

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I move to proceed to executive session to consider Calendar No. 845.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Tiffany Rene Johnson, of Georgia, to be United States District Judge for the Northern District of Georgia.

CLOTURE MOTION

Mr. SCHUMER. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 845, Tiffany Rene Johnson, of Georgia, to be United States District Judge for the Northern District of Georgia.

Charles E. Schumer, Richard J. Durbin, Tammy Duckworth, Ben Ray Lujan, Patty Murray, Alex Padilla, Peter Welch, Jeff Merkley, Richard Blumenthal, Amy Klobuchar, Christopher A. Coons, Debbie Stabenow, Robert P. Casey, Jr., Elizabeth Warren, Margaret Wood Hassan, Jack Reed, Tim Kaine.

LEGISLATIVE SESSION

Mr. SCHUMER. Madam President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I move to proceed to executive session to consider Calendar No. 846.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Keli Marie Neary, of Pennsylvania, to be United States District Judge for the Middle District of Pennsylvania.

CLOTURE MOTION

Mr. SCHUMER. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the

Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 846, Keli Marie Neary, of Pennsylvania, to be United States District Judge for the Middle District of Pennsylvania.

Charles E. Schumer, Richard J. Durbin, Tammy Duckworth, Ben Ray Lujan, Patty Murray, Alex Padilla, Peter Welch, Jeff Merkley, Richard Blumenthal, Amy Klobuchar, Christopher A. Coons, Debbie Stabenow, Robert P. Casey, Jr., Elizabeth Warren, Margaret Wood Hassan, Jack Reed, Tim Kaine.

Mr. SCHUMER. I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

SOCIAL SECURITY FAIRNESS ACT

Mr. CASSIDY. Madam President, before the Thanksgiving holiday, my colleagues—we—voted late into the night. And I have no problem with that if we are voting on meaningful legislation. But that is not what we have been doing. We are voting on last-minute, lameduck Biden-Harris judicial nominees.

But we have serious legislation for millions of Americans that the House overwhelmingly passed in mid-November, sent to the Senate, and it is waiting for a vote.

I am speaking of the Social Security Fairness Act, which repeals the Windfall Elimination Provision and the Government Pension Offset—WEP and GPO. This is something which affects my State of Louisiana and affects the President of the Senate's State of California. We are particularly affected, but so are others—Texas and Illinois, Massachusetts, Maine, New York, New Jersey—I could go down the list—both blue States and red States.

It recognizes, first, that Social Security is a sacred trust between generations; a promise to workers that when they retire, they will not live in poverty. But right now, Social Security's future is in danger. According to the people who run this program, if Social Security does nothing, the Social Security trust fund would be busted in 9 years—flat bankrupt.

And then there will be an automatic 20- to 24-percent cut in benefits for everyone receiving Social Security and for those who will receive it in the future. Someone once said: Well, won't I be grandfathered in?

And she was a female, so I said: I think you mean "grandmothered" in, but it doesn't matter. No, if you are already on Social Security, you get a 24-percent cut.

So I will state here, we must save, strengthen, and secure Social Security. And I am pleased to say there is a plan to do so.

But one thing, what we cannot do as we work to save Social Security is perpetuate an unfairness, an unjustness—an unjustness that began decades ago. This unfairness targets people who have dedicated their lives to serving communities on the State and local level, such as first responders and teachers.

So, today, we can take a step toward that fairness. We can repeal two unfair Social Security provisions with the Social Security Fairness Act if the majority leader schedules a vote. WEP and GPO penalize families—and I have already mentioned particularly in States like Louisiana, California, Maine, Texas—who have worked a public service job for part of their career with a separate pension from Social Security.

We are talking about first responders, the police officers, the firefighters but also the teachers and other public employees who are being punished for serving their communities.

How did we get here? WEP and GPO were introduced decades ago to address perceived inequalities in the Social Security system, but they have had the opposite effect of creating real, tangible inequalities.

When my firefighters, police officers, and teachers in Louisiana have a second job or second career or get married, they are being unfairly punished, receiving far less from Social Security than if they had never worked in public service at all, and that is not right.

WEP reduces the earned Social Security benefits of individuals who also receive a pension from a non-Social Security government job. This has resulted in thousands who have paid into the system during their careers receiving a significantly reduced Social Security benefit when they retire.

GPO reduces earned Social Security spousal or survivor benefits for individuals who also receive a government pension.

This provision can reduce or even eliminate the Social Security benefits that a spouse or widow might have expected and relied upon. Public servant spouses would receive more than if they had never worked at all. Let me repeat that. If you have a teacher married to someone who has a great job, he dies, she doesn't receive but a fraction of the Social Security benefit that she would have received from her husband's Social Security benefit.

As a guy who used to work in a hospital for the uninsured run by the State, I worked a lot with nurses, I consistently hear from the people I worked with and from constituents that they feel like they are being punished for serving community, and that is in Louisiana, but it is for public servants across the country who feel the exact same way.

WEP and GPO affect Americans in every single State, and there is no excuse to treat our public servants this way. It should never have become law, but we have an opportunity to fix it. In mid-November, the U.S. House of Representatives passed the Social Security Fairness Act. As a longtime original cosponsor of the Senate version, I have been waiting to proudly vote yes and finally repeal WEP and GPO.

Instead, day after day, Senate Democrats have focused their attention on ramming through partisan nominees rather than passing serious legislation.

And if it sounds like I am frustrated, I am. We owe it to every public servant who has taught our kids, protected our streets, run into a burning building, and more to pass this bill.

The time for theater is through. It is time to get serious and vote on legislation that matters. I am ready to vote yes on the Social Security Fairness Act and repeal WEP and GPO for people in Louisiana and for Americans across the country.

So I call upon the majority leader to schedule a vote on the Social Security Fairness Act, and I urge colleagues to join in support of it.

I yield the floor.

NOMINATION OF ANNE HWANG

Mr. DURBIN. Madam President, today, the Senate will vote to confirm Judge Anne Hwang to the U.S. District Court for the Central District of California.

Born in Los Angeles, CA, Judge Hwang attended Cornell University and the University of Southern California Law School before entering private practice at Irell & Manella LLP. While at the firm, she worked on business disputes and Federal white collar criminal cases.

Judge Hwang then joined the Office of the Federal Public Defender for the Central District of California, where she eventually became the district's chief deputy Federal public defender. In addition to trial work, she also represented indigent clients in appellate, habeas, and postconviction matters during this time.

In 2018, she was appointed to serve as a judge for the Superior Court of California, County of Los Angeles. In her time on the bench, she has presided over both criminal misdemeanor trials and personal injury cases. Judge Hwang has also issued hundreds of opinions in civil matters.

Judge Hwang's deep knowledge of the Central District of California and significant experience in the courtroom ensure that she will be an asset on the Federal bench. She is strongly supported by her home State Senators and will serve honorably as a Federal district judge.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. CASSIDY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. MURPHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut.

Mr. MURPHY. Madam President, I would ask that the scheduled vote begin immediately.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON HWANG NOMINATION

Under the previous order, the question is, Will the Senate advise and consent to the Hwang nomination?

Mr. MURPHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Pennsylvania (Mr. FETTERMAN), the Senator from Maine (Mr. KING), the Senator from Washington (Mrs. MURRAY), and the Senator from Arizona (Ms. SINEMA) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from North Dakota (Mr. CRAMER), the Senator from North Dakota (Mr. HOEVEN), the Senator from Idaho (Mr. RISCH), the Senator from Florida (Mr. RUBIO), and the Senator from Ohio (Mr. VANCE).

Further, if present and voting: the Senator from North Dakota (Mr. HOEVEN) would have voted "nay".

The result was announced—yeas 48, nays 43, as follows:

[Rollcall Vote No. 304 Ex.]

YEAS—48

| | | |
|--------------|--------------|------------|
| Baldwin | Hassan | Reed |
| Bennet | Heinrich | Rosen |
| Blumenthal | Helmy | Sanders |
| Booker | Hickenlooper | Schatz |
| Brown | Hirono | Schumer |
| Butler | Kaine | Shaheen |
| Cantwell | Kelly | Smith |
| Cardin | Klobuchar | Stabenow |
| Carper | Lujan | Tester |
| Casey | Manchin | Van Hollen |
| Collins | Markey | Warner |
| Coons | Merkley | Warnock |
| Cortez Masto | Murphy | Warren |
| Duckworth | Ossoff | Welch |
| Durbin | Padilla | Whitehouse |
| Gillibrand | Peters | Wyden |

NAYS—43

| | | |
|-----------|------------|------------|
| Barrasso | Graham | Paul |
| Blackburn | Grassley | Ricketts |
| Boozman | Hagerty | Romney |
| Braun | Hawley | Rounds |
| Britt | Hyde-Smith | Schmitt |
| Budd | Johnson | Scott (FL) |
| Capito | Kennedy | Scott (SC) |
| Cassidy | Lankford | Sullivan |
| Cornyn | Lee | Thune |
| Cotton | Lummis | Tillis |
| Crapo | Marshall | Tuberville |
| Cruz | McConnell | Wicker |
| Daines | Moran | Young |
| Ernst | Mullin | |
| Fischer | Murkowski | |

NOT VOTING—9

| | | |
|-----------|--------|--------|
| Cramer | King | Rubio |
| Fetterman | Murray | Sinema |
| Hoeben | Risch | Vance |

The nomination was confirmed.

The PRESIDING OFFICER (Mr. HELMY). Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

The Senator from Arizona.

Mr. KELLY. Mr. President, on behalf of the majority leader, I ask the Chair to execute the order of November 20 with respect to the Murphy nomination.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Brian Edward Murphy, of Massachusetts, to be United States District Judge for the District of Massachusetts.

NOMINATION OF BRIAN EDWARD MURPHY

Mr. DURBIN. Mr. President, today, the Senate will vote to confirm Brian Edward Murphy to the U.S. District Court for the District of Massachusetts.

Born in Columbia, MD, Mr. Murphy earned his B.A. from the College of the Holy Cross in 2002 and his J.D. from Columbia Law School in 2006.

After graduating from law school, Mr. Murphy joined the Committee for Public Counsel Services as a public defender in the district court division in 2006. He later served the office as a public defender in the superior court division between 2007 and 2009.

Following his time in public service, Mr. Murphy worked as an associate attorney at Todd and Weld LLP from 2009 to 2011. There, his practice centered exclusively on criminal defense work in State and Federal courts. In 2011, Mr. Murphy opened his own practice known today as Murphy & Rudolph LLP. His practice centers on criminal defense, civil, and probate work. He also provides representation to indigent defendants through Criminal Justice Act appointments.

Throughout his career, Mr. Murphy has tried 41 cases to verdict as either sole or chief counsel. Additionally, he has briefed 14 cases in the appeals courts and presented oral argument in seven of those matters.

The American Bar Association unanimously rated Mr. Murphy as "well qualified," and he has the strong support of his home State Senators, Ms. Warren and Mr. Markey.

The extensive litigation experience Mr. Murphy gained while serving as a public defender and as a criminal defense attorney in private practice has equipped him with the requisite skillset to join the Federal bench in Massachusetts.

I am proud to support his nomination.

Mr. MARKEY. Mr. President, I rise in support of the nomination of Brian Murphy to serve as a judge on the United States District Court for the District of Massachusetts.

Brian Murphy started his legal career as a public defender in Worcester, MA. In that role, he stood on the frontline in the fight for justice. He devoted his practice of law to ensuring that those who could not afford a lawyer—people whose very lives and liberties were at stake—received the legal representation and defense that our Constitution guarantees. In that role, Mr. Murphy gained critical courtroom and trial experience and perspective on how our system of justice operates and impacts the lives of those involved in it.

After serving as a public defender, Mr. Murphy continued to represent criminal defendants in private practice, eventually starting his own law