

COMMONWEALTH OF PENNSYLVANIA  
Legislative Journal

TUESDAY, APRIL 27, 2021

SESSION OF 2021 205th OF THE GENERAL ASSEMBLY

No. 21

**SENATE**

TUESDAY, April 27, 2021

The Senate met at 1 p.m., Eastern Daylight Saving Time.

The PRESIDENT (Lieutenant Governor John K. Fetterman) in the Chair.

**PRAYER**

The Chaplain, Reverend MICHAEL PALAZZO, Community Chaplain of Northampton County, Wind Gap, offered the following prayer:

Father, we come before You today and we thank You for Your grace and we thank You for Your mercy. Lord God, we ask for Your wisdom and Your guidance as our Senate and our congressional leaders govern and make choices and decisions for the betterment of the people. Father, we ask You to give these men and women the wisdom to choose correctly, to be governed by their conscience and by Your absolute truths. Father, we thank You for Your governing principles, we thank You for Your protection, we thank You for Your guidance, and we thank You, Lord God, for the good men and women who serve to protect and serve the people both in and out of uniform. We thank You for these things.

In Jesus' name we pray, Amen.

The PRESIDENT. The Chair thanks Chaplain Palazzo, who is the guest today of Senator Scavello.

**PLEDGE OF ALLEGIANCE**

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

**COMMUNICATIONS FROM THE GOVERNOR**

**RECALL COMMUNICATIONS  
REFERRED TO COMMITTEE**

The PRESIDENT laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows and referred to the Committee on Rules and Executive Nominations:

**ADJUTANT GENERAL OF PENNSYLVANIA**

April 27, 2021

To the Honorable, the Senate  
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 2, 2021, of Major General Mark Schindler, 38 Tree Line Avenue, Fredericksburg 17026, Lebanon County, Forty-eighth Senatorial District, for appointment as Adjutant General of Pennsylvania, to serve until January 17, 2023, and until the successor is appointed and qualified, vice Adjutant General Anthony Carrelli, resigned.

TOM WOLF  
Governor

**SECRETARY OF THE COMMONWEALTH**

April 27, 2021

To the Honorable, the Senate  
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 26, 2021, of Veronica Degraffenreid, 327 North Front Street, Harrisburg 17101, Dauphin County, Fifteenth Senatorial District, for appointment as Secretary of the Commonwealth, to serve at the pleasure of the Governor, vice Kathy Boockvar, Doylestown, resigned.

TOM WOLF  
Governor

**SECRETARY OF EDUCATION**

April 27, 2021

To the Honorable, the Senate  
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated December 7, 2020, of Noe Ortega, 108 Merlin Drive, Hummelstown 17036, Dauphin County, Fifteenth Senatorial District, for appointment as Secretary of Education, to serve for a term of four years, and until the successor is appointed and qualified, vice Pedro Rivera, Lancaster, resigned.

TOM WOLF  
Governor

**SECRETARY OF HEALTH**

April 27, 2021

To the Honorable, the Senate  
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 25, 2021, of Alison Beam, 232 North 25th Street, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for appoint-

ment as Secretary of Health, to serve until January 17, 2023, and until the successor is appointed and qualified, vice Dr. Rachel Levine, Middletown, resigned.

TOM WOLF  
Governor

SECRETARY OF HUMAN SERVICES

April 27, 2021

To the Honorable, the Senate  
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 19, 2021, of Margaret Snead, 17 West Athens Avenue, Ardmore 19003, Montgomery County, Seventeenth Senatorial District, for appointment as Secretary of Human Services, to serve until January 17, 2023, and until the successor is appointed and qualified, vice Teresa Miller, Harrisburg, resigned.

TOM WOLF  
Governor

SECRETARY OF LABOR AND INDUSTRY

April 27, 2021

To the Honorable, the Senate  
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated December 7, 2020, of Jennifer Berrier, 736 Reserve Way, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, for appointment as Secretary of Labor and Industry, to serve until January 17, 2023, and until the successor is appointed and qualified, vice W. Gerard Oleksiak, Dresher, resigned.

TOM WOLF  
Governor

PHYSICIAN GENERAL

April 27, 2021

To the Honorable, the Senate  
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 8, 2021, of Denise Johnson, M.D., 525 Sunset Drive, Meadville 16335, Crawford County, Fiftieth Senatorial District, for appointment as Physician General, to serve at the pleasure of the Governor, vice Rachel Levine, M.D., Middletown, resigned.

TOM WOLF  
Governor

NOMINATIONS REFERRED TO COMMITTEE

The PRESIDENT laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows and referred to the Committee on Rules and Executive Nominations:

MEMBER OF THE STATE CHARTER  
SCHOOL APPEAL BOARD

April 27, 2021

To the Honorable, the Senate  
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Nathan Barrett, 501 Stone Road, North Abington Township 18414, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the State Charter School Appeal Board, to serve until June 14, 2021, and until the successor is appointed and qualified, vice Jonathan Peri, Media, whose term expired and whose last day was April 23, 2021.

TOM WOLF  
Governor

MEMBER OF THE STATE CHARTER  
SCHOOL APPEAL BOARD

April 27, 2021

To the Honorable, the Senate  
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Shanna Danielson, 170 Martel Circle, Dillsburg 17019, York County, Thirty-first Senatorial District, for appointment as a member of the State Charter School Appeal Board, to serve until June 14, 2021, and until the successor is appointed and qualified, vice Lee Ann Munger, Pittsburgh, whose term expired and whose last day was April 23, 2021.

TOM WOLF  
Governor

MEMBER OF THE STATE CHARTER  
SCHOOL APPEAL BOARD

April 27, 2021

To the Honorable, the Senate  
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Ghadah Makoshi, 6448 Landview Road, Pittsburgh 15217, Allegheny County, Forty-third Senatorial District, for appointment as a member of the State Charter School Appeal Board, to serve until June 14, 2023, and until the successor is appointed and qualified, vice Scott Miller, Erie, whose term expired and whose last day was April 23, 2021.

TOM WOLF  
Governor

MEMBER OF THE STATE CHARTER  
SCHOOL APPEAL BOARD

April 27, 2021

To the Honorable, the Senate  
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Stacey Marten, 438 West Lemon Street, Lancaster 17603, Lancaster County, Thirteenth Senatorial Dis-

trict, for appointment as a member of the State Charter School Appeal Board, to serve until June 14, 2022, and until the successor is appointed and qualified, vice Julie Cook, Harleysville, whose term expired and whose last day was April 23, 2021.

TOM WOLF  
Governor

MEMBER OF THE STATE CHARTER  
SCHOOL APPEAL BOARD

April 27, 2021

To the Honorable, the Senate  
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Jodi Schwartz, 586 Mockingbird Way, Warrington 18976, Bucks County, Twelfth Senatorial District, for appointment as a member of the State Charter School Appeal Board, to serve until June 14, 2023, and until the successor is appointed and qualified, vice Mitchell Yanyanin, New Brighton, whose term expired and whose last day was April 23, 2021.

TOM WOLF  
Governor

MEMBER OF THE BOARD OF CLAIMS

April 27, 2021

To the Honorable, the Senate  
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Geroge [*sic*] Burrell, 440 South Broad Street, Unit 1002, Philadelphia 19146, Philadelphia County, First Senatorial District, for appointment as a member of the Board of Claims, to serve until November 15, 2026, and until the successor is appointed and qualified, vice Jeffrey F. Smith, Camp Hill, whose term expired and whose last day was April 23, 2021.

TOM WOLF  
Governor

MEMBER OF THE PENNSYLVANIA  
CONVENTION CENTER AUTHORITY

April 27, 2021

To the Honorable, the Senate  
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James Snell, 1301 Bon Air Terrace, Havertown 19083, Delaware County, Seventeenth Senatorial District, for appointment as a member of the Pennsylvania Convention Center Authority, to serve until January 17, 2023, and until the successor is appointed and qualified, vice Robert Loughery, Perkasio, whose term expired and whose last day was April 23, 2021.

TOM WOLF  
Governor

MEMBER OF THE STATE BOARD OF EDUCATION

April 27, 2021

To the Honorable, the Senate  
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Pedro Rivera, 1321 Quarry Lane, Lancaster 17603, Lancaster County, Thirteenth Senatorial District, for appointment as a member of the State Board of Education, to serve until October 1, 2024, and until the successor is appointed and qualified, vice Nicole Carnicella, Bellefonte, whose term expired and whose last day was April 23, 2021.

TOM WOLF  
Governor

**BILLS INTRODUCED AND REFERRED**

The PRESIDENT laid before the Senate the following Senate Bills numbered, entitled, and referred as follows, which were read by the Clerk:

April 22, 2021

Senators BOSCOLA, MASTRIANO and SCAVELLO presented to the Chair **SB 512**, entitled:

An Act requiring the acceptance of cash payments for the purchase of goods and services at retail.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, April 22, 2021.

Senators MASTRIANO, PHILLIPS-HILL, REGAN, ARGALL, PITTMAN and AUMENT presented to the Chair **SB 519**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for election of members and vacancies.

Which was committed to the Committee on STATE GOVERNMENT, April 22, 2021.

April 27, 2021

Senators SANTARSIERO, HUGHES, KANE, COLLETT, COSTA, KEARNEY, COMITTA, TARTAGLIONE, SAVAL, FONTANA and SCHWANK presented to the Chair **SB 599**, entitled:

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, in voting by qualified absentee electors, further providing for canvassing of official absentee ballots and mail-in ballots.

Which was committed to the Committee on STATE GOVERNMENT, April 27, 2021.

Senators BROOKS, J. WARD, SANTARSIERO, BAKER, YUDICHAK, PITTMAN, MASTRIANO and STEFANO presented to the Chair **SB 600**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for National Guard service tax credit.

Which was committed to the Committee on FINANCE, April 27, 2021.

Senators L. WILLIAMS, BARTOLOTTA, KEARNEY, TARTAGLIONE, FONTANA, COSTA, MUTH, COMITTA, CAPPELLETTI and COLLETT presented to the Chair **SB 601**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, in public utility code, providing for minimum energy and water efficiency standards for certain products sold in this Commonwealth.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, April 27, 2021.

Senators COLLETT, CAPPELLETTI, BARTOLOTTA, TARTAGLIONE, KEARNEY, SANTARSIERO, HUGHES, HAYWOOD, FONTANA, BREWSTER, STREET, SAVAL, SCHWANK, KANE, BOSCOLA, MUTH, COMITTA and L. WILLIAMS presented to the Chair **SB 602**, entitled:

An Act providing for the provision of disposable menstrual products.

Which was committed to the Committee on HEALTH AND HUMAN SERVICES, April 27, 2021.

Senators BROOKS, STREET, MARTIN, GORDNER, PITTMAN, COSTA, MASTRIANO, KANE and J. WARD presented to the Chair **SB 603**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in school health services, further providing for health services.

Which was committed to the Committee on EDUCATION, April 27, 2021.

Senators AUMENT, ARGALL, SCHWANK, BROWNE, PHILLIPS-HILL and PITTMAN presented to the Chair **SB 605**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for supplemental online course initiative; and establishing the Online Course Clearinghouse Restricted Account.

Which was committed to the Committee on EDUCATION, April 27, 2021.

Senators LAUGHLIN, ROBINSON, BREWSTER and SCAVELLO presented to the Chair **SB 607**, entitled:

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

Which was committed to the Committee on GAME AND FISHERIES, April 27, 2021.

Senators PHILLIPS-HILL, LAUGHLIN, MARTIN, J. WARD and MENSCH presented to the Chair **SB 608**, entitled:

An Act amending the act of December 22, 2005 (P.L.474, No.94), known as the Breach of Personal Information Notification Act, further providing for definitions and for notification of breach; and providing for contents and nature of notice and for storage policies.

Which was committed to the Committee on COMMUNICATIONS AND TECHNOLOGY, April 27, 2021.

Senators COLLETT, SANTARSIERO, HUGHES, KEARNEY, COMITTA, MENSCH, COSTA, KANE, MUTH and HAYWOOD presented to the Chair **SB 611**, entitled:

An Act amending the act of May 1, 1984 (P.L.206, No.43), known as the Pennsylvania Safe Drinking Water Act, providing for maximum contaminant levels.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, April 27, 2021.

Senators COLLETT, SANTARSIERO, HUGHES, KEARNEY, COMITTA, COSTA, KANE, MUTH and HAYWOOD presented to the Chair **SB 612**, entitled:

An Act amending the act of October 18, 1988 (P.L.756, No.108), known as the Hazardous Sites Cleanup Act, in preliminary provisions, further providing for definitions and providing for disaster emergency declaration and for testing requirement, duty to report and public access; in powers and duties, further providing for powers and duties of department; and, in liability and settlement procedures, further providing for responsible person.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, April 27, 2021.

## RESOLUTIONS INTRODUCED AND REFERRED

The PRESIDENT laid before the Senate the following Senate Resolutions numbered, entitled, and referred as follows, which were read by the Clerk:

April 27, 2021

Senators COLLETT, FONTANA, KEARNEY, PHILLIPS-HILL, HUGHES, BROWNE, STREET, VOGEL, KANE, STEFANO, SANTARSIERO, COSTA and J. WARD presented to the Chair **SR 95**, entitled:

A Resolution designating the week of May 2 through 8, 2021, as "Tardive Dyskinesia Awareness Week" in Pennsylvania.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, April 27, 2021.

Senators STEFANO, MENSCH, BAKER, BROOKS, FONTANA, GORDNER, MARTIN, YUDICHAK, J. WARD, PITTMAN and MASTRIANO presented to the Chair **SR 96**, entitled:

A Resolution directing the Legislative Budget and Finance Committee to conduct a performance audit on the provision of 911 communications service under 35 Pa.C.S. Ch. 53.

Which was committed to the Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, April 27, 2021.

Senators BOSCOLA, MENSCH, LANGERHOLC, FONTANA, J. WARD, MARTIN, KANE, SANTARSIERO, HUGHES, BARTOLOTTA, KEARNEY, ARGALL, COLLETT, STEFANO, HUTCHINSON, VOGEL, COSTA, YUDICHAK and COMITTA presented to the Chair **SR 97**, entitled:

A Resolution designating the month of April 2021 as "Pennsylvania Community College Month" in Pennsylvania.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, April 27, 2021.

Senators CAPPELLETTI, KEARNEY, STREET, FONTANA, HUGHES, PHILLIPS-HILL, COSTA and YUDICHAK presented to the Chair **SR 99**, entitled:

A Resolution designating April 24, 2021, as "Pennsylvania's Day of Remembrance of the Armenian Genocide of 1915-1923."

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, April 27, 2021.

### GENERAL COMMUNICATION

#### 2018-19 ANNUAL REPORT FROM THE DGS BUREAU OF VEHICLE MANAGEMENT

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

COMMONWEALTH OF PENNSYLVANIA  
Department of General Services  
555 Walnut Street  
Forum Place, 6th Floor  
Harrisburg, PA 17105

April 14, 2021

Ladies and Gentleman,

Please find attached, the inaugural annual report from the DGS Bureau of Vehicle Management. You will note that this covers operations for fiscal year 2018-2019. These are the years when telematics devices were installed in over 5,000 fleet vehicles. With more complete, more accurate, and with a broader range of performance data available via digital acquisition, this will serve as our performance baseline going forward. You can expect a fiscal 2020 report this fall. Additional copies, questions, or comments should be relayed to BVM via your Automotive Officer. Thank you for helping us to deliver efficient, effective, and safe vehicle operations.

Best,

KENNETH J. HESS  
Deputy Secretary for Procurement

The PRESIDENT. This report will be filed in the Library.

#### APPOINTMENT BY THE PRESIDENT PRO TEMPORE

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

Honorable Timothy F. Murphy as a member of the Public-Private Transportation Board.

#### BILLS REPORTED FROM COMMITTEES

Senator YAW, from the Committee on Environmental Resources and Energy, reported the following bill:

##### **SB 119 (Pr. No. 125)**

An Act authorizing the Department of Environmental Protection to conduct a public comment process on and submit to the General Assembly a measure or action intended to abate, control or limit carbon diox-

ide emissions by imposing a revenue-generating tax or fee on carbon dioxide emissions.

Senator MASTRIANO, from the Committee on Intergovernmental Operations, reported the following bills:

##### **SB 28 (Pr. No. 10)**

An Act providing for the administration of permits by State agencies, for a tracking system for permit applications, for the establishment of permit programs, for third-party review of permit decision delays and for annual reports.

##### **SB 32 (Pr. No. 14)**

An Act amending the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act, further providing for definitions, for proposed regulations and procedures for review and for final-form regulations and final-omitted regulations and procedures for review; providing for regulations deemed withdrawn; further providing for procedures for subsequent review of disapproved final-form or final-omitted regulations; providing for concurrent resolution required for economically significant regulations; further providing for existing regulations; and providing for State agency regulatory compliance officers and for Independent Office of the Repealer.

##### **SB 126 (Pr. No. 98)**

An Act amending the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act, further providing for definitions and for existing regulations.

##### **SB 426 (Pr. No. 430)**

An Act amending the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act, further providing for definitions, for proposed regulations and procedures for review, for final-form regulations and final-omitted regulations and procedures for review and for procedures for subsequent review of disapproved final-form or final-omitted regulations.

##### **SB 520 (Pr. No. 526)**

An Act amending the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act, further providing for definitions, for proposed regulations and procedures for review and for final-form regulations and final-omitted regulations and procedures for review; and providing for concurrent resolution required for economically significant regulations.

##### **SB 533 (Pr. No. 511)**

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, in Commonwealth services, prohibiting certain regulatory action during disaster emergencies.

Senator BARTOLOTTA, from the Committee on Labor and Industry, reported the following bills:

##### **SB 319 (Pr. No. 327)**

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, in liability and compensation, further providing for compensable injuries, subrogation and proration.

**SB 486 (Pr. No. 515)**

An Act amending the act of December 18, 2001 (P.L.949, No.114), known as the Workforce Development Act, in preliminary provisions, providing for preference for training programs.

**SB 563 (Pr. No. 609)**

An Act amending the act of April 27, 1927 (P.L.465, No.299), referred to as the Fire and Panic Act, further providing for standards for Class VI buildings.

**HB 178 (Pr. No. 1370) (Amended)**

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, in administration of act, further providing for records of and reports by employers; in compensation, further providing for qualifications required to secure compensation and for rate and amount of compensation; in determination of compensation, appeals, reviews and procedure, further providing for determination of compensation appeals and for decision of referee and further appeals and reviews; and, in shared-work program, further providing for participating employer responsibilities.

Senator ARGALL, from the Committee on State Government, reported the following bills:

**SB 312 (Pr. No. 322)**

An Act amending the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law, in preliminary provisions, further providing for definitions; in procedure, further providing for written requests; and, in judicial review, further providing for fee limitations.

**SB 552 (Pr. No. 579)**

An Act amending the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law, in agency response, providing for vexatious requester.

**SB 554 (Pr. No. 581)**

An Act amending Title 65 (Public Officers) of the Pennsylvania Consolidated Statutes, in open meetings, further providing for public notice and providing for notification of agency business required and exceptions.

**HB 104 (Pr. No. 245)**

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, providing for the assessment of improper payments by Commonwealth agencies and for public information on payments and programs of Commonwealth agencies.

**HB 108 (Pr. No. 124)**

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, providing for improper payments; and establishing Do-Not-Pay Initiative.

**BILL REPORTED FROM COMMITTEE AND REREFERRED**

Senator ARGALL, from the Committee on State Government, reported the following bill:

**SB 166 (Pr. No. 150)**

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, in powers and duties of the Department of Drug and Alcohol Programs, further providing for department powers and duties and establishing the Drug and Alcohol Facility License Account; and making inconsistent repeals of certain provisions of the Human Services Code.

Upon recommendation of the Committee on State Government, without objection, the bill was rereferred to the Committee on Health and Human Services.

**LEAVES OF ABSENCE**

Senator KIM WARD asked and obtained a leave of absence for Senator TOMLINSON, for today's Session, for personal reasons.

Senator COSTA asked and obtained a leave of absence for Senator SABATINA, for today's Session, for personal reasons.

**JOURNAL APPROVED**

The PRESIDENT. The Journal of the Session of January 22, 2021, is now in print.

The Clerk proceeded to read the Journal of the Session of January 22, 2021.

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

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

The yeas and nays were required by Senator K. WARD and were as follows, viz:

**YEA-46**

Argall	Costa	Martin	Schwank
Aument	DiSanto	Mastriano	Stefano
Baker	Dush	Mensch	Street
Bartolotta	Fontana	Muth	Tartaglione
Boscola	Gordner	Phillips-Hill	Vogel
Brewster	Haywood	Pittman	Ward, Judy
Brooks	Hughes	Regan	Ward, Kim
Browne	Hutchinson	Robinson	Williams, Anthony H.
Cappelletti	Kane	Santarsiero	Williams, Lindsey
Collett	Kearney	Saval	Yaw
Comitta	Langerholc	Scavello	Yudichak
Corman	Laughlin		

**NAY-0**

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

The PRESIDENT. The Journal is approved.

**RECESS**

The PRESIDENT. The Chair recognizes the gentlewoman from Westmoreland, Senator Kim Ward.

Senator K. WARD. Mr. President, I request a recess of the Senate for purposes of a meeting of the Committee on Law and Justice to be held here on the floor and via Zoom to be immedi-

ately followed by a Republican caucus to be held in the Majority Caucus Room and via Zoom.

Senator COSTA. Mr. President, at the conclusion of the meeting of the Committee on Law and Justice, Senate Democrats will meet in the rear of the Chamber and via Zoom for caucus as well.

The PRESIDENT. For purposes of a meeting of the Committee on Law and Justice to be followed by Republican and Democratic caucuses to be held in their respective caucus rooms and via Zoom, without objection, the Senate stands in recess.

**AFTER RECESS**

**The PRESIDENT pro tempore (Senator Jacob D. Corman III) in the Chair.**

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

**LEGISLATIVE LEAVES**

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

Senator GORDNER. Mr. President, I request a temporary Capitol leave for Senator Aument, and a legislative leave for Senator DiSanto.

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

Senator COSTA. Mr. President, I request a temporary Capitol leave for Senator Haywood.

The PRESIDENT pro tempore. Senator Gordner requests a temporary Capitol leave for Senator Aument, and a legislative leave for Senator DiSanto.

Senator Costa requests a temporary Capitol leave for Senator Haywood.

Without objection, the leaves will be granted.

**LEAVE CANCELLED**

The PRESIDENT pro tempore. Senator Sabatina has returned, and his personal leave is cancelled.

**RECESS**

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

Senator GORDNER. Mr. President, I request a recess of the Senate for the purpose of a meeting of the Committee on Appropriations to be held here on the floor and via Zoom.

The PRESIDENT pro tempore. For the purpose of a meeting of the Committee on Appropriations to be held here on the floor and via Zoom, without objection, the Senate stands in recess.

**AFTER RECESS**

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

**CALENDAR**

**THIRD CONSIDERATION CALENDAR**

**BILLS OVER IN ORDER**

**HB 26, HB 56, SB 78, SB 83 and HB 101** -- Without objection, the bills were passed over in their order at the request of Senator GORDNER.

**BILL ON THIRD CONSIDERATION AND FINAL PASSAGE**

**SB 106 (Pr. No. 71)** -- The Senate proceeded to consideration of the bill, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for Lieutenant Governor.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

**YEA-43**

Argall	Corman	Martin	Stefano
Aument	Costa	Mensch	Street
Baker	DiSanto	Phillips-Hill	Tartaglione
Bartolotta	Dush	Pittman	Vogel
Boscola	Fontana	Regan	Ward, Judy
Brewster	Gordner	Robinson	Ward, Kim
Brooks	Haywood	Sabatina	Williams, Anthony H.
Browne	Kane	Santarsiero	Williams, Lindsey
Cappelletti	Kearney	Saval	Yaw
Collett	Langerholc	Scavello	Yudichak
Comitta	Laughlin	Schwank	

**NAY-4**

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

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

**The PRESIDENT (Lieutenant Governor John K. Fetterman) in the Chair.**

**BILL OVER IN ORDER**

**SB 108** -- Without objection, the bill was passed over in its order at the request of Senator GORDNER.

**BILL ON THIRD CONSIDERATION AND FINAL PASSAGE**

**HB 110 (Pr. No. 78)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of October 21, 1988 (P.L.1036, No.116), known as the Hardwoods Development Council Act, further providing for Hardwoods Development Council.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

YEA-47

Argall	Costa	Martin	Schwank
Aument	DiSanto	Mastriano	Stefano
Baker	Dush	Mensch	Street
Bartolotta	Fontana	Muth	Tartaglione
Boscola	Gordner	Phillips-Hill	Vogel
Brewster	Haywood	Pittman	Ward, Judy
Brooks	Hughes	Regan	Ward, Kim
Browne	Hutchinson	Robinson	Williams, Anthony H.
Cappelletti	Kane	Sabatina	Williams, Lindsey
Collett	Kearney	Santarsiero	Yaw
Comitta	Langerholc	Saval	Yudichak
Corman	Laughlin	Scavello	

NAY-0

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILLS OVER IN ORDER

**SB 113, HB 124 and SB 137** -- Without objection, the bills were passed over in their order at the request of Senator GORDNER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 190 (Pr. No. 619)** -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for essential family caregivers in facilities during disaster emergencies.

Considered the third time and agreed to,

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

On the question,  
Shall the bill pass finally?

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

Senator MENSCH. Mr. President, Senate Bill No. 190 is referred to as the Essential Family Caregivers Act. This is a bill that passed the Senate last Session. There is a very similar bill that recently passed unanimously out of the House of Representatives. Both bills are intended to help interested and caring family members of individuals living in long-term care facilities. It is intended to give those family members the ability to visit with their loved ones during any emergency declaration. Today we are

in a COVID-19 emergency declaration, but we have expanded it in committee to include any and all future emergency declarations so that it is not just COVID-19-specific. It is a process whereby the long-term care facilities will have control over the process, they will be able to determine a family member who is qualified to be able to visit. They will be able to set the standards so long as they are consistent with CDC and NIH guidelines. So, Mr. President, we think it is a bill that is very worthy of the time, given the COVID-19 situation, and I ask for a positive response. Thank you.

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

Senator BROOKS. Mr. President, I rise in support of this legislation as chair of the Committee on Health and Human Services. There is no doubt that this past year has been devastating for our seniors living in nursing homes - our loved ones, parents, grandparents, friends, and other members of our family. It has been heartbreaking, the stories I have heard over and over, where someone has declined not only physically but also mentally and emotionally because they have not had any visitors. Someone to hold, touch, or hug. So this legislation only makes sense that these loved ones can have one visitor, a caregiver designated in a safe, responsible manner. It is only in the best interest of our seniors in congregate settings, and I urge that my colleagues support this legislation. Again, I hear stories of loved ones who are passing away and a nurse is holding a tablet as their loved ones say goodbye. They cannot even do it in person. So, again, I urge my colleagues to support this legislation.

Thank you, Mr. President.

And the question recurring,  
Shall the bill pass finally?

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

YEA-34

Argall	DiSanto	Mensch	Schwank
Aument	Dush	Muth	Stefano
Baker	Gordner	Phillips-Hill	Vogel
Bartolotta	Hutchinson	Pittman	Ward, Judy
Boscola	Kearney	Regan	Ward, Kim
Brewster	Langerholc	Robinson	Williams, Lindsey
Brooks	Laughlin	Santarsiero	Yaw
Browne	Martin	Scavello	Yudichak
Corman	Mastriano		

NAY-13

Cappelletti	Fontana	Kane	Street
Collett	Haywood	Sabatina	Tartaglione
Comitta	Hughes	Saval	Williams, Anthony H.
Costa			

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

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



## BILLS OVER IN ORDER

**SB 274** and **SB 457** -- Without objection, the bills were passed over in their order at the request of Senator GORDNER.

## SECOND CONSIDERATION CALENDAR

## BILLS OVER IN ORDER

**SB 168, HB 184, HB 186, SB 224, HB 230, SB 236, SB 241, SB 283, HB 284, SB 286, SB 423, SB 435, SB 441, SB 455, SB 463, SB 521, SB 562** and **HB 951** -- Without objection, the bills were passed over in their order at the request of Senator GORDNER.

## BILLS REPORTED FROM COMMITTEE

Senator BROWNE, from the Committee on Appropriations, reported the following bills:

**SB 74 (Pr. No. 684)** (Amended) (Rereported)

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for pediatric cancer research tax credit.

**SB 147 (Pr. No. 685)** (Amended) (Rereported)

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, in health and safety, further providing for certification of safety committee.

**SB 156 (Pr. No. 135)** (Rereported)

An Act amending the act of June 26, 2001 (P.L.755, No.77), known as the Tobacco Settlement Act, in medical assistance for workers with disabilities, further providing for definitions and for medical assistance benefits for workers with disabilities and workers with medically improved disabilities.

**SB 382 (Pr. No. 638)** (Rereported)

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, in public-private transportation partnerships, further providing for definitions, for duties of board and for operation of board; and voiding prior initiatives of the Public-Private Transportation Partnership Board.

**SB 425 (Pr. No. 616)** (Rereported)

An Act amending the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, in medical professional liability, further providing for informed consent.

**SB 434 (Pr. No. 441)** (Rereported)

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, in food protection, providing for milk sell by date and best by date labeling.

**SPECIAL ORDER OF BUSINESS  
SUPPLEMENTAL CALENDAR No. 1**

BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**SB 382 (Pr. No. 638)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, in public-private transportation partnerships, further providing for definitions, for duties of board and for operation of board; and voiding prior initiatives of the Public-Private Transportation Partnership Board.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

Senator LANGERHOLC. Mr. President, I rise to ask for support of Senate Bill No. 382. I think it is important to note from the outset that Senate Bill No. 382 does not repeal the statute authorizing public-private transportation partnerships, commonly known as P3s, over the past several months, nor does it remove PennDOT's authority to impose user fees or tolls. But what it does do is increases transparency. It incorporates public input early in this process and creates a checks and balances on PennDOT's power. Transparency is a buzzword that we have all used, sometimes ad nauseam. We want our government to be transparent. We expect our government to be transparent. How we have gotten to this point, necessitating Senate Bill No. 382, is anything but transparent.

By way of a little procedural history on this matter, November 12, 2020, 5 1/2 months ago, the P3 board met and adopted a resolution to initiate the P3 process. Which was their right, which is codified in statute, which was done by the board as it was authorized to do. From there, it was anything but transparent. The resolution was one page, and it stated: *(Reading)*

BE IT RESOLVED, that the P3 Board unanimously approved that the PennDOT Pathways Major Bridge P3 Initiative proceed using the appropriate contracting P3 delivery model for each interstate or expressway bridge and associated roadway package, as defined in Act 88 of 2012 and following the process as delineated in the PennDOT P3 Implementation Manual.

That is it. One page. Coincidentally, this resolution, my office--as the chair of the Committee on Transportation--had to request a copy of this resolution. PennDOT had a hearing of the Committee on Appropriations here last week, we had the opportunity to question the department, and in developing that line of questioning, there was no advertisement in the *Pennsylvania Bulletin*. This resolution was not given to this body. There was a--I will use the term loosely--press release for this project. In that press release, no mention anywhere within the body of the press release as to a toll. Transparent? The only loose mention is for a user fee within that press release. No mention in the resolution of any toll structure, no mention of any fees, no mention of any bridges.

Ironically, it took several months for those bridges to be named. To date, they are still named candidate bridges. No mention of fees, no mention of differentiation between automobiles versus trucks, no mention of which way these tolls are planning on going, no mention of who will initiate the toll structure. In doing the due diligence which led to the drafting of Senate Bill No. 382, I had the opportunity to look at what, presumably, the P3 board looked at prior to their resolution, their very broad resolution, and within that package, in that initiative, there is a schedule. There are nine items within the schedule. They run with a month schedule from month 0 to month 15. The initial two schedules, one is finalize preliminary design and release draft RFQ. That is to be done in month zero. That is presumably what the P3 board sought. That has not been done to date. Is that transparent? The third in this list is release final RFQ. That is to be done month three. It has not been done. The fourth, short list developers, between month three and month six, which puts us right about this timeframe when they should be completing that. Not done. Issue RFP, same timeline. Not done. Is that transparent? Is that transparent government?

Five of the nine scheduled lists, the first five, have not even been completed. Add that to the fact that this resolution fell between Session when half of this body, technically, was not sworn in, being able to raise the appropriate concern. Add to that that there was no specific public input with respect to this initiative, a further lack of transparency. Add to that the fact that there has already been \$3.6 million expended in furtherance of this project; \$3.6 million and we are on the hook for a work order for \$14 million total of which \$3.6 million has been expended. Where has that money gone? Honestly, I would like to know, because nothing has been completed throughout this schedule. Add further to that that there were contracts entered into in furtherance of this project before the resolution was adopted. That was testified to. That should raise a flag no matter what side of the aisle you sit on. That is a lack of transparency. Add to the fact that that resolution is overly broad. Conceivably, every bridge within this Commonwealth could be tolled if it fits that designation. Add to that further that we do not even have a ballpark estimate as to the potential cost of this project. No description as to how these bridges were chosen. Conflicting testimony, but no hardened facts. There was testimony that there were diversion traffic studies done. We are uncovering information that that has not even been started yet. Is that transparent? This P3 plan is a failure. We owe our Commonwealth residents more than this. We meet in this Chamber. We talk of bipartisanship. We talk about doing what is good for the Commonwealth. How can you, in good conscience, say that this plan was transparently enacted? You cannot. We are 5 1/2 months into this resolution, and all that we know is that there are nine bridges selected. That is all that we know, \$3.6 million later. Congratulations. We owe our residents more.

We must pass this bill. This bill will bring transparency to the process. This bill will bring a requirement that this notice is posted in the *Pennsylvania Bulletin*. That is a good thing. This bill will require a specific time period of public input, specifically for this P3 statute. Not just a broad--well, this might fit into this hearing because we talked about funding issues. Okay, we are covered. No. This brings transparency. This bill brings a requirement for a description as to how PennDOT arrives at these bridges. This bill brings transparency: it brings a specific

mention of the bridges, of the description of the projects, of the toll structure, of what they really plan to do. We vote on things in this Chamber after careful deliberation and analysis and carefully examining how it impacts our districts back home. There is a reason why the residents send us here to Harrisburg. We are their voice. We are accountable to them. Put transparency into this process so that we know future P3 boards, when it comes to us, will come to us in appropriate time so that we know what we are voting on, we know the size and scope, we know what is being expended, we know the price tag, we know what we are voting on. I ask for an affirmative vote for Senate Bill No. 382.

Thank you, Mr. President.

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

Senator SABATINA. Mr. President, I, too, would like to go back into history on this bill. The origin of the P3 bill started in the 2011-12 legislative Session, and there were two former Members of the legislature who I hold in high regard, Senator Rafferty and Representative Geist. These two gentlemen knew more about transportation than most people in this building. In 2011-12, we had a Republican Majority House, a Republican Majority Senate, and a Republican Governor. This legislation--we are not supposed to delve into intent in legislation, but--I can only imagine that Chairman Geist and Chairman Rafferty saw the freight train coming, saw that the Motor License Fund was on an unsustainable course. It seemed--I was in the House at the time--and it seemed back then that every bill that came by took a bite out of the Motor License Fund. As a matter of fact, last week the Senate passed Senate Bill No. 283, which takes over \$100 million out of the Motor License Fund. Now, I do not begrudge Senate Bill No. 283. The intent is clear and the purpose is fine. The problem is, it is another hit out of the Motor License Fund. Any time anyone has to pay for something, it seems like they go to the Motor License Fund. The Motor License Fund should be to fix our over-2,000 deficient roads and bridges so they do not collapse. I would like to think that Chairman Geist and Chairman Rafferty recognized the problem with this back in 2012 and this P3 bill was born out of a result and a need to compensate the Motor License Fund. Moreover, the P3 legislation was passed unanimously in the Senate. Some Members are still here, some Members are not, but it was unanimous, and there was no question back then what the purpose was or what the bill did.

Nobody likes to raise taxes. Nobody likes to charge their constituents money or fees. But in this Chamber and in this Commonwealth we have to recognize that there is a financial freight train coming and a financial reckoning on its way when we are talking about transportation and the Motor License Fund. We are on a collision course with severe problems, deficient bridges. Now, as much as I loathe taxing my constituents to fix a bridge, I would rather tax them than have them in some sort of catastrophe when the Girard Point Bridge falls down. There is no good way to tax someone, but this bill has a purpose. This bill is part of a larger picture, I would like to think, part of a larger conversation that we need to have sooner rather than later about transportation funding. Sooner or later a bridge is going to collapse and we are all going to look at each other and say, how did that happen and how could we have prevented that? Well, this bill is a way to prevent that. The P3 bill is a way to prevent deficient bridges from collapsing and deficient roads from causing acci-

dents. I would hope that whatever the result of this bill is, it is part of a larger conversation on how we are going to solve this problem, because the P3 bill in itself does not fix our transportation issues. It does not. It is a Band-Aid, it is a temporary Band-Aid, and it is one of the many methods that I think we have to consider when having a larger conversation on transportation funding. So, we have to do something is what it comes down to. Doing nothing, punting the ball down the road, does not solve our problem. It just exacerbates it. So, I ask the Members, respectfully, to oppose Senator Langerholc's bill and to recognize that this is not the end of the conversation. No matter what the outcome on this bill, it is not the end of the conversation when it comes to transportation funding. It is a conversation that we all have to have. I think that the P3 bill is a step in the right direction at this time, because no alternatives have been offered. There are no alternatives to taxing bridges at this point. Hopefully, it develops a conversation and gets people thinking on ways to supplement the Motor License Fund. But until we come to that day and until we come to those decisions, I ask the Members to vote "no" and let the P3 bill go forward.

Thank you, Mr. President.

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

Senator ROBINSON. Mr. President, this legislation is designed to correct the P3 board that has operated in a manner that it was not intended when it was created. The P3 board overstepped its authority to impose a toll on the citizens of Pennsylvania to the amount of \$2.2 billion. On November 12, when the legislative body was not even in Session, without so much as a press release, the P3 board egregiously enacted this tax without doing traffic nor financial impact studies. The Secretary of PennDOT freely admitted that they have the power to tax every bridge in the Commonwealth well into perpetuity. The people of southwestern Pennsylvania had no voice when the P3 board implemented this tax under the cover of darkness. Employers had no voice when they would be dealt an unexpected financial blow after barely surviving the COVID-19 pandemic that nearly sank them. I am here to be that voice of those most affected, to provide them with the opportunity to be heard, which was denied to them. The voice of restaurants and their employers that invested in the region, like Lucha Street Tacos, LaBella Bean, and the Railyard. The voice of parents who will be burdened while trying to seek treatment for their sick kids at the Children's Hospital at the bottom of that exit. That is what this legislation is about. Giving a voice to the people, the people who sent us to Harrisburg.

Thank you, Mr. President.

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

Senator BROWNE. Mr. President, I rise in support of Senate Bill No. 382. In doing so, in regards to the premise of this in relation to the work of this assembly on transportation initiatives, I must offer an alternative opinion to my colleague, the Democratic chair of the Committee on Transportation, regarding the purpose of this initiative and its intent. There are many of us who were here at the time that this initiative, which has resulted in a tremendous improvement of the public-private partnership that relates to bridge replacement and infrastructure investment in this Commonwealth. But one thing I think a lot of us would have acknowledged at the time that this passed is whether it included

the initiative that the Department of Transportation, along with the P3 board, is looking to advance at this time. If there was an acknowledgment, conversation, engagement, consultation with this body and the body of the House at the time, this would have allowed for a unilateral action without accommodation by the General Assembly for this, to make selective choices of infrastructure to replace and to unilaterally develop tolling methodology to fund it, conversation about the P3 initiative would have been very different. In fact, I would believe that if it did not include exactly what this bill allows for, that would not have garnered the level of support that was achieved for the P3 initiative, and I would be very confident in saying it would not have passed because it is counter to our experience here.

Those who have been here and have worked on successful transportation initiatives know that the one thing that is involved that makes them work, makes them pass, be adopted by this assembly, and accepted by the public is engagement. When we have had these opportunities to advance transportation initiatives, engagement by this assembly with the chief executive, along with the public, is what has made them work. There has never been a circumstance of this significance where one unilateral action by a non-elected body, in consultation with the department of the executive branch, has been able to advance something of this significance. We have shown, and I think there is some fear regarding whether our ability to accommodate the needs of infrastructure in this Commonwealth cannot advance without this unilateral action. That is not the reputation of this body. The chairman had mentioned this action in line with the actions of the prior chairmen of the Committee on Transportation, Senator Rafferty, and Representative Geist. If we recall the most recent action by this body to advance transportation initiatives to make a significant investment in the needs of this Commonwealth and its infrastructure, that initiative passed this body with over 40 votes. Forty Members of this body selected to choose to support a transportation initiative because there was an engagement across the aisle, Republicans and Democrats, with the Governor and parties outside this building on the needs of our infrastructure throughout this Commonwealth. This initiative, in the way it is being advanced, is totally counter to that legacy.

What Senate Bill No. 382 is providing for us, through the leadership of the Majority chairman of the Committee on Transportation, is a platform that is proven and tested in successful approaches to insuring that we can advance comprehensive packages to deal with the many transportation needs that this Commonwealth has. The timing for this is right and it is appropriate. It goes along with the current commission that is operating on a collaborative basis to develop a more comprehensive solution for the transportation needs of this Commonwealth. There is absolutely no reason, given the history of this assembly, that we would not look to this as something that would be positive for all of us. As a means for us to collectively work together to ensure that when decisions like this are made, there are things that we can accept and defend and ensure that our constituents are being accommodated when we make significant decisions and investments like this. So I think this is an opportunity for all of us to step back and look at what this Chamber has accomplished when we worked on a collaborative basis along with the executive to advance effective and successful transportation initiatives. For that reason, I think, and I believe, that this platform that Senate Bill No. 382 is advancing is appropriate and it is the means for

which this body has been successful in the past and will be successful in the future.

Thank you, Mr. President.

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

Senator COSTA. Mr. President, I will be brief in my remarks. I just want to speak a little bit about the history as was provided here, that we spoke about, and reiterate the point that my friend and colleague from Philadelphia, the Democratic chairman of the Committee on Transportation, mentioned, the manner in which we got to where we are today. I was struck by the fact that we have been facing a significant number of transportation challenges over the course of several decades. While this particular legislation was enacted in the 2012-13 timeline, I cannot help but think back to when other things were proposed to be able to help address our transportation crisis in our Commonwealth that many folks in this room turned a blind eye to what needed to be done. When Governor Rendell spoke about potentially leasing the Turnpike as a way to help address revenues, there were many people in this room who spoke out against that and were vehemently opposed to that. When we had a discussion about tolling Interstate 80, many people in this room stood up, and stood in various areas across the Commonwealth, and made the case that it was inappropriate to toll I-80 when we wanted to use those resources to help PennDOT address our State highways. It seems like every time something comes up that is going to address transportation, it is shot down. That is what we have here today. I think many of you in this room know we have a significant funding crisis that relates to transportation projects before us. The Governor has compiled a list of individuals across Pennsylvania who are going to address this issue and report back to us. This particular proposal that was offered by the P3 board, and it was mentioned earlier, was approved by the board unanimously--by all five members of that board--including members who were selected by the Democrats I appointed, as well as Republicans who appointed a member to the P3 board as well, who voted in the affirmative on this resolution. Let us not lose sight of that fact. As was mentioned, this is a lawful, appropriate exercise of the authority granted to the board.

With respect to the crux of where we are at today, in my view, is that there are two parts of this conversation. There is the transparency part that was referenced. I will submit to you that, going forward, this body and this General Assembly believes that we need to have more transparency in the process that is utilized by the P3 board, and many other boards I would suggest as well, possibly, particularly as we know current events that are taking place, that we should do something along those lines. Where this particular piece of legislation is troublesome to me is that it will undo the work that has been done by the P3 board, the unanimous, appropriate resolution that they passed, by virtue of going back to a couple of days before and nullifying the action of the P3 board. That is wrong. We are now sitting here saying that we do not like the transparent process, and we want to go back and undo it like Monday morning quarterbacks. We should not be doing that in Pennsylvania. That is not what we should be doing. If you want to go forward with transparency and you want to hide behind the transparency, the process, that is okay going forward, but not to do it in this particular instance. It reminds me, as I stood here earlier thinking, I cannot remember the last time that we ever went back and questioned the decisions of an au-

thority where we changed the law. Not once has anyone in this Chamber proposed, and got to this point in legislation, asking that we reverse what our Pennsylvania Turnpike Commission did with respect to tolling, reversing the tolling, regardless of why they did it. We have never taken steps to stop them from doing that or going back to a point in time to nullify and rescind what they did. That is what we are doing here. We have never done it with the Gaming Control Board. We can go right down the line. We have never done it, to my knowledge, with PUC decisions along those lines, that would have tax consequences or utility consequences. My point is, to hide behind transparency, to go back and undo what was done, is not appropriate. Going forward, it is appropriate for us to look at that, and I would join my colleagues in working with PennDOT and making sure that PennDOT, as well as the P3 board, does more in the sense of transparency as it relates to what we need to do. But we cannot say, in my view, we should not go back and undo what the P3 board did when they did it lawfully as was constituted by this General Assembly, by all the Members who were there at the time who supported that measure. They did what they were able to do. We have got to do a better job going forward, but not to undo this particular process that we have taken up at this point in time. That is all I have to say in that regard.

Thank you, Mr. President.

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

Senator DUSH. Mr. President, the chairman of the Committee on Transportation covered some things that were very important in this whole process. First, the announcement was done in a press release and the chairman actually had to request that press release. The press release simply said PennDOT will enact the P3 initiative. It was never advertised in the *Pennsylvania Bulletin*. The press release did not even use the word "toll." How are we supposed to know what that meant? Then we find out that the department, during the hearing of the Committee on Appropriations, has already spent--prior to even doing the press announcement--\$3.6 million and we are on the hook for a total of \$14 million. The comment was just made about hiding behind transparency and if we want transparency going forward. The whole point of transparency is not to hide. The whole point of transparency in government is that everything should be out there for the people to see. It is astounding that we are at a point where, if you want transparency. Especially when you are looking at things that are--such as a tax--as the two bridges that are up in my area. One is in my actual district and another one, several of my constituents actually travel out and over that other bridge, and just in the Secretary's comments, \$1 to \$2 per trip. These employees are making--you are looking at \$20 a week, over \$1,000 a year, for people who are making about \$41,000 or \$40,000 on the median family income. That is a tremendous tax increase to those people. That is an astounding tax increase, a unilateral tax increase, on my constituents. Not done by their representatives, not done by their State legislature, but done by the board that has no real accountability. At least whenever we make decisions like that, we got to go before the people every 2 to 4 years. We can stand to lose our jobs. Not so with a board like this.

The legislature should never delegate that type of authority to any board. I have a very hard time believing that the legislative intent from 2011 would have given such authority to any board. The Secretary, during her hearing, actively admitted that the way

this board is set up, they could toll any bridge in the Commonwealth. Think about that. Think about what that can do to a local economy. To have done it with such thoughtlessness is what occurred with these bridges. Just yesterday, up on the eastbound bridge over North Fork Creek, one of the bridges that is supposed to be targeted, they had a semi-truck go over on its side. I am blessed that it did not go over the side of the bridge, and I am also blessed that I have a fire company that is very good at getting that stuff off the road to where at least you have a lane of traffic going fairly quickly. But even with that bottleneck or the throttle down to one lane, we had a significant number of trucks going past my home and also through Brookville. There was a Facebook post that went up, stay off eastbound I-80, they had an accident on it. Immediately, when I was downtown about 20 minutes after I saw that post, downtown Main Street, it was empty, because you cannot get out of a parking spot on 322, on that road, when that road is bottlenecked up with an accident. The increased traffic that will happen down there is going to impact that community. There will be traffic when it gets diverted because of those tolls. It happens every place they have tolls like this. Our trucking industry knows how to avoid them, and there is really only one place to get off and back on again, to get around that proposed tolling location. We have got aging infrastructure under that old 322 with our water and sewer that are not going to hold up very well to continued traffic of that kind of volume through that town.

Again, I want to go back. I do not see any reason why the legislature, back in 2011, would have delegated that much power to an unelected body that is totally unaccountable to the people of the Commonwealth of Pennsylvania. It is not the intent of our founders, we were meant--any time there is going to be a tax increase on any segment of the economy or populace of this Commonwealth, that it should be done by the elected officials. This was unilateral. It has no place in the Republic that we have been given here in the United States and the Commonwealth of Pennsylvania.

Thank you, Mr. President.

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

Senator BROOKS. Mr. President, I rise in support of this legislation. Back years ago when these original discussions were happening on the initial P3 legislation, other conversations were transpiring about tolling--tolling of I-80 for instance--and the people of Pennsylvania were outraged at that proposal. So, very clearly, when the original P3 legislation was introduced, those specific questions were asked of the maker of one of these pieces of legislation, Representative Geist at the time. I served in the House with him and I can remember the very clear questions, would this permit PennDOT, the Governor, or a P3 entity to unilaterally, without legislative approval, would it allow them to toll roads or bridges? It was emphatically said, no.

Mr. President, oftentimes when we talk about transportation needs, folks want to talk about collapsed bridges and roads in dire need of repairs. But no one talks about the billions, not millions, but billions of dollars that have been spent out of the new gas tax that was supposed to replace all the bridges and fix all the roads. Instead, it was used to build new roads. Not fix bridges, not fix roads, but spend billions of dollars in building new roads. The families of Pennsylvania live within their means. They prioritize their spending. So when we are going to talk about new

taxes, new fees, we need to prioritize spending as well. If we are going to hang our hat on collapsed bridges or collapsed roads, then that needs to be addressed before they build new roads. Mr. President, there was nothing transparent about this process. On behalf of the people of Pennsylvania, we need to support this legislation.

Thank you, Mr. President.

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

Senator COSTA. Mr. President, I will be brief. Let me be clear, the legislation that we passed in this General Assembly clearly, unequivocally, gives the authority to the P3 board to enact user fees. That is what they did. They did it in an open and transparent manner by passing a resolution, as I mentioned, that authorized them to go ahead and implement provisions of the Act we just referred to. To suggest that it was done unilaterally by the board, it was not. There were five or six members who voted for it, the Secretary of PennDOT recommended it, and they approved it within the authority of what they could do. Let me read the section. "User fees.--A provision establishing whether user fees will be imposed for the use of the public-private transportation project and the basis by which user fees will be imposed [implemented] and collected shall be determined in the public-private transportation partnership agreement." That is what they did. They implemented a user fee. Those are the steps going forward. Now, listen, if you want transparency going forward to add to what we have done in the Act, I support that going forward. But at this point in time, you are looking to rescind projects that are now underway and we want to bring those to fruition because this is a means in which we can generate revenue for transportation funding.

Let us be clear, we know we have a \$400 million cliff coming when we get our last check from the Turnpike in July of this year. We are done. Four hundred million dollars we have to go find unless we do not want to fund mass transit, which I really want to fund, as well as highways and bridges, which I will support along those lines as well. But we also have to continue to recognize that we cannot continue to take from the Motor Licensing Fund like we did a couple of weeks ago, to take another \$100 million from there. To continue to do it to pay for the State Police, although we are trying to get down to a 500 number. At the end of the day, we are going to take a long way before we get there to where we appropriately fund our roads and bridges. We talk about people not working and wanting to work. There is an industry that exists today that is struggling, that is on its back like many others, and is looking for the ability to spend resources that were intended for fixing our roads and bridges, to be able to do that and come up with new revenue streams. That is the challenge we have going forward here. That is why I am asking my colleagues to not support this measure and let us have a conversation about openness and transparency as we go forward with respect to the actions of the P3 board; and, again, I remind you of all the other agencies that do not operate in this manner as well.

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

Senator LANGERHOLC. Mr. President, I will be brief, but I felt compelled to stand in rebuttal to some of the comments that were made here. Let me be perfectly clear, and I have said this from the outset, it is not my intention to stand here and grand-

stand and say we are against this and then go into my office and close the door and not do anything. I look forward to working with my colleagues from across the aisle as we have begun to do. I look forward to working with Chairman Sabatina on the Committee on Transportation in addressing this, because this is the moment. We have an excellent opportunity to discuss this. But as far as to say that we are undoing all the work that has been done so far on this--what has been done? Other than \$3.6 million expended and we are on the hook for \$14 million, all we know is that there are nine bridges that are identified. If you look at this statute and you can honestly say, hey, we are okay with that, I can sign up for this going forward, it is a sad state for transparency. But, again, I look forward to working with my colleagues across the aisle, in a bipartisan manner, because we do need to address funding and revenue adequately for transportation. Absolutely.

Thank you, Mr. President.

**LEGISLATIVE LEAVE**

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

Senator GORDNER. Mr. President, I request a temporary Capitol leave for Senator Argall.

The PRESIDENT. Senator Gordner requests a temporary Capitol leave for Senator Argall. Without objection, the leave will be granted.

And the question recurring,  
Shall the bill pass finally?

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

**YEA-28**

Argall	Corman	Martin	Scavello
Aument	DiSanto	Mastriano	Stefano
Baker	Dush	Mensch	Vogel
Bartolotta	Gordner	Phillips-Hill	Ward, Judy
Boscola	Hutchinson	Pittman	Ward, Kim
Brooks	Langerholc	Regan	Yaw
Browne	Laughlin	Robinson	Yudichak

**NAY-19**

Brewster	Fontana	Muth	Street
Cappelletti	Haywood	Sabatina	Tartaglione
Collett	Hughes	Santarsiero	Williams, Anthony H.
Comitta	Kane	Saval	Williams, Lindsey
Costa	Kearney	Schwank	

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

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

**UNFINISHED BUSINESS  
BILLS REPORTED FROM COMMITTEE**

Senator REGAN, from the Committee on Law and Justice, reported the following bills:

**SB 503 (Pr. No. 527)**

An Act amending the act of June 28, 1935 (P.L.477, No.193), referred to as the Enforcement Officer Disability Benefits Law, further providing for disability benefits and for definitions.

**SB 566 (Pr. No. 611)**

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, in licenses and regulations for liquor, alcohol and malt and brewed beverages, further providing for license auction.

**HB 425 (Pr. No. 1371) (Amended)**

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, in licenses and regulations and liquor, alcohol and malt and brewed beverages, further providing for sales by liquor licensees and restrictions and for prepared beverages and mixed drinks for off-premises consumption during disaster emergency and providing for safekeeping during 2020 disaster emergency.

**HB 427 (Pr. No. 939)**

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, in Pennsylvania liquor stores, further providing for sales by Pennsylvania liquor stores.

**BILLS ON FIRST CONSIDERATION**

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

The motion was agreed to by voice vote.

The bills were as follows:

**SB 28, SB 32, SB 119, SB 126, SB 312, SB 319, SB 426, SB 486, SB 503, SB 520, SB 533, SB 552, SB 554, SB 563, SB 566, HB 104, HB 108, HB 178, HB 425 and HB 427.**

And said bills having been considered for the first time,  
Ordered, to be printed on the Calendar for second Consideration.

**ANNOUNCEMENTS BY THE SECRETARY**

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, APRIL 28, 2021

9:00 A.M.	AGING AND YOUTH (to consider Senate Bill No. 484; and House Bill No. 464)	Senate Chamber (LIVE STREAMED)
9:00 A.M.	VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS (to consider Senate Bills No. 150, 461, 550 and 556; Senate Resolution No. 96; and a public hearing on Fire and EMS accomplishments, implementation and next steps)	Hrg. Rm. 1 North Off.

9:30 A.M.	COMMUNITY, ECONOMIC AND RECREATIONAL DEVELOPMENT (to consider Senate Bill No. 243)	Senate Chamber (LIVE STREAMED)
10:00 A.M.	LOCAL GOVERNMENT (to consider Senate Bills No. 477, 478, 479, 480 and 524)	Senate Chamber (LIVE STREAMED)
10:30 A.M.	URBAN AFFAIRS AND HOUSING (to consider Senate Bills No. 157 and 439)	Senate Chamber (LIVE STREAMED)
2:00 P.M.	COMMUNICATIONS AND TECHNOLOGY (public hearing on expansion of 5G and small cell wireless infrastructure in Pennsylvania - Part 1)	Senate Chamber (LIVE STREAMED)
<u>THURSDAY, APRIL 29, 2021</u>		
10:00 A.M.	APPROPRIATIONS and EDUCATION (joint public hearing on PASSHE update)	Senate Chamber (LIVE STREAMED)
<u>FRIDAY, APRIL 30, 2021</u>		
10:00 A.M.	LAW AND JUSTICE (S) and LIQUOR CONTROL (H) (joint public hearing on ready-to-drink beverages)	House Majority Caucus Rm. Main Capitol
<u>THURSDAY, MAY 6, 2021</u>		
9:30 A.M.	VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS (S) and VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS (H) (joint public hearing on Pennsylvania's veterans home care and COVID-19 mitigation protocols) <b>C A N C E L L E D</b>	Room G-50 Irvis Off.
<u>WEDNESDAY, MAY 12, 2021</u>		
9:00 A.M.	AGRICULTURE AND RURAL AFFAIRS and ENVIRONMENTAL RESOURCES AND ENERGY (joint public hearing to discuss Senate Bill No. 284 (Yaw) - bonding of solar and wind installations)	Senate Chamber (LIVE STREAMED)
<u>THURSDAY, JUNE 17, 2021</u>		
9:30 A.M.	VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS (S) and VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS (H) (joint public hearing on Pennsylvania's veterans home care and COVID-19 mitigation protocols)	Room 515 Irvis Off.

## PETITIONS AND REMONSTRANCES

The PRESIDENT. The Chair recognizes the gentleman from Bucks, Senator Santarsiero.

Senator SANTARSIERO. Mr. President, I rise to speak on two resolutions that I offered this month. The first is to recognize the month of April 2021 as World HIE Awareness Month. Hypoxic ischemic encephalopathy occurs when the brain is deprived of oxygen from various causes and primarily affects infants, newborns, and young children. When the brain is deprived

of oxygen, brain cells are, not surprisingly, injured. Two to three of every 1,000 live births are impacted by HIE. More sustain an HIE injury after birth due to multiple reasons, including near-SIDS events. HIE often leads to a diagnosis of cerebral palsy, epilepsy, and learning disabilities, as well as other developmental challenges. That means thousands of families worldwide are impacted by HIE each year. World HIE Awareness Month focuses on the goal of promoting more awareness of what HIE is, who is affected, and how it affects thousands of families worldwide. With these young lives and their families in mind, it is imperative that we take the time to foster greater awareness and education among medical professionals, legislators, and the public about the dangers of this condition. Organizations like Hope for HIE provide essential advocacy to foster hope for families affected by HIE and provide families with resources and information. The goal of World HIE Awareness Month is to educate and connect families affected by HIE.

Secondly, I would like to recognize the month of April 2021, also, as Limb Loss Awareness Month. Each day, more than 500 Americans, men and women of all ages and races, lose a limb. It is a lifelong condition largely misunderstood by the general public. Amputees face emotional, financial, and physical challenges unique to their condition. Limb loss can arise from several factors, including medical conditions, congenital defects, accidents, and those who make a sacrifice in the line of duty. Regardless of the origin, individuals afflicted with limb loss face the hurdles of physical accessibility, prosthetic costs, and the emotional difficulties that go unseen. I stand here in support of Limb Loss Awareness Month and to acknowledge and draw attention to those who have lost limbs and the silent strength they exhibit each and every day in their lives. Their fortitude and perseverance is nothing short of admirable and deserving of this Senate and the General Assembly's recognition.

Thank you, Mr. President.

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

Senator BROOKS. Mr. President, I rise today to congratulate the Pennsylvania College of Emergency Physicians on celebrating the momentous occasion of its 50th anniversary. The college, founded in Harrisburg in 1971, is Pennsylvania's chapter of the American College of Emergency Physicians, a medical society representing physicians specializing in emergency medicine. The organization works to advance emergency care through continuing education, research, and public education. It represents nearly 2,000 emergency medical physicians across Pennsylvania who treat more than 6 million patients each year in emergency departments. The Pennsylvania College of Emergency Physicians is the voice of emergency medicine in this Commonwealth and the leading advocate for emergency physicians and their patients. It is my pleasure to congratulate this highly reputable college, along with Senator DiSanto and Senator Haywood, by presenting it with with a Senate Citation on its richly deserved recognition. We extend our best wishes for its ever-increasing success in the future, and we also want to thank our emergency room doctors who work all hours of the day and night and are there to treat us in some of our worst times.

Thank you, Mr. President.

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

Senator MARTIN. Mr. President, I rise today to highlight my Senate Resolution No. 71 which, if adopted, would designate April 2021 as Testicular Cancer Awareness Month in Pennsylvania. The American Cancer Society has projected that there will be nearly 10,000 newly diagnosed cases of this type of cancer in the United States this year alone. In fact, it happens to be the most common cancer among men between the ages of 20 and 40, with the average age of diagnosis being 33 years old. In addition, it is the second-most common cancer for boys aged 15 to 19 years old, with cases continuing to rise for all age groups over the decades.

Mr. President, I bring attention to testicular cancer because we, as men, oftentimes are less likely to schedule regular health examinations and to give ourselves self-examinations for a variety of common diseases. It is my belief that resolutions like this can help draw attention to that issue and encourage greater education and participation in the active checking of our own health. As with most cancers, early detection is critical in increasing one's chances of survival.

Thank you, Mr. President.

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

Senator LANGERHOLC. Mr. President, I rise to draw awareness to Distracted Driving Awareness Month, the month of April 2021. There was overwhelming bipartisan support for this resolution. I thank my Democratic chairman, Chairman Sabatina, for cosponsoring this important initiative with me. According to the National Highway Traffic Safety Administration, distracted driving is any activity that could divert a person's attention away from the primary task of driving. Examples include not only texting, but eating, grooming, and talking to passengers. As the chairman of the Committee on Transportation, I call on Pennsylvanians to just drive to ensure that everyone returns home safely, including the first responders who also fall victim to the crime of distracted driving.

In 2019, we had nearly 14,000 accidents involving a distracted driver. In over a 4-year period from 2015 to 2019, there was an average of 65 fatalities per year involving a distracted driver, a fact that has remained stagnant for years. Pennsylvania has an anti-texting law which prohibits drivers from sending, reading, or writing a text-based communication while the vehicle is in motion. I applaud the tireless work of our Federal and State Highway Safety Offices, the National Safety Council, AAA, and many other highway safety partners. Finally, today is also the start of stronger penalties for violating the Move Over Law, and this week also recognizes National Work Zone Awareness Week. Please remember to just drive, move over, or slow down for the safety of everyone driving and working on the roadways in this great Commonwealth.

Thank you, Mr. President.

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

Senator SABATINA. Mr. President, I echo the sentiments of my colleague, Chairman Langerholc. I am proud to work with him in marking this April the month of Distracted Driving Awareness Month in Pennsylvania. When we get behind the wheel, our main focus should always be on getting to our destination safely. A large part of that is paying attention to the road and other drivers. I know all of us are guilty, at one time or another, of being distracted by a text or phone call while driving.

According to the National Highway Safety Traffic Administration, in 2019, there were 13,766 crashes involving a distracted driver in Pennsylvania. As Chairman Langerholc referenced, since 2015, an average of 65 Pennsylvanians are killed every year as a result of distracted driving. Think about that. Sixty-five lives could be saved every year in the Commonwealth if we just put our phones in hands-free mode and pay attention to the road. Those are the lives of our neighbors, friends, and family members. I thank PennDOT and the National Safety Council for providing a month long distracted driving public education campaign in 2021. But we should be aware of the consequences of distracted driving everyday not just during the month of April.

Thank you, Mr. President.

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

Senator SCHWANK. Mr. President, in my 8 years of service on the Committee on Appropriations, I have never heard a Member casually compare Nazi death camps to a Pennsylvania nursing home. At least, that is, until last week's Department of Health budget hearing, when one of my Senate colleagues asked Acting Secretary Beam if the Department of Health was endorsing sending COVID-19 patients back to nursing homes in an effort to kill them and thus reduce costs. I was shocked at the audacity of the question. No, actually, I felt ill by the casual comparison between one of the most horrific acts of genocide committed by man and nursing homes in Pennsylvania. Acting Secretary Beam answered, though the question did not deserve the dignity of a response, she said no, and that such consideration or actions would be inconsistent with the character and integrity of the department that she knows. I did not see the question as an honest attempt to determine the value of the Department of Health's budgetary request, but instead as a callous way to score political points at the expense of 6 million Jews who were murdered during the Holocaust.

Twelve years ago, I visited Majdanek, a Nazi death camp in southern Poland. I walked the camp complex with my heart in my throat as I passed countless rows of barracks that housed prisoners, and as I looked up at an entire building filled to the roof with the shoes and personal belongings of Jews, of people who shared my faith, of people who were murdered for sharing that faith. I saw the gas chambers, their walls still stained blue from the deadly gas used to choke the life from helpless men, women, and children. I saw the crematorium, the ovens used to incinerate bodies and the carts used to haul lifeless remains from the gas chambers. One of the last things I saw was along a ravine on the edge of the camp, a small monument. On it was written that where I stood was the site of the most horrific mass killing in the history of all the concentration camps. On November 3, 1943, 18,000 people were lined up and shot to death. The Nazis played music through the camp's loud speakers to drown out the noise. Eighteen thousand people murdered in one single day. I stood there feeling the weight of what I had seen and learned. I was frozen with horror and immense sadness. I felt so overcome with emotion that I wept as I never have before, as I reflected on what took place. I saw firsthand, as the few survivors of the Holocaust did, exactly what a death camp is. You know what it is not? A Pennsylvania nursing home. The comparison made during the Department of Health budget hearing is the ultimate betrayal of those who died in the Holocaust, and all for political points. It is beyond insensitive to those of us of the Jewish faith whose



history is forever marked by the Holocaust. We cannot allow that to go unchallenged.

I ask the Majority Leadership of the Senate, as our Minority Leader, Senator Costa has done, to publicly condemn this morally reprehensible comparison to the Holocaust. This kind of behavior and language cannot be tolerated. The integrity and ethical standards of the Senate are damaged with each occurrence. I know, after hearing this, some of my colleagues or some members of the public may not understand why so many of us have taken such offense or why the Jewish federations across the Commonwealth and the Philadelphia Anti-Defamation League were quick to soundly condemn this inappropriate reference to death camps. It is because comments like the one my Senate colleague made are like the music through the loud speakers. It covers the horror. It paves the way for others to do the same. That is why it is dangerous. That is why we speak up.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentlewoman from Montgomery, Senator Cappelletti.

Senator CAPPELLETTI. Mr. President, I rise today in recognition of Senate Resolution No. 99, recognizing April 24 as Armenian Genocide remembrance day. On April 24, 1915, the Ottoman Empire began the systematic extermination of Armenian people, a minority group that had long been treated as second-class citizens. The Armenian Genocide began with the forced deportation and murder of hundreds of Armenian intellectuals and community leaders and resulted in the deaths of 1.5 million men, women, and children. It is considered to be the "First Genocide of the 20th Century." The Commonwealth declared in 1965 that April 24 of each year will serve as a day of remembrance of the Armenian Genocide. By remembering and openly condemning the atrocities committed against the Armenian people, the Commonwealth has annually reaffirmed the need for constant vigilance to prevent similar atrocities in the future.

Last Friday, I was honored to join the Armenian Sisters Academy, in my district, for their annual commemoration of the martyrs. I joined in their vibrant community for prayer and poems and other Armenian traditions. They taught me about the determination and resiliency of the Armenian community and how they have shifted from mourning those lost as martyrs to celebrating them as saints. This past Saturday, April 24, the Armenian community in Pennsylvania and across the world came together to remember the 1.5 million Armenians who were deported and killed during World War I, constituting the Armenian Genocide. This year's somber occasion had a silver lining, though. We took an incredible step forward in the recognition and affirmation of this genocide as President Biden took the historic step of acknowledging the history of the Armenian people and the genocide inflicted upon them. The President's acknowledgment of the 20th century's first genocide is a major leap forward for Armenian Americans and Armenians across the world. It marks an occasion of justice and accountability. I am honored to continue the tradition of introducing a resolution recognizing April 24 as Armenian Genocide remembrance day here in Pennsylvania and to stand here with you as we, together, take on the burden of remembering tragedies like this in order to stop them from ever happening again. Thank you.

## RECESS

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

Senator HUTCHINSON. Mr. President, I move that the Senate do now recess until Wednesday, April 28, 2021, at 11 a.m., Eastern Daylight Saving Time, unless sooner recalled by the President pro tempore.

The motion was agreed to by voice vote.

The Senate recessed at 5:42 p.m., Eastern Daylight Saving Time.