

want one, why can't we move forward on doing something? I do not understand why we could not do that.

One of the other alternatives I have not suggested, but maybe what we can do is have a vote on not even paying for it, which I disagree with, but if that would be the will of the Senate, fine, we could set something up in that regard. We could have those votes out of the way this afternoon. We would not have to do the cloture vote in the morning. And we would see what the will of the Senate is. The way it is going to be, I have been told that the Republicans have been given their marching orders, as happens all of the time around here, that they are not free agents, that they cannot vote to invoke cloture on this alternative minimum tax, which I think would be a shame.

As I told my friend, the senior Senator from Kentucky, we would like to finish the business of this body by 2 weeks from Friday. That is our goal. I hope we can do that. I hope we do not have to work—we are not going to work on Christmas, but I hope we do not have to work Christmas week. It is possible we may have to do that. We have a number of important issues around here. We have an energy bill that is going to be sent either today or tomorrow from the House. I spoke to the Speaker this morning. We have to complete the alternative minimum tax. I think it would be the right thing to do to see what we are going to do on the Presidents's wiretapping proposal, as to how we can make that a better piece of legislation. We have gotten something that is bipartisan that has come out of the Judiciary Committee. The Judiciary Committee has met on a bipartisan basis. They have some things they want to change on that. But if we have to jump through all of the hoops and file cloture on that, that bill—the legislation that is now in force expires I believe on February 5. I think it would be good if we can complete that before we leave. There are certain other things we need to do before we leave. But it is a lot of work to do.

There is one minor little problem I did not talk about. We have to figure out some way to fund the Government for the rest of the year, either with some type of spending program to involve the Appropriations Committee or a last resort—something that both the Republican leader and I don't want—would be a continuing resolution which, in effect, eliminates the legislative branch of Government from being involved in what money is spent in the country for the next year.

Having said that, I would hope we can hold hands here a little bit in the next couple of weeks and see what we can get done: alternative minimum tax, farm bill, spending bills for our country, and if we really get fortunate, see if we can finish the FISA legislation, the wiretap legislation.

The ACTING PRESIDENT pro tempore. The Republican leader.

AUTHORITY FOR COMMITTEE TO MEET

Mr. McCONNELL. Mr. President, first with regard to the suggestion by my good friend, the majority leader, that there was some kind of objection to the Environment Committee meeting this morning, I was unaware of one. No such warning was given to the other side. The practice is for the committees to request permission on the day they meet. We did not indicate there was any objection. The committee is, in fact, meeting. I am unaware of any objection to its meeting.

If it makes it more formal, I ask unanimous consent that the committee continue to meet.

Mr. REID. Mr. President, I think that is a wonderful gesture. I would accept that unanimous consent request that the committee be able to continue its deliberations today past 2 o'clock.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. I appreciate that very much.

MOVING FORWARD

Mr. McCONNELL. Mr. President, reclaiming the floor, I know for anybody who might be watching on the outside that all of this parliamentarian talk probably makes your eyes glaze over. But the fundamental problem is this: As recently as a year ago, my party was in the majority, and I had the same problem—Senator Frist and I had the same problem my good friend from Nevada has: Our members do not want to cast any dangerous votes, any votes they do not want to cast.

The first session of the previous Congress, the 109th, was the most productive legislative session of my time here in the Senate. I recall Senator Frist and myself saying over and over and over again to our members that if we are going to pass this bill, we are going to have to give the minority their votes. And people were whining and complaining about having to cast votes. I recall the Democratic whip, the Senator from Illinois, saying: The Senate is not the House, and making the point that the minority is going to get its votes in order to advance legislation.

I understand that my good friend from Nevada gets complaints from his members about having to cast votes, but the fundamental responsibility of the majority is to pass legislation. In order to do that in the Senate—we do not have a rules committee—you have to work with the minority, and you have to give the minority side a reasonable number of amendments. That is the case on the consideration of the alternative minimum tax fix, and that is also the case with regard to the farm bill.

Now, my advice both privately and publicly to my good friend, the majority leader, on the farm bill is take it up

and go forward, which is the way we have done it in the past, and it is amazing how quickly you move along. You can sometimes spend more time trying to get a consent agreement, which by its very nature requires every single Member of the Senate not to object—we could have made more progress on the farm bill by simply going to the bill, taking up amendments, and moving forward. That was my advice. It is still my advice. If we turned to the farm bill, even if we didn't have a very narrow amendment list, we would make dramatic progress and make it quickly. Why? Because I think there are significant numbers of Members of this body on both sides of the aisle who want to pass a farm bill. There may be a few who don't but a significant number do.

So here is where we are, December 5. We have nearly a full year's worth of work to finish before we adjourn for Christmas. It is a little after noon, and we are talking about why we are getting started now—I gather based on some misunderstanding about phantom objections that, in fact, did not exist on this side to the Environment Committee meeting.

We have offered our good friends a path forward on the AMT, on troop funding, on appropriations, on the Energy bill, and the farm bill. Yet we cannot seem to get the kind of bipartisan agreement that allows the minority to have some say over amendments in moving forward.

On the AMT, the chair of the Finance Committee called the Republican proposal constructive and said that it was the beginning of an agreement. That was yesterday. We want to make sure 23 million people are not ensnared by this middle-class tax hike and that the tax returns of 50 million Americans are not further delayed. The consequences of a delay will be felt by millions of taxpayers who will see a delay in their refunds next year.

It is, however, important to virtually every member of my conference that the alternative minimum tax, a tax that will never be levied and never be collected, not trigger a tax increase on a whole lot of other Americans. The effort to "pay for" the AMT is highly offensive to members on my side of the aisle, and I think the majority knows that, and the way to get the AMT and the extenders passed is not to "pay for" them—in other words, not to go out and raise taxes on a lot of other Americans in order to continue basically the status quo. We know we are never going to levy the AMT, and we are never going to collect it. The same is true with the extenders. We know we will pass that package. That is existing tax relief. Why should we raise taxes on some other Americans in order to maintain the status quo, which is the absence of an alternative minimum tax and the extension of the extenders? That is a very strongly held principle, and I believe that is the view of enough Senators to insist that is the way it goes forward.

Now, we know what they plan over in the House. They are going to send the AMT over there, and they are going to pay for it and send it back over here. I think that is a huge mistake; it is an excuse for raising taxes on a whole lot of Americans.

With regard to the remaining appropriations bills, the Democratic leader and I have had a number of constructive conversations. We are going to be talking to the administration later in the day on that subject. Any discussion of finishing up the year is going to have to include funding for the troops in Afghanistan and Iraq. We know we have had this debate a lot of times—at last count, 63 Iraq votes in the House and Senate this year. We know that even when the war was going poorly and there was great opposition to the surge, at the end of the day the funding was there. Now the surge is succeeding, and the war is going better. Why would we not continue the funding now that things are going better when even the majority, which did not favor the effort in Iraq, provided funding when it was going poorly? As part of any settlement of the 11 appropriations bills, we are going to have troop funding into next year.

On FISA, I think we have a way forward. The majority leader and I have talked about it. I think we both have the view that the underlying bill will probably be the intelligence measure. I think we should be able to construct some kind of consent agreement in that particular instance where I don't think there is much of a demand for amendments—some amendments but not a whole lot—that will allow us to go forward.

On energy, Senator DOMENICI tells me that he had an understanding with the majority leader and with the chairman of the Energy Committee in the Senate as to what would and what would not be in an energy bill that we would finally pass. It is my understanding that an energy bill that the House may act on, I gather today, I am not sure—is it today? Does someone know? It is likely to include tax hikes and utility rate increases for those of us in the Southeast. Now, in what way would an energy bill that raises taxes, when oil is about \$100 a barrel, and has the practical effect of raising utility rates all across the Southeast be beneficial? My understanding was that the majority leader and Senator DOMENICI and Senator BINGAMAN agreed that was not going to be a part of the proposal. I do not know whether it will be a part of the proposal when it comes over from the House, but that agreement ought to be kept and those provisions ought to be removed.

Finally, at the risk of being redundant, let me say again on the farm bill that we have enough time. Most of the negotiations that are going on, are going on off the floor. We do have floor time. It remains my advice to the majority leader to get on to the farm bill, process amendments, and move for-

ward. I think that would be a way to make progress. It is probably going to be very challenging to get as tight a time agreement on amendments, as tight a number on amendments as the majority leader would like. We spend so much time doing that; we could be processing amendments here on the floor and moving forward with the bill.

Let me say in conclusion that we do want to be cooperative, but the reason we have had a lot of impasse this year is because a very narrow majority is, in effect, trying to dