

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

MONDAY, JANUARY 25, 2021

SESSION OF 2021 205th OF THE GENERAL ASSEMBLY

No. 4

**SENATE**

MONDAY, January 25, 2021

The Senate met at 1 p.m., Eastern Standard Time.

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

**PRAYER**

The following prayer was offered by Hon. MEGAN MARTIN, Secretary of the Senate:

Let us pray.

Lord, we come to You today with grieving hearts. We mourn the passing of Senator Dave Arnold, who returned home to You just last week. Today, I hope to bring words of comfort to all of you. It is not easy, for I, too, am struggling with this loss of a good life gone too soon. But I have a deep and abiding faith in the Lord because He is good and faithful, and that is what enables me to speak to all of you today. Psalm 147 tells us: "He heals the brokenhearted and binds up their wounds." What beautiful words. Lord, we often come to You in the comforting words of Scripture when problems and difficulties happen in our lives. You promised to be with us and to comfort us in our moments of sorrow. We turn to You today and ask You for Your grace. Help us to remember that it is You who carries us through the most difficult of days. All this we ask in Your name. Amen.

**PLEDGE OF ALLEGIANCE**

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

**COMMUNICATIONS FROM THE 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 CIVIL  
SERVICE COMMISSION

January 25, 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, Maria Donatucci, 2502 South Cleve-

land Street, Philadelphia 19145, Philadelphia County, First Senatorial District, for appointment as a member of the State Civil Service Commission, to serve until April 9, 2024, and until the successor is appointed and qualified, vice Teresa Osborne, Scranton, resigned.

TOM WOLF  
Governor

MEMBER OF THE STATE CIVIL  
SERVICE COMMISSION

January 25, 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, Gregory Lane, 2617 North Second Street, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, for reappointment as a member of the State Civil Service Commission, to serve until April 9, 2026, and until the successor is appointed and qualified.

TOM WOLF  
Governor

SECRETARY OF HEALTH

January 25, 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, Alison Beam, 232 North Twenty-fifth Street, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for appointment 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

**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:

January 23, 2021

Senator PITTMAN presented to the Chair **SB 109**, entitled:

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, in emergency COVID-19 response, repealing provisions relating to Pennsylvania Housing Finance Agency.

Which was committed to the Committee on URBAN AFFAIRS AND HOUSING, January 23, 2021.

January 25, 2021

Senators ROBINSON, MARTIN, BARTOLOTTA, K. WARD, KANE, YAW, BAKER, ARGALL, YUDICHAK, REGAN, MASTRIANO, MENSCH, STEFANO, COSTA and J. WARD presented to the Chair **SB 96**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in registration of vehicles, further providing for contributions to Veterans' Trust Fund.

Which was committed to the Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, January 25, 2021.

Senators STREET, MUTH, CAPPELLETTI, TARTAGLIONE, COSTA and KANE presented to the Chair **SB 97**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in facilities and supplies, further providing for surcharge; and, in forfeiture of assets, providing for legal representation in forfeiture proceedings.

Which was committed to the Committee on JUDICIARY, January 25, 2021.

Senators STREET, FONTANA, MUTH, SANTARSIERO, TARTAGLIONE, BLAKE, COSTA and KANE presented to the Chair **SB 98**, entitled:

An Act prohibiting discrimination against individuals based on unemployment status; providing for powers and duties of the Department of Labor and Industry; and imposing a penalty.

Which was committed to the Committee on LABOR AND INDUSTRY, January 25, 2021.

Senators STREET, FONTANA, MUTH, SANTARSIERO, TARTAGLIONE, BLAKE, COSTA and KANE presented to the Chair **SB 101**, entitled:

An Act establishing the Office of New Americans and providing for its powers and duties; and establishing the Advisory Committee to Office of New Americans and providing for its powers, duties and membership.

Which was committed to the Committee on STATE GOVERNMENT, January 25, 2021.

Senators STREET, FONTANA, MUTH, SANTARSIERO, TARTAGLIONE, BLAKE, COSTA, KANE and KEARNEY presented to the Chair **SB 102**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in terms and courses of study, providing for Black history education.

