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The Honourable GEORGE J. FUREY,
Speaker

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THE SENATE

Wednesday, September 20, 2017

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

THE LATE HONOURABLE
ALLAN J. MACEACHEN, P.C., O.C.

TRIBUTES

Hon. Joseph A. Day (Leader of the Senate Liberals): Honourable senators, yesterday I was paying tribute to one of our former colleagues, whom Andrew Coyne described as “a close contender for the greatest parliamentarian in Canadian history.”

Unfortunately, as I was speaking about the life of the Allan J. MacEachen, I was not able to complete my remarks, so I will conclude them today. Yesterday, I described how, early in his tenure, as a leader of the Senate Liberal opposition, he refused to allow a borrowing authority bill to proceed to a vote until the government explained how it intended to spend the money by tabling its Estimates.

Senator MacEachen took his role as a parliamentarian very seriously, no matter in which chamber he served. He said, on numerous occasions, that he did not come to the Senate to join a debating club or an advisory body but rather to be a member of a serious legislative chamber.

Under his leadership, the Senate Liberal opposition carefully scrutinized all legislation that came to the Senate and proposed changes that they believed were in the public interest, such as those dealing with unemployment insurance, prisons, immigration and pharmaceutical drugs.

During his time here, there was the epic fight with the government over the Canada-U.S. Free Trade Agreement legislation, which culminated in the general election of 1987, and the GST bill in 1990.

When Prime Minister Justin Trudeau said, in 2014, that:

If the Senate serves a purpose at all, it is to act as a check on the extraordinary power of the Prime Minister and his office, especially in a majority government —

— he could not have better described Allan J. MacEachen's approach to his role as a senator while a member of this chamber.

In his unpublished memoir, Senator MacEachen wrote at length about Dr. Moses Coady, citing six critical principles of the original Antigonish movement that ended with these words:

... the ultimate objective of the movement is a full and abundant life for everyone in the community.

Allan J. spent his life pursuing this objective for everyone in his communities of Cape Breton and Canada, and, as Prime Minister Trudeau concluded on Sunday at the memorial service in Antigonish:

Inspired by his example, let us honour him by recommitting ourselves as Canadians to continuing his work . . . [where] “good enough” is never good enough, and better is always possible.

Hon. Senators: Hear, hear!

PREVENTION OF NUCLEAR PROLIFERATION

Hon. Marilou McPhedran: Your Honour, today, on the steps under the Peace Tower, citizens signed a declaration calling on us, as parliamentarians, to step up for peace. Tomorrow, in Winnipeg, for the UN International Day of Peace, local civil society leaders like Estelle Lamoureux, Derrek Bentley and David Newman will host Standing with Mother Earth. Eight teepees will be erected to provide students from grades 5 to 12 an opportunity to listen to elders and contemporary organizations discuss the four elements — earth, wind, fire and water — to understand the deep indigenous connection to Mother Earth and to peace.

Another civil society leader, Metta Spencer, a long-standing leader in the nuclear disarmament movement, who has edited *Peace Magazine* since 1985, has been awarded the 2017 annual achievement award by Canadians for a Nuclear Weapons Convention. This is another important civil society initiative. Canadians for a Nuclear Weapons Convention is a civil society initiative supported by nearly 1,000 members of the Order of Canada, and we would certainly welcome more members of the Order, here in this chamber, to join us in calling for Canadian diplomatic work towards the elimination of nuclear weapons.

Honourable senators who were here in 2010 will recall the historic joint motion agreeing to:

[*Translation*]

(a) recognize the danger posed by the proliferation of nuclear materials and technology to peace and security;

[*English*]

— endorse the statement signed by officers and companions of the Order of Canada underlining the importance of addressing the challenge of more intense nuclear proliferation and the progress of and opportunity for nuclear disarmament; endorse the 2008 five-point plan for nuclear disarmament by the Secretary-General of the United Nations; and encourage the Government of Canada to engage in negotiations for a nuclear weapons convention, as proposed by the European Union and Secretary-General and, indeed, what happened in July, where more than 120 nations agreed to sign this new non-proliferation treaty.

The motion went on to state that the parliamentarians commended the decision of the Government of Canada to participate in the landmark Nuclear Security Summit and encourage the Government of Canada to deploy a major worldwide Canadian diplomatic initiative in support of preventing nuclear proliferation and increasing the rate of nuclear disarmament.

In July —

The Hon. the Speaker: I am sorry, senator, but your time has expired.

THE LATE KENNY SHIELDS

Hon. David Tkachuk: On July 1 of this year, Kenny Shields took ill while performing in Edmonton. On July 21, he died at a Winnipeg hospital with his wife Elena, his daughter Julia and close friends at his side. He died at his adopted home in Winnipeg, Manitoba, where he and his band, Streetheart, lived and worked. He moved there from Saskatoon, and he moved to Saskatoon from the small town of Nokomis, Saskatchewan, where he was laid to rest on Saturday, September 2.

He came home. He was 69 years old.

Fifty years ago, as leader of a band called Witness, from Saskatoon, they had two songs on the New York Billboard Charts — “Jezebel” and “Harlem Lady”. Well before the Juneau policy on Canadian music, Shields was proving that Canadian music sells on its own merit.

• (1410)

In 1969, a car accident almost took his life and he endured a long convalescence. Many thought he would not return to the industry. He did, singing with two Regina bands before starting Streetheart in Saskatoon and then moving to Winnipeg.

Streetheart earned six gold albums, four platinum albums, a gold single, two Ampex Golden Reel awards and a Music Express Peoples Choice Award as most popular Canadian act.

Classic rock songs were “Hollywood,” “Here Comes the Night” and the Rolling Stones’ “Under My Thumb,” which Kenny made his own. Listen to it once and it’s hard to go back to the Rolling Stones original. “Tin Soldier” and “What Kind of Love Is This” are other great songs that topped the Canadian charts.

In September 2003, Streetheart were inducted into the Western Canadian Music Association Hall of Fame. He devoted his time to Telemiracle in Saskatchewan, a local charity that has raised millions.

He sang his whole life. It is why we all loved him. All one has to do is read the fans’ reactions on websites and Facebook posts to understand that he affected our lives and not just of one generation but many.

The world of music and its participants tell us stories of love and country, friendship, sadness and joy. Without it, it would be a world we would not enjoy. Those who practise it are special.

Kenny Shields personified the world of music. He worked at his craft and made us better for it. He was a professional; on paying your admission, you always got your money’s worth and more. He represented the music industry oh so well.

If you want a treat, go to iTunes, search Kenny Shields and you will find a solo album with Kenny Shields singing “I’m Sorry” by Brenda Lee and “The Thrill is Gone,” originally done by B.B. King.

The Senate of Canada is presenting medals to celebrate Canadians who have made us a better place and have made significant contributions to our country. I will present one to him posthumously. His wife Elena will accept it on his behalf this November.

On September 6, Saskatchewan celebrated Kenny Shields Day. We mourned him and we celebrated his music.

On behalf of all senators and the Senate of Canada, thank you Kenny Shields and condolences to his wife Elena, his daughter Julia, all his family and to the band Streetheart.

THE LATE GRETTA CHAMBERS, C.C., O.Q.

Hon. Joan Fraser: On September 9, Canada lost an illustrious citizen. Gretta Chambers had lived for 90 years, and there’s hardly a part of the community that she did not influence for the better.

She was born into both of our official language communities; her father was English and her mother was French. All her life, Gretta worked to build bridges of understanding between the two language groups in Quebec.

Her family was always politically engaged, although in diverse ways. Her brother, the philosopher Charles Taylor, was once an NDP candidate, and her son Jeffrey has been a close aid of NDP leader Tom Mulcair, but her late husband Egan Chambers was a president of the Progressive Conservative Party and a Tory MP.

Egan and Gretta had five children in six years. That would be enough to occupy most women, particularly with a husband away in Ottawa, but not Gretta. She was a tireless volunteer even while building a professional life as an analyst of public affairs at a time when women were not noticeably welcome in that field.

She began with a weekly radio show telling the English audience what the province’s French newspapers were reporting, an early example of her bridge building. She went on to host a TV show and wrote a column in the *Gazette* for many years. I was her editor for 15 of those years and our meetings were highlights of my week.

Those were tumultuous times in Quebec. With the aftermath of the Quiet Revolution and the rise of the sovereignty movement, emotions often ran high and it was dangerously easy to foment ill will, but Gretta was always a voice calling for and helping to build mutual understanding. She was respected and trusted on both sides. She was a staunch federalist, but her analyses were always fair and her approach moderate. She was, I think, incapable of demonizing opponents. She was more likely to disarm them with her warmth.

For this, she was derided by the people we used to call “angryphones.” They in turn called Anglo moderates, especially Gretta, the “lamb lobby.” It was a label some of us were proud to bear.

Gretta’s brother said at her funeral that her essence was to give of herself. She gave and gave, on both the personal and community levels. There is not enough time to list all the committees, commissions, task forces and institutions where she served. Here are just two: She chaired an important provincial task force on English-language education; and in 1991 she was the first woman in McGill’s long history to become chancellor of the university. She was a woman of boundless good humour, generosity and curiosity about the world, always elegant, physically tiny but great of heart.

To her children, her grandchildren and her brother, my deepest sympathies.

EAST COAST FISHERY

Hon. Stephen Greene: Honourable senators, I rise today in defence of Canada’s East Coast fishery.

The lobster sector in southwestern Nova Scotia is at the heart of a billion dollar export fishery, making lobster Canada’s most successful seafood product and the most important export industry in my home province of Nova Scotia.

Despite its success, or maybe because of it, it is now under attack by the Honourable Dominic LeBlanc, Canada’s Minister of Fisheries and Oceans.

The southwest Nova Scotia fishery is an innovative entrepreneurial fishery based out of mid-sized ports and based on mid-sized family businesses, many of which have been operating in their communities for centuries. One family I know has been in the lobster industry for seven generations.

In a speech to fish harvesters this summer in Chester, Nova Scotia, Mr. LeBlanc specifically targeted this lobster fishery, saying that their licences were overvalued. He also suggested many were circumventing the rules on licence ownership. What these businesses are actually doing is helping the communities thrive in what would otherwise be a very tough rural economy.

The harvesters in this fleet, together with the other family businesses which buy their catch, are the same people who volunteer at local fire departments, support local churches and hockey teams, give money to local charities, keep local processing plants busy, buy from local stories and keep our most important resource, young people, employed in rural communities.

How does Minister LeBlanc intend to lower the value of licences? He hasn’t really said. But he wants to turn the clock back to a time when his father was the Minister of Fisheries, a time when social considerations trumped economic viability as the main objective of fisheries policy. He said that he wants to “bring . . . the middle class to life through a progressive fishery . . .” A progressive fishery — I hope we never find out what that actually means.

In his speech, he hinted darkly at change that is “fundamental to your business” and used threatening language no less than eight times in a 10-page speech, while conducting public consultations that were more like private conversations with carefully selected groups. Two weeks ago, his department cancelled a consultative session in Yarmouth after it became clear that a few critics might show up.

Enough, Mr. Minister, stop attacking success and start dealing with the very real problems of the fishery.

THE LATE TERRY RYAN

Hon. Dennis Glen Patterson: Honourable senators, Terry Ryan was a humble, soft-spoken man who did not seek the limelight. I think this is one of the many reasons the Inuit of Cape Dorset, the community he adopted and which adopted him, loved Terry Ryan so much, because Inuit are also known for their benign and gentle personalities. But it was also because Terry Ryan, on the heels of James Houston, his predecessor and colleague, was a driver of putting Cape Dorset on the world map as the centre of the Inuit art world. As respected art historian Pat Feheley said, in paying tribute to Terry Ryan in a two-part tribute to him she wrote for the *Inuit Art Quarterly*, “I am often asked to explain the success of Cape Dorset art. One simple answer is: Terry Ryan.”

Terry managed the West Baffin Eskimo Co-operative, its store and print shop for 40 years from 1960, and in that time encouraged and cultivated famous Inuit artists, including the most famous, Kenojuak Ashevak. Terry’s legacy is also reflected in an innovative new generation of Inuit artists like Shuvinai Ashoona and the late Annie Pootoogook and Tim Pitsiulak.

Pat Feheley also described him as a “pragmatic visionary,” who diversified the co-op into other business opportunities, including hardware, snowmobile sales, postal services, airline agency, construction and fuel. Along the way, he was a hunter, hamlet councillor, justice of the peace, married and buried people, and a self-described “powder monkey” who learned by trial and error to use dynamite in aid of excavating soapstone.

• (1420)

Terry Ryan also introduced Inuit artists to new media, beginning with the pencil drawings he collected in 1964. He acquired a lithograph press and brought it to Dorset by ship and introduced artists to watercolour, oil stick and jewellery making. A wide variety of southern artists were attracted to the North, and Terry arranged for them to come and work amongst and inspire Inuit.

Terry Ryan dreamt big. He envisioned a much-needed new printmaking centre, which, thanks to dedicated fundraisers from the private sector and governments, is being built as we speak on a site Terry Ryan identified years ago. It will be called the Kenojuak Cultural Centre.

Many non-Inuit have come north to seek treasure or advancement or, yes, to make their mark, but few are loved and respected as Terry Ryan was: a great but humble man, adopted and loved by the Inuit. “He was really involved in the Community and he was accepted as part of the community — not an outsider,” said Jimmy Manning, one of Terry’s protégés and past chair of the Inuit Art Foundation.

This is the only tribute Terry Ryan would want. A giant in the Inuit world who saw the potential in now world-famous Inuit artists, Terry passed away August 31 of this year in his birthplace, Toronto.

Nunavut is a much better place for his time there and I pay tribute to him.

ROUTINE PROCEEDINGS

STUDY ON ISSUES RELATING TO FOREIGN RELATIONS AND INTERNATIONAL TRADE GENERALLY

SIXTEENTH REPORT OF FOREIGN AFFAIRS AND INTERNATIONAL
TRADE COMMITTEE DEPOSITED WITH CLERK DURING
ADJOURNMENT OF THE SENATE

Hon. A. Raynell Andreychuk: Honourable senators, I have the honour to inform the Senate that pursuant to the orders adopted by the Senate on January 27, 2016, and June 21, 2017, the Standing Senate Committee on Foreign Affairs and International Trade deposited with the Clerk of the Senate on July 20, 2017, its sixteenth report (interim) entitled *The Deepening Crisis in Venezuela: Canadian and Regional Stakes*.

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

(On motion of Senator Andreychuk, report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

STUDY ON CURRENT AND EMERGING ISSUES RELATING TO THE BANKING SECTOR AND MONETARY POLICY IN THE UNITED STATES

SIXTEENTH REPORT OF BANKING, TRADE AND COMMERCE
COMMITTEE DEPOSITED WITH CLERK DURING ADJOURNMENT OF
THE SENATE

Hon. David Tkachuk: Honourable senators, I have the honour to inform the Senate that pursuant to the orders adopted by the Senate on February 16, 2017, and June 21, 2017, the Standing Senate Committee on Banking, Trade and Commerce deposited with the Clerk of the Senate on June 28, 2017, its sixteenth report entitled *Study on the current and emerging issues of the banking sector and monetary policy of the United States*.

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

(On motion of Senator Tkachuk, report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

[Translation]

ADJOURNMENT

NOTICE OF MOTION

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, September 26, 2017, at 2 p.m.

[English]

QUESTION PERIOD FINANCE

SMALL BUSINESS TAX

Hon. Larry W. Smith (Leader of the Opposition): Honourable senators, my question is for the Government Representative in the Senate, Senator Harder. I’d like to return to something that you raised during Question Period yesterday.

As you said on Tuesday, the Department of Finance revealed that the government’s budgetary deficit for the fiscal year ending March 31 of this year stood at \$17.8 billion. This is about \$8 billion more than what the Liberal Party promised the Canadian people in the 2015 federal election.

Another document was released today where Finance Canada said the annual infrastructure amount lagged by \$3.7 billion behind government projections. So I just took \$17.8 billion and added \$3.7 billion, which comes to \$21.5 billion, if I understand the math.

During the press conference yesterday, the Prime Minister did not commit to establishing a timeline to eliminate the deficit. Small businesses understand the need for balanced books; while some years may be good, other years may not. When their books are in the red, small businesses understand the need for a viable plan to return to balance. The government's proposed tax changes make it more difficult for these local businesses to survive, grow and hire more employees in our communities.

My question for the Government Representative is this: Why is the government choosing to pile more taxes upon small businesses and farmers to finance their massive deficit?

Hon. Peter Harder (Government Representative in the Senate): Again, I thank the honourable senator for his question. It is the government's view that the budgets of the Government of Canada are in aid of the economic circumstances of the country. For that reason, the government undertook a number of initiatives in its budgets to strengthen the middle class and provide tax relief. That was the first item of business of this Parliament, as the honourable senator will be aware. The child benefit was also part of that.

I should also reference the fact that Canadian business corporation law and taxes provide a very competitive tax regime for Canadian small business in particular. I would also point to the just-released OECD outlook, which projects that the Canadian economy this year will grow by 3.2 per cent and includes projected growth in 2018 of 2.3 per cent, which would suggest that the economic initiatives undertaken by this government, supported, of course, by the workers of Canada and by the corporations and, in particular, small business in this economy, are responding to the economic policies of the government.

Senator Smith: Thank you, Mr. Speaker. If we went back to last year's Bill C-2 and we talked about the concept of the middle class, again, would the honourable senator be able to tell us what middle class or middle income really means? Is it between category 1 and category 3, which is between \$50,000 and \$100,000? Is it \$100,000 to \$200,000?

With Bill C-2, of course, the actual rebate to people at the low end of the proposed middle class was \$81 and for the people who maximized was between \$100 and \$200. It just makes it hard to follow and fathom the rationale, which is cute but doesn't necessarily substantiate anything.

Cutting taxes for small businesses, reducing red tape and helping entrepreneurs get the venture capital they need are some of the actions the previous government took to help promote the environment where local businesses could succeed and create jobs our country needs, especially for our young people.

Unfortunately, with these tax changes, the current government is taking a vastly different approach, one that could seriously harm farmers and small businesses across the country. Even

though we have put in the childcare credit, which is slightly different than the past government's, it is evident that it still will cost us \$21 billion. Where does the actual stimulation come from, other than taxing more and getting into more debt?

Could the senator please tell all honourable senators whether the Department of Finance actually analyzed how many businesses could close and how many jobs could be lost under Minister Morneau's proposals? How many work hours could be cut? How many young people might not be able to find jobs? If this could possibly be done, could the analysis be tabled in this chamber so we could actually see the impact of what's proposed?

Senator Harder: I thank the honourable senator for his question. With respect to the projections made by the Department of Finance, I will make inquiries, but I would want to assure all Canadians and senators that the Government of Canada, in putting forward a set of proposals for consultation to strengthen tax fairness, in particular with respect of the corporate tax initiatives, the government is wide-eyed and well positioned to ensure that tax fairness is at the root of its eventual legislation.

• (1430)

Hon. Yonah Martin (Deputy Leader of the Opposition): My question is also for the representative of the government in the Senate.

Senator, I'm not sure where to begin other than to first say that the small-businesses, family-owned business people that I often meet with and know across Canada are working 16- to 18-hour days. Their opportunity to take part in the consultation process may be limited partly due to language, partly due to time.

I know that October 2 is the date when this process will end, and I sincerely hope that the minister will be taking into very careful consideration all of the concerns that will be expressed by small business.

But this morning when I read the CBC's article, it quoted a senior government official who said:

We are not just going to take, take, take. We're going to give something as well.

The offering — the proverbial spoonful of sugar to make the medicine go down — would be part of the final proposals presented after the consultation period ends October 2.

Senator, the small-business people I'm talking about are bleeding from the encroachment of big-box stores on their businesses, contraband, the black market, credit card companies that gouge them and every level of government that taxes them. So they are bleeding. They can't even take the medicine if we don't stop the bleeding, nor would a spoonful of sugar do anything.

Will the minister listen to the concerns of small businesses, the family-owned businesses that will not be able to survive any tax measures that will negatively impact what small profits they

have? What guarantees can you give us the minister will be listening to Canadians who are the ones that will be directly impacted?

Hon. Peter Harder (Government Representative in the Senate): Again, I thank the honourable senator for her question. I give the honourable senator the assurances of the minister himself, who has said on numerous occasions, as he has held round tables across the country and met with the various stakeholders, often along with the minister responsible for small business, to hear from Canadians with respect to their concerns or comments on the proposals, that he stands ready to listen and to respond.

Again, I would point out that our general corporate tax rate is 12 points less than our major competitor's. Our small-business tax rate is amongst the lowest of the G7. All of this is to support the small-business sector.

Like the honourable senator, in my background, my parents ran a small business, and I appreciate the way in which small businesses across Canada require those who are the proprietors to spend a great deal of their day in support of their enterprise. That is recognized by this government. But also, the government wants to ensure that there is appropriate fairness in the tax code, particularly the corporate tax code, so that all Canadians, particularly the middle class and those aspiring to the middle class, feel that their contribution is not disproportionate to those who take advantage of tax provisions.

Senator Martin: Then the honourable senator would well know, based on his own experience, that even a half per cent or 1 per cent reduction in taxes will make a difference for small businesses. It could be the difference between them staying open or shutting their doors.

As stated on page 80 of the Liberal platform in the last election, will the government lower the small-business tax rate to 9 per cent?

Senator Harder: Well, of course it's not for me to indicate the tax policy of the Minister of Finance, but I would be happy to point out to him your question and your support for the initiatives placed in the electoral platform of the government.

PUBLIC SAFETY

CYBERSECURITY

Hon. Percy E. Downe: Honourable senators, I have a concern about the security breach of Equifax that we all read about in the media. The breach happened in July. Not only the names and addresses, but most serious, the social insurance numbers of 100,000 Canadians were exposed.

Yesterday, as I'm sure all senators did, I received an email from the company explaining that they would give credit monitoring and identity theft protection for one year, which seems to me to be totally insignificant, given that it was their problem and somebody with a social insurance number can assume someone else's identity very easily with the additional

information of addresses. Since they announced one year, somebody who has the information will obviously wait 13 months now before proceeding.

Is the government considering any legislation to protect consumers in situations like this? I understand the Privacy Commissioner is currently investigating, which I think is a separate issue, but I would like the government to be proactive. I see they are currently proposing legislation, an airline bill of rights and so on, but I think this is even more significant. Would the government consider legislation to protect Canadians not only in this case but in ongoing incidents?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. He raises a very substantial breach of security, one which, in our digitalized world, is of great concern to all Canadians. As the senator referenced, the Privacy Commissioner has engaged his office in ensuring its mandate is exercised fully in respect of this breach.

With regard to what the government might be contemplating, I will certainly bring the suggestion of the honourable senator to the attention of the minister. I know the department is reviewing the existing suite of initiatives in light of the Equifax circumstance and would be happy to report back.

Senator Downe: Thank you. I look forward to that. I'm not sure what department you're referring to that is reviewing. I'm wondering if you could elaborate on that.

I'm sure the Privacy Commissioner will be investigating this, but it's of great concern as well how the names of 100,000 Canadians ended up on an American corporate server. There are lots more Canadians who use this company, but how did those particular people end up on the server of a corporation based in another country?

Senator Harder: I can't answer that specific question but would be happy to see what I can do to provide an answer.

With respect to the departments involved, there would be a broad range because of the critical infrastructure implications of the cyberattack. Certainly the Department of Innovation, Science and Economic Development would have a role in respect of its mandate. It would be a number of departments engaged in this as well as the minister, to whom the Information Commissioner and the Privacy Commissioner report.

EMPLOYMENT, WORKFORCE DEVELOPMENT AND LABOUR

FUNDING FOR LITERACY PROGRAMS

Hon. Diane Griffin: I have a question for the Government Representative in the Senate.

Recently, the three remaining Maritime literacy coalitions sent a letter to all four Atlantic premiers and all Atlantic MPs and senators asking for the federal government to use \$600,000 of the federal budget to reinstate core funding for literacy programs in

the region. The current project-based funding models do not account for the regional circumstances of Atlantic Canada with smaller populations, many in rural areas.

The loss of these literacy services will affect socio-economically vulnerable populations, francophone and indigenous populations, linguistic minorities and immigrants. Simply, literacy is not only a right but a core component to active citizenship, a determinant for healthy outcomes, and, at its core, key to building an innovative economy with good, sustainable jobs.

Therefore, Senator Harder, I ask the following question: One, to continue with the legacy and leadership of Senator Joyce Fairbairn, who was the federal minister with special responsibility for literacy and one of our most respected colleagues in this place for what she accomplished on this file, would you ask the government for an exception to the present terms and conditions of the federal literacy program and request an emergency submission to Treasury Board for 0.00018 per cent of the federal budget to allow the literacy coalitions in Atlantic Canada to continue to exist?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for her question and want to assure her and all senators that the government understands the importance of Canadians getting the training and skills that they require, particularly literacy, which is the basis of skill and training acquisition. That is why the government has integrated literacy into its essential skills and training development programs, like the Aboriginal Skills and Employment Training Strategy and the Skills Link program for vulnerable youth.

• (1440)

The government has also invested in its budget an additional \$1.8 billion over six years, through agreements with the provinces and territories, to get Canadians the employment assistance and training they need. Further investment support to the employer for related training and literacy and essential skills forms part of this allocation.

I would be happy to bring the particular request of the honourable senator to the attention of the minister responsible, the Minister of Employment, Workforce Development and Labour, and report back.

Senator Griffin: I think it's wonderful that the government is supporting literacy.

I guess there is one exception I'm looking for, and I'm pleased that you say you will follow up and check with the minister on it. Would the government also support the Senate National Finance Committee inviting the Minister of Employment, Workforce Development and Labour, Minister of Immigration, Refugees and Citizenship, the Minister of Health and the Minister of Innovation, Science and Economic Development to explain how, without core funding, the federal government intends to support literacy in Atlantic Canada if there are no remaining literacy coalitions in the region to deliver the services?

[Senator Griffin]

Senator Harder: I'm happy to encourage any minister the Senate wishes to have before it to appear before it.

FINANCE

SMALL BUSINESS TAX

Hon. Douglas Black: My question also relates, Senator Harder, to the consultation around the proposed tax amendments. I would like to sharpen the focus a little bit, if I could.

On August 17, as I think is widely known, I wrote to the Minister of Finance on the proposed amendments to the taxation of small business, observing that the proposals contained numerous unintended consequences and that the consultation period was brief and over a Canadian summer. I asked that the consultation be extended to November 30.

I heard this week from the minister and there was no mention whatsoever of extending consultation. In fact, listening to the comments of the minister as recently as yesterday, and the comments of the Prime Minister as recently as yesterday, I'm wondering whether consultation might be over.

I note that while the circumstances may differ, the Supreme Court of Canada, as recently as June 2017 in the *Enbridge Line 9* case, stipulated what consultation is to look like. It spoke about adequate opportunity to participate and the opportunity to sufficiently assess potential impacts. I am of course surprised that the government wouldn't heed the counsel of the Supreme Court of Canada.

Therefore, Senator Harder, frankly, I'm wondering whether it is the government's intention to have meaningful consultation, or am I and my colleagues here and in the House of Commons simply wasting our time?

Hon. Peter Harder (Government Representative in the Senate): Well I thank the honourable senator for his question behind my back. I want to assure him that the government not only is but has been consulting on this since the document was first tabled. The minister has had numerous round tables across the country, often, as I said earlier, with other ministers — particularly the Minister of Small Business — in attendance, and has met with a number of stakeholders. As the response to your letter suggests, the minister welcomes the opportunity that the Senate might choose to hold its own hearings on the document and the opportunity to appear, both personally and with appropriate officials, should the Senate wish.

So the consultation is real. It is genuine. It is ongoing. It has happened. It will continue to happen. But as in all things, it will come to an end in that phase of consultation, as predicted, and the government will then have to make a decision as to how to proceed, in what form, with what legislation, as a result of the consultation that they have undertaken.

That process has been transparent from the beginning and is one the government is following with confidence.

Hon. Leo Housakos: Honourable senators, I was pleased to hear Senator Harder earlier, in response to Senator Martin's question, recognize the importance of a strong GDP-to-debt ratio

and recognize the importance of having competitive corporate tax rates, of course. Those are fundamentals in an economy, which have to be credited to the last government's very fiscally responsible approach to the economy, and of course a previous government that was very focused on encouraging the entrepreneurial spirit.

My question for the Leader of the Government in the Senate concerns the proposed tax changes for small business announced by the Minister of Finance this past July.

During the 2015 campaign, in an interview on CBC, Mr. Trudeau said that a large percentage of small businesses are actually just ways for wealthier Canadians to save their on taxes. Then last Tuesday, when asked in another CBC interview about the proposed tax changes for small business, the Prime Minister stated, and I quote:

A lot of those wealthy folks are really fighting to keep those benefits that they have, and they're making a lot of noise.

Yesterday, you were unable to provide the Leader of the Opposition with a definition "middle class." Again he reiterated that question to you today, and you seemed to have some difficulty with it.

Given the Prime Minister's comments, perhaps instead you can provide us, according to your government, a definition of "wealthy."

Senator Harder: I thank the honourable senator for his question and would respond simply by reiterating what the Prime Minister, the Minister of Finance and others have said over the last number of months now: Tax fairness goes to the core of Canadian values. Canadians need to be assured that the corporate structures that are available and have been available that undermine tax fairness are addressed.

That was a theme in the last election campaign. The government is acting on it through deliberate consultations, reflecting as a result of those consultations and will be coming forward with appropriate legislative initiatives.

I would also point out that not just the ministers are focusing on these consultations, but a broad number of Canadians have spoken out, some in favour and some raising concerns. It is the role of this institution to provide some sober reflection on what the facts are, what tax fairness ought to look like and where we can go from here as we respond, and as the government develops its response to the consultative process. I would encourage all senators to participate in that.

Senator Housakos: Honourable senator, all we are asking from the government before they proceed with this ludicrous tax approach is just to define or benchmark what they consider to be wealthy and what they consider to be the middle class.

There have been a number of broken promises from the Liberals when it comes to small business from the 2015 election campaign. The promise to lower their tax rate and waive EI premiums for hiring youth — both those promises were broken.

Next year the current government is increasing payroll taxes through a hike in EI premiums and increasing energy costs from, of course, the imposition of the Prime Minister's beloved carbon tax. In 2019, increasing CPP premium hikes will come into effect.

Government leader, please explain why the Liberal government continues to make decisions over and over again which do nothing to support vitality and growth for small businesses and the entrepreneurial spirit in this country.

Senator Harder: Again, I thank the honourable senator for his question. I want to reiterate that it is the basis of the government's economic policy to encourage innovation and entrepreneurship and to grow the economy, particularly one like ours, as the senator will well know, that is dominated by small business and the success of small business. That is why Canada continues to enjoy, at the combined federal-provincial tax rate, one of the lowest small-business tax rates, at 14.2 or 14.4 per cent, of the G7.

It is in that spirit that the government is moving forward in the consultations. The consultations are about tax fairness.

PRIME MINISTER'S OFFICE

PRIME MINISTER'S TAX RETURNS

Hon. David Tkachuk: My question is for the Leader of the Government in the Senate. Senator Harder, yesterday the Prime Minister was asked by reporters about his use of estate trusts to protect his family's wealth. As *The Global and Mail* reported, the Prime Minister would not say whether he is paying his fair share of taxes, even as he pushes ahead with plans to end tax breaks for small business. That is by his definition.

• (1450)

Let me quote further from the article.

Mr. Trudeau appeared to be caught off guard when reporters pressed him on why he was prepared to ban certain tax-avoidance measures that benefit small business when his own family has used other legal structures to also lower total taxes paid on the wealth left by his late father, Pierre Trudeau.

Yesterday, when asked, the Prime Minister refused to say whether he would be willing to reveal the tax savings his family received by using a family trust. Did he and his family pay their fair share of taxes or not, according to his definition?

There is one way to clear this up. The Prime Minister can make public his tax returns for the years in question, including prior to 2014. Senator Harder, can you ask the Prime Minister to do just that?

Some Hon. Senators: Hear, hear!

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question and would be happy to bring the question to the attention of the Prime Minister.

Senator Tkachuk: Could you please try to get an answer in less than the four- to eight-month period, as has been the practice?

Senator Harder: I would be happy to do it on the average response time of the previous Parliament's questions.

[Translation]

FAMILIES, CHILDREN AND SOCIAL DEVELOPMENT

SUPPORT FOR CHILDREN

Hon. Chantal Petitclerc: My question is for the Government Representative in the Senate. Senator Harder, I'm sure you will be happy to hear that I want to ask you about a different issue. In June, UNICEF published the findings of a study on the well-being of children in 41 developed countries, which we have heard a lot about. Unfortunately, it showed that Canada ranked 25th out of the 41 countries, when in 2010 it ranked 10th. The head of UNICEF Canada has said that this is tragic.

Moreover, the countries that are moving up the ranks are those that are making more investments in early childhood development. In response to the announcement of Canada's ranking, the federal minister of families and children acknowledged that, obviously, raising children was expensive and that Canadians families are in desperate need of help.

Government Representative in the Senate, since everyone agrees that this is an alarming situation, that it is a problem, and that investments need to be made, my question is simple: what is the government waiting for? When will it invest more and earlier in young Canadians to improve their quality of life?

[English]

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for her question. It's a really important one and not unrelated to what we have been talking about.

The UNICEF report on children's well-being references the economic circumstances in which Canadian children find themselves. I want to assure her, and all senators, that the Government of Canada takes the need for families to support Canadian children very seriously.

The UNICEF report, I should point out, is based on 2014 data. That data has shown that in the period that was covered, 2010-14, there was a degradation of the well-being of Canadian children. The government has taken a number of initiatives — such as the Canada Child Benefit, which was implemented as of July 20 of last year — and other initiatives are under way where affordable quality child care, including culturally appropriate care for indigenous parents and children, was committed to in the budget.

Budget 2017 proposed an investment of \$7 billion over 10 years to create more high-quality affordable child care spaces across the country. You would also be aware that there was a federal-provincial-territorial ministers' meeting of those responsible for early learning and child care, which announced in the summer the Multilateral Early Learning and Child Care Framework to enhance the federal and provincial work in this important area. It is the objective of the Government of Canada to have an improved standing when the next study is done.

An Hon. Senator: That wasn't the set-up.

[Translation]

AGRICULTURE AND AGRI-FOOD

CONSULTATIONS WITH FARMERS

Hon. Jean-Guy Dagenais: Although I'm sure you won't be happy about it, Leader of the Government in the Senate, I want to come back to your government's tax measures. Yesterday, when I told you about the clearly foreseeable economic damage that your government's tax reform would cause to the farming community, you asked me to trust in the consultation process now under way. I am concerned about this, particularly after hearing the Prime Minister say that he is holding consultations on his plan to legalize marijuana and then realizing he doesn't seem to be listening to anything the provinces or police have to say about it. I am worried that the same thing will happen with this tax reform.

Can you give us your assurances today that public consultations — and yes, I said "public" — will be held before any legislation is passed, and that they will be specifically targeted at Canada's farmers? After all, this legislation would affect 43,000 Canadian family farms that are currently incorporated for entirely reasonable tax reasons.

[English]

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. I want to repeat that the objective of the initiatives the government has put forward for consultations does not apply to any particular sector. That is why the consultations that have been under way and continue to be under way have seen fora involved in multi-sectors of our economy, including the agricultural sector. I am absolutely certain that the minister will continue to consult all Canadians in various sectors across the country by himself and with appropriate other ministers participating.

[Translation]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Peter Harder (Government Representative in the Senate): Honourable senators, I have the honour to table answers to the following oral questions: the question asked by the Honourable Senator Carignan on March 9, 2017, concerning the legalization of marijuana—surveys and studies; the question asked by the Honourable Senator Day on April 12, 2017,

concerning budget implementation; and the question asked by the Honourable Senator Cordy on June 21, 2017, concerning physician-pharmaceutical company relationships.

JUSTICE

LEGALIZATION OF MARIJUANA—SURVEYS AND STUDIES

(Response to question raised by the Honourable Claude Carignan on March 9, 2017)

Health Canada has not conducted any studies or polled target groups on the decriminalization and legalization of any drugs other than marijuana.

FINANCE

BUDGET IMPLEMENTATION

(Response to question raised by the Honourable Joseph A. Day on April 12, 2017)

The Government believes that a less partisan Senate will rebuild Canadians' trust in this parliamentary institution. As promised, the Government established an Independent Advisory Board for Senate Appointments. This has provided the Prime Minister with merit-based recommendations for Senate nominations. As a result, the Senate is changing and becoming less partisan. The Government supports the Senate as it decides on its own how it will move ahead with modernization, and looks forward to maintaining a dialogue about this important process. The Prime Minister, like all Ministers, believes in the importance of having continued dialogue with Senators regarding government initiatives and legislation. This is why, for instance, many Cabinet Ministers have appeared in the Senate chamber's Question Period to answer questions directly from Senators. The Government is committed to continuing to reach out to Senators to provide information so they can do their jobs and fulfill their role.

HEALTH

PHYSICIAN-PHARMACEUTICAL COMPANY RELATIONSHIPS

(Response to question raised by the Honourable Jane Cordy on June 21, 2017)

The Government of Canada is committed to openness and transparency.

Health Canada officials are looking into what could be done at the federal level to facilitate more transparency.

We remain open to new approaches to increase transparency for Canadians.

[English]

ORDERS OF THE DAY

PRECLEARANCE BILL, 2016

SECOND READING—DEBATE ADJOURNED

Hon. Douglas Black moved second reading of Bill C-23, An Act respecting the preclearance of persons and goods in Canada and the United States.

He said: Honourable senators, I'm pleased to have the opportunity to begin second-reading debate of Bill C-23, the Preclearance Bill, 2016. This bill will make travel and trade to and from the United States faster and easier by expanding preclearance of U.S.-bound travellers to more Canadian locations and more modes of travel, as well as by creating a framework for cargo pre-clearance and for Canadian pre-clearance operations in the United States.

Pre-clearance is not a new concept when it comes to the Canada-U.S. border. Most if not all of us have experienced it. It simply involves undergoing U.S. customs and immigration screening in Canada so that you can be treated as a domestic traveller when arriving in the United States. This is a highly successful and cost-effective program that produces economic benefits on both sides of the border and that has existed in some form or another for over 60 years.

It currently exists at eight airports across Canada: Vancouver, Calgary, Edmonton, Winnipeg, Toronto Pearson, Ottawa, Montreal and Halifax. There are also some marine ports of entry on the West Coast, as well as Pacific Central Station in Vancouver, where partial pre-clearance, known as pre-inspection, is carried out.

Every year, some 12 million air passengers are pre-cleared before boarding planes in Canada. Those passengers benefit from faster and more convenient travel, notably by avoiding lengthy customs lines in the U.S. and by gaining direct access to American airports that don't have customs facilities, such as Reagan, in Washington, or LaGuardia, in New York, where together those airports account for 1 million Canadians travelling a year.

• (1500)

Travellers at Pearson Airport, for example, can fly directly to 50 U.S. locations without pre-clearance. Because there will be no customs operations in those American cities, that number will be reduced from 50 to 27 if we did not have pre-clearance.

Enhancing the efficiency associated with cross-border travel can attract tourists and business travellers to Canada, increase the competitiveness of Canadian airports, marine ports and train stations, and provide significant advantages to local economies. That's why the prospect of expanding pre-clearance, both to new locations and within existing ones, has been met with great enthusiasm.

The Canadian Chamber of Commerce, for instance, has said that new pre-clearance operations will greatly improve the competitiveness of North American trade. Chambers of commerce across the country, as well as the tourism industry, airport authorities and local governments have all expressed similar sentiments.

But because pre-clearance necessarily involves two countries, in this instance Canada and the United States, both countries must agree to the terms of the expansion. Currently, American pre-clearance operations are governed by a 2001 agreement between Canada and the U.S. that deals only with air travel and domestically by the Pre-clearance Act 1999.

Discussions aimed at finding a framework for expansion began in earnest in 2011, when Canada and the U.S. launched the Beyond the Border Action Plan, with a particular focus on expanding pre-clearance activities to improve trade facilitation and strengthen areas of mutual cooperation.

In March 2015, our two countries signed the Agreement on Land, Rail, Marine, and Air Transport Preclearance to allow for the expansion as I have discussed above. That deal would have to be enacted by implementing legislation on both sides of the border.

In March 2016, an agreement in principle was reached with the U.S. to begin this expansion once legislation and facilities are in place, by establishing pre-clearance operations at Jean-Lesage Airport in Quebec City, Billy Bishop in Toronto, Montreal Central Station and the Rocky Mountaineer rail line in British Columbia, as well as by normalizing operations at B.C.'s port and Vancouver station.

The U.S. Congress unanimously adopted legislation to implement this agreement in December 2016, and it was signed into law by President Obama that same month. At the time, the President of the Québec City Chamber of Commerce and Industry called Congress's passage of that bill a tremendous Christmas gift for his city.

The remaining step is the passage of the legislation before us — Bill C-23 — which will implement the agreement in Canada and finally allow expanded pre-clearance, with all its economic and travel benefits, to become a reality.

David MacNaughton, Ambassador of Canada to the United States, appeared before the Standing Senate Committee on Foreign Affairs and International Trade on June 14. He stressed the importance of advancing Bill C-23 in a timely fashion, given that the U.S. has already implemented its end of the agreement. I agree with this.

Importantly, while speeding up cross-border traffic is sometimes thought of as a trade-off with security, pre-clearance is a way of making travel faster and easier while actually enhancing security because people and goods that pose a threat can be intercepted before they cross the border.

And just as crucially and importantly, pre-clearance enhances legal protections for Canadian travellers. Without pre-clearance, Canadians must subject themselves to U.S. border procedures in the United States with no Canadian, legal or constitutional

safeguards. On the other hand, a traveller undergoing American customs and immigration processing in Canada remains protected by Canadian law, including the Canadian Bill of Rights, the Canadian Human Rights Act and the Canadian Charter of Rights and Freedoms.

While American pre-clearance officers apply U.S. admissibility rules, their conduct must adhere to Canadian law while they're on Canadian soil. In other words, pre-clearance provides tangible economic benefits to our national and local economies while enhancing security and border integrity. It also makes sense to find ways to make these benefits available to more Canadians in more parts of the country and that is exactly what Bill C-23 allows to happen.

I will now address the particulars of the bill itself. The bill has three parts. Part 1 lays out the framework that will govern U.S. pre-clearance operations in Canada, Part 2 does the same for eventual Canadian pre-clearance in the United States and Part 3 deals with arming and matters of criminal jurisdiction. This bill also contains a clause mandating independent review of the legislation five years after it comes into force.

In practice, the framework established in Part 1 will result in a pre-clearance experience for U.S.-bound travellers virtually indistinguishable from the current state of affairs beyond the fact that pre-clearance will be available in more locations. For example, under both current law and under Bill C-23, U.S. pre-clearance officers can question travellers, examine and seize goods, collect duties and other fees and generally collect the same information as is collected by U.S. border officers at regular points of entry. No change.

Penalties for misleading or obstructing a pre-clearance officer will remain the same under Bill C-23 as they are now. Like the current law, Bill C-23 allows U.S. officers to detain a traveller if there are reasonable grounds to believe that he or she has committed an offence under Canadian law or poses a risk to his or others' life or safety with the requirement that the traveller be transferred to Canadian custody as quickly as possible. U.S. officers do not and will not have powers of arrest on Canadian soil.

As is already the case, U.S. officers will be able to conduct frisk searches of travellers. If they believe a search involving the removal of clothing is necessary, they will have to request that a Canadian counterpart conduct that search. All that's changing in this respect under Bill C-23 is that in the unlikely circumstance that a Canadian officer is either unwilling or unavailable to conduct the search, the U.S. officer would be allowed to do so themselves in accordance with the legislation, which means appropriate witnesses. But I want to advise this chamber that I've placed inquiries on strip searches, and I've been advised that only two requests for strip searches have occurred over a 10-year period.

Like the existing law, Bill C-23 will allow travellers who change their mind about travelling to the United States to withdraw from the pre-clearance area if they have not been detained. The only difference here is that a traveller can be asked to identify themselves and give the reason for leaving. The rationale for this is straightforward — it is to prevent people from entering pre-clearance areas to probe for security weaknesses and then try and depart the area.

The bill makes it clear that once a traveller has declared a desire to withdraw they may not be unreasonably delayed. There was some discussion in the other place about what this concept of unreasonable delay will mean in practice, so it's important to be clear that reasonableness is a concept that already exists in Canadian law, including with respect to delays and officer authorities. The Charter of Rights and Freedoms, for example, protects against "unreasonable search or seizure." The Customs Act requires that the search of newly arrived travellers be conducted within a reasonable time, and the Criminal Code says that a person who is arrested shall be taken before a justice without unreasonable delay. This concept has generally been understood by the courts to mean something most people would consider reasonable in the circumstances. With regard to officer authorities in particular, it has been used to refer to generally accepted norms. So, in requiring that travellers not be unreasonably delayed, the bill will impose a standard that is familiar in Canadian law and familiar to Canadian courts.

• (1510)

In practice, this means travellers who wish to leave a pre-clearance area will be free to do so after answering the questions that I indicated; that is to say, proving their identity and explaining why they intend to leave.

This stands in stark contrast to the situation of a traveller who arrives in the U.S. without the benefit of pre-clearance, which is the circumstance many people currently find themselves in if they're not travelling from one of the eight airports that I've mentioned.

Today, for example, a Canadian flying from Quebec City or Regina, or taking the train from Vancouver to the United States, has no legal or constitutional protection. They are entirely subject to American customs and immigration procedures on American soil. They certainly can't decide just to withdraw and go back home, no questions asked, because they're already in the U.S.

By making pre-clearance available to more travellers in more locations, travelling in more modes of transportation, Bill C-23 will give people the opportunity to go through American border procedures while they are still on Canadian soil and under the protective umbrella of Canadian law.

Several avenues of recourse exist for Canadian travellers who feel they may have been mistreated during pre-clearance. To begin with, they can avail themselves of the range of recourse and complaint mechanisms that exist within the U.S. Customs and Border Protection and the Department of Homeland Security.

In addition, an amendment made by the House of Commons Public Safety Committee ensures that travellers who undergo any search more invasive than a frisk search, or who are questioned

or detained prior to withdrawing from a pre-clearance area, can inform Canadian senior officials at the Preclearance Consultative Group, which is the binational body that reviews matters related to pre-clearance.

As set out in clause 39 of the bill, in accordance with the State Immunity Act, Canadian travellers will be able to bring civil actions against the U.S. government in Canadian courts regarding the actions of pre-clearance officers.

While the current immunity from civil action for individual pre-clearance officers will remain in place, Canada will be empowered to require the removal of any officer who abuses his or her authority. The same will apply in reverse for eventual Canadian pre-clearance operations in the United States. Indeed, reciprocity is the key principle of the new agreement and of the legislation, which brings me to Part 2 of the bill.

At present, it's important to understand that Canada does not conduct pre-clearance in the U.S., but Bill C-23 will establish the legislative framework to allow us to do that. This bill opens the door to a future in which travellers will clear Canadian customs and immigration procedures in the United States so that when they get back to Ottawa, or Vancouver, or Calgary, or Quebec City, they will just get off the plane, or the train, or the ship, and go on their way.

This means no waiting in long customs lineups after landing in Canada. From a security perspective, it also means that travellers and baggage that pose a threat to Canada can be intercepted in advance rather than only dealing with them once they are already in the country.

There's really no need to delve into the specifics of how Canadian pre-clearance in the U.S. would work. It would work the same way that American pre-clearance does in Canada. They will be a mirror image of each other in every regard. Canadian officers would apply Canadian admissibility and customs rules in U.S. airports, train stations and marine ports, and travellers and cargo that have been pre-cleared would essentially be treated as domestic arrivals when they get to Canada.

One concern raised in the media concerns Canadian permanent residents and whether they would be turned away by Canadian pre-clearance officers in the United States. The short answer is no, they wouldn't. The only exception would be in the rare circumstance of a permanent record with a major admissibility issue, which likely means a criminal record. If a Canadian citizen who was on duty in Syria, or who was doing work with ISIS, was endeavouring to return to Canada and appeared at a pre-clearance facility, they could not be dealt with there because the officers would not have the sufficient level of training that's required and we would not have the necessary facilities.

That is a very rare circumstance. Such a person would still be able to return to Canada, subject to the usual admissibility rules, but they would have to enter through another port of entry rather than benefiting from pre-clearance. This is simply because pre-clearance sites will not be equipped to handle this kind of exceptional circumstance.

Finally, the principle of reciprocity that I mentioned earlier is also evident in Part 3 of the bill, which deals with criminal jurisdiction and arming.

In the event that a pre-clearance officer commits a criminal offence in the course of his or her duties, the host country, in this case Canada, will have primary jurisdiction over the most serious offences, which are defined as murder, sexual assault and terrorism; and the inspecting country, the U.S., will have primary jurisdiction to prosecute all other criminal offences. The host country will always have primary jurisdiction for offences committed by an off-duty officer. As I said, this will be equally true for Canadian officers in the U.S. and for U.S. officers in Canada.

With respect to authority to carry weapons and restraints, pre-clearance officers will be authorized to carry the same weapons and restraints as the host country's border officers in the same operating environment.

Today, in Canadian airports, if you go through Calgary airport and you're going to Chicago, the border agents of the U.S. are not armed. They are not armed because the Canadian border service agents are not armed, and they can never be armed until and if the Canadian border officers became armed.

With respect to authority to carry weapons, as I have indicated, it's the same operating environment that will be the relevant test. In other words, since CBSA agents can carry firearms at land, rail and marine crossings, American pre-clearance officers will be allowed to do likewise. But CBSA agents don't carry firearms in Canadian airport terminals, so the U.S. pre-clearance officers could not do so as well.

It is important to point out that the strict limit on use of force found in section 12 of the existing act is preserved in clause 16 of Bill C-23. The use of force in Canadian law is also well understood. That is, an individual who needs to use force can only use what force is reasonable in the circumstance. That concept is also well understood by the law in the courts.

As honourable senators can see, this legislation and the agreement it implements are founded on the principles of reciprocity. They contain safeguards to ensure that travellers' rights are protected, and they will occasion very few practical changes to the way pre-clearance has been conducted by U.S. officers in Canada. What they will do is make the economic and travel benefits of pre-clearance that some Canadians have enjoyed for many years available more broadly, and they will allow more Canadians to undergo U.S. border procedures while protected by Canadian law.

One last thing that's worth pointing out: In the media, and in the other place, even critics of this bill have agreed that the current pre-clearance system works well and provides Canadians with significant benefits. Yet, nearly 20 years ago, when the current framework was proposed, it was subject to fervent attack similar to those concerns that have been voiced respecting Bill C-23.

In 1999, opponents of the new pre-clearance framework said it was an abdication of Canadian sovereignty and raised the spectre of American officers running amok, indiscriminately detaining Canadians in Canadian airports.

We know that, of course, is not what has happened. On the contrary, pre-clearance today is a resounding success, from an economic perspective, from a travel perspective and from a rights perspective. Bill C-23 is an opportunity to build on that success. The expansion of pre-clearance will make travel and shipping to and from the United States faster and more efficient. It will provide significant benefits to the Canadian economy. It will enhance the protection of travellers' rights and freedoms.

I would ask this chamber to support this legislation.

The Hon. the Speaker: If you are moving the adjournment, Senator Martin, Senator Pratte has a question.

Hon. André Pratte: Would the senator take a question?

Senator Black: Absolutely.

Senator Pratte: You mentioned there were very little changes to the part on searches but there is a small change that you highlighted touching on strip searches. These may be rare, but they are invasive searches.

• (1520)

I'm wondering if you can inform honourable senators of the reason for this change. My concern is if a Canadian agent is unwilling to perform that search, presumably that's because the agent finds that there's something untoward or something that's not working that makes him or her uncomfortable performing that search, and in those cases the American agent would perform the search.

I'm very uncomfortable with this. I would certainly question such a clause. Of course, we're in a situation where an agreement was signed, and it was even passed in the American Congress. So we find ourselves in a very difficult situation in trying to amend such a clause.

Are you aware of the reasons why such a change was brought to the process for searches?

Senator Black: I thank the senator for that question. We must recognize that today there are 12 million people crossing the border, and recognizing that there have only been two strip searches that have been requested of Canadian officials in 10 years, so we're talking about a very minuscule amount. The only reason they can request a strip search is because they feel that something is being concealed or there is a risk to life and safety to either that person or to others.

I would presume that if they could not wait for the Canadian official or the Canadian official refused, which is highly unlikely, it's usually a position where there's not an officer on duty and there's a real anxiety about what this person has concealed. I think that one would presume that they do a frisk search and they feel something that they don't like.

In fact, let me give you an example. I was coming home last night from Washington, D.C. My SI joints have gone out over the summer and I have to wear this black belt.

I was going through security in D.C. last night, and I got the hand frisking and they felt my belt. They said, "What is this?" I explained the story. I guess they had to have a strip search, because I had to go into a back room because they could not identify what this belt I was wearing was. So I had to identify what it was, and everybody was happy and on I went. I guess I'm statistic three in 10 years, actually.

So that's the answer to your question. They endeavour to figure out what it is. They couldn't figure it out in my case, and they thought, "What is that belt?" So they hustled me into another room and another witness came in. Incidentally, I didn't have the opportunity to be transferred to Canadian officials.

I hope that's helpful.

Hon. Yonah Martin (Deputy Leader of the Opposition): I have a question before I will take the adjournment.

Senator, thank you for your speech. It's also nice to see, just as we heard yesterday with a piece of legislation that was done in part by our previous government, as you know, that this bill is also continuing the good work of our previous Conservative government and what former Prime Minister Stephen Harper and former President Barack Obama negotiated in the Beyond the Border agreement. This legislation fulfills one of the elements of that agreement.

I'm sorry, I was distracted during your speech. It was compelling, but I was distracted. My question is in regard to the concern expressed by Commissioner Daniel Therrien in the other house, specifically regarding the search of electronic devices, did you address his concern as to whether or not Canadians would be subjected to unnecessary searches?

Senator Black: Thank you for the question. Given that this legislation started under the previous government, I, of course, would look forward to the opposition's support of Bill C-23.

With respect to electronics, the question has been: When you're going through security in Vancouver to Los Angeles, can they ask you for your password to open your material? The answer is yes. If you refuse to provide your passwords, then we get into a question as to whether you should be detained, is this a risk? There are very definite restrictions there. But, yes, they can ask, because in terms of the authorities which the Americans are exercising, or we would be exercising on the other side of the border, the provisions that determine whether a person or a good gets into a country is completely up to that country.

If you open your phone, your iPad or whatever you have, the only material that they can utilize would be material that relates to your ability to enter the U.S. Now, if an individual opens the material and, for example, there's child pornography — which apparently is a circumstance which happens from time to time — then a whole other series of events happens because you've created a criminal offence in Canada. You will be detained, and you will be passed to the authorities. If they open it and find your mother's recipes, on you go.

