

substitute amendment at the desk be agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

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

The amendment (No. 2498), in the nature of a substitute, was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The bill, as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

PERMITTING THE REMAINS OF THE HONORABLE JOHN LEWIS, LATE A REPRESENTATIVE FROM THE STATE OF GEORGIA, TO LIE IN STATE IN THE ROTUNDA OF THE CAPITOL

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 105, which was received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution.

The senior assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 105) permitting the remains of the Honorable John Lewis, late a Representative from the State of Georgia, to lie in state in the rotunda of the Capitol.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. MCCONNELL. I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The concurrent resolution (H. Con. Res. 105) was agreed to.

DIRECTING THE ARCHITECT OF THE CAPITOL TO TRANSFER THE CATAFALQUE SITUATED IN THE EXHIBITION HALL OF THE CAPITOL VISITOR CENTER TO THE ROTUNDA OF THE CAPITOL FOR USE IN CONNECTION WITH SERVICES CONDUCTED FOR THE HONORABLE JOHN LEWIS, LATE A REPRESENTATIVE FROM THE STATE OF GEORGIA

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 106, which was received from the House.

The PRESIDING OFFICER. The clerk will report the title of the concurrent resolution.

The senior assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 106) directing the Architect of the Capitol to transfer the catafalque situated in the Exhibition Hall of the Capitol Visitor Center to

the rotunda of the Capitol for use in connection with services conducted for the Honorable John Lewis, late a Representative from the State of Georgia.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The concurrent resolution (H. Con. Res. 106) was agreed to.

ORDERS FOR TUESDAY, JULY 28, 2020

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Tuesday, July 28; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; further, that following leader remarks, the Senate proceed to executive session to resume consideration of the Joseph nomination, under the previous order; finally, that following the cloture vote on the Wade nomination, the Senate recess until 2:15 to allow for the weekly conference meetings.

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

ORDER FOR ADJOURNMENT

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent it stand adjourned under the previous order following the remarks of Senators Coons and Whitehouse.

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

The PRESIDING OFFICER. The Senator from Delaware.

REMEMBERING STEPHEN D. SUSMAN

Mr. COONS. Mr. President, on the day that we are remembering our dear friend and colleague John Lewis, "someone who got in good trouble, someone who got in the way," I rise to join with my colleague from the State of Rhode Island to offer tribute to a dear friend who also knew how to get in good trouble and get in the way.

Our friend Steve Susman of Houston, TX, at age 79, passed away on July 14 after sustaining serious injuries from a cycling accident and suffering from COVID-19. Steve will be remembered by all he inspired as one of the greatest trial attorneys ever in the United States. Steve is someone who, with incredible skill, prepared painstakingly, mastering the facts, so that he could back up every single thing he said in front of a jury.

When it came to courtrooms, it is said that Steve was the smartest guy in the room, but he also believed deeply in teaching young lawyers trial skills. And unlike many famous and leading trial attorneys, he was happy to share the spotlight with younger lawyers—in fact, insisted on it. Two of those younger lawyers happen to be friends of mine from law school, Jonathan Ross and Andrew Golub, who first introduced me to Steve and gave me the joy of getting to know him and all who practiced with him.

Steve was passionate about law and justice. He spent his entire life thinking and talking about and working for ways to improve the system of civil justice in America. Motivated by a deep passion for the law, he fought to improve our system and was a crusader. Respected broadly for his leadership and his ability to achieve justice for his clients, Steve is someone who left a lasting impact on his community and our country.

His incredible generosity to Yale University, to the University of Texas Law School, to the NYU Law School Civil Jury Project, and to the Anti-Defamation League, among many others, will be remembered for years and years to come. Steve had boundless energy, deep affection for his family, and a passionate commitment to the law.

This is a difficult time for his family, his friends, his colleagues, and his loved ones. I want to give my special condolences to his wife, Ellen; his children, Harry, Stacy, Whitney, and Amanda; his brother, Tommy; and his eight grandchildren. I share with them my deepest and sincere condolences in the passing of this lion of the law. We will not see his like again.

I yield the floor to my colleague from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I am pleased to join my colleague from Delaware here to offer a Senate floor farewell to our friend Steve Susman. He was a very big personality, but unlike a lot of very big personalities, it was never all about him. He wasn't pushing people away with the size of his personality. He was enveloping them with the size of his personality, and I was one who was fortunate to be so enveloped. We became friends, and I will miss him.

To Ellen and to their children, to his brother, Tom, who gave such beautiful remarks at the electronic service for Steve the other day, I want to say thank you.

