benefit of 14 million Americans who are currently unemployed.

It comes down to this. We are going to have a vote later this afternoon. It is going to be a vote on President Obama's jobs proposal. He has spoken to it clearly in a joint session of Congress. He has taken his case to the American people. He has included provisions which the Republicans have historically supported but that I am afraid they are going to walk away from on this. The Republican approach to this is to do nothing—absolutely nothing. Protect millionaires from tax increases and don't give President Obama a victory.

I will say this. This is not about a victory for President Obama. It is a victory for unemployed people across America that we would do something specific, something direct, and something that would have a measurable impact in creating jobs. I am troubled the Republican approach, as Senator MCCONNELL described it, is one of ''just say no.''

That is the Republican answer to the weakness of our economy. He talks about the tax hike that is included in our bill. That tax hike is a surtax—on those making over $1 million in income—of 5.6 percent. It is not too much a sacrifice to ask from those who are most well off in America.

When the Senator from Kentucky comes and tells us the earlier stimulus bill failed, I would say to him: Remember, over 40 percent of that bill consisted of tax cuts, something most Republicans usually support. It also invested in America in ways that will pay off for years to come. For example, the stimulus bill paid for and built a new terminal at the Peoria National Airport—a terminal that created jobs today and will serve that community for decades to come. That stimulus bill also led to the creation of an intermodal center in Bloomington, in downstate Illinois, a proposal that will create jobs now for construction and build for transportation in that community for decades to come.

So for that stimulus to be dismissed as not creating results, I am afraid Senator MCCONNELL needs to journey a little north of Kentucky, and we will show him results in Illinois and all across the United States.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

CHINA'S CURRENCY POLICY

Mr. SCHUMER. Mr. President, I thank my colleague from Illinois for his remarks. In a few minutes, we are going to vote on a bill that could actually change the course of how we trade with China. For a decade, getting worse every year, China has taken advantage of America in every way. Currency is at the top of the list, but it has been the theft of intellectual property, it has been the subsidy of indigenous Chinese businesses, it has been monopolizing things such as rare earth, and it has been excluding American products from China when those products would have a competitive advantage. For the first time, this body, in a bipartisan way, has the ability to say enough is enough. Uncle Sam is no longer Uncle Sap. We are going to create fair trade with China.

This relates to our future because it no longer is competition over shoes or clothing or furniture—labor-intensive businesses. It is competition over the most high-end things we do. Our companies can win and create jobs here in America if China plays by the rules and plays fairly. But everyone who has been up close and seen the way the Chinese operate know that will not happen by persuasion, by multilateral talks, by wishing it were so or even by the healing of time. It will only happen if America stands up for itself—for fairness, for equal treatment. For the first time, we have the opportunity to get that to happen.

Some say this is a symbolic bill. It is not. If we pass this bill by a bipartisan majority, I will tell everybody what will happen. The House will vote on something—hopefully strong—and we will have a conference committee with something going to the President's desk. Long before that occurs—long before that occurs—the Chinese will begin to step back from their unfair trade policies. So we can indeed win the trade argument with China.

Some say it will create a trade war. We are already in a trade war, and we are losing. We are getting our clocks cleaned. But we can stop it, and this is the opportunity.

Mr. President, every one of us has spoken to companies that make high-end products throughout our States, and that China competes unfairly and takes jobs and wealth away from America, we know that. No one disputes that. No one disputes that they manipulate currency. No one disputes that they take jobs and wealth unfairly from America. The issue is what to do about it.

Some say talk to the Chinese. We have done that for 7 years. Some say have multilateral agreements. We have tried that; China just doesn't listen. The only way to get China to change its policies is by requiring them to do so by putting in place a system that says: If you don't, the consequences will be worse for you than if you do. That is how China operates. Unfortunately, my belief is the new leadership in China, without any reformers on the executive committee of the Politburo, will get worse, not better, unless we, together, Democrats and Republicans, say to China: Enough is enough.

American workers have said enough is enough. American businesses have said enough is enough. When is the Congress, when is this government going to say enough is enough instead of just twiddling our thumbs and hoping and praying China might change out of the goodness of their hearts? Well, the time is now. This is a unique opportunity not simply to have a symbolic vote. Believe me, this is not at all political to me. Senator GRAHAM and I have tried to keep this a bipartisan issue religiously for 7 years. To me, this is something that relates to the very future of our country, like educating our kids, like creating jobs so that the next generation has a better opportunity than this, like the greatness of America itself.

We are in a tough world. We know that. But America always wins in a tough world. We compete and we survive. The only way we won't is if the deck continues to stay stacked against us. My colleagues, even up the playing field. This legislation will start us on the road to doing that so that our children and our grandchildren will have a better future than they will if we continue the present policies and let China take industry after industry unfairly away from us.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

SENATOR COBURN

Mr. REID. Mr. President, I just learned that my friend, Senator TOM COBURN, has undergone surgery to treat prostate cancer. The junior Senator from Oklahoma is expected to make a full recovery. His cancer was in the early stages, and he should be back to work in a few weeks. Senator COBURN has battled cancer twice before, and he has beaten the disease twice before. Those of us who know TOM COBURN know with certainty that this fighter will beat it again.

My thoughts are with Senator COBURN and his family, and I wish him a complete and speedy recovery. I understand how difficult a cancer diagnosis can be on the patient as well as the family. The entire Senate community is pulling for Senator COBURN, his wife Carolyn, and their three children and five grandchildren.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GRASSLEY. I would like to take a few moments before we have a vote this afternoon to discuss a serious concern I have about the original stimulus package, and I want the Senate to consider my remarks and my research as we consider the President's latest modified so-called jobs bill—in actuality, stimulus bill No. 2. I want to ensure the taxpayers' money is spent responsibly on programs that create viable, long-term jobs, not lost to waste, fraud, and abuse. The marching orders for the stimulus funding under the Obama administration have been ''spend now, chase later.'' But when governments spend money quickly, it

leads to massive waste, fraud, and abuse.

President Obama promised us he would use ''the new tools that the Recovery Act gives us to watch the taxpayers' money with more vigor and transparency than ever'' before. He also said that ''if a Federal agency proposes a project that will waste that money,'' he would ''put a stop to it.'' It is past time for the President to live up to his words because we all know, up to now, that certainly hasn't been the case. I will give several examples.

A year ago, I asked the Department of Labor to explain why $500 million in green job training grants had been spent when the Department had just asked the public to help them define just what a green job is. Now, over a year later, the Department of Labor's inspector general issued an audit report showing that the President's promises are much different from reality. The reality is that only 8,000 program participants found employment—only 10 percent of the promised results. The reality is that $300 million still remains unspent in the program. The reality is that this money won't be spent or produce the jobs before the grants expire. But instead of learning from this failure and using this money for more effective job training, the administration continues to push good money after bad into so-called green jobs, which I don't think has actually even yet been defined to this very day.

The administration left much of stimulus 1 oversight to the inspector general offices of the respective departments but has largely disregarded their findings and recommendations. I strongly support efforts of our inspectors general and am extremely frustrated that the administration ignores rather than enforces the recommendations of the various inspectors general.

Thanks to the audit work performed by these IGs, I have also questioned the administration's ability to track stimulus funding after it was distributed to the first recipients. For instance, the Department of Education provided $1.7 billion to the State of New York even though the inspector general reported that the State has ''serious internal deficiencies'' that would make tracking the money extremely difficult.

The Housing and Urban Development Office of Inspector General released a series of reports that questioned why additional funding was given to troubled housing authorities with significant financial and management problems. HUD Secretary Donovan stated that these housing authorities needed that money to improve their inventory and make needed upgrades.

The weatherization program has also been fraught with waste. The inspector general found that in many cases contractors never did the work, and some work was so shoddy that it endangered the health and safety of the owners.

I continue to raise strong concerns about the Department of Energy's failure to monitor State and territory programs.

I am not aware that the administration has ever demanded any of the taxpayers' money back, even for the blatant cases of waste, fraud, and abuse.

The administration also spent $84 million of the stimulus funding to establish the Recovery Accountability and Transparency Board to guard against wasteful spending. The Recovery Accountability and Transparency Board can hold hearings and compel testimony about stimulus fund waste. I have referred two cases to this board, but so far it has refused to use this authority. In the first case, HUD's Office of Inspector General questioned nearly $32 million of stimulus money spent by the Philadelphia Housing Authority to rehabilitate scattered-site housing. According to the inspector general's report, most of the work was never done and the housing authority couldn't provide detailed invoices to show what the contractors were charging the government for.

I also referred the $535 million loan guarantee from the Department of Energy to Solyndra because I understand the board may have detected possible problems with guarantees.

So President Obama made lots of promises about transparency and accountability when he asked Congress to pass the first stimulus bill. Before we consider giving him another over $400 billion, the President needs to turn his promises into reality or it is the American taxpayers who will lose once again, even beyond the examples I have already given.

I urge my colleagues to oppose the motion to proceed to this latest modified tax-and-spend proposal that even the Washington Post has called ''political.''

I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The Senator from New Mexico.

SENATE RULES

Mr. UDALL of New Mexico. Mr. President, I rise today to talk about changing our Senate rules by a simple majority vote. That is what we did last week.