But, yes, they can ask you to open your material. If you do not, they will likely deny you access to the country. They're perfectly entitled to do that, as we will be on the other side of the border.

The Hon. the Speaker: Before the adjournment, Senator Martin, Senator Day has a question.

Hon. Joseph A. Day (Leader of the Senate Liberals): It's a question, senator, of clarification. First of all, thank you for your presentation. It was very clear. I was thinking of the frequent travellers program of NEXUS and wondering if that will be tied in with this pre-clearance program which, I understand, is in some of the larger jurisdictions. That's not my question. That can be explored at committee.

During your explanation of Bill C-23, you were going through various additions or improvements to existing clearances that happen now. One of the things that I thought I heard you say, and I wonder if you could clarify this, was at the Port of Vancouver, operations would be normalized. I'm wondering what "normalizing operations" would entail.

Senator Black: Thank you very much for the question. That is a tremendous question and one that I've asked the officials that I've been working with. Currently the way it works for a number of the cruise ships in Vancouver is they have something called "pre-inspection," which, frankly, strikes me as a complete waste of time because they will get your name, your address and some vital information. In theory, that's passed to the U.S. where you have to go through customs. It strikes me as a two-step process.

I have suggested to the officials that it strikes me as a tremendous waste of time, this pre-clearance. Basically, they agree.

I would presume that if this legislation passes, by operations being normalized it will mean the pre-clearance in totality will happen in Vancouver as opposed to one step in Vancouver and a second step in Seattle. That's what they mean by that.

In terms of NEXUS, what that simply signifies is you are pre-cleared before you need to pre-clear.

Hon. Serge Joyal: I would like to commend the senator for his presentation. My preoccupation is about the protection of a traveller.

Suppose I am searched by an American officer. Am I protected by the Canadian Charter Rights and Freedoms or by the American Bill of Rights, and vice versa? If an American traveller is searched by a Canadian officer, is he or she protected by the Bill of Rights of the U.S. or the Charter of Rights and Freedoms?

Senator Black: Thank you very much for the question. As a Canadian traveller, in both instances you will be protected by Canadian law, including the Charter of Rights and Freedoms. So you will be protected in Canada. If you are in the United States, you would then make a claim that you are also protected by Canadian law because you are on Canadian soil in the pre-clearance area is the concept.

• (1530)

Senator Joyal: If I understand correctly, the search territory is a territory, as far as a Canadian is concerned, and if he or she is searched by an American officer, that is always under the protection of the Charter of Rights and Freedoms.

Senator Black: That is correct.

(On motion of Senator Martin, debate adjourned.)

FRAMEWORK ON PALLIATIVE CARE IN CANADA BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Eaton, seconded by the Honourable Senator Seidman, for the second reading of Bill C-277, An Act providing for the development of a framework on palliative care in Canada.

Hon. Jane Cordy: Honourable senators, it is a pleasure to rise today at second reading of Bill C-277, an act providing for the development of a framework on palliative care in Canada. I would first like to thank Member of Parliament Marilyn Gladu for her work on this bill.

In essence, Bill C-277 would require the Minister of Health to consult with provincial and territorial governments and palliative care providers to develop a framework to support improved access to palliative care for Canadians as provided through hospitals, home care, long-term care and residential hospices.

The bill clearly outlines that the framework should define what palliative care is; identify the palliative care training and education needs of healthcare providers as well as other caregivers; identify measures to support palliative care providers; promote research and the collection of data on palliative care; identify measures to facilitate a consistent access to palliative care across Canada; take into consideration existing palliative care frameworks, strategies and best practices; and evaluate the advisability of re-establishing the Department of Health's Secretariat on Palliative and End-of-Life Care.

Furthermore, the minister must initiate consultations within six months of the coming-into-force of the act and table the framework within one year. A five-year report on the state of palliative care must be tabled.

Honourable senators, let me clearly state that although I categorically support this bill in principle, I wish to raise several issues for consideration about whether this bill does, indeed, go far enough in providing direction for a framework. I would hope the committee which will eventually study this bill will consider the following issues.

First, the bill requires that a definition of palliative care be included in the framework. We should be careful not to waste time on debating a definition of palliative care in light of the work within The Way Forward initiative with all provincial and territorial jurisdictions and many national organizations to develop a clear roadmap to a palliative approach to care. How we die is changing, and we need to modify how we care for Canadians to meet their needs.

Honourable senators, when the first palliative care programs were established in Canada in 1974 at the St. Boniface General Hospital in Winnipeg, and a few weeks later at the Royal Victoria Hospital in Montreal, the focus was on caring for cancer patients at the end of life. These patients were suffering rapid decline, intractable pain and imminent death. A death trajectory of a few months was not unusual. Healthcare providers could predict with relative accuracy how long someone with a cancer diagnosis would have to live. Palliative care was aimed at relieving and supporting the physical, emotional and spiritual well-being of patients close to death. But that predictable decline is no longer common.

Although now, over 40 years later, cancer remains the leading cause of death, with significant advances in healthcare, in cancer treatment, and in the management of chronic diseases, Canadians are more likely to be living long term with two or more multiple chronic conditions. As Canadians age and become frail, these complicating conditions can lead to a long, slow deterioration or to periodic crises and complications where they are close to death. Research indicates many people now die with an illness that has no recognizable terminal phase, although they will have suffered from frailty or fragile health for many years. However, we continue to provide palliative services based on when someone is "close to death" when it has become harder than ever to predict when that may be for many Canadians.

In 2009, the Special Senate Committee on Aging, of which I and Senator Mercer were members recommended:

11. That the federal government fund a national partnership with provinces, territories and community organizations to provide the leadership and vision, standards, best practices, awareness, and support for capacity building necessary to ensure the provision of integrated quality end-of-life care for all Canadians

In 2013, the federal government did respond to this and similar recommendations and funded The Way Forward initiative, led by the Quality End-of-Life Care Coalition of Canada. The coalition is a network of 37 national organizations representing professional and family caregivers, volunteers, healthcare professionals in a variety of areas, disease groups, those with terminal illnesses and their families, and others with an interest in quality end-of-life care.

Working with the national advisory committee, many policymakers, healthcare providers, families, caregivers, organizations and provincial and territorial governments, the initiative prepared the *National Framework: A Roadmap for an Integrated Palliative Approach to Care*. At the core of this framework is the recognition that the old way of providing palliative care is no longer sufficient. As stated in the framework, an integrated palliative approach to care is:

Care that focuses on meeting a person's and family's full range of needs – physical, psychosocial and spiritual – at all stages of a chronic progressive illness.

It reinforces the person's autonomy and right to be actively involved in his or her own care – and strives to give individuals and families a greater sense of control. It sees hospice palliative care as less of a discrete service offered to dying persons when treatment is no longer effective and more of an approach to care that can enhance their quality of life throughout the course of their illness or the process of aging.

I would encourage us not to lose sight of the importance of refocusing on an integrated palliative approach to care.

Second, the bill requires that the consultation process “evaluates the advisability of re-establishing” the secretariat.

Honourable senators, the day after I was sworn in as a senator, I listened to the debate in this chamber on the committee report *Quality End-of-Life Care: The Right of Every Canadian*. That Senate subcommittee was chaired by our former colleague, the Honourable Sharon Carstairs, P.C. As you all know, in 2001 she became Minister with Special Responsibility for Palliative Care. In June of 2001, the Secretariat for Palliative and End-of-Life Care was established within Health Canada with an annual budget between \$1 million and \$1.5 million.

• (1540)

The secretariat was established to act as a focal point and facilitator of collaborative action in palliative and end-of-life care. In March 2002, the secretariat hosted the National Action Planning Workshop on End-of-life Care, with over 150 individuals, including researchers, educators, practitioners, and government representatives, to identify priorities.

Stemming from the workshop, the secretariat established five community-based working groups addressing the priority areas identified for action: best practices and quality care; education for formal caregivers; public information and awareness; research; and surveillance.

Great strides were made by these working groups, but the strategy ended in 2007, under the Harper Conservative government.

The bill only asks that the advisability of re-establishing the secretariat be examined. However, for change to occur, there does need to be consistent, national support for bringing people together, for coordinating, for identifying best practices and working in partnership with the provinces, territories and federal

departments responsible for providing health care to Canadians. If not a secretariat, then what mechanism should be put in place to coordinate efforts under this bill?

Third, the bill specifies that the framework identify measures to facilitate consistent access to palliative care across Canada. This is rather unclear. There are currently no national standards for the provision of palliative care in Canada or for the education and credentials for health care providers who provide palliative care. The development of consistent standards that can be adopted by federal, provincial and territorial partners, would also assist in ensuring consistent access to care across the country.

Fourth and finally, the bill does not address issues such as public education and awareness or advanced care planning. Truly providing the right care, in the right setting, at the right time, means empowering Canadians, enabling them to make informed decisions about the care they want.

Caregivers, as well, need to be informed. Death is a part of life. Yet, we are a death-denying society. Often, this can lead to barriers to providing holistic, person-centred care. Breaking down these barriers is key to providing good care.

Senator Carstairs always used to say, “It’s not if we die; it’s when we die,” so we can’t continue to be a death-denying society.

Honourable senators, I support the second reading of this bill and look forward to its referral to committee for further study. During that study, I would hope that the committee will review some of the issues that I have raised.

Hon. Nicole Eaton: Senator Cordy, would you accept a question?

Senator Cordy: Yes, of course.

Senator Eaton: As you probably remember, senator, when we discussed the medically assisted dying bill, the other place agreed to an amendment from this chamber that would make it necessary for people to be offered palliative care before they would be given permission to have medically assisted death. So do you think these two things together will encourage the government to create the framework you’re talking about?

Senator Cordy: I certainly hope so. I thank you very much because you were the one who brought forward that amendment in this chamber. That was when we were discussing the assisted dying bill, for those who weren’t here. I think that it is very important that people be offered palliative care.

I think, at the time, you and I were discussing it in the chamber, and the concern that we had at that time was that palliative care tends to be offered in larger centres. It’s not available to all Canadians. But I think that amendment that you brought forward in this chamber, that was adopted by the house, would also be part of the whole package of Canadians having access to good quality palliative care.

I think, on the whole idea that people should be offered palliative care reinforces that we really do need education of Canadians. Canadians aren’t aware of palliative care services that

may be offered, if not directly in their community — and I believe that all Canadians should have access to it within their community — perhaps the care is provided in a community nearby.

Again, as I stated in my speech, I think it's also important that caregivers be provided with information related to palliative care services that are available.

(On motion of Senator Petitclerc, debate adjourned.)

HOLIDAYS ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Joseph A. Day (Leader of the Senate Liberals) moved second reading of Bill C-311, An Act to amend the Holidays Act (Remembrance Day).

He said: Honourable senators will see that this bill stands in the name of Senator Bellemare, and I thank her for receiving the bill at first reading.

Colleagues, it is my honour to sponsor and speak to Bill C-311, an Act to Amend the Holidays Act (Remembrance Day).

That is private member's bill that was put forward in the other place by Colin Fraser, Member of Parliament for West Nova, in Nova Scotia. I want to commend him for his initiative in bringing forward this bill and for his hard work in getting it to this stage in the parliamentary process.

There has been some confusion as to what this bill would do, so I propose to first set out what it does and, equally importantly, what it doesn't do. Then I will explain why I believe that this bill deserves our support.

This bill is short and straightforward. It would amend the Holidays Act to change the wording and status of Remembrance Day to that of a "legal holiday," bringing this important day of remembrance in line with the two other holidays set out in the Holidays Act. The Holidays Act itself is a very short statute — one page, colleagues, consisting of four clauses. It provides that Canada day is a "legal holiday." It says that Victoria Day is also a "legal holiday," but Remembrance Day — the only other holiday provided for in the act — is for some reason described only as a "holiday" and not a "legal holiday." Many believe this was the result of a drafting oversight or error.

Bill C-311 would fix this and declare Remembrance Day a "legal holiday" of equal stature to the other two holidays set out in the statute. This is an important message, colleagues, but that is all that this bill would do. It is a very important message that can easily be rectified.

Some have objected to the bill, believing that it would make Remembrance Day a statutory holiday across the country. Colleagues, let me be very clear on this. Nothing in this bill would do that. Whether or not Remembrance Day is a statutory holiday is a matter of provincial and territorial jurisdiction, and nothing in this bill would change that. In fact, some of you may be surprised to learn that Victoria Day, a "legal holiday" under the Holidays Act, is not a statutory holiday in four provinces

across Canada. It is a non-statutory "general" holiday in New Brunswick, Nova Scotia and P.E.I. In Quebec, the National Patriots' Day is commemorated on that day. Right now, Remembrance Day is a statutory holiday or a similar holiday in the three territories and in all but two provinces. So Remembrance Day is, in fact, a statutory holiday in a large part of Canada.

• (1550)

I said "or a similar holiday" because Nova Scotia and Manitoba — provinces always have difficulty getting together on this terminology — don't designate Remembrance Day as a statutory holiday. Rather, they have a separate way of addressing it. For example, Nova Scotia has the Remembrance Day Act. But the effect is the same. Namely, that schools and businesses, in general, are closed to mark the day, but in other provinces, particularly Quebec and Ontario, they are not closed.

In fact, many of us who live in the provinces where Remembrance Day is a statutory holiday can attest that it works very well. This is the case in my province of New Brunswick, where attendance at Remembrance Day ceremonies is strong and indeed has been growing significantly over the years. Two years ago, November 11, 2015, saw a record attendance of 6,800 people at a Remembrance Day ceremony in Saint John — a record that was then broken this past Remembrance Day when over 7,000 came out to pay their respects.

New Brunswick is not alone in seeing growing attendance at Remembrance Day ceremonies. I understand that this is the experience across the country. A number of members in the other place took the opportunity during consideration of the bill in committee, and indeed in the chamber, to comment on the seriousness of the observance of the day that they have seen in their provinces. From Newfoundland and Labrador, through all the Maritime provinces, Manitoba, Saskatchewan, Alberta and British Columbia, MPs spoke with passion about this important recognition and how important that day has become.

Some people — obviously these are people from Ontario and Quebec — worry that if the schools were closed in their province, that would diminish the understanding and observance of the day. Fortunately, that is not our experience in New Brunswick, and others have said the same for other provinces. In fact, in my province, schools and veterans work hard in the days leading up to November 11 to educate our young people on the meaning of Remembrance Day. Then the day itself is set aside for families to come together to observe it as a family with their community. I can picture families standing in the rain listening to the service.

I am proud to say that young Canadians are very knowledgeable about Remembrance Day and committed to observing it and honouring our veterans.

This was very evident a few months ago when more than 25,000 Canadians, many of them young Canadians, travelled to France to attend the April 9 ceremony at Vimy. Many of them worked hard to fundraise, to pay for their own way to Vimy to attend the ceremony. Another encouraging fact. Last November, right after Remembrance Day, Ipsos released a survey that found that people in aged 18 to 34 years — so-called "millennials" —

are actually the most likely to say that they attended a Remembrance Day ceremony, 35 per cent compared to 26 per cent overall. We can always do better. But the experience across the country — in all the provinces and territories where Remembrance Day is a legal holiday — is a strong indication that Canadians' commitment to and observance of Remembrance Day do not depend on the schools being open on November 11.

I spent some time talking about that issue of closed and open schools as the Royal Canadian Legion unfortunately does not support the bill. Dominion Command here in Ottawa didn't support this bill when they were before committee in the House of Commons, but they were under the impression that it might lead to the schools being closed in Ontario and Quebec, like they are in other areas. And then they said, "Well, that will naturally lead to people treating this as a day off to go away somewhere and to not observe Remembrance Day the way it was intended." Clearly that's not the case in all of the other parts of Canada where it is a statutory holiday.

To return to this bill, colleagues, Remembrance Day is the third pillar in the national trilogy— Victoria Day, Canada Day and Remembrance Day — standing as a critical reminder to us all of the Canadian men and women who fought for and stood up for the freedom that we enjoy, the rights and freedoms we cherish that define us as a nation. Our enjoyment of them is thanks in no small part to their sacrifice. So the wording is an important symbol of that recognition. The wording should be the same for Remembrance Day as it is for the other two holidays of our national trilogy. That is all that this bill does, and I believe it is deserving of our support as a statement of our support for our veterans.

Hon. Joan Fraser: Would Senator Day take a question?

Senator Day: I would be pleased to.

Senator Fraser: That was fascinating. I had no idea about this distinction between legal and statutory holidays. Can you tell us where much of the other holidays fall? I'm thinking of Labour Day, Thanksgiving, Christmas.

Senator Day: Senator Mercer's birthday is recognized in one household in Nova Scotia, but we're pleased with that.

The statutory holidays, a statute passed to create this as a holiday, will define schools closed, stores closed, liquor stores open, whatever it might cover. That's provincial jurisdiction. With Labour Day, for example, provincial statutes across the country will deal with closures of whatever aspect of daily activity is going on. For federal employees, that would be the federal legislation. The Canada Labour Code would define whether that is a holiday, a workday or not a workday. You have to analyze the jurisdiction in relation to each of these matters to determine what it is. I haven't done a survey of all of the holidays, but I appreciate the sensitivity between provincial decision for a holiday and a national recognition of something like a Remembrance Day.

Hon. Yonah Martin (Deputy Leader of the Opposition): I see how close we are to four o'clock today. I have one quick question, senator, regarding the concern about making it a statutory holiday and if Remembrance Day falls on a weekend, a Monday or a Friday, whether that is one of the concerns the Canadian Legion has, that if it is a long weekend, people will treat it like a holiday more than the significance of the day.

Senator Day: This bill does not make Remembrance Day a statutory holiday. That's all you have to remember. It gives a definition in the Holidays Act, the same adjective as appears for the other two of the trilogy of national holidays. Canada Day is a legal holiday. Whether it's a statutory holiday is dependent on the provinces, like Remembrance Day and Victoria Day. Remembrance Day, for some reason, is just called a holiday but not a legal holiday, and we want to make them all the same and then they stand equally.

Whether it was an oversight or whether it was intended to give it a lesser recognition — I hope the former and not the latter — in any event, it's time for us to rectify this, to make a statement to all of our veterans.

Senator Martin: Thank you for that clarification.

(On motion of Senator Martin, debate adjourned.)

(At 4 p.m., pursuant to the order adopted by the Senate on February 4, 2016, the Senate adjourned until 1:30 p.m., tomorrow.)
