

Harry Reid, Mark L. Pryor, Sheldon Whitehouse, Daniel K. Inouye, Russell D. Feingold, Christopher J. Dodd, Roland W. Burris, Richard Durbin, Patty Murray, Jon Tester, Mark Udall, Amy Klobuchar, Jack Reed, Max Baucus, Jeff Merkley, Blanche L. Lincoln, Maria Cantwell, Byron L. Dorgan.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Harold Koh, of Connecticut, to be Legal Adviser of the State Department shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Mississippi (Mr. COCHRAN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 65, nays 31, as follows:

[Rollcall Vote No. 212 Ex.]

YEAS—65

Akaka	Gregg	Murray
Alexander	Hagan	Nelson (NE)
Baucus	Harkin	Nelson (FL)
Bayh	Hatch	Pryor
Begich	Inouye	Reed
Bennet	Johnson	Reid
Bingaman	Kaufman	Rockefeller
Boxer	Kerry	Sanders
Brown	Klobuchar	Schumer
Burris	Kohl	Shaheen
Cantwell	Landrieu	Snowe
Cardin	Lautenberg	Specter
Carper	Leahy	Stabenow
Casey	Levin	Tester
Collins	Lieberman	Udall (CO)
Conrad	Lincoln	Udall (NM)
Dodd	Lugar	Voivovich
Dorgan	Martinez	Warner
Durbin	McCaskill	Webb
Feingold	Menendez	Whitehouse
Feinstein	Merkley	Wyden
Gillibrand	Mikulski	

NAYS—31

Barrasso	DeMint	McConnell
Bennett	Ensign	Murkowski
Bond	Enzi	Risch
Brownback	Graham	Roberts
Bunning	Grassley	Sessions
Burr	Hutchison	Shelby
Chambliss	Inhofe	Thune
Coburn	Isakson	Vitter
Corker	Johanns	Wicker
Cornyn	Kyl	
Crapo	McCain	

NOT VOTING—3

Byrd	Cochran	Kennedy
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The PRESIDING OFFICER. On this vote, the yeas are 65, the nays are 31. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

(Disturbance in the Visitors' Galleries.)

The PRESIDING OFFICER. No applause from the gallery is allowed.

The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent to speak as in morning business and that I be fol-

lowed by my colleague, Senator ISAKSON.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered.

TRIBUTE TO DR. BRUCE GRUBE

Mr. CHAMBLISS. Mr. President, I rise to pay tribute to an academic leader and a true public servant—Dr. Bruce Grube. A decade ago, Dr. Grube took the helm of Georgia Southern University in Statesboro, GA. At the end of this month, after 10 years on this job, he will leave Georgia Southern a bigger, better, and considerably richer university, both in terms of its endowment and in its academic achievements, than when he started.

His leadership has been robust. During Dr. Grube's tenure as President of Georgia Southern the school's enrollment has risen almost 23 percent. Nearly 18,000 students are proud to call Georgia Southern their academic home. And while freshman SAT scores were rising some 13 percent on his watch, the university was being catapulted into national prominence. During Dr. Grube's time as president, Georgia Southern was designated a Carnegie doctoral/research university, was featured in the U.S. News and World Report's "Best Colleges" guide, and was named one of the Nation's "Top 100 Best Values" in education by Kiplinger.

He also oversaw the creation of two new colleges specializing in information technology and public health, presided over a veritable building boom on campus, and brought Georgia Southern into the Internet age with distance learning courses.

Of all his remarkable achievements, perhaps the most significant is that in the decade of Dr. Grube's presidency, the amount of scholarships funded through the Georgia Southern Foundation has doubled. In 1999, the foundation's scholarships totaled \$644,000. In 2007, the foundation was able to award \$1.3 million to deserving scholars, many of whom may not have been able to start school or complete their degrees without that assistance. And Dr. Grube has led the way in doubling the university's endowment in 9 years' time.

In addition, he has overseen Georgia Southern's rise in the world of collegiate athletics. In the past decade, the Eagles' volleyball, softball, baseball, and golf teams have reached their respective NCAA tournaments. Its football team went to the FCS national championships, and its cheerleading squad captured the national title.

Georgia Southern and the entire university system will miss Dr. Grube's visionary leadership. Fortunately, this political scientist who got his start in the classroom won't be going far. After a little time off, he will return to Georgia Southern to teach in 2010.

Dr. Grube, we certainly wish you and your family the best. Your professional dedication to better education has made Georgia Southern and Georgia a

better place in which to live. I am proud to call you my good friend.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I am delighted to rise with my colleague from Georgia, Senator CHAMBLISS, and pay tribute to my friend, Dr. Bruce Grube. A lot of times we stand on the floor and say "my friend," when it is a passing statement. Well, it is not for me. I met Dr. Grube in 1989, when he was named the 11th president of Georgia Southern University, and I was with him as recently as commencement last year.

He is a great leader in education in our State, and he will be missed. But he is both remembered and revered and there are three reasons I would like to talk about his distinguished career. No. 1, he did what is most important for college presidents to do—he raised the endowment of the university. In fact, he doubled the endowment of the university. And because of that, as Senator CHAMBLISS said, he doubled the number of scholarships going out to deserving Georgians to come to Georgia Southern University. That is No. 1.

No. 2, as a former chairman of a State board of education and one whose passion is education, I love what Dr. Grube did when he put in the First-Year Experience program at Georgia Southern University, a program designed to make the first-year experience a lasting experience so student retention improved at Georgia Southern and more kids who entered graduated. Since the inception of that program, retention at Georgia Southern University has gone from 66 percent of the freshman class to 81 percent of the freshman class—four out of five returning and getting their degree at Georgia Southern University.

No. 3, among everything else that a president of a university does in terms of responsibility, it is so important that they outreach to the community. When you go to Bulloch County in Statesboro, GA, if you are at Snooky's Restaurant for breakfast, Dr. Grube is there. If you are on campus in the middle of the day, interacting with students under the shade of a Georgia pine tree, Dr. Grube is there. If there is a charitable or benefit program in Bulloch County, Dr. Grube is there. He is the face of Georgia Southern University, and he will be missed—but only for a year because after a brief sabbatical he comes back to teach political science at Georgia Southern University. He returns to his roots, established in his doctorate degree at the University of Texas in political science and carried on for years to come as a distinguished professor of political science at Georgia Southern University.

I am proud to rise with my colleague, Senator CHAMBLISS, to pay tribute to a great Georgian, a great educator, and my personal friend, Dr. Bruce Grube.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KAUFMAN). The clerk will call the roll. The bill clerk proceeded to call the roll.

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

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

Mr. MCCONNELL. Mr. President, I am going to proceed on my leader time which I did not use earlier this morning.

HEALTH CARE WEEK IV, DAY III

Mr. President, when it comes to reforming health care, Republicans believe that both political parties should work together to make it less expensive and easier to obtain, while preserving what people like about our current system.

That is why Republicans have put forward ideas that should be easy for everyone to support, such as reforming medical malpractice laws to get rid of junk lawsuits; encouraging wellness and prevention programs that have already been shown to cut costs; and addressing the needs of small businesses without imposing taxes that will kill jobs.

Unfortunately, Democrats on Capitol Hill have opted against many of these commonsense proposals, moving instead in the direction of a government-run system that denies, delays, and rations care.

So it is my hope that the President uses his prime time question and answer session at the White House tonight to clearly express where he himself comes down on a number of crucial questions.

One question relates to whether Americans would be able to keep the care they have if the Democrat plan is enacted. The President and Democrats in Congress have repeatedly promised Americans they could keep their health insurance. Yet the independent Congressional Budget Office says that just one section of the Democrat bill being rushed through Congress at the moment would cause 10 million people with employer-based insurance to lose the coverage they have.

Another independent study of a full proposal that includes a government-run plan estimates that 119 million Americans, or approximately 70 percent of those covered under private health insurance, could lose the health insurance they have as a consequence of a government plan. America's doctors have also warned that a government plan threatens to drive private insurers out of business. And yesterday, the President himself acknowledged that under a government plan, some people might be shifted off of their current insurance.

So the first question is this: Will the President veto any legislation that causes Americans to lose their private insurance?

The President also said that health care reform cannot add to the already staggering national debt. Yet once

again, the Congressional Budget Office has said that just one section of the Democrats' HELP bill would spend \$1.3 trillion, while others estimate the whole thing could end up spending more than \$2 trillion. And here is how the CBO put it: "the substantial costs of many current proposals to expand Federal subsidies for health insurance would be much more likely to worsen the long-run budget outlook than to improve it."

Let me repeat that, Mr. President. The Congressional Budget Office says that some of the proposals in the Democrats' bill would be much more likely to worsen the long-run budget outlook than to improve it.

So the second question is this: Will the President veto a bill that adds to the Nation's already staggering deficit?

The President has said that no middle-class Americans would see their taxes raised a penny. Yet Democrats on Capitol Hill are considering proposals, such as a plan to limit tax deductions for medical costs, that would not only raise taxes on middle class families, but that would hit these families the hardest.

So the third question is this: Will the President veto any legislation that raises taxes on the middle class?

The President has said he supports wellness and prevention programs that have proven to cut costs and improve care by encouraging people to make healthy choices, like quitting smoking and fighting obesity. One such program is the so-called Safeway plan, which has dramatically cut that company's costs and employee premiums. Yet the bill Democrats are rushing through the Senate would actually ban the key provisions of the Safeway program from being implemented by other companies.

So the fourth question is this: Does the President support the HELP Committee bill, which bans providing incentives for healthy behavior, and will he veto legislation that bans these kinds of programs?

Finally, the President has said that government should not dictate the kind of care Americans receive. On this issue, the President has no stronger supporters than Republicans. But Democrats on the HELP Committee rejected a Republican amendment that would have prohibited a Democrat-proposed government board from rationing care or denying lifesaving treatments because they are too expensive.

So the fifth question is this: Does the President support the Republican amendment to prohibit the rationing of care, and will he veto legislation that allows the government to deny, delay, and ration care?

Five questions: Will the President use his veto pen to make sure Americans are not kicked off their current health plans? Will he oppose any legislation that increases the nation's deficit? Will he oppose any bill that raises taxes on middle-class families? Will he reject any bill that excludes common-

sense wellness and prevention programs that have been proven to cut costs and improve care? And will he disavow legislation that denies, delays, and rations care?

The American people want Republicans and Democrats to work together to enact health care reform, but they want the right kind of reform not a massive government takeover that forces them off of their current insurance and denies, delays, and rations care. Americans are right to be concerned about what they are hearing from Democrats. It's my hope that the President addresses those concerns tonight once and for all.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. KYL. Mr. President, the nomination of Harold Koh concerns me for a number of reasons. Primarily, his view that international law should guide U.S. law and his criticism of our first amendment right to freedom of speech and his opposition to the Solomon amendment, which conditions Federal funding to educational institutions on allowing military recruiting on campus.

The State Department Legal Adviser helps formulate and implement U.S. foreign policy, advises the Justice Department on cases with international implications, influences U.S. positions on issues considered by international bodies, and represents the United States at treaty negotiations and international conferences.

In short, this position requires the utmost deference to the Constitution of the United States. Mr. Koh is a proponent of transnationalism, the belief that Americans should use foreign law and the views of international organizations to interpret our Constitution and to determine our policies.

Mr. Koh has gone so far as to refer to the United States as part of an "axis of disobedience" in reference to America's alleged violations of international law.

During his 2003 speech at the University of California at Berkeley, Mr. Koh said:

When I came to government, the first conclusion I reached was that the rule of law should be on the U.S. side.

That's a system of law—

He is speaking now of international law—

that we helped to create. So that's why we support various systems of international adjudication. That's why we support the UN system. We need these institutions, even if they cut our own sovereignty a little bit.

Mr. Koh's views on the first amendment again portray a desire to make