Which was committed to the Committee on EDUCATION, January 25, 2021.

Senators STREET, FONTANA, MUTH, SANTARSIERO, TARTAGLIONE, BLAKE, COSTA and KANE presented to the Chair **SB 103**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in general provisions relating to operation of vehicles, providing for certain limitations in cities of the first class.

Which was committed to the Committee on TRANSPORTATION, January 25, 2021.

Senators STREET, FONTANA, MUTH, SANTARSIERO, TARTAGLIONE, BLAKE, COSTA, KANE, HAYWOOD and KEARNEY presented to the Chair **SB 104**, entitled:

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, in election districts and polling places, providing for residence of incarcerated individuals.

Which was committed to the Committee on STATE GOVERNMENT, January 25, 2021.

Senators BARTOLOTTA, J. WARD, MARTIN, STEFANO, K. WARD, MENSCH, AUMENT and REGAN presented to the Chair **SB 110**, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in assault, providing for the offense of drug delivery resulting in serious bodily injury; and, in sentencing, providing for sentencing for drug delivery resulting in serious bodily injury.

Which was committed to the Committee on JUDICIARY, January 25, 2021.

Senators BARTOLOTTA, MENSCH, STEFANO and CAPPELLETTI presented to the Chair **SB 112**, entitled:

An Act amending the act of August 21, 1953 (P.L.1273, No.361), known as The Private Detective Act of 1953, further providing for issuance of licenses, fees and bonds and for employees.

Which was committed to the Committee on JUDICIARY, January 25, 2021.

Senators SCAVELLO, BROWNE, PITTMAN, BARTOLOTTA, J. WARD and YUDICHAK presented to the Chair **SB 113**, entitled:

An Act selecting, designating and adopting the Pennsylvania March as the official march of the Commonwealth of Pennsylvania.

Which was committed to the Committee on STATE GOVERNMENT, January 25, 2021.

**GENERAL COMMUNICATION**

**2020 TAX-EXEMPT BOND ALLOCATION REPORT**

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

COMMONWEALTH OF PENNSYLVANIA  
Department of Community and Economic Development  
400 North Street, 4th Floor  
Commonwealth Keystone Building  
Harrisburg, PA 17120-0225

January 19, 2021

Megan Martin  
Secretary of Senate  
Office of the Secretary of the Senate  
462 Main Capitol Building  
Harrisburg, PA 17120

Dear Ms. Martin:

As required by the Job Enhancement Act of 1996, (P.L. 434, No 67), Act 113, Section 2706, as amended, I am providing a report on tax-exempt bond allocation for the end of year 2020.

This report includes:

- 1. A summary of volume cap allocation usage for small issue, exempt facility, housing, and education bonds; and
- 2. A list of small issue and exempt facility allocations including the issuing authority, project name, allocation amount, and estimated jobs for each project.

If you have any questions concerning this report, please contact my office.

Sincerely,

DENNIS M. DAVIN  
Secretary

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

**LEAVE OF ABSENCE**

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

**SENATE CONCURRENT RESOLUTION**

**WEEKLY RECESS**

Senator K. WARD offered the following resolution, which was read as follows:

In the Senate January 25, 2021

RESOLVED, (the House of Representatives concurring), Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Senate recesses this week, it reconvene on Monday, February 1, 2021, unless sooner recalled by the President Pro Tempore; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the House of Representatives recesses this week, it reconvene on Monday, February 1, 2021, unless sooner recalled by the Speaker of the House of Representatives.

On the question,  
Will the Senate adopt the resolution?

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

**YEA-48**

Argall	Corman	Laughlin	Scavello
Aument	Costa	Martin	Schwank
Baker	DiSanto	Mastriano	Stefano
Bartolotta	Dush	Mensch	Street
Blake	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

**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 present the same to the House of Representatives for concurrence.

**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 Judiciary to be held here on the floor and via Zoom, to be followed by a Republican caucus to be held in the Majority Caucus Room and via Zoom.

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

Senator COSTA. Mr. President, at the conclusion of the off-the-floor committee meeting, Senate Democrats will caucus as well.

The PRESIDENT. For purposes of a meeting of the Committee on Judiciary to be held here on the floor and via Zoom, 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. The time of recess having expired, the Senate will come to order.

**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 the purpose of a meeting of the Committee on Urban Affairs and Housing to be held here on the floor and on Zoom.

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

**AFTER RECESS**

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

**CALENDAR**

**SECOND CONSIDERATION CALENDAR**

**BILL ON SECOND CONSIDERATION, AMENDED**

**SB 2 (Pr. No. 51)** -- The Senate proceeded to consideration of the bill, entitled:

A Joint Resolution proposing separate and distinct amendments to the Constitution of Pennsylvania, in declaration of rights, providing for prohibition against denial or abridgment of equality of rights because of race and ethnicity; in legislation, further providing for action on concurrent orders and resolutions; and, in the executive, providing for disaster emergency declaration and management.

On the question,  
Will the Senate agree to the bill on second consideration?

Senator K. WARD offered the following amendment No. A0173:

Amend Bill, page 3, line 1, by striking out "21" and inserting: twenty-one (21)

On the question,  
Will the Senate agree to the amendment?  
It was agreed to.

On the question,  
Will the Senate agree to the bill on second consideration, as amended?

It was agreed to.

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

**UNFINISHED BUSINESS  
BILLS REPORTED FROM COMMITTEES**

Senator BAKER, from the Committee on Judiciary, reported the following bills:

**SB 8 (Pr. No. 22)**

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for courts to be open and suits against the Commonwealth.

**SB 78 (Pr. No. 65)**

An Act amending Titles 23 (Domestic Relations) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in child custody, further providing for definitions, for award of custody, for factors to consider when awarding custody, for consideration of criminal conviction, for guardian ad litem for child, for counsel for child and for award of counsel fees, costs and expenses; and, in Administrative Office of Pennsylvania Courts, providing for child abuse and domestic abuse education and training program for judges and court personnel.

**SB 81 (Pr. No. 59)**

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in depositions and witnesses, further providing for expert testimony in certain criminal proceedings.

**SB 84 (Pr. No. 66)**

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, in district attorney, assistants and detectives, further providing for filling of vacancies.

**SB 85 (Pr. No. 85) (Amended)**

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, in district attorney, assistants and detectives, further providing for filling of vacancies.

**SB 86 (Pr. No. 68)**

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in general provisions relating to home rule and optional plan government, further providing for limitation on municipal powers.

**SB 87 (Pr. No. 64)**

An Act amending Titles 18 (Crimes and Offenses), 23 (Domestic Relations) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in minors, further providing for the offense of sexual abuse of children; in child protective services, providing for task force on child pornography; and, in sentencing, further providing for sentencing for offenses involving sexual abuse of children.

Senator PITTMAN, from the Committee on Urban Affairs and Housing, reported the following bill:

**SB 109 (Pr. No. 74)**

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, in emergency COVID-19 response, repealing provisions relating to Pennsylvania Housing Finance Agency.

**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 8, SB 78, SB 81, SB 84, SB 85, SB 86, SB 87 and SB 109.**

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

TUESDAY, JANUARY 26, 2021

Off the Floor      APPROPRIATIONS (to consider Senate Bills No. 2, 8, 87 and 109)      Senate Chamber (LIVE STREAMED)

WEDNESDAY, JANUARY 27, 2021

10:30 A.M.      STATE GOVERNMENT (to consider Senate Bills No. 106, 113 and 116)      Senate Chamber (LIVE STREAMED)

**PETITIONS AND REMONSTRANCES**

The PRESIDENT. The Chair recognizes the gentlewoman from Philadelphia, Senator Tartaglione.

Senator TARTAGLIONE. Mr. President, today marks 5,315 days since the Pennsylvania legislature last raised the minimum wage. This is more than 14 years, Mr. President, and it is far too long.

Mr. President, last Wednesday I watched with great interest and great hope as President Biden, a son of Pennsylvania, delivered his inaugural address. I hope all of my Senate colleagues did

the same. In an event abounding with stirring moments, the following remarks spoke directly to countless working-class families from across the Commonwealth. They spoke to Pennsylvania's low-wage earners, the unemployed, and the underemployed, for folks who have the aptitude and the desire to get ahead but for years and generations have been hindered by circumstances and policies beyond their control. President Biden spoke directly to all of us when he said: *(Reading)*

With unity we can do great things. Important things. We can right wrongs. We can put people to work in good jobs. We can teach our children in safe schools. We can overcome this deadly virus. We can reward work--**the President continued**--and rebuild the middle class, and make health care secure for all. We can deliver racial justice. We can make America, once again, the leading force for good in the world.

Raising the minimum wage to a fair, equitable, and family-sustaining wage is an integral part of President Biden's recovery plan for America, and it must be part of our recovery plan in the Commonwealth. We must unite and deliver this relief to all Pennsylvanians. That is why, in the very near future, I will be introducing new legislation, once again, to raise the minimum wage. It will be Senate Bill No. 12.

For far too long, we in the General Assembly have watched and, frankly, failed to respond as other U.S. States, including six of our immediate neighbors, have raised their minimum wage. For the record, there are now 29 States with a minimum wage greater than \$7.25 an hour. Just this month, 20 States have raised their minimum wage, and 3 more will do so later this year. Dozens of cities and towns around the nation have also raised their minimum wage to satisfy the basic needs of local families. Yet, we in Pennsylvania continue to prevent our local and county authorities from doing the same.

These widespread raises have been happening for years, and they have not resulted in the harmful job loss that conservative analysts and many folks in the business community have long predicted. Raising the minimum wage year after year did not ruin the economy and it did not kill businesses, even in jurisdictions with the most progressive minimum wage policies. In fact, prior to the pandemic, unemployment was at a historic low and our economy was expecting its longest sustained growth on record.

That said, I hasten to note that, as of last February, Pennsylvania, with its \$7.25 an hour minimum wage, had the sixth-highest unemployment rate among the States, trailing only Alaska, Louisiana, Mississippi, New Mexico, and West Virginia in this dubious category. Unfortunately, the nation's haphazard approach to minimum wage policy has not been able to cure one persuasive and insidious social law. I am speaking of the growing economy disparity between the wealthy and the working poor.

Mr. President, the nation will not be able to recover from our latest economic woes and Pennsylvania will not be able to take its rightful place as a bastion of prosperity as long as we have people working two or three minimum-wage jobs merely to make ends meet. Our economy will not truly be healthy again as long as working folks need taxpayer-funded programs like food stamps and Medicaid merely to survive. Raising the minimum wage alone will not solve the problems, but as President Biden said, it is an important component for our recovery.

In Pennsylvania, after more than 14 years without a substantial raise in the minimum wage, we cannot continue to wait for the Federal government to do its part. It is time that we in this

Chamber raise the minimum wage and we in this Chamber level the playing field for Pennsylvania workers. Mr. President, it is time. We need to raise the minimum wage. Thank you.

The PRESIDENT. The Chair recognizes the gentleman from Franklin, Senator Mastriano.

Senator MASTRIANO. Mr. President, I rise on this important, historic day recognizing the Assyrian people and their hope for the future. This day is important for all those in the Eastern Orthodox or the Assyrian Church, as it is the commemoration of the fast of Jonah. The connection between the people of Assyria and Jonah are forever remembered in the Old Testament. The parallels between the people of ancient Assyria, as well as those Quakers of William Penn's ancestry who settled in Pennsylvania, are likewise profound. The stark difference, however, is those Quakers affiliated with William Penn thereafter found sanctuary here in Penn's Woods, right here in our State. Sadly, a place of refuge was not afforded to the people of Assyria, who are scattered around the globe and our nation, as well as in our Commonwealth. The United States is home to nearly 100,000 Assyrians, with many of these people calling Pennsylvania their home, and due to their rich heritage, they embrace their natural right to worship their Creator as they see fit in our great Commonwealth.

According to many historians, Assyrians were the first true empire in civilization, and the fall of that empire left the Assyrian people without a home or land for thousands of years, up until this very day. The fall of their empire several thousand years ago of course resulted with terrible suffering and sorrow, which they have experienced even until recent times, sadly. After the fall of this empire around 600 B.C., the people were reduced to a small state that routinely was brutalized by neighboring nations and empires. The brutality of this epic came to a head, of course, during the First World War in 1916 at the hands of the Ottoman Empire, where Assyrian Christians, Chaldeans, and many other minority groups in the Ottoman Empire were unmercifully persecuted and murdered in what is called the Greater Armenian Genocide.