I just want to tell one story, but the story will not make sense if you don't understand what a big deal Steve Susman was. If you don't understand that he was the main partner of Susman Godfrey, which by many lights is the best and biggest litigation firm in the United States of America. His name is on that firm. His name is on thousands of pleadings filed by that firm in cases all around the country. He is a person

who had gravitas as a lawyer and who lived before judges and needed to make sure he kept their good will and respect.

Now, for a lot of people, that would have meant taking no chances—not for Steve. I have a practice, from time to time, in the Senate, of writing Supreme Court amicus briefs as an amicus curiae—a friend of the court and not the party. The Court rules allow me both to express their views on the law and on the background facts in cases—those people are called friends of the court—and I have filed those briefs over and over again. They are not the usual friend-of-the-court brief. Let's just say that.

I believe that as a U.S. Senator, I best show my respect for the Court and the Justices by being candid with them about where I think they have made grievous mistakes or where they have been led astray.

So these are not your ordinary briefs. This one was about the Consumer Financial Protection Board, and I focused on the favor-seeking interests that caused the underlying 2008 meltdown and how those same favor-seeking interests were interested in undoing the Consumer Financial Protection Board so they could get back to the same mischief again. I talked about the dangers of corruption from those interests. Well, those are powerful interests. To talk about them in that way in an amicus brief is not nothing.

Now, the brief talks about the fake notion of freedom that some espouse, which is, for instance, the freedom to pollute as opposed to the freedom to have a clean river free of the pollution. That freedom—the freedom to harm consumers—that freedom is a fake and wrong freedom, and we said so quite clearly in this brief. We talked about the value of regulation that we have clean air and water, that we have safe pharmaceuticals, that we have an orderly economy, and that people are not cheated in stock swindles because we have a regulatory system that has knowledgeable people in it who devote

their careers to looking out for the public against very clever and often wily special interests.

We push back hard on the notion that deregulation is a great asset. In fact, we pointed out that the failures of regulation have almost always occurred when the regulated interest got too much control over the regulator and got into the mischief business through the regulator, but honest regulation has been almost always a virtue for our country.

We went after this thing called the unitary executive theory and showed how it had been cooked up in corporate rightwing hothouses. This thing had come through like an assembly line of billionaire-funded rightwing phony front groups to propagate itself out into the world and tried to get some legitimacy as a legal theory, and we went through the whole history of that. That is pretty rough stuff because people put a lot of money into trying to cook up this unitary executive theory.

Last week, we pointed out that the judicial selection process that is going on around here right now is directly related to the deregulation process. The judges are being picked by special interests so they will rule against regulation and give special interests a break and they can pollute and cheat and harm people to a greater degree than they would with strong regulators. That was a point that we made in this brief. And, by the way, I quoted Trump's legal counsel, Don McGahn, who actually said this. It is not like we were making it up. He called them two sides of the same coin—fill the court with judges who hate regulation and let the big industries deregulate and have more freedom to harm.

And, finally, we did something that I have not done before in a brief, but because there is so much special interest money floating around in the Supreme Court and because there is so much mischief swirling around it, we actually put an appendix into the brief at the end that looked at some of the

other amici who had showed up to show how often they were funded by the same secretive groups and how many of them were basically tentacles of the same creature, and we backed that up with research showing one by one how they had been funded and sourced thoroughly.

This was not your usual Supreme Court brief. Why do I dwell on this brief? Because here is the name on it: Brief of Amici Curiae, U.S. Senator SHELDON WHITEHOUSE, RICHARD BLUMENTHAL, MAZIE HIRONO in Support of Court-Appointed Amicus Curiae, Stephen D. Susman, Counsel of Record. Like the thousands of pleadings that bear Steve Susman's name, so did this brief.

He took a chance to sign on a brief that was written the way we wrote this one. He did not mind. He knew that what we were saying was right. He was willing to put his name behind that, even though it might have caused blowback because that is the kind of man he was, and I will miss that. We have too little of that in this country these days, and, Steve, God speed.

I yield the floor.

Mr. COONS. So our respect to Steve Susman, a man of rare courage.

With that, I yield the floor.

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ADJOURNMENT UNTIL 10 A.M.  
TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m. tomorrow.

Thereupon, the Senate, at 7:12 p.m., adjourned until Tuesday, July 28, 2020, at 10 a.m.

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CONFIRMATION

Executive nomination confirmed by the Senate July 27, 2020:

THE JUDICIARY

WILLIAM SCOTT HARDY, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA.