

this law down the throats of the American people—the American people who don't want it or like it and have asked that it be repealed and replaced. Now even one of the unions that lobbied for it is saying: We are actually going to drop 6,000 children who had previously been covered because of the legislation, and they say it would be financially impossible to comply with.

So, Mr. President, I looked at the Secretary's letter, I looked at this response, and TOM COBURN, another physician in the Senate, and I had a lot of concerns about the letter the Secretary sent to the medical students of this country. So we also sent a letter, an open letter, to America's medical students in the first year of their medical school.

What we wanted to do was to first congratulate these young men and women on dedicating their time, their talent, and their skill in the service to others. We talked about the importance as physicians and as medical students of truly listening to their patients because one of the basic tenets of medicine is nothing should come between a doctor and his or her patients. It is important for them to be able to have the time to listen, to focus, and to spend time and not allow anyone or anything to come between the doctor and the patient. Yet here in the Senate we passed a health care law that puts Washington and faceless bureaucrats between the doctor and the patient. We talked about the significant change in the doctor-patient relationship in this letter Senator COBURN and I sent to medical students and our concerns that Washington is now going to have more power to determine the care these medical students and future doctors are going to be able to deliver to their patients. We talked about the 150 new government regulating bodies coming out as a result of this 2,700-page bill and that they are going to intrude upon the doctor-patient relationship. We talked about our concerns about what is called cookbook medicine—follow these rules—because of the new authorities that have been provided by these 150 new bodies that have been created by the law and that decisions will be made based on cost rather than on what may be best for the individual patients.

The President continues to talk about providing coverage for more people. Well, there is a lot of difference between coverage and care, and that is why, when a leader in Saudi Arabia had a recent health problem within the last 2 weeks, he chose to come to the United States—because it is the best care in the world. The World Health Organization may have someone else listed at No. 1, but the ruler from Saudi Arabia decided to come to the United States. He didn't go to Cuba or England or Canada; he came here for our care. We want the young men and women who are in medicine, who are going into medicine and training in medicine to be able to provide that

kind of care. And we want the American people to be able to continue to receive that kind of care. Unfortunately, in this body, political passion overtook good policy, and a law was passed that I think is not going to be good for patients or for providers or for those people paying the bill.

So that is what I hear every weekend at home in Wyoming. It may be what you hear as well. I know you have heard that in your home State. Yet the President of the United States sat for a wide-ranging interview with Barbara Walters on television the other evening, and when he described this health care law, he said he was extraordinarily proud of health care reform. What I consider a health spending bill he calls a lasting legacy which he said, "I am extraordinarily proud of."

That is one reason I was surprised to see the headline in the Washington Post, which actually, I believe, was the same day as the President's interview with Barbara Walters. In the Washington Post edition of Friday, November 26, the front-page headline reads "Doctors Say Medicare Cuts Forcing Them to Shift Away From Elderly." Medicare cuts are forcing them to shift away from the elderly. This is what we talked about during the debate on the floor of the Senate when that health care law was being debated, that they have taken \$500 billion away from Medicare—not to save Medicare, not to help our seniors, not to extend the life of Medicare, no, but to start a whole new government program.

That is why every week I come to the floor to offer a doctor's second opinion and share with all those in this Chamber and the American people why I believe, as a doctor who has practiced medicine for a long time, that this is a health care law that we need to repeal and replace—replace it with something that is good for patients, good for providers, and good for the taxpayers of this country.

With that, Mr. President, I yield the floor.

THE PRESIDING OFFICER. The Senator from Georgia.

#### JOBS, THE ECONOMY, AND HOUSING

Mr. ISAKSON. Mr. President, first of all, let me congratulate you on your victory and welcome you to the Senate. I know you will be a great addition to the Senate. I have already enjoyed serving with you on the HELP Committee this morning.

Mr. President, I rise for just a few minutes to talk about three issues—jobs, the economy, and housing—that I think all of us around the country will recognize are the three biggest problems thwarting our recovery. There are some realistic solutions that are out there that I think we could all come together on if we would just take the time to realize that working on disagreement rather than finding agreement is not serving the Senate very well right now.

One of the reasons we have had a slow job recovery is because of the uncertainty American businesses and American wage earners have in what their tax rates are going to be.

I ran a company. It started out as a small company, and it became a pretty good-sized company. This was the time of year—every December—when we had our managers' retreat, and we would plan what we would do the next year. We would do our budget, we would talk about new hires, new departments, and new ideas.

Right now, corporations and small businesses in this country that are sitting around their planning retreats and talking about next year do not know what their tax rates are going to be, they do not know what their regulatory environment is going to be. So they are doing what every business does: They are making conservative decisions. They are not risking capital. They are going to wait until their future tax lives and regulatory lives have some degree of certainty.

So one way to bring back jobs to America and bring them back quicker than anything else would be for this Senate and the House to come together and extend the existing tax rates for a predictable, foreseeable period of time so businesses know what the playing field is going to look like. The absence of certainty between now and the end of the year means that no one will make a decision to hire anybody until we first make a decision on what their taxes are going to be. If we decide they are going to go up, if we capitulate and let the current sunset take place, then American businesses, at a time of high unemployment and low productivity in terms of business activity, will see an increase in their tax rate and we will see a decrease in employment next year in the United States. I hope that doesn't happen. I hope we will find common ground and find a way to extend the existing tax rates.

Secondly, I wish to talk about housing for a second because it is an important part of jobs. I know there have been two speeches on the floor this week talking about some stimulus to bring the housing market back. One stimulus that will bring it back is to make taxes certain because if taxes become certain, people know what the taxes will cost them and they make important big-purchase decisions. When they have uncertainty in what their income or their net is going to be, they do not make big-ticket purchases, whether it is an automobile or a house.

But there are other problems in housing as well. We need to fundamentally return to a marketplace that has some degree of liquidity in it for acquisition and purchases. Right now, except for the FHA and an occasional lender in terms of a jumbo lender to a big-ticket client, there is basically no mortgage money in the United States for an American home buyer. Because of mark to market being applied by the

FDIC and the other cease-and-desist orders the banking institution and lenders are under, nobody is extending credit.

In my State of Georgia—in Atlanta, GA—in 2006 there were 63,000 housing permits. That was 2006, 4 years ago. This year, there were 5,300. That is a 90-percent reduction in new construction. Granted, we were in a hyper-economy in 2006 and, granted, overbuilding probably contributed to the decline of the economy later on, but a 90-percent reduction is unhealthy. If we continue to sustain that reduction, we will continue to sustain what is a difficult economic period now.

We need to be looking to the future. So my recommendations are, first, give us a platform of predictability by extending existing tax rates and not raising them in a recession. That is No. 1. Secondly, recognize there is no liquidity in mortgage money in the United States.

The longer we wait to address the question of what happens after Freddie and after Fannie, the longer the housing market will suffer. So I propose a solution for that problem in terms of housing finance. I don't think there is any question that Freddie and Fannie have to be wound down. They are in a conservatorship now. They have already cost us billions of dollars, and they will cost us billions more, which is why I worked hard to get them under the financial reregulation bill so we could peel back the layers of the onion and figure out what went wrong, but this body decided not to do that.

But whatever happens, we have to create a new entity, and whatever happens, it will have to look, in some ways, like Freddie and Fannie but in other ways remarkably different. But there has to be a solution. The long-term solution can't be a government-sponsored entity or an implied government guarantee. That is what imploded in terms of Freddie and Fannie. And the taxpayers of America don't want you or me pledging their future full faith and credit behind a mortgage entity just to provide mortgage money. By the same token, they want us to be leaders, to find a way to get from where we are now, with no liquidity, to where we need to be, and that is with good liquidity.

Here is my suggestion: we create a new entity to replace Freddie and Fannie—an entity that ends up having a government-implied sponsorship or guarantee, but over a 10-year period of time, it declines 10 percent a year to zero. During that same 10-year period of time, on every mortgage loan made in the United States, a fee will be attached to it at closing—maybe it is 50 basis points or half a percent, whatever it might be—that goes into a sinking fund. That sinking fund is walled off, and it grows over 10 years. As it grows, the government guarantee declines—for example, a-100 percent guarantee in the first year of the fund, 90 percent in the second year, 80 in the third, going

down to zero in 10 years. As that fund guarantee goes down, the fund builds up, so it becomes the backstop for another failure that may or may not happen in the future but one for which we have to plan.

This is not a new idea. There are not a lot of new ideas. In Great Britain, they have had Pool Re for years. That is the sinking fund they set up to handle catastrophic losses in terms of insurance. It has built up to be able to withstand the largest of catastrophic calls and has made their insurance system work very well.

We need to establish a way for the government to sponsor an entity that gets out of the guaranteeing business but gets into the building of liquidity business and becomes an entity that can supply mortgages in the United States because there is not one now and there will not be one in the future until we create an entity that gives a foundation for liquidity to come back to the housing market. So here we are, 30 days from the end of the year. We don't know what our taxes are going to be next year, and if we wanted to go buy a house, we wouldn't know where we would find the mortgage money.

This Senate can act and act quickly to make changes that see to it that jobs come back, and that is by extending the existing tax rates.

When we come back together next year, I look forward to working with my colleagues on the other side and my colleagues in the Senate to create a mortgage-sponsored entity that will work and begin to bring liquidity back to the housing market so that construction returns, jobs come back, and America recovers.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

#### JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, 2 weeks ago, before the Thanksgiving Day recess, I urged Republicans and Democrats in the Senate to come together and take action to begin to end the vacancy crisis that is threatening our Federal courts. My call was not extreme nor radical nor partisan. I asked only that Senators follow the Golden Rule. Regrettably, that did not happen, and that is really too bad for the country.

There are now 38 judicial nominees being delayed who could be confirmed before we adjourn—38 judicial nominees who have had their hearings and whose qualifications are well established.

Two weeks ago, I asked the Republican leadership to treat President Obama's nominees as they would have those of a Republican President. I asked for nothing more than that we move forward together in the spirit that we teach our children from a young age by referring to a nearly universal rule of behavior that extends across most major religions and ethical behavior systems.

I urged adherence to the Golden Rule as a way to look forward and make progress. I had hoped that we could remember our shared values. That simple step would help us return to our Senate traditions and allow the Senate to better fulfill its responsibilities to the American people and the Federal judiciary.

Yesterday, I listened to my dear friend, the senior Senator from Connecticut, Mr. DODD. He gave a lesson similar to others I have heard from Senators over the years—it could have been said by Senators of either party—about why in the Senate we need to work together on certain shared issues. We have 300 million Americans, but only 100 of us have the privilege to serve in this body to represent all 300 million. Senators should certainly stand up for their political positions, but there are certain areas in which the American people expect us to come together. They certainly do not expect us to stall judicial nominations for the sake of stalling, especially nominations that have the strong support of both Republicans and Democrats and that come out of the Judiciary Committee unanimously.

Had we adhered to the Golden Rule, 16 of the judicial nominees being held hostage without a vote, who were each reported unanimously by all Republicans and Democrats on the Judiciary Committee, would have been confirmed before Thanksgiving. So too would an additional nominee supported by all but one of the committee's 19 members. They would be on the Federal bench and Federal judicial vacancies would have been reduced to less than 100. Instead, the across-the-board stalling of judicial nominations that I have been trying to end has continued. We have noncontroversial nominations being delayed and obstructed for no good reason. There is no good reason to hold up consideration for weeks and months of nominees reported without opposition from the Judiciary Committee. I have been urging since last year that these consensus nominees be considered promptly and confirmed. If Senators would merely follow the Golden Rule, that would have happened.

As the Senate recessed, the Washington Post and the Charlotte Observer each criticized the stalling of noncontroversial judicial nominees in editorials published the weekend of November 19. The Washington Post entitled its editorial "Unconscionable Delays for President Obama's Court Picks" and recognized that "even nominees without a whiff of opposition are being blocked" and concluded "the hold-up of nominees who have garnered unanimous, bipartisan support is particularly offensive." The Charlotte Observer entitled its editorial "Senate Must End Games, Confirm Strong N.C. Judges" and called what is going on "infantile political gamesmanship" and "partisan high jinks" in its comments about the delays in considering Judge Albert Diaz and Judge Catherine