The Assyrian people, in the midst of this tragedy, joined with the Allies during the First World War to fight against their oppressors and were referred to by British historians as Great Britain's smallest ally. At the end of the First World War they found themselves abandoned once again with depleted supplies, forcing them to retreat from Urmia, Turkey, to Iraq. It is estimated that up to one-third of the Assyrian population died along the way in their exodus for peace and a home. In recognition of the Assyrian partnership during the First World War, the Allies had promised the Assyrian people their long-awaited haven, a nation of their own, but this never transpired, and, rather, tensions in Iraq led to another massacre of them by the Iraqi government in 1933. That attack in 1933 was the catalyst for the Assyrian dysphoria, causing them to seek refuge in many nations around the world, including the United States of America.

During the aftermath of Operation Desert Storm 30 years ago, life for the Assyrian people in 1991 took a tragic turn for the worse. Although us veterans and those around back then remember largely the suffering of the Kurdish people, the Assyrian people suffered just as severe punishment by Saddam Hussein as the Kurds. A quarter-million Assyrians were forced to flee Iraq during this time to surrounding countries, and, sadly, many of them, during their escape, perished along the way. More re-

cently, ISIS singled out the Assyrian people for a brutalization in northern Iraq around Mosul and other locations with yet another modern-day genocide of the murder, imprisoning and enslaving of thousands of them.

Today, the Assyrian people are scattered around the globe after thousands of years of religious and cultural persecution. The Assyrian spirit is ardent, independent, and filled with hope of a brighter future, much like that of the American spirit and of the spirit of William Penn right here in Pennsylvania. Many Assyrians have blessed our State and nation with their spirit, perseverance, and their good heart. May we never forget the suffering of these great people as we enter this historically significant first day of the fast of Jonah that they celebrate and commemorate. A portion of Jonah's prayer is read in many Assyrian churches on this very day, and they would say, as he did: (*Reading:*)

In trouble, deep trouble, I prayed to God.  
He answered me.  
From the belly of the grave I cried, "Help!"  
You heard my cry.  
You threw me into ocean's depths,  
into a watery grave,  
With ocean waves, ocean breakers  
crashing over me.  
I said, "I've been thrown away,  
thrown out, out of your sight.  
I will never again lay eyes  
on your Holy Temple.  
Ocean gripped me by the throat.  
The ancient Abyss grabbed me and held tight.  
My head was all tangled in seaweed  
at the bottom of the sea where the mountains take root.  
I was as far down as a body can go,  
and the gates were slamming shut behind me forever--  
Yet you pulled me up from that grave alive,  
O God, my God!  
When my life was slipping away,  
I remembered God.  
And my prayer got through to you....

It is my hope on this commemoration and anniversary of the feast of Jonah that we will never forget the suffering of all the people around the world, especially the Assyrian people on this day. It reminds us of a deeper commitment to freedom of worship and expression of our great Commonwealth and nation.

Thank you, Mr. President.

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

Senator KEARNEY. Mr. President, I speak today with no sense of joy or satisfaction, but I do speak with a deep sense of obligation and necessity. I speak as a proud Member of this distinguished body, and I speak as an American. As Americans, we have the right to criticize, protest, and support political candidates of our choice. These rights have earned America the respect and envy of the world, drawing many political refugees to our shores. As Members of the Pennsylvania Senate, our rights come with responsibilities. Each Member of this body has sworn an oath to defend the Constitution of this country and the Commonwealth. We are called to a higher standard, to show a higher regard for our democracy and for the rule of law.

It is as an American and a Member of the Senate that I rise to express my concern about the way a Member of this body has used their position for political gain at the expense of the security

and stability of our country. The 45th President has rightly been impeached in a bipartisan manner for inciting a deadly insurrection at the Capitol. This insurrection was fueled for months by poisonous misinformation about the 2020 election. But the former President did not do this alone. At every step of the path to January 6, he was helped by allies who amplified his baseless conspiracies and whipped people into a frenzy over lies about a stolen election. It pains me to say that a fellow Member of the Senate has been an active participant in this dangerous incitement.

In November, many Members were returned to office in a free and fair election that saw victories and defeats for both parties. However, while accepting their own election was legitimate, a Member of this body has achieved much publicity and some success in their attempt to persuade people that the Presidential election was fraudulent. In this attempt to sow doubt about the election process and election officials, a Member of the Senate used their platform to spread allegations such as Pennsylvania receiving more votes than actual voters. It took very little effort to debunk this claim, which mixed up the numbers from the primary and the general elections, but once the toothpaste is out of the tube, you cannot get it back in. False claims of voter fraud gained traction and succeeded in convincing many citizens to lose faith in the election and in each other.

I want to take a moment to commend my colleague from the 23rd Senatorial District for defending the integrity of our election in an op-ed on December 28. But that same day, December 28, a Member of the Senate posted an event on their personal Facebook page offering bus rides to Washington, D.C., on January 6 to rally in support of Donald Trump's so-called Stop the Steal campaign. Now, this was not a field trip to the Smithsonian. This was not a protest like the 1963 March on Washington for civil and economic rights where Dr. King delivered his "I Have a Dream" speech. This was a trip to attack Congress' constitutional duty to certify the Electoral College votes.

On January 4, two days before the rally, this Senator gave an interview with radio host Eric Metaxas. In this interview, the Senator talked about the efforts to overturn the election and said, quote, "We're in this death match with the Democratic Party." Well, a death match is exactly what we got. The rally in D.C. ended with supporters of the former President violently storming the Capitol. They murdered Capitol Police officer Brian Sicknick, and called for the execution of the Vice President of the United States. The death toll from that riot now stands at five, including a man from Bloomsburg, Pennsylvania. This man's family members later said that, quote, "...the President's words incited a riot that killed four of his biggest fans."

I want to be clear. While there is evidence that a Member of the Senate organized and attended the rally of January 6, there has been no public evidence that any Member stepped foot in the Capitol that day. But that is hardly an excuse. This attack on our country was not spontaneous. It was provoked by seditious rhetoric that cast doubts on the election and advocated for overturning its results. Words matter. If you play with matches, you should not be surprised when you get a fire. Likewise, if you call for a death match with your political opponents, you cannot be surprised when people turn to violence. I know I am not the only Member of this body who understands this. One Senator even voiced their concern that their house would be firebombed if they did not publicly agree with the ex-President's claims.

The Constitution guarantees freedom of speech, but like any right, there are limits. Article XIV, Section 3, says that no person shall hold any office who has engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. As the full extent of the insurrection unfolds, we need a full investigation of any Member of the Senate who encouraged, facilitated, or participated in these events. If evidence is uncovered, then that person should be held ineligible for public office under Article XIV, Section 3. An investigation is needed, but it should not take an investigation for Members of this body to examine ourselves and determine if our conduct has been fitting of our office.

In her 1950 Declaration of Conscience, United States Senator Margaret Chase Smith said to her colleagues, quote, "I think that it is high time for the United States Senate and its members to do some soul-searching--for us to weigh our consciences--on the manner in which we are performing our duty to the people of America." Seventy-one years later, I think it is time for Members of the Pennsylvania Senate to do some soul-searching. Are we defending the Constitution when we attack Congress' constitutional duties? Are we serving the people of Pennsylvania when we seek to throw out their votes and put them in harm's way? The answer, Mr. President, is no. Thank you.

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

Senator A.H. WILLIAMS. Mr. President, I cannot tell you how grateful I am of the comments from my colleague who preceded me. He laid out the foundation of concerns of thousands of Pennsylvanians who have emailed, called, or written us regarding the insurrection in Washington, D.C., and the following and unfolding events of those involved in Harrisburg. Over a month ago, I submitted a letter to a bipartisan group of leaders in the Senate asking them to proceed with an investigation of that Member. To date, I have only heard a headline in the newspaper that such an investigation is not necessary. Needless to say, I am shocked, not on behalf of me personally, but of the countless numbers of Pennsylvanians who think that, at minimum, we need to investigate anyone associated with this activity - Democrat, Republican, moderate, progressive, or conservative.