Mr. President, as you know, the new classes that came in in your year and the year after have worked on these rule change issues, and the last 2 years, I have been working to find a way for the Senate to break through the gridlock and to function on behalf of the American people, to focus, as we are doing with this bill, on jobs for the American people.

Last week, the Senate took the step of changing our rules with a simple majority vote. This was done in accordance with the Constitution, article I, section 5. The Senate has done this on many occasions in the past, and, like those previous rule changes, the action taken last week was not intended to destroy the uniqueness of the Senate but, instead, to restore the regular order of the body.

I applaud the majority leader for getting us back on track. The Senate should be focused on the jobs agenda of the American people, and Majority Leader REID has put us on the right path. He may be forced to do this again, but it is important that he stay focused on that agenda and all of us stay focused on the jobs agenda of the American people.

At the beginning of this Congress, I, along with Senators HARKIN and MERKLEY, tried to do that. Ultimately, our success was limited. We didn't achieve the broad reforms we wanted . . . but we did initiate a debate that highlighted some of the most egregious abuses of the rules, and resulted in a ''gentleman's agreement'' between Majority Leader REID and Minority Leader MCCONNELL.

There was some hope that the agreement would encourage both sides of the aisle to restore the respect and comity that is often lacking in today's Senate. Unfortunately however, that agreement rapidly deteriorated and the partisan rancor and political brinksmanship quickly returned.

What unfolded last Thursday in this chamber is yet another example of what this body has become. The Senate had invoked cloture on the Chinese currency bill, thus limiting further debate on the measure to 30 hours. It was at this point Republicans moved to offer a potentially unlimited number of nongermane amendments to the bill.

Each of these amendments would have required a suspension of the Senate rules, meaning the approval of 67 Senators rather than 60, in order to consider them. This was not an effort to improve the bill but simply a procedural strategy to score political points and force votes on unrelated legislation. Majority Leader REID raised a point of order that motions to suspend the rules post-cloture were dilatory, which was rejected by the Chair. A majority of Senators then voted to overturn the decision of the Chair, thus changing the precedent and limiting how amendments can be considered once cloture is invoked.

As expected, many of my Republican colleagues called last week's action by the majority a power grab and ''tyranny of the majority.'' They decried the lack of respect for minority rights. I agree: We must respect the minority in the Senate. But respect must go both ways. When the minority uses their rights to offer germane amendments, or to extend legitimate debate, we should always respect such efforts. But that is not what we have seen. Instead, the minority often uses its rights to score political points and obstruct almost all Senate action. Instead of offering amendments to improve legislation, we see amendments that have the sole purpose of becoming talking points in next year's election.

It is hard to argue that the majority is not respecting the traditions of the Senate, when the minority is paralyzing this body purely for political gain.

During the debate over rules reform we had in January, many of my colleagues argued that the only way to

change the Senate rules was with a two-thirds supermajority. As we saw last week, that's simply not true. Some call what occurred last week the ''constitutional option,'' while others call it the ''nuclear option.'' I think the best name for it might be the ''majority option.''

As I studied this issue in great depth, one thing became very clear—Senator Robert Byrd may have said it best during a debate on the floor in 1975 when he said, ''at any time that 51 Members of the Senate are determined to change the rule . . . and if the leadership of the Senate joins them . . . that rule will be changed.''

We keep hearing that any use of this option to change the rules is an abuse of power by the majority. However, a 2005 Policy Committee memo provides some excellent points to rebut this argument. And just to be clear, these citations are from a Republican Policy Committee memo.

Let me read part of the Republican memo:

This constitutional option is well grounded in the U.S. Constitution and in Senate history. The Senate has always had, and repeatedly has exercised, the constitutional power to change the Senate's procedures through a majority vote. Majority Leader Robert C. Byrd used the constitutional option in 1977, 1979, 1980, and 1987 to establish precedents changing Senate procedures during the middle of a Congress. And the Senate several times has changed its Standing Rules after the constitutional option had been threatened, beginning with the adoption of the first cloture rule in 1917. Simply put, the constitutional option itself is a longstanding feature of Senate practice.

The Senate, therefore, has long accepted the legitimacy of the constitutional option. Through precedent, the option has been exercised and Senate procedures have been changed. At other times it has been merely threatened, and Senators negotiated textual rules changes through the regular order. But regardless of the outcome, the constitutional option has played an ongoing and important role.

The memo goes on to address some ''Common Misunderstandings of the Constitutional Option.''

One misunderstanding addressed a claim we heard last week that, ''The essential character of the Senate will be destroyed if the constitutional option is exercised.''

The memo rebuts this by stating:

When Majority Leader Byrd repeatedly exercised the constitutional option to correct abuses of Senate rules and precedents, those illustrative exercises of the option did little to upset the basic character of the Senate. Indeed, many observers argue that the Senate minority is stronger today in a body that still allows for extensive debate, full consideration, and careful deliberation of all matters with which it is presented.

Changing the rules with a simple majority is not about exercising power but it is about restoring balance. There is a fine line between respecting minority rights and yielding to minority rule. When we cross that line, as I believe we have many times in recent years, the body is within its rights to restore the balance.

This is not tyranny by the majority, but merely holding the minority accountable when it abuses the rules to the point of complete dysfunction. Neither party should stoop to that level.

Many of my colleagues argue that the Senate's supermajority requirements are what make it unique from the House of Representatives, and other legislative body around the world. I disagree. If you talk to the veteran Senators, many of them will tell you that the need for 60 votes to pass anything is a recent phenomenon. Senator HARKIN discussed this in great detail during our debate in January and I highly recommend reading his statement.

Senator LEAHY raised the issue on the floor last week when he said;

I keep hearing this talk about 60 votes. Most votes you win by 51 votes, and this constant mantra of 60 votes, this is some new invention.

I think this gets at the heart of the problem. We are a unique legislative body but not because of our rulebook. Complete gridlock and dysfunction can't be what our Founders intended. Rather than a body bound by mutual respect that moves by consent and allows majority votes on almost all matters, we have become a supermajoritarian institution that often doesn't move at all.

With the tremendously difficult economic circumstances facing this country, the American people cannot afford a broken Senate. They are frustrated. And they have every right to be. This is not how to govern, and they deserve better. Both sides need to take a step back and understand that what we do on the Senate floor should not be about setting up the next Presidential election or winning the majority next November but about helping the country today.

Mr. President, I ask unanimous consent to have printed in the RECORD the Executive Summary of The Constitutional Option.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SENATE'S POWER TO MAKE PROCEDURAL RULES BY MAJORITY VOTE

EXECUTIVE SUMMARY

The filibusters of judicial nominations that arose during the 108th Congress have created an institutional crisis for the Senate.

Until 2003, Democrats and Republicans had worked together to guarantee that nominations considered on the Senate floor received up-or-down votes.

The filibustering Senators are trying to create a new Senate precedent—a 60-vote requirement for the confirmation of judges—contrary to the simple-majority standard presumed in the Constitution.

If the Senate allows these filibusters to continue, it will be acquiescing in Democrats' unilateral change to Senate practices and procedures.

The Senate has the power to remedy this situation through the ''constitutional option''—the exercise of a Senate majority's constitutional power to define Senate practices and procedures.

The Senate has always had, and repeatedly has exercised, this constitutional option. The majority's authority is grounded in the Constitution, Supreme Court case law, and the Senate's past practices.

For example, Majority Leader Robert C. Byrd used the constitutional option in 1977, 1979, 1980, and 1987 to establish precedents that changed Senate procedures during the middle of a Congress.

An exercise of the constitutional option under the current circumstances would be an act of restoration—a return to the historic and constitutional confirmation standard of simple-majority support for all judicial nominations.

Employing the constitutional option here would not affect the legislative filibuster because virtually every Senator supports its preservation. In contrast, only a minority of Senators believes in blocking judicial nominations by filibuster.

The Senate would, therefore, be well within its rights to exercise the constitutional option in order to restore up-or-down votes for judicial nominations on the Senate floor.

Mr. UDALL of New Mexico. Mr. President, 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.

The PRESIDING OFFICER. The Senator from Iowa.

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

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

NOMINATION OF JANE MARGARET TRICHE-MILAZZO

Mr. GRASSLEY. Mr. President, today we are going to consider the nomination of Jane Margaret Triche-Milazzo to be U.S. district judge for the Eastern District of Louisiana. Before I make my remarks regarding the nomination, I want to respond to some comments made on the floor last Thursday evening because I am really amazed and very disappointed by the continuing allegations that Senate Republicans are delaying, obstructing, or otherwise blocking judicial nominations. One Member stated that we ''filibuster everything and require 60 votes on everything, including judges.'' That statement is without merit, and so I am here to set the record straight.

We are making very good progress in the consideration and confirmation of President Obama's judicial nominations. In fact, we have taken positive action on 84 percent of President Obama's judicial nominees. We heard from five judicial nominees in committee last week, reported five more to the floor, and continue to hold regular votes on judicial nominees. President Obama's circuit court nominees are waiting, on average, only 66 days to receive a hearing. Now, compare that to the 247 days President Bush's circuit nominees were forced to wait. The same can be said for district court nominees, who have only waited 79 days under President Obama. Nominees