

the odds. For it is up to us now to light the world, as he did.

In this past week, I think we have all found new meaning in those familiar words of Aeschylus, when he said:

And even in our sleep, pain that cannot forget falls drop by drop upon the heart, and in our own despair, against our will, comes wisdom to us by the awful grace of God.

Today, in our despair, let wisdom come. Let us honor the memory of Senator Edward Moore Kennedy by not only remembering the man but by continuing the good work he has done.

I yield the floor.

Mrs. SHAHEEN. Mr. President, I am honored to be here to add my voice to so many of those who today have eloquently remembered Senator Ted Kennedy. Like so many who have spoken today, I was the beneficiary of so many personal kindnesses from Senator Kennedy.

I actually first met him on the campaign trail. In 1980, I was actually on the other side in New Hampshire when he was running against Jimmy Carter. Despite the fact that was a very hard-fought campaign and we won and he lost, when I ran a winning campaign 4 years later in the New Hampshire primary, Senator Kennedy was one of the first people to call and congratulate me.

After that, I had the opportunity to campaign over the years with Senator Kennedy. There was no one who could fire up a crowd as he could. In 2000, I remember he was there for Al Gore when times were tough in New Hampshire. He was there for JOHN KERRY in 2004. And I had the opportunity to travel around the country with him in support of JOHN KERRY, his very good friend.

But I really got to see the difference he made in so many lives when I worked with him at the Institute of Politics at the Kennedy School of Government at Harvard. I had the opportunity to be chosen to be the director there, and Senator Kennedy was one of those people who helped make that decision and make that happen for me. What was so impressive was that it did not matter how busy he was with the work in Washington, with what he was doing in Massachusetts, he never missed a meeting. His first concern was always: What are the students doing? What is going to excite them? What is going to get them involved in politics and public service, because that was the mission of the Institute of Politics. It was one of two memorials that were established by the Kennedy family to remember his brother, President John Kennedy. It was always amazing to me to see someone who was so busy, so prominent in national life, who never missed an opportunity to talk with the freshman student who was there who wasn't quite sure what they wanted to do, to talk with and encourage the young people who were involved at the institute to get involved in politics, in government, in public service.

I know Senator Kennedy will be remembered by so many of the

kindnesses he provided to people. He will be remembered by the tens of thousands of people whose lives he touched. But I think one of his most significant legacies will be those young people who are encouraged to get involved in politics, who appreciate that public service in government is an honorable profession because of his leadership and the work he did.

I feel very honored and privileged to have worked with him and to have had the opportunity to serve with him, however briefly, in the Senate. I know we will all remember for future generations what Senator Kennedy has done.

ORDER OF PROCEDURE

Ms. STABENOW. Mr. President, I ask unanimous consent that at 2:30 today, the Senate resume executive session and consideration of the nomination of Cass Sunstein; that all post-cloture time be yielded back except for 75 minutes, with that time equally divided and controlled between Senator LIEBERMAN and the Republican leader or his designee; that at 3:45 p.m., the Senate proceed to vote on confirmation of the nomination; that upon confirmation, the motion to reconsider be considered made and laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and the Senate then resume legislative session; that upon resuming legislative session, the Senate then proceed to the consideration of Calendar No. 153, H.R. 3288, the Department of Transportation, Housing, and Urban Development and Related Agencies appropriations bill.

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF CASS R. SUNSTEIN TO BE ADMINISTRATOR OF THE OFFICE OF INFORMATION AND REGULATORY AFFAIRS, OFFICE OF MANAGEMENT AND BUDGET

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Cass R. Sunstein, of Massachusetts, to be Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget.

Ms. STABENOW. Mr. President, I suggest the absence of a quorum and ask that the time be charged equally to both sides.

Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. STABENOW.) Without objection, it is so ordered.

Mr. KYL. Madam President, Professor Cass Sunstein's academic credentials are impressive. He has taught at the University of Chicago School of Law and at the Harvard School of Law, and has been a prolific writer on a wide variety of topics.

He has some fine ideas on cost-benefit analysis, and I hope they will be reflected in his approach as administrator of Office of Information and Regulatory Affairs.

I do, however, find that some of the arguments he has made, and the positions he has taken in his writings and speeches, fall outside the mainstream.

One theme that has appeared repeatedly in his writings and speeches is his strange belief that animals should have legal standing in court. Professor Sunstein wrote in his book *Animal Rights: Current Debates and New Directions* that, "We could even grant animals a right to bring a suit without insisting that animals are persons. . . . We could retain the idea of property but also give animals far more protection against . . . neglect of their interests."

He goes on: "It seems possible that before long Congress will grant standing to animals in their own right. . . . Indeed I believe that in some circumstances, Congress should do exactly that, to provide a supplement to limited public enforcement efforts."

In a paper for the University of Chicago School of Law, Professor Sunstein wrote that, "Representatives of animals should be able to bring private suits to ensure that anticruelty and related laws are actually enforced. If, for example, a farm is treating horses cruelly and in violation of legal requirements, a suit could be brought, on behalf of those animals."

Of course, no one favors animal cruelty. That is why there are laws against it. That should go without saying. But there is a big difference between having concerns about the treatment of animals and taking Professor Sunstein's position that an animal deserves a lawyer in court.

An animal is not a person, and it cannot function as a plaintiff during a trial. Laws and regulations that would give animals legal standing in court could open the door to a flood of ridiculous lawsuits that would wreak havoc on research labs, restaurants, farms, and the like.

Imagine what could happen if a group wanted to represent lab rats or farm chickens in a class-action lawsuit. Even if claims were found baseless in courts, someone, farms, laboratories, business owners, would still bear the costs of litigation.