The bar was established a long time ago that when a crime occurs and you are in the neighborhood of such crime, the minimum is that people stop and ask you--those in law enforcement--do you know anything about the incident? In fact, in some communities that I represent, they go a little bit farther. This gentleman happens to sit in a seat of power, and there are those in this body who would like to divide it simply as Democrat versus Republican. Be very clear, this is not about Democrat or Republican. This is about those who wave the flag and describe themselves as patriots of this country, and we have heard from such numerous amounts, from Republicans, such as Colin Powell--I guess he was before--to Democrats who have held the seat of responsibility to protecting the integrity of this country and defending it. They took great exception and great offense to what they saw happen in Washington, D.C., but as my colleague, Senator Kearney, said, you cannot play with matches and walk away from the fire.

This is not about an attack on an individual. This is an attack upon what the gentleman described as the Commonwealth of Quakers, those who believed in the difference of opinion and holding their disdain of an objection to that opinion in a peaceful,

organized manner. This person organized busloads of people who, from the moment they got on the bus, declared their intentions. On the bus, declared their intentions of disruption, disorder, and potential violence. On the bus. They did not refrain from such comments and hold them secretly to their individual hearts, and to suggest otherwise--that I did not know anything about it--is what I would tell my child, that is a fib.

But most importantly, it is disrespectful to the common sense of those of us who hold dear the liberty and responsibility of office in the Commonwealth of Pennsylvania. Those of us who hold the responsibility with frustration, piled up years after years in districts that are overlooked because they are underfunded, looked beyond because they are not registered right, but they hold on to the possibility that one day their claims and their pain will be heard because we follow the law. But we are not a country of laws if we are not a Commonwealth that respects the laws. Then God fear all of us. Chaos will reign and anarchy will rule. That is not an extreme statement based upon those individuals who were on that bus that our colleague paid for who took siege to the United States Capitol. These are events which are connected, not disconnected.

At minimum, by now we should have heard from our colleague on this floor commenting, discrediting, and uplifting those who hold dearly the preservation of peace, not what we have witnessed, and that is the avoidance, and frankly, the annoyance when those like myself and others scratched our heads and simply asked the question, can you answer a few questions? Just as I have when a police officer has stopped me when I was speeding or exceeding the speed limit. Answer a few questions. I do think that what happened in Washington, D.C., rises to the level of responding to the public interest. As we all know, people in the gentleman's district are asking questions, and they are not just Democrats, they are Pennsylvanians.

So I am proud that my colleague chose to lead us in an obvious, open, fair, balanced, and appropriate dialogue. I am proud that my colleague did not personalize it, did not sensationalize it, and certainly did not polarize it by the politics of the moment but simply said, what is it that we hold dear? What is it that we are supposed to fulfill if you are on the Senate floor? What is it that we are supposed to represent if we stand for the people? I want to thank him, and I want to thank others, Democrats and Republicans, who are scratching their heads today for asking a similar question: where do we go from here? We have to start with our colleague in the Senate.

Thank you, Mr. President.

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

Senator COSTA. Mr. President, on behalf of Senator Muth, I present remarks addressing the issue of our operating rules here in the Senate and ask that they be introduced into the record.

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

*(The following prepared remarks were made part of the record at the request of the gentleman from Allegheny, Senator COSTA, on behalf of the gentlewoman from Montgomery, Senator MUTH:)*

Mr. President, I rise today, once again disappointed with actions taken and decisions made by this legislative body upon the very start of

the 2021-22 Session. Unfortunately, while we are only 20 days into this legislative Session, we have already seen partisan decisions undermine the democratic process.

As we witnessed on January 5, the adoption of Senate Resolution No. 3 meant only to continue the status quo of a lack of transparency, limited accountability, and the inability of elected Senators to do their job equally. The rules adopted will only serve to erode faith in democracy, encourage bills that give priority treatment to special interests, and prohibit good bills from becoming law. Further, on swearing-in day, we witnessed many of the very Members voting for these flawed rules violate the very provisions for which they were voting. Members spoke out of order, they took over the rostrum without just cause or proper decorum, and claimed to champion transparency but blocked questions.

We should be clear about the changes to the rules that we adopted 3 weeks ago. The newly established rules will allow special committees, appointed solely by the President pro tempore, to have the same subpoena privileges as standing committees. They further limited the ability to record activity on the floor--which compounds the lack of transparency that currently exists through the Majority party's current practice to restrict the video streaming to the rostrum or Senator speaking--not showing the full floor or activity on the floor. They further limited the ability of all Members to represent fully and in accordance with the Constitution.

In good faith, I offered a commonsense resolution that would have provided balance to the rules we claim to follow. This resolution would have improved how we operate and allowed for increased transparency and accountability for the 2021-22 Session. The resolution was based off of last Session's rules, with changes to ensure that each Member can adequately represent their constituents. The proposed rules in the resolution are designed to advance policy, ensure transparency in the process, encourage public participation, and hold Members accountable to the public and their interests. Unfortunately, my resolution was not adopted. Unlike the three preceding resolutions which received roll-call votes, the Majority party forced my resolution to be referred to the Committee on Rules and Executive Nominations, where it will likely never see a hearing nor a vote. These changes, championed by myself and Senator Lindsey Williams, were shared by our Caucus legal counsel in December of 2020, who brought the proposed changes to the Majority party's counsel during rules negotiations. The Majority party did not include any of our proposed changes in their operating resolution.

While I am not surprised, I am regretful that our constituents have once again been denied the representation that should be granted. These changes would have improved our process and allowed for a clear and transparent discussion on what is best for Pennsylvania during this period of unprecedented crisis. Our constituents are not concerned about the political battles that take place in the halls of Harrisburg, but they are concerned that their voices are not being heard and when legislation they need does not get any consideration. This needs to change, and it is my hope, as we move forward in this new Session, that Members of this Senate, on both sides of the aisle, will be able to set aside partisan differences and do what is best for the people of this Commonwealth. Two thousand twenty-one is just beginning and so much remains uncertain for all Pennsylvanians, who are far too often subject to the childish whims of an undemocratic and opaque Majority party. However, I know that I will fight day in and day out for my constituents and the people and working families throughout this Commonwealth.

Thank you, Mr. President.

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

Senator K. WARD. Mr. President, I just want to take a minute to say that whether we agree or disagree on issues, whether we believe or do not believe the same issues, we are all under our Constitution, and as Americans, we all have that right to do that. You know, a couple of weeks ago on the floor we had some Members yelling--screaming on the floor, actually--that the election was stolen, the election was stolen. I think that we all deserve, as long as we are not inviting violence, to share our views. That is something we are protected, we are constitutionally protected to be able to do that. I know that last year--and this election has been tough, it has been very emotional for many peo-

ple--but we need to move forward and we need to work together where we can to help Pennsylvanians. We need to let this other stuff go right now. Thank you very much.

## RECESS

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

Senator K. WARD. Mr. President, I move that the Senate do now recess--

The PRESIDENT. Apologies.

Senator K. WARD. --until Tuesday, January 26, 2021, at 1 p.m., Eastern Standard Time, unless sooner recalled by the President pro tempore.

The PRESIDENT. Will the gentlewoman please yield.

The Chair recognizes the gentleman from Philadelphia, Senator Anthony Williams, for the second time.

Senator A.H. WILLIAMS. Mr. President, I appreciate the comments made by the Majority Leader, but let us be clear, freedom of speech apparently is misunderstood by--

The PRESIDENT. Senator, can we please go at ease briefly. We just have to resolve a process issue.

Senator A.H. WILLIAMS. Mr. President, certainly, absolutely.

(The Senate was at ease.)

The PRESIDENT. It has been moved by Senator Kim Ward that the Senate do now recess until Tuesday, January 26, 2021, at 1 p.m., Eastern Standard Time, unless sooner recalled by the President pro tempore.

On the question,

Will the Senate agree to the motion?

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

The Senate recessed at 4:35 p.m., Eastern Standard Time.