibility of discrimination of the salary, that there cannot be retaliation on her for questioning her employer. That is a significant protection that is not there today. It is not in Pittsburgh today, it is not in Philadelphia today, it is not anywhere in the Commonwealth today.

We are increasing and strengthening the law all over the Commonwealth with this bill to provide that post-hiring protection. We are also providing protection that allows people the transparency to talk about what their salaries are so they know if their salary seems to be significantly less than someone else with the same abilities. That is important. That is how people find out who is making what and ask, am I being treated fairly? That protection does not exist today. It is a post-hiring protection that does not exist anywhere today. We are strengthening that today all over the Commonwealth. So before we sort of talk about local control and this preemption language, which tries to make it a statewide issue--which, again, does not prevent any community from coming into this Capitol and advocating for stronger language than what we are offering, a "no" vote does not allow those protections to go into place anywhere in the Commonwealth. If we do not pass this bill, those very important protections that are not in law today will not exist anywhere in Pennsylvania.

So again, maybe some want to go further, and I respect that, but that is debatable. Why lose these protections that we are offering today for women who are in the workforce and who are not being treated fairly? I think we could unite behind this, continue the debate again, the House may have a different opinion, but today let us add protections for women in the workforce all over the Commonwealth--the city of Philadelphia included, and Pittsburgh--that do not exist today. These post-hiring protections that are in this bill are extremely important, and I encourage an affirmative vote.

LEGISLATIVE LEAVES

The PRESIDENT. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Mr. President, I request temporary Capitol leaves for Senator Reschenthaler and Senator Regan, and a legislative leave for Senator Yaw.

The PRESIDENT. Senator Corman requests temporary Capitol leaves for Senator Reschenthaler and Senator Regan, and a legislative leave for Senator Yaw. Without objection, the leaves will be granted.

And the question recurring,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-36

Alloway	DiSanto	Martin	Stefano
Argall	Eichelberger	McGarrigle	Tomlinson
Aument	Folmer	McIlhinney	Vogel
Baker	Gordner	Mensch	Vulakovich
Bartolotta	Greenleaf	Rafferty	Wagner
Boscola	Hutchinson	Regan	Ward
Brooks	Killion	Reschenthaler	White
Browne	Langerholc	Scarnati	Yaw
Corman	Laughlin	Scavello	Yudichak

NAY-14

Blake	Farnese	Leach	Tartaglione
Brewster	Fontana	Sabatina	Williams
Costa	Haywood	Schwank	
Dinniman	Hughes	Street	

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

ANNOUNCEMENT BY MAJORITY AND MINORITY LEADERS

The PRESIDENT. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Mr. President, could we be at ease? I ask all of the Republican Members to join me at the Leader's rostrum briefly.

The PRESIDENT. Senator Corman requests that the Senate be at ease and that the Republican Senators meet at the Leader's rostrum.

Democratic Senators will meet at the Democratic Leader's rostrum.

The Senate will be at ease.
(The Senate was at ease.)

CONSIDERATION OF CALENDAR CONTINUED

SECOND CONSIDERATION CALENDAR

BILLS OVER IN ORDER

SB 7, SB 9, SB 42, SB 50, SB 60 and SB 62 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL ON SECOND CONSIDERATION

SB 123 (Pr. No. 106) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, in hunting and furtaking, further providing for hunting on Sunday prohibited.

Considered the second time and agreed to,
Ordered, To be printed on the Calendar for third consideration.

BILLS OVER IN ORDER

SB 128, SB 171, SB 172, SB 173, SB 176, SB 201, SB 202, SB 203, SB 221, SB 227 and SB 229 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

RECESS

The PRESIDENT. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Mr. President, I request a recess of the Senate for the purpose of an off-the-floor meeting of the Committee on Communications and Technology to be held in the Rules room.

The PRESIDENT. For the purpose of an off-the-floor meeting of the Committee on Communications and Technology, without objection, the Senate stands in recess.

AFTER RECESS

The PRESIDENT. The time of recess having expired, the Senate will come to order.

UNFINISHED BUSINESS BILL REPORTED FROM COMMITTEE

Senator AUMENT, from the Committee on Communications and Technology, reported the following bill:

SB 133 (Pr. No. 155)

An Act imposing a duty on the Department of Transportation to file with the Department of Homeland Security a request for extension of time to comply with the REAL ID Act of 2005; and making a related repeal.

SENATE RESOLUTIONS ADOPTED

Senators SCAVELLO, FARNESE, MARTIN, GREENLEAF, STREET, EICHELBERGER, FONTANA, SABATINA, RAFFERTY, DINNIMAN, RESCHENTHALER, BROWNE, BOSCOLA, COSTA, BARTOLOTTA, BREWSTER, GORDNER, ARGALL, HUGHES, TARTAGLIONE, BLAKE, LEACH, YUDICHAK, TOMLINSON, AUMENT, SCHWANK, WAGNER, SCARNATI, FOLMER, VULAKOVICH, WARD and VOGEL, by unanimous consent, offered **Senate Resolution No. 22**, entitled:

A Resolution designating the month of March 2017 as "Problem Gambling Awareness Month" in Pennsylvania and recognizing the month of March 2017 as "National Problem Gambling Awareness Month."

On the question,
Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentleman from Monroe, Senator Scavello.

Senator SCAVELLO. Mr. President, I offer my remarks for the record, as well as Senator Farnese's.

The PRESIDENT. Without objection, the remarks will be spread upon the record.

(The following prepared remarks were made part of the record at the request of the gentleman from Monroe, Senator SCAVELLO:)

Mr. President, Senator Farnese and I are offering a resolution that designates "Problem Gambling Awareness Month" in Pennsylvania and recognizes the "National Problem Gambling Awareness Month" in March 2017. While most people can and do responsibly enjoy gaming as a legitimate form of entertainment, this resolution recognizes there are a small number of individuals of all ages and backgrounds who may suffer from the very real issue of problem gambling and how this treatable problem can affect their lives and the lives of their families. The intention of this resolution is to make people aware of the public health issue of problem gambling and that it can be prevented and treated. It is imperative the Commonwealth ensure it addresses any accompanying social issues in a responsible and effective manner no matter how successful the Pennsylvania gaming industry has been in terms of job creation, revenue generation, and economic development.

(The following prepared remarks were made part of the record at the request of the gentleman from Monroe, Senator SCAVELLO, on behalf of the gentleman from Philadelphia, Senator FARNESE:)

Mr. President, I am pleased to offer this unanimous consent resolution with my colleague and new co-chairman on the Community, Economic and Recreational Development Committee, Senator Scavello.

We have spoken a good bit about addiction in this building over the last several years with the rise in opioid abuse in the Commonwealth, and it was again highlighted in the Governor's Budget Address yesterday. But there is another addiction that leaves 2 to 3 percent of our nation's population with a problem, and that is gambling. Today's resolution is meant to educate others about and recognize those who struggle with this public health issue.

We have an economically healthy and thriving gaming environment in Pennsylvania, one I am proud of and support. However, with this industry, as with others, come issues that can cause harm to individuals and their families, both financially and in other ways.

There is hope, however. Problem gambling is treatable. But we have to continue our mission to get those individuals the help they need; help that is currently underutilized by those who need it.

So today's resolution urges health and regulatory agencies to continue their outreach and education efforts in order to prevent problem gambling in the Commonwealth and the country and to help educate the public about problem gambling in Pennsylvania.

Thank you, Senator Scavello, and Members of this body, for your support today.

And the question recurring,

Will the Senate adopt the resolution?

A voice vote having been taken, the question was determined in the affirmative.

Senators RAFFERTY, BLAKE, REGAN, SABATINA, McGARRIGLE, TARTAGLIONE, ARGALL, GREENLEAF, BROWNE, DINNIMAN, FONTANA, MARTIN, WARD, WHITE, BREWSTER, BAKER, VOGEL, COSTA, KILLION, VULAKOVICH, FARNESE, AUMENT, HUGHES and YUDICHAK, by unanimous consent, offered **Senate Resolution No. 23**, entitled:

A Resolution designating the month of March 2017 as "Irish American Heritage Month" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentleman from Montgomery, Senator Rafferty.

Senator RAFFERTY. Mr. President, it is my pleasure and honor to be able to introduce this resolution with my friend and colleague, Senator Blake. This is a resolution that I have done since I have been in the Senate of Pennsylvania. I used to do it with the Senator from northeast Philly, you, who is now the President of the Senate. I am happy to do it with Senator Blake from the Scranton area.

Mr. President, we are celebrating "Irish American Heritage Month" in Pennsylvania next month. Since we will be on the budget break, we want to make sure we introduce it today to highlight the importance of the Irish civilization here in the United States of America. The Irish were immigrants to the United States, and specifically the Commonwealth of Pennsylvania, fleeing political, religious, and racial prosecution in our homeland at that time. We are all well aware of the sacrifices made by the Irish. We are all well aware of the English starving them to death, and they came to the United States where they believed they could have a better life for themselves and for their families.

Mr. President, they have taken their place at the forefront of politics, economics, religious, social, and artistic fields. As I am always mindful, Mr. President, as I stand here to address the President of the Senate, that the Irish have played a hand in the American Revolution - the colonel of the Pennsylvania long rifles was from Ireland - with those who signed the Declaration of Independence, those who signed the Constitution, certainly General Meade was of Irish ancestry, and the famed Irish Brigade at Gettysburg. Mr. President, all throughout the history of the United States, the Irish have been at the forefront working to preserve our way of government and certainly enhance our way of life. One of the remarkable aspects, I believe, of the Irish coming to this country, Mr. President, is they worked hard and they also worked hard to make their communities better by building churches and schools, vibrant Catholic schools for years that operated in primarily the cities, but also some suburban areas that were built by those Irish immigrants.

Mr. President, this is a chance for all of us who are American Irish to celebrate our Irish ancestry and to remind everyone in the Commonwealth of Pennsylvania of the important role played by the Irish in not only establishing this Commonwealth, but also in protecting this Commonwealth and making it a richer place to grow our families, to grow our jobs, and to grow into our senior citizens' lives.

So, thank you, Mr. President, and I ask that you please recognize my friend and colleague, Senator Blake.

The PRESIDENT. The Chair thanks Senator Rafferty for an excellent resolution, and recognizes the gentleman from Lackawanna, Senator Blake, whom I often see at the Friendly Sons of St. Patrick's dinner, one of the best in the world.

Senator BLAKE. Mr. President, I am honored and delighted to join my friend and colleague, Senator Rafferty, to introduce this Senate Resolution designating March 2017 as Irish Ameri-

can Heritage Month. It is certainly no secret that Irish settlers and Irish Americans continue to have a profound impact on the legacy and history not only of this Commonwealth, but of the entire United States of America, in every fabric of our culture, from business to industry, entertainment, and politics.

I am proud of my own Irish heritage, Mr. President. The Blake name is, of course, among the 14 tribes of Galway on the western coast of the Emerald Isle. The Blakes were prominent landowners and burgesses in Ireland for many generations. I happened to have a chance to visit the Blake's castle, the ruins of which stand next to the River Corrup in County Galway, also known as the Menlo Castle. For all of the grand success of our residents and our Irish heritage, we really cannot consider those, as Senator Rafferty said, without considering the persecution Irish men and women faced at home and their struggle for equality, recognition, and nondiscrimination here in the United States. The Irish were, as you note, a large group of immigrants to settle in the Pennsylvania coal region in northeast PA, starting at the bottom of the economic ladder and subjected to a lot of indignities as they thought they were trying to escape that by fleeing from Ireland. But they are resilient and proud, as Senator Rafferty said, and we can now count some 20 United States Presidents who in part trace their heritage to Ireland. Maybe most famous and most notable, our 35th President, John F. Kennedy.

Mr. President, as you mentioned, the Friendly Sons of St. Patrick in Lackawanna County, the former Attorney General Robert F. Kennedy gave one of the most historic speeches in the history of Scranton at the Friendly Sons of St. Patrick dinner on March 17, 1964, in his first public speaking engagement following the assassination of his brother. Many of the words he spoke that night in 1964 about the importance of Irish heritage and the concern for Americans who still faced discrimination and those across the globe fighting for freedom still ring true today. Attorney General Kennedy stated, "I like to think -- as President Kennedy did -- that the emerald thread runs into the cloth we weave today, that these policies in which he believed so strongly...are the current flowering of the Irish tradition. They are directed toward freedom for all Americans here and for all people throughout the world." In closing, RFK said, "let me urge you one final time to recall the heritage of the Irish. Let us hold out our hands to those who struggle for freedom today -- at home and abroad -- as Ireland struggled for a thousand years."

Mr. President, I ask my colleagues to join Senator Rafferty and me in designating Irish American Heritage Month and as they would say in Gaelic, the original language, "Go Raibh Maith Agat."

Thank you, Mr. President.

And the question recurring,

Will the Senate adopt the resolution?

A voice vote having been taken, the question was determined in the affirmative.

Senators BLAKE, GREENLEAF, BREWSTER, DINNIMAN, RESCHENTHALER, FONTANA, SCHWANK, TARTAGLIONE, SCAVELLO, COSTA, BROWNE, MENSCH, McGARRIGLE, RAFFERTY, FARNESE, HUGHES, AUMENT, BOSCOLA and BARTOLOTTA, by unanimous consent, offered **Senate Resolution No. 24**, entitled:

A Resolution designating the month of February 2017 as "Turner Syndrome Awareness Month" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentleman from Lackawanna, Senator Blake.

Senator BLAKE. Mr. President, this is an annual tradition for me. It is an honor for me to present this resolution which will designate February 2017 as "Turner Syndrome Awareness Month." Turner syndrome is a chromosomal condition that occurs when one of the X chromosomes normally found in females is missing or contains structural defects. There is a beautiful young lady back home, Mr. President, Carly Joy, she and her mom brought this syndrome to my attention when I came to the Senate, and I do this resolution every year in honor of their words to me.

Unfortunately, there is no known cause for this condition, which affects one out of every 2,500 live female births. Symptoms can be varied, depending on the severity of the defect, but almost all girls and women with the syndrome experience ovarian failure and infertility. Other characteristics include congenital heart disease, osteoporosis, Type 2 diabetes, obesity, and nonverbal learning disabilities. A disproportionately small amount of funding, unfortunately, is available for Turner syndrome research, Mr. President. Though, with the help of medical specialists and a good social support system, a woman with Turner syndrome can live a happy and healthy life. By cosponsoring and designating February 2017 as Turner Syndrome Awareness Month, we can provide the opportunity to share experiences and information with the general public, raise awareness, and hopefully get support and comfort to those living with this rare disorder.

I do this in honor of Carly Joy back home in the 22nd Senatorial District.

Thank you, Mr. President.

And the question recurring,

Will the Senate adopt the resolution?

A voice vote having been taken, the question was determined in the affirmative.

Senators BROWNE, COSTA, VULAKOVICH, AUMENT, BREWSTER, MARTIN, BAKER, GREENLEAF, KILLION, DINNIMAN, EICHELBERGER, WAGNER, SCAVELLO, RAFFERTY, FONTANA, TARTAGLIONE, BOSCOLA and FARNESE, by unanimous consent, offered **Senate Resolution No. 25**, entitled:

A Resolution designating February 11, 2017, as "PA 2-1-1 Day" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentleman from Lehigh, Senator Browne.

Senator BROWNE. Mr. President, as was mentioned, this resolution designates February 11, 2017, as "PA 2-1-1 Day" in

Pennsylvania. As the Members may be aware, PA 2-1-1 is a free service available to 85 percent of citizens in this Commonwealth and refers Pennsylvanians in need of assistance to available government programs, including private and nonprofit organizations in their communities. PA 2-1-1 has the potential to assist communities in a time of disaster and can connect volunteers and donors with organizations who can leverage resources to meet the needs of their community. The PA 2-1-1 system offers a stable statewide infrastructure that can be used in a broad variety of ways to streamline and enhance the work of State government and ease the burden of Commonwealth departments by helping reduce the number of misdirected calls. United Way of this Commonwealth has played a critical role in providing funding for the PA 2-1-1 system in Pennsylvania, and they should be applauded for that, along with all the many, many different things they do in our communities across Pennsylvania.

I ask the Members for an affirmative vote on this resolution.

And the question recurring,
Will the Senate adopt the resolution?

A voice vote having been taken, the question was determined in the affirmative.

Senators STREET, DINNIMAN, SCHWANK, LEACH, SABATINA, RESCHENTHALER, SCAVELLO, FONTANA, BROWNE, GREENLEAF, RAFFERTY, VULAKOVICH, FARNESE, COSTA, AUMENT and HUGHES, by unanimous consent, offered **Senate Resolution No. 26**, entitled:

A Resolution designating the month of February 2017 as "Black History Month" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator Street.

Senator STREET. Mr. President, black history is both world history and American history, from Imhotep in ancient Egypt, conducting the first open heart surgery thousands of years ago, to the development of the Arabic numeral system, which is used to this very day in north Africa, during the trials of slavery and helping to build American wealth through 400 years of stolen labor. African Americans then marched through the Civil Rights Movement and continue to contribute today in many, many ways. I ask for a positive vote on this resolution and hope that all Pennsylvanians will take this time to learn a little more about how black people throughout the world have contributed both to the development of modern society and the current American society we have today.

And the question recurring,
Will the Senate adopt the resolution?

A voice vote having been taken, the question was determined in the affirmative.

Senators VOGEL, BROOKS, DINNIMAN, MARTIN, FONTANA, LANGERHOLC, BAKER, GREENLEAF, WARD, BROWNE, BARTOLOTTA, YAW, GORDNER, ARGALL, COSTA, BREWSTER, HUTCHINSON, SCHWANK,

AUMENT, RAFFERTY, DiSANTO, FOLMER, VULAKOVICH, MENSCH, HUGHES and WHITE, by unanimous consent, offered **Senate Resolution No. 27**, entitled:

A Resolution designating the week of February 18 through 25, 2017, as "FFA Week" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentleman from Beaver, Senator Vogel.

Senator VOGEL. Mr. President, this resolution designates February 18 through 25, 2017, as "FFA Week" here in the Commonwealth of Pennsylvania. With nearly 640,000 members nationwide in the FFA, it goes far beyond really teaching students the value of farming. It includes issues such as food science, turf management, and horticulture. Their hard work impacts the lives of every single Pennsylvanian every single day. The FFA has a motto, "Learning to Do, Doing to Learn, Earning to Live, Living to Serve." That is good advice for these students and for all of us. We thank them for all they do to strengthen our agricultural economy here in Pennsylvania.

Thank you, Mr. President.

And the question recurring,
Will the Senate adopt the resolution?

A voice vote having been taken, the question was determined in the affirmative.

Senators VULAKOVICH, COSTA, ARGALL, BAKER, BOSCOLA, BROOKS, BROWNE, DINNIMAN, EICHELBERGER, FONTANA, GREENLEAF, HUGHES, HUTCHINSON, KILLION, MARTIN, McGARRIGLE, RESCHENTHALER, SABATINA, YUDICHAK, RAFFERTY, FOLMER, VOGEL, FARNESE and AUMENT, by unanimous consent, offered **Senate Resolution No. 28**, entitled:

A Resolution commemorating February 19, 2017, as "The Battle of Iwo Jima Remembrance Day" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentleman from Allegheny, Senator Vulakovich.

Senator VULAKOVICH. Mr. President, World War II brought several of our nation's greatest battles. I do not use the word "great" because war is great, but because it was a great struggle against a great enemy and it took great personal sacrifice by all of our soldiers to win a battle, whether it was Normandy, the Battle of the Bulge, or Midway. Today I am offering a resolution designating February 19 as the "Battle of Iwo Jima Remembrance Day" in Pennsylvania. As we all know, on December 7, 1941, the Japanese bombed Pearl Harbor, declaring war on the United States and ultimately waking up a sleeping giant. Almost 4 years later, as the United States continued to push back the Japanese Imperial Army, we made our way to Iwo Jima, a 5-mile-long island in the Pacific that was in a tactically crucial position and would later provide U.S. planes a takeoff point and serve as an emergency landing site for the B-29 bombers.

On February 19, 1945, the battle commenced at 9 o'clock a.m. for the American troops, led by 60,000 U.S. Marines and 10,000 Navy Seabees, landing on the island under the protection of 450 American ships and Air Force bombers. What transpired next was simply a "nightmare in hell," according to *Time* and *Life* correspondent Robert Sherrod. Similar to D-Day, American forces arriving on the beach were subject to a great barrage of machine gunfire from hidden positions. The raising of the flag on Mt. Suribachi, which took place on February 23, became an iconic image representing the teamwork, dedication, confidence, and effectiveness for which the Marine Corps is renown. Ultimately, it took 36 days and the loss of 6,821 servicemen, but the U.S. prevailed against an enemy that had a tactical advantage of knowing the volcanic terrain, and was fortified and largely hidden through underground tunnels and caves. Nonetheless, the Japanese forces of 22,000 suffered 18,844 deaths.

Major General Lawrence Nicholson, commanding general of the 1st Marine Division, I Marine Expeditionary Force, stated, "There is not a Marine out there today who doesn't know about Iwo Jima. Whether they come through Parris Island, San Diego or Quantico, we have an almost fanatical obsession with making sure new Marines understand the heavy responsibility of maintaining the legacy that has been handed down. A legacy of valor and excellence, of not only winning, but winning and keeping the highest ideas and standards of our nation."

Mr. President, it was terrible in its toil and it is important that we remember the sacrifices that were made by the greatest generation of our great nation. So today I offer this resolution commemorating the Battle of Iwo Jima Remembrance Day, and I ask for my colleagues' support.

Thank you, Mr. President.

The PRESIDENT. The Chair thanks Senator Vulakovich once again for a pertinent and important resolution.

And the question recurring,

Will the Senate adopt the resolution?

A voice vote having been taken, the question was determined in the affirmative.

Senator COSTA, by unanimous consent, offered **Senate Resolution No. 29**, entitled:

A Resolution recognizing February 28, 2017, as "Rare Disease Day" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentleman from Allegheny, Senator Costa.

Senator COSTA. Mr. President, I rise today to offer a resolution designating February 28, 2017, as "Rare Disease Day" in Pennsylvania. Mr. President, the last day of February is always recognized as Rare Disease Day here in Pennsylvania around the country. Since we will not be in Session on February 28, I did not want to let the opportunity pass to recognize this important day and, most importantly, the Pennsylvania families loving and supporting someone with a rare disease. Mr. President, for many families their lives have been forever changed by a diagnosis of a rare disease. These rare diseases are conditions that affect fewer than 200,000 Americans at any given time. Many of these

conditions have genetic origins, and more than 50 percent of them are diagnosed in children. Today my request for recognition of Rare Disease Day is on their behalf.

Many of these rare diseases are seldom discussed, but that needs to change, Mr. President. Today I want to heighten particularly awareness around a disease affecting one of our own family members here in the Senate Democratic Caucus, and that is something called spinal CSF leak. Mr. President, when you suffer from spinal CSF leak, you more than likely will be misdiagnosed with chronic migraines or bad headaches. Because this disease is so rare there is limited funding to support necessary research, and as a result, physicians are not receiving the education they need to treat patients. For those suffering from spinal CSF leak, the prognosis is wonderful, and many times it is curable. But for many it is debilitating and requires them to live life lying down to relieve the pressure on one's brain. For those families, Mr. President, they do what they do best in the face of this adversity, they become advocates. They create things like a foundation to help fund their cause and their fight. For CSF leak, they have created a Spinal CSF Leak Foundation giving patients and families a place to go for more information.

So I rise today, Mr. President, to recognize Rare Disease Day, because those families and their loved ones need more than just a foundation. They need and deserve our continued support and growing awareness. In the coming weeks, Mr. President, you will be seeing and hearing more about spinal CSF leak. I encourage anyone suffering from chronic headaches to take some time to check out the foundation's Web site, www.spinalCSFleak.org. That headache might be something different than it seems. Again, Mr. President, I am asking you and my colleagues to join me today and every day in recognizing the last day of February as Rare Disease Day in the Commonwealth of Pennsylvania.

Thank you, Mr. President.

And the question recurring,

Will the Senate adopt the resolution?

A voice vote having been taken, the question was determined in the affirmative.

Senator GORDNER, on behalf of Senators BAKER, BLAKE, GREENLEAF, EICHELBERGER, SABATINA, FONTANA, DINNIMAN, YUDICHAK, ARGALL, BROWNE, COSTA, SCHWANK, WHITE, AUMENT, HUGHES, HUTCHINSON, MENSCH, RAFFERTY and VULAKOVICH, by unanimous consent, offered **Senate Resolution No. 30**, entitled:

A Resolution observing March 1, 2017, as "St. David's Day" in Pennsylvania and honoring the many Pennsylvanians of Welsh heritage.

Which was read, considered, and adopted by voice vote.

Senator GORDNER, on behalf of Senators KILLION, AUMENT, BREWSTER, BROWNE, COSTA, DINNIMAN, FONTANA, GREENLEAF, MARTIN, McGARRIGLE, RAFFERTY, SABATINA, SCAVELLO, VULAKOVICH, WHITE and FARNESE, by unanimous consent, offered **Senate Resolution No. 31**, entitled:

A Resolution recognizing the week of March 5 through 12, 2017, as "Sleep Awareness Week" in Pennsylvania.

Which was read, considered, and adopted by voice vote.

CONGRATULATORY RESOLUTIONS

The PRESIDENT laid before the Senate the following resolutions, which were read, considered, and adopted by voice vote:

Congratulations of the Senate were extended to Thomas Paul Portmann, Jr., Andrew Stake, Tike R. Schriver and to Matthew Griffin Redding by Senator Alloway.

Congratulations of the Senate were extended to Mr. and Mrs. James Davidson, Mr. and Mrs. Ronald J. Matthews, Caine Brobst, John Henry Schroeder, Yvonne Stoffey, Lisa Johnson, Dominick Armenise, John W. Fogarty, Sr., William J. Reppy, Nathan G. Bates, Connor J. Raymond, Ryan D. Potts, Joseph J. Ebling, Jacob D. Hare and to Notre Dame Club of Schuylkill County by Senator Argall.

Congratulations of the Senate were extended to Shoemakersville Area Senior Citizens by Senators Argall and Schwank.

Congratulations of the Senate were extended to Mr. and Mrs. Alvin DeHaven, Jr., Senior Master Sergeant Harry E. Myrick, Jr., Roger E. Merrill, Pearl K. Bard, Gladys C. Mohler, Rachael Hildebrand, Phyllis V. Keck, Dale W. Flick, Harriss A. Butler V, Rose Balish, Menno L. Eby, George P. Kimber, Helen Keiper, Dorothy S. Ginter, Helen Luttrell, Joyce M. Althouse, Martha V. Godfrey, Lillian Mae Brubaker Frankhouser, David L. Sterner, William S. Heinaman, Rainbow's End Youth Services and to Troop 48 of the Boy Scouts of America by Senator Aument.

Congratulations of the Senate were extended to Stephen Michael Lofing, Susanne Wroblewski, Jeffery Joseph Buscher, Jr., and to Rotary Club of Dallas by Senator Baker.

Congratulations of the Senate were extended to Trooper Robert M. Klein, Joseph Benco and to members and coaches of the Canon-McMillan High School Girls' Soccer Team by Senator Bartolotta.

Congratulations of the Senate were extended to Lackawanna College Police Academy and to United Gilsonite Laboratories, Inc., by Senator Blake.

Congratulations of the Senate were extended to Alfred T. Beahm, Nicholas Andrew Laroza, Zoellner Arts Center, Calypso Elementary School, Moravian Historical Society and to Moravian College by Senator Boscola.

Congratulations of the Senate were extended to Tyler J. Glenn, Paul H. Whealdon IV, Daniel Antonio DeCaria, Justin Jinlong Yuan, Ada Moran, Michael William Sopata, Margie Shegan and to McKeesport Hungarian Social Club by Senator Brewster.

Congratulations of the Senate were extended to Mr. and Mrs. John Johnson, Dr. John Patrick Scullin III, Cadet Second Lieutenant Noah W. Morus, Russell James Sisson, Fawn Miller, Matthew King, John A. Vellente III, Alexander Kile Bickel, Alexander Levi Pizer, Benjamin J. Peters, Joshua William Woodman, Marissa Lynn Edwards, Nicholas M. Sears, Jerry Black, Janet Bemis, Maurice Aldrich, Nathan Thomas Houck, Russell T. Shea, Mark A. Miller, Christian Herrmann, Victor James Anderson, Cody Allen Brant, members and coaches of the Hickory High School Girls' Soccer Team, members and coaches of the Meadville High School Football Team, members and coaches of the Hickory High School Boys' Soccer Team, Viking Plastics and to Corry Companion Animal Hospital by Senator Brooks.

Congratulations of the Senate were extended to Dorothy Marion Tomlinson, Kevin A. Schmidt, Max W. Prehl, Elsie Vir-

ginia Peters, Marian P. Benner, Laura M. Kirven, Eleanor G. DeRemer, Rose Kokolus Chromiak and to Dominic Michael Morenci by Senator Browne.

Congratulations of the Senate were extended to William L. Campbell, Michael W. Derr, Mary Rooney, John F. Gross, John F. Reinhart, Anne Louise Jaindl and to Jaindl Family Farms by Senators Browne, Boscola, and Scavello.

Congratulations of the Senate were extended to the Reverend Monsignor Walter T. Scheaffer by Senator Browne and others.

Congratulations of the Senate were extended to Mr. and Mrs. Glen R. Henry, Colonel Robert M. Brawley, Rodney L. Criley, Anna Mae Peoples, Irvin E. Pennabaker, Bernard E. Peck, Mary K. Nipple, Larry E. Niemond, Cora E. Nace, Donald L. Musser, Warren H. Mummah, Ruth H. Mummah, Claire K. Mummah, Janet Sweger, Richard D. Sweger, Maude Evelyn Switzer, Betty P. Thompson, Marcia H. Thompson, John L. VanHorn, Elaine E. VanHorn, Vern E. Varner, William S. Varner, Clyde A. Walters, Charles W. Weiland, Clara F. Whistler, Lloyd J. Whistler, Jr., Lee A. Whitman, Mildred Whitman, Donald R. Whitsel, Ronald G. Williams, Palmer E. Willow, Mary Evelyn Yeater, Louise L. Yohn, Banks A. Zimmerman, Trent Hidlay, Kent Rickenbaugh, Robert L. Swartz, Joyce A. Swartz, Letha M. Swab, Betty Z. Stoner, Betty S. Stimely, Joyce A. Steward, George D. Snyder, Gale L. Snyder, Doris C. Smith, Edward E. Singer, Ronald G. Shivery, Jean L. Shivery, Stanley R. Shirk, Carrie Mae Shirk, Donna L. Shelley, Dale S. Shelley, Joanne M. Shehan, Harold L. Shehan, Reynolds E. Shearer, Janet M. Shearer, Helen M. Shearer, Harold B. Shearer, Arlene P. Shearer, Shirley H. Schlegel, Betty J. Schlegel, Margaret Lynn Schell, Naomi S. Robinson, Francis B. Ranck, Betty A. Ranck, Carol J. Prye, Mark Phillips, Karen K. Moyer, James A. Moyer, Evelyn C. Moyer, Blanche C. Moyer, George I. Miller, Cheryl D. Miller, Robert F. Michael, Harry M. Margritz, R. Donald Love, Dolores R. Love, David Esh Lee, John D. Lebkicher, Kay Y. Leach, Charles Darwin Leach, Jay E. Kipp, Clarice Kerstetter, Caroline J. Kerstetter, Ralph M. Kepner, Doris M. Kepler, Elaine S. Houdeshel, Eileen E. Cook, Jane R. Cook, C. Robert Hockenbrock, Robert N. Hostler, Betty T. Hostler, Ethel L. Horning, Esther M. Hockenberry, Esther M. Hart, Joyce H. Hack, Carlene S. Hack, Margaret F. Guss, Donna M. Graybill, K. Diane Ditmer, Ada Mae Fisher, Edna S. Eargle, Nancy J. Feltman, Barbara D. Ehrenzeller, Verna B. Gilliland, Barbara Geedey, Dolores E. Fry, Ray M. Dysinger, Robert E. Eargle, Robert D. Gill, Darwin B. Fry, William A. Gilliland, Lois Hockenbrock, Dale Goodling, Dale E. Graybill, Caryl L. Groninger, Dorothy McCartney, Nathan Paul Shunk, Breana Dysinger, Parker Wynn, Sarah Kerstetter, Michael H. Hain, Alexander T. Burka, Joseph Peter Sepich, Jean Swartz, Harry L. Boyer, Ida Snyder, Vincent E. Boyer, James S. Abram, Harold C. Arnold, John S. Bachman, Jay F. Aufer, Harold S. Book, Ronald C. Cisney, James W. Burdge, Roy H. Burns, Jr., Samuel R. Casner, Stanley B. Casner, T. Hayes Burdge, Donald C. Casner, Dorothy M. Burdge, Wanda K. Boyer, Gladys M. Boyer, Anna Jo Boyer, Wilma J. Best, Carolyn N. Baker, Shirley J. Bachman, Fleta M. Arnold, Betty Arentz, Jocelyn P. Casner, Patsy L. Bryner, Donna Jean Barth, Mary C. Burdge, Gayle A. Cisney, Janice Aufer, Shirley B. Aumiller, Nevin Kyper, Brandon Cole Fultz, Anne C. Mower, Brianne Kell, Briley Holderman, Katie Fry, Chase Brown, Noah C. Gaus, Taylor Henry, Makenzie S. A. Bishop, Clancien S. Donough, Kyle

Leonard, Darin Love, Linda K. Brown, Rufus S. Brenneman, Mifflin County Library and to Dirt, Gravel and Low Volume Road Maintenance Program by Senator Corman.

Congratulations of the Senate were extended to Brenda K. Benner by Senators Corman and DiSanto.

Congratulations of the Senate were extended to ShaMya Van Alstyne, Angelica Jefferson, Destiny Miles-Council, Mya Mesko, Navaya Denson, Mekial Lawrence, Anthony Pratt-Swint, Noah Barren, Olivia Senge, Kamil Curges, Dylan Isel, Onnikka McArthur, Raven Wiggins and to George Novak by Senator Costa.

Congratulations of the Senate were extended to the Reverend Dr. Bobby G. Duncan, Dr. James DeBoy, Dr. Helen Major, Halle L. Becker, Grant Burkhardt, Katharine A. Fleischer, Sharon Nesbitt, Patricia S. Semenza, Scott S. Gold II, Grace Frankowsky, Jack Thomas, Robert Ingram, Tam Williams, William V. Straub, Thomas Straub, Michael J. Fontecchio, Thomas E. DeGaetano, Jeffrey Griffiths, Debbi Follett, Earl S. Johnson, Dolores Winston, Vanessa Ross, David Tate, Barbara Bolton, Oxford Area Chamber of Commerce, Petrucci's Ice Cream and Water Ice, Oxford Women's Club and to Guido Baccelli Lodge No. 687, Sons and Daughters of Italy by Senator Dinniman.

Congratulations of the Senate were extended to Anthony J. Giaimo III by Senators Dinniman and Hughes.

Congratulations of the Senate were extended to Dr. Carmen Lesesne and to Karen Miller by Senators Dinniman and Killion.

Congratulations of the Senate were extended to Joshua William Smith by Senators Dinniman and Rafferty.

Congratulations of the Senate were extended to Dr. Orville R. Walls by Senators Dinniman and Street.

Congratulations of the Senate were extended to James Wiggins and to Melissa Morgan by Senators Dinniman, Killion, and Rafferty.

Congratulations of the Senate were extended to Mr. and Mrs. Edward David Braun, Senior Master Sergeant James T. Spring, Samuel A. Marsico, Alexander Louis LaVerdiere, Suzanne Puzak, Erica Wang, Orrin Randall Wilson, Charlene Wadlinger, Justin Robert Barlup, Neil Friereich, Dale E. Weibley, Olive A. Stoops, Beatrice L. Fritz, Louise L. Ellenberger, Bonnie L. Delancey, Grant W. Kister, Charles R. McCrae, Nevin G. Rice, Wayne R. Shuler, Samuel R. Wagner, Audrey M. Shambaugh, Ruth R. Shuler, Roberta Z. McCrae, Joan W. Anderson, Sawyer C. Smith, Union Deposit Volunteer Fire Company and to Boy Scouts of America Troop 203 by Senator DiSanto.

Congratulations of the Senate were extended to Edward Consalo and to Three Mile Island Alert by Senators DiSanto and Folmer.

Congratulations of the Senate were extended to Alec T. Moul, Ian D. Ward, Cody Breon, Dylan L. L. Milkes, Elias Woods and to members and coaches of the Bishop Guilfoyle Catholic High School Football Team by Senator Eichelberger.

Congratulations of the Senate were extended to Dr. Marianne Goodfellow, Amanda Musser, Phyllis Weiant, Nori Fisher, Rex A. Ward, Jennie Horstick, Maryann Guldin, Susan Allwein, Amy Shaffer-Duong, Mary Gardner, Lillian Morales, Priscilla Wolf, Linda Krall, Beryl Hoffman and to Arlene Joyce by Senator Folmer.

Congratulations of the Senate were extended to Dr. Don Bell, Sr., by Senators Folmer and Regan.

Congratulations of the Senate were extended to Christopher Matthew Lisle, Jr., and to Ethan Woodfill by Senator Fontana.

Congratulations of the Senate were extended to Master Sergeant Joseph J. Roman, Brian Yerger, Bryce Kessler, Rotary Club of Shamokin, citizens of the Borough of Milton and to Caldwell Consistory, Valley of Bloomsburg of the Ancient Accepted Scottish Rite by Senator Gordner.

Congratulations of the Senate were extended to Sergeant Daniel Mitchell, Scott Boyle, Michael F. Solis, Brian M. Acquaviva, Simon A. Orehek, Michael D. Gipson, Jr., James P. Lee, Sr., Bryna Rosenthal, John Bogert, Matthew Orefice, Justin Orefice, Zachary Blanchard, Arron Liebel, Brian Arnold, Alfred Zollers, Kim Rubenstein, Kathleen E. Salemno, Beverly K. Lutz and to Ethel Hall Eckelmeyer by Senator Greenleaf.

Congratulations of the Senate were extended to Ted Caiola by Senators Greenleaf and Mensch.

Congratulations of the Senate were extended to Dr. Constance E. Clayton, William Kugler, Kevin T. Alekna, Andrew C. Nolan, Jr., Damon P. Thompson and to Cedar Park Presbyterian Church by Senator Haywood.

Congratulations of the Senate were extended to Troop 1 of the Boy Scouts of America by Senator Hughes.

Congratulations of the Senate were extended to Cheyney University of Pennsylvania by Senators Hughes and Killion.

Congratulations of the Senate were extended to Mr. and Mrs. James T. Ames, Mr. and Mrs. Paul VanGuilder, Mr. and Mrs. Tom DePriest, Mr. and Mrs. Don Fidler, Mr. and Mrs. Bill Miller, Mr. and Mrs. David Flockerzi, Mr. and Mrs. George Jolley, Dr. Brenda Sanders Dede, Cadet Second Lieutenant Ryan W. Moore, Cadet Staff Sergeant Jeffrey A. Stoddard, Cadet Staff Sergeant River Perry, Tara L. Gantz Hixon, Nicholas Wyatt Beightol, Robin J. Wolfe, John McCall, Warren County YMCA and to Highland Oaks at Water Run by Senator Hutchinson.

Congratulations of the Senate were extended to Mr. and Mrs. Robert Brady, William Hsin, Andrew Mackey, Jeffrey H. Heim, Kevin Yin and to Aaron Miner by Senator Killion.

Congratulations of the Senate were extended to Leon Ross Spencer, Jr., by Senators Killion and Dinniman.

Congratulations of the Senate were extended to the Honorable Christine Fizzano Cannon, Jennifer Morgan and to Stephanie Fleetman by Senators Killion and McGarrigle.

Congratulations of the Senate were extended to David Edwards, Barbara Miller, William Swartzwelder, Nathan C. Valko, Josh Koval, Robert J. Eyer and to members and coaches of the Geistown-Richland Cheerleading Squad by Senator Langerholc.

Congratulations of the Senate were extended to Samuel Thomas Lee, Daniel Alan Sanford and to Andrew Joseph Zentis by Senator Laughlin.

Congratulations of the Senate were extended to Mary McCans, Edward Grant Wiernicki, Kannan T. Ramanathan, Jerry L. Johnson, Cole A. Messics, Ritvik Prabhu, Charles Edward Joseph Connolly and to Michael Vecchione by Senator Leach.

Congratulations of the Senate were extended to Robert Stermer, Alexander Webster Howard, Nickolas Scott Kellam and to citizens of the Borough of Quarryville by Senator Martin.

Congratulations of the Senate were extended to Audrey T. Neill, Casey M. Calloway, Samantha Taylor, Colin J. Jones, Emily Apakian and to Benjamin Troutman by Senator McGarrigle.

Congratulations of the Senate were extended to Jane M. Johnson by Senators McGarrigle and Killion.

Congratulations of the Senate were extended to Bonnie Gallagher by Senator McGarrigle and others.

Congratulations of the Senate were extended to Christian Simms, Nicholas Fest, Joan Block, Connor Melloy, Quinn Wesley Reinert and to Anish Rajesh Thakur by Senator McIlhinney.

Congratulations of the Senate were extended to Marne Kies Dietterich by Senator McIlhinney and others.

Congratulations of the Senate were extended to Technical Sergeant Michael C. Mowers, Julia M. Rostron, Mason Smith, Maynard Cressman, Alex Longacre, Kyle Grater, Alexander W. Rainer, Quakertown Band and to Pottstown Cluster of Religious Communities by Senator Mensch.

Congratulations of the Senate were extended to John William Houser by Senators Mensch and Leach.

Congratulations of the Senate were extended to Perkiomen Valley Library at Schwenksville by Senators Mensch and Rafferty.

Congratulations of the Senate were extended to Joseph Kopec, Charles D. Weller, Ryan Patrick Wilson, Alexander T. Claypoole and to Harrison James Potts by Senator Rafferty.

Congratulations of the Senate were extended to Dr. Clifford L. Rogers and to Margaret Whittaker by Senators Rafferty and Mensch.

Congratulations of the Senate were extended to Dr. James Edward Blacksmith, Ean Scott Woll, Ian Budzinski, Tanner Martin, Stephen Keel, Kenneth L. Tuckey and to Bath Fitter by Senator Regan.

Congratulations of the Senate were extended to Mr. and Mrs. Jay Smith, Jack Austin Ghelarducci, Garrett Neill Hoffman, Robert Morrison, Brayden Allcorn, Kasmier Moncheck, Pleasant Hills Volunteer Fire Company and to members and coaches of the Bethel Park High School Competitive Spirit Squad by Senator Reschenthaler.

Congratulations of the Senate were extended to Richard Greger, Matthew Grueninger, Mark Leroy Stoots, Stephany Posey, Gary Masino, Sr., and to South Philadelphia Jewish War Veterans Post No. 98 by Senator Sabatina.

Congratulations of the Senate were extended to Dr. Jill M. Slike Owens, David E. Gelnett, Joyce Cooper, Sandra Habgood McKinley, Doyle Starry, Christopher David Volino, Jordan Allen, Ann Oliver O'Donnell, Harry P. Harrison, Noah Delp and to the citizens of the Borough of Sykesville by Senator Scarnati.

Congratulations of the Senate were extended to Mr. and Mrs. Ronald S. Heilimann, Mr. and Mrs. Robert Kennedy, Emilio DeNisi, Lane Walter Rundle, Lee Philips, Randi Strunk, Ryan John Stewart, Larry J. Murphy, Kenneth R. Brown, Samuel Jay Costenbader, Sonia Buskirk, Marco Marsh, Jeff Harrison, Rich Banks, James S. Phillips, Wind Gap Chevrolet Buick, United Way of Monroe County, Shawnee Presbyterian Church and to Jane Maughan Law Offices by Senator Scavello.

Congratulations of the Senate were extended to Donna S. Bisset and to Tobyhanna Ice Harvest of Coolbaugh Township by Senators Scavello and Blake.

Congratulations of the Senate were extended to William Daniel Munson by Senators Scavello and Yudichak.

Congratulations of the Senate were extended to Mr. and Mrs. Jeff Driben, Jim Seidel, Zachary Brian Nawrocki, Ryan Bausch, Ringgold Band, Berks Youth Chorus, Reading-Berks Associa-

tion of Realtors, Inc., and to the Ghanaian Association of Eastern Pennsylvania by Senator Schwank.

Congratulations of the Senate were extended to the Honorable Linda R. Cordaro, Robert A. McLuckey, Anthony Grasso, Daniel L. Cocks, Erik Pryal, Mark Craig, John Masterbray, Jr., Creed Smith, DQ Grill and Chill and to Rolling Thunder, Inc., Chapter 5 Pennsylvania by Senator Stefano.

Congratulations of the Senate were extended to Neal Bisno, Walter H. De Treux, Olga Kachmar Desiderio and to the Peggy Browning Fund by Senator Tartaglione.

Congratulations of the Senate were extended to the Honorable Michael G. Fitzpatrick, Dr. Edward Matejkovic, Christopher Dixon, Anne Hoppenot, Kevin Walter, Eugene K. Farr, Christina M. Martino, Alaura D. Farr, Jesse Dickson, David E. Williams, Jessica M. Raab, Alexandra P. Matlack, J. J. MacClay, Cody Turner, Carol Erickson, Robert McCarthy, Frank Frazier, John F. James, Cheryl Young, Alex R. Dixon, Kevin Jurgelewicz, Richard Shavensky, Giuseppe Cannella, Adam Noel, Terry Frost, Sr., Mary Ann Morgan, Christopher M. Russell, Saint Thomas Aquinas Church and to Delaware Valley Vietnam Veterans by Senator Tomlinson.

Congratulations of the Senate were extended to the Reverend Michael Hennelly, Deborah Lamanna, Christopher M. Russell, Bill Vergantino, Vernon Von Sydow, Joan Marcotte, Mary Ellen Smith, John Salmon, Ron Righter, Brian Penecale, Tom Nuneviller, Hillary Mintz, Mark Groetsch, Scott Green, Whitney Diebolt Bender, Michelle Delloso and to Robert F. Shaup by Senator Tomlinson and others.

Congratulations of the Senate were extended to Carleton Joseph Burawa by Senator Vogel.

Congratulations of the Senate were extended to Nicole L. Knapek, Justin A. Balog, Christopher Regis Dombrowski, Mark Loya, Charles Francis OKunewick, John Wagner, Art Walker, Jr., Ryan Poisker and to Shaler North Hills Library by Senator Vulakovich.

Congratulations of the Senate were extended to Brian Honeychuck and to Jordan M. Williams by Senator Wagner.

Congratulations of the Senate were extended to Helen Cambuzzi Pettigrew, Kenneth W. Cipra II, Matthew Thomas Kevicki, Joshua M. Zapanta, John Sadler, Jules J. Brigode, Albert Markijohn, Terry P. Dzendzel, N. Todd Morris, Marshall Mao, David L. Gongaware, David A. Holmes and to members and coaches of the Greensburg Central Catholic Junior-Senior High School Girls' Volleyball Team by Senator Ward.

Congratulations of the Senate were extended to Gladys Lee-man, Jordan Geist, Riley Thomas Kerr, Logan Tyler Negley and to Franklin Regional School District Board by Senator White.

Congratulations of the Senate were extended to Margaret Helen Bigelow, Ayanna S. King, Jordan Michael Smith and to Collingdale Fire Company No. 2 by Senator Williams.

Congratulations of the Senate were extended to Mr. and Mrs. Donald W. Houser, Mr. and Mrs. Stanley Baker, Jr., Gabriel Ramirez and to Marvis Jean Wilcox by Senator Yaw.

Congratulations of the Senate were extended to Mr. and Mrs. Frank Martin, Mr. and Mrs. Thomas Petroski, Mr. and Dr. Joseph Maduro, Honorable Jason Klush, Joseph D. Burke, Madeline Ligenza, Ken Eck, Alyssa Tirpak, Peggy Burke, Tom Reilly, Sr., Theresa Colella, Charles Wildoner, Lehighon Middle School students, Pioneer Fire Company No. 1 and to International Paper's Hazleton Container Plant by Senator Yudichak.

Congratulations of the Senate were extended to Michael McCall by Senators Yudichak and Argall.

Congratulations of the Senate were extended to Dr. Stanley J. Dudrick, Chief Joseph Intelicato, Mr. and Mrs. Kim Borland, Bill Jones, Bradley C. Hall, Joseph A. Moran, Paul Sakowski and to Delaware and Lehigh National Heritage Corridor by Senators Yudichak and Baker.

Congratulations of the Senate were extended to Stanley Waleski by Senators Yudichak and Blake.

Congratulations of the Senate were extended to Don Brominski and to UGI Utilities, Inc., by Senators Yudichak, Baker, and Blake.

CONDOLENCE RESOLUTIONS

The PRESIDENT laid before the Senate the following resolutions, which were read, considered, and adopted by voice vote:

Condolences of the Senate were extended to the family of the late Rosemary Coolbaugh and to the family of the late Bruno Federicci by Senator Baker.

Condolences of the Senate were extended to the family of the late Betty M. Huzway by Senator Bartolotta.

Condolences of the Senate were extended to the family of the late Kenneth C. Kopesky, Jr., by Senators Blake and Ward.

Condolences of the Senate were extended to the family of the late William H. Woehr by Senator Greenleaf.

Condolences of the Senate were extended to the family of the late Dr. Joseph Michael Whitaker and to the family of the late Stanley E. Herstine by Senator McIlhinney.

Condolences of the Senate were extended to the family of the late Alton Connally, Jr., by Senator Williams.

POSTHUMOUS CITATIONS

The PRESIDENT laid before the Senate the following citations, which were read, considered, and adopted by voice vote:

A posthumous citation honoring the late Dr. Francis A. Salerno by Senators Browne, Boscola, and Scavello.

A posthumous citation honoring the late Kitty Jurciukonis by Senators Killion and McGarrigle.

A posthumous citation honoring the late Dr. Richard Whittaker was extended to the family by Senators Rafferty and Mensch.

Posthumous citations honoring the late James Allahand and the late Betty Jane Howatt were extended to the families by Senator Tomlinson and others.

BILLS ON FIRST CONSIDERATION

Senator HUTCHINSON. Mr. President, I move that the Senate do now proceed to consideration of all bills reported from committees for the first time at today's Session.

The motion was agreed to by voice vote.

The bills were as follows:

SB 54, SB 133, SB 251, SB 265, SB 274, SB 279, SB 288 and SB 297.

And said bills having been considered for the first time,

Ordered, To be printed on the Calendar for second consideration.

ANNOUNCEMENTS BY THE SECRETARY

The following announcements were read by the Secretary of the Senate:

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

MONDAY, FEBRUARY 13, 2017

11:00 A.M.	PUBLIC SCHOOL BUILDING CONSTRUCTION AND RECONSTRUCTION ADVISORY COMMITTEE (public hearing to consider school building construction issues)	Red Lion H.S., Red Lion, PA
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TUESDAY, FEBRUARY 21, 2017

10:00 A.M.	APPROPRIATIONS (Budget Hearing - Treasury Department)	Hrg. Rm. 1 North Off.
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1:00 P.M.	APPROPRIATIONS (Budget Hearing - Independent Fiscal Office)	Hrg. Rm. 1 North Off.
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WEDNESDAY, FEBRUARY 22, 2017

10:00 A.M.	APPROPRIATIONS (Budget Hearing - Department of State)	Hrg. Rm. 1 North Off.
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1:00 P.M.	APPROPRIATIONS (Budget Hearing - Auditor General)	Hrg. Rm. 1 North Off.
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3:00 P.M.	APPROPRIATIONS (Budget Hearing - Attorney General)	Hrg. Rm. 1 North Off.
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THURSDAY, FEBRUARY 23, 2017

10:00 A.M.	APPROPRIATIONS (Budget Hearing - PA State System of Higher Education)	Hrg. Rm. 1 North Off.
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1:00 P.M.	APPROPRIATIONS (Budget Hearing - State Police/Homeland Security)	Hrg. Rm. 1 North Off.
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MONDAY, FEBRUARY 27, 2017

10:00 A.M.	APPROPRIATIONS (Budget Hearing - Department of Agriculture)	Hrg. Rm. 1 North Off.
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1:00 P.M.	APPROPRIATIONS (Budget Hearing - Department of General Services)	Hrg. Rm. 1 North Off.
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3:00 P.M.	APPROPRIATIONS (Budget Hearing - Department of Transportation)	Hrg. Rm. 1 North Off.
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TUESDAY, FEBRUARY 28, 2017

10:00 A.M.	APPROPRIATIONS (Budget Hearing - Department of Labor & Industry)	Hrg. Rm. 1 North Off.
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1:00 P.M.	APPROPRIATIONS (Budget Hearing - Department of Judiciary)	Hrg. Rm. 1 North Off.
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WEDNESDAY, MARCH 1, 2017

10:00 A.M.	APPROPRIATIONS (Budget Hearing - Department of Military and Veterans Affairs)	Hrg. Rm. 1 North Off.
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1:00 P.M.	APPROPRIATIONS (Budget Hearing - State Related Universities)	Hrg. Rm. 1 North Off.
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3:00 P.M.	APPROPRIATIONS (Budget Hearing - Department of Conservation & Natural Resources)	Hrg. Rm. 1 North Off.
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THURSDAY, MARCH 2, 2017

10:00 A.M.	APPROPRIATIONS (Budget Hearing - Department of Corrections/Board of Probation and Parole)	Hrg. Rm. 1 North Off.
1:00 P.M.	APPROPRIATIONS (Budget Hearing - PA Liquor Control Board)	Hrg. Rm. 1 North Off.
3:00 P.M.	APPROPRIATIONS (Budget Hearing - PA Emergency Management Agency/Fire Commissioner)	Hrg. Rm. 1 North Off.

MONDAY, MARCH 6, 2017

10:00 A.M.	APPROPRIATIONS (Budget Hearing - Department of Community & Economic Development)	Hrg. Rm. 1 North Off.
1:00 P.M.	APPROPRIATIONS (Budget Hearing - Department of Revenue/Lottery)	Hrg. Rm. 1 North Off.
3:30 P.M.	APPROPRIATIONS (Budget Hearing - PA Historical & Museum Comm.)	Hrg. Rm. 1 North Off.

TUESDAY, MARCH 7, 2017

10:00 A.M.	APPROPRIATIONS (Budget Hearing - Department of Education)	Hrg. Rm. 1 North Off.
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WEDNESDAY, MARCH 8, 2017

10:00 A.M.	APPROPRIATIONS (Budget Hearing - Department of Health & Human Services)	Hrg. Rm. 1 North Off.
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THURSDAY, MARCH 9, 2017

10:00 A.M.	APPROPRIATIONS (Budget Hearing - Department of Environmental Protection)	Hrg. Rm. 1 North Off.
1:00 P.M.	APPROPRIATIONS (Budget Hearing - Budget Secretary/Sec. of Admin./Gov's Executive Office)	Hrg. Rm. 1 North Off.

FRIDAY, MARCH 10, 2017

10:00 A.M.	APPROPRIATIONS (Budget Hearing - Budget Secretary/Sec. of Admin./Gov's Executive Office)	Hrg. Rm. 1 North Off.
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MONDAY, MARCH 20, 2017

10:30 A.M.	EDUCATION (H) and EDUCATION (S) (joint public hearing on federal Every Student Succeeds Act)	Hrg. Rm. 1 North Off.
10:30 A.M.	GAME AND FISHERIES (public hearing on annual reports from the Pennsylvania Game Commission and the Pennsylvania Fish & Boat Commission)	Room 8E-B East Wing

PETITIONS AND REMONSTRANCES

The PRESIDENT. The Chair recognizes the gentleman from Allegheny, Senator Costa.

Senator COSTA. Mr. President, I rise during Petitions and Remonstrances today to announce to my colleagues here a very proud award that we in the General Assembly received, a national award, I might add. About 2 years ago, a handful of my colleagues and myself got together after meeting with a number of arts and cultural advocates across Pennsylvania to form a caucus that would allow us to advocate for the arts in our Common-

wealth and arts in education and cultural activities across the Commonwealth, but also take time to address some of the issues in the area of the arts. We have done that. We established something called the Pennsylvania legislative arts and culture caucus. I was very honored to be joined by Senator Browne, the initial co-chair, as well as two Members from the House of Representatives, initially it was Representative Saylor and Representative Briggs. We were the four original co-chairs of the organization. Last Session we were proud to have 80-some Members of the General Assembly participating in the arts and culture caucus. It has been very enjoyable to me. We learned quite a bit about arts across this Commonwealth, and a number of Members would bring different entities to our meetings and discuss some of the things that are taking place throughout our Commonwealth. A strong and big part of what we have to do is advocacy to make certain we have the appropriate level of funding for the arts across this Commonwealth, and we do that effectively as well.

Mr. President, the folks down in Washington heard about what we were doing and a nomination was submitted and we were successful in receiving and being recognized by the Americans for the Arts and the National Conference of State Legislatures as the 2016 National Public Leadership in the Arts Award winners. Mr. President, it is an honor that we are very, very proud to receive, but it recognizes Pennsylvania's work across this country as one of the few States that has an arts and culture caucus for the advancement of the arts and discussion of arts in the Commonwealth. Mr. President, while I recognize there are four co-chairs who helped coordinate this, I would be remiss if I did not mention the folks who are really responsible for the success of the arts and culture caucus. I know from my staff, Anne Griffin, who works closely with myself and others, has been a big part of that. I look across the aisle and see Vicki Wilken from Senator Browne's office. Anne and Vicki, as well as Katherine Manucci from Representative Brigg's office, and Kristy Walters, who will now be working with Representative James, who has taken Representative Saylor's spot as a co-chair. Those are the folks who keep everything together, working closely with one another across political boundaries, across Chamber boundaries, together with Jenny Hershour and Mitch Swain from Citizens for the Arts in Pennsylvania. Those folks work with us to be able to promote what is necessary to do with the arts, and they are the reason that we were able to receive the award.

The award is actually sitting on the rail, Mr. President, so everyone can see. I hope folks have an opportunity to take a look at it. It is quite an honor. Again, I thank Senator Browne from our side and the work that he and Vicki have done along, with Anne and the others I mentioned earlier.

Thank you, Mr. President.

The PRESIDENT. The Chair congratulates Senator Costa on an outstanding award. The arts are so important here in Pennsylvania, and it is great to see the kind of recognition that Pennsylvania is receiving. Thank you for your leadership.

The Chair recognizes the gentleman from Lehigh, Senator Browne.

Senator BROWNE. Mr. President, I join with Senator Costa in mentioning the value that the arts and culture caucus brings to our debate and conversation here in Harrisburg. Each one of our communities has a tremendous investment by the arts and cultural community. It adds to the vibrancy of our communities and

it is so important to the education of our youth. A lot of our communities, without these types of investments and programs that they offer, would really lose a lot of their identity. So our involvement in what they do in State government, to be a partner with them, is absolutely crucial. One of the things that the arts and culture caucus does is it gives us an opportunity to highlight those investments and the tremendous return on investment that public dollars have on our resources here and taxpayer resources toward what they do, both from an operating standpoint and many of our capital choices in terms of the limited dollars that we have available for so many needs in Pennsylvania toward capital investments in arts and cultural activities and organizations in Pennsylvania.

I also join Senator Costa in recognizing not only the arts and culture community, but all of the staff, Vicki Wilken on my staff, who spend their time coordinating our activities. We were very proud to be recognized in Washington by the national State organization. Hopefully, it will lead to greater recognition of what we do and will be replicated across the country with equal types of activities for the benefit of these type of investments all over the country.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator Hughes, and the Chair is hoping for a petition or remonstrance long enough for the Guinness Book of World Records. So, I know the Senator will be brief, no matter how long it takes.

Senator HUGHES. Mr. President, that is correct. In honor of former Mayor Street, we will be brief, no matter how long it takes. One of his most famous quotes.

On a more serious note, Mr. President, in front of us right now, and in front of the nation right now, we are watching a process unfold which addresses a very serious appointment, maybe one of the more serious appointments that is made by the new President, and that is the appointment of Attorney General. Needless to say, it has been publicly discussed that the gentleman whom the President has nominated for that position has a long and not too distinguished history and, quite frankly, a history that really would indicate that he is ill-suited to hold this position of the chief law enforcement officer, the chief attorney for the United States of America.

In issues that are historic in nature for this nation, especially around the issue of the right to vote, which has been denied to millions of American citizens, the appointee has voted against the Voting Rights Act. In fact, in that process of voting against the Voting Rights Act, he called the NAACP, the National Association for the Advancement of Colored People, America's oldest civil rights organization, he called them an un-American organization. The gentleman voted against the Violence Against Women Act and has a very checkered history with respect to the issues of the Justice Department, which he has been nominated to lead, with respect to issues that are fundamental to this nation.

I speak most directly, Mr. President, about the travesty that occurred last night. It is a sign that all of us need to pay attention to no matter what body we serve on, whether we be members of a school board, members of a county council, a city council, members of a State legislature, State Senate, members of Congress. Unfortunately, the travesty that occurred last night occurred in what is supposed to be the most powerful and what is supposed to be the most distinguished body of legislators in the

world, and that is the United States Senate. U.S. Senator Elizabeth Warren was speaking with respect to her concerns about the appointee for the position of Attorney General. In her process of commenting, she began to read a letter written by the beloved Coretta Scott King.

For those who do not know, and I hope it is very few who do not know, Coretta Scott King was the loyal, trusted, loving wife of Dr. Martin Luther King, Jr. Coretta Scott King was a partner to Dr. King, a close advisor, someone who stood by his side, and was also a champion for justice, civil rights, and for human rights. On March 19, 1986, Mrs. King sent a letter to the Honorable Strom Thurmond, who was chairman of the Senate Committee on Judiciary, and in this letter she spoke very specifically, very clearly, and very plainly about her concerns about the appointment of then local Federal attorney Jefferson Beauregard Sessions to be a Federal judge. The letter is not long, but the letter is direct. The letter is very clear about what her thoughts and viewpoint were at that time.

Now what occurred last night, as Senator Warren attempted to read this letter into the record, she was basically shut down by the Majority Leader. She was not allowed to read a letter penned by Coretta Scott King, the widow of Dr. Martin Luther King, Jr. She was not allowed to read a letter into the record commenting on Mr. Sessions' qualifications for then a Federal judge and her viewpoint to become the Attorney General. She was not allowed to read that letter. She was shut down. I find this to be very disturbing, Mr. President, because if we have nothing as elected officials, we must have our voice. If we do not have anything else, if we are in the Minority, if we are clearly outvoted on a particular matter, we must have our voice, we must be able to speak to the issues in front of us.

Speak our opinion, speak our mind, speak our thoughts, lend our opinion, and lend our ideas to whatever issue may be in front, and then the vote occurs and either you win the vote or you lose the vote, but at the very least, Mr. President, you have had the opportunity to speak to the issue in front of us. That is one reason why we have this period that we are in right now here in the Senate of Pennsylvania, one of the older bodies in the nation. We have this period right now called Petitions and Remonstrances to allow us to speak on any issue that we deem appropriate. Any issue, and there are no restrictions. We can speak to whatever it is that we, as elected officials representing, each one of us, 250,000 people, choose to speak to. We can hold the floor for however long we choose to hold the floor and speak however long we choose to speak. It is open to us. Even outside of this period of petitions, Mr. President, even normal debate on pieces of legislation, or amendments, or appropriation issues, or whatever, we are allowed to speak. All of us, Democrats, Republicans, no matter what portion of the State we are from, no matter what party we are in, we are allowed to speak. That is a precious and very important aspect and quality, and, in fact, ingredient for this thing called democracy, to be allowed the ability to speak to the issue at hand, no matter what it may be. As I said, you will either be successful in your vote or you will not. You will either win the vote or lose the vote, but at the very least, you have had the opportunity to speak to the issue.

Last night, very disappointing, Senator Elizabeth Warren from Massachusetts was shut down from debate, was cut off, was not allowed to speak. Most specifically, was not allowed to read this letter penned by Coretta Scott King to the Honorable Strom

Thurmond, the chairman of the Senate Committee on Judiciary, written on March 19, 1986. In her honor, and maybe better said, in both their honor, the honor of Coretta Scott King and the honor of Senator Warren, I will take the opportunity to read that letter and have it in the official record of this body, because it needs to be heard. And someone, all of us, need to be able to stand up and support one another when it comes to the opportunity and the idea of being able to speak to an issue and not have debate shut down. It is that important. We do not have a vote on the matter, but we darn sure have a voice on the matter. We need to speak clearly and as often as possible when it comes to the issue of free debate and open conversation about the issues at hand.

So, if you will, Mr. President, and understand that the letter is not extensive, it is one page, about three paragraphs. I will read this letter and submit a copy for the record, if you will, Mr. President. On the letterhead of The Martin Luther King, Jr. Center for Nonviolent Social Change, Inc., March 19, 1986, addressed to the Honorable Strom Thurmond, Chairman of the Senate Committee on Judiciary, and it is in relation to the nomination of Jefferson Beauregard Sessions to be a U.S. Judge in the Southern District of Alabama. (*Reading:*)

Dear Senator Thurmond:

I write to express my sincere opposition to the confirmation of Jefferson B. Sessions as a federal district court judge for the Southern District of Alabama. My professional and personal roots in Alabama are deep and lasting. Anyone who has used the power of his office as United States Attorney to intimidate and chill the free exercise of the ballot by citizens should not be elevated to our courts. Mr. Sessions has used the awesome powers of his office in a shabby attempt to intimidate and frighten elderly black voters. For this reprehensible conduct, he should not be rewarded with a federal judgeship.

I regret that a long-standing commitment prevents me from appearing in person to testify against this nominee. However, I have attached a copy of my statement opposing Mr. Sessions' confirmation and I request that my statement as well as this letter be made part of the hearing record.

I do sincerely urge you to oppose the confirmation of Mr. Sessions.

Sincerely,

CORETTA SCOTT KING

It is copied to The Honorable Joseph R. Biden, Jr., United States Senate, who I believe at the time was the Democratic chairman of the Committee on Judiciary.

Mr. President, interestingly enough, when Senator Warren was shut down from debate and from reading that letter into the official Senate record, a hailstorm of criticism occurred through social media all across the nation. Mr. President, social media took hold of this issue and ran with it at such a level and with such intensity that the rules of the Senate were reverted back and four Senators today, Mr. President, spoke and read this letter that I just read into the official U.S. Senate record. I note, Mr. President, that all four of those Senators were men. Allow that fact to sink in for a moment. The female Senator was denied the opportunity; the male Senators were allowed to speak to the issue and read the letter into the record.

I stand here today, Mr. President, my position on the appointment of the gentleman, Mr. Sessions, who was nominated, is clear. I have been public and, quite frankly, for those who care, I do not have a vote in the matter. I am not a U.S. Senator. I do

not have a vote in the matter, but I am a public citizen concerned about justice in America, justice that is supposed to be blind, but not quite so in America.

I do think, Mr. President, that it is equally as important, as I said earlier, that we always stand up when it comes time to speak to an issue, that we be allowed to speak, that we be allowed to voice our opinion. I most definitely stand up, Mr. President, for Senator Warren, who was denied that opportunity last night. But as the Bible says, weeping may endure for a night, but joy cometh in the morning. Four Senators read the letter from our beloved Coretta Scott King that Senator Warren was denied the opportunity to read.

Mr. President, if we do not have a voice, we do not have democracy. In this one small moment, this body, by allowing me to say what it is that I have said and read this letter into our record, has stood up for democracy.

I thank you, Mr. President.

RECESS

The PRESIDENT. The Chair recognizes the gentleman from Columbia, Senator Gordner.

Senator GORDNER. Mr. President, I move that the Senate do now recess until Monday, March 20, 2017, at 1 p.m., Eastern Daylight Saving Time, unless sooner recalled by the President pro tempore.

The motion was agreed to by voice vote.

The Senate recessed at 4:39 p.m., Eastern Standard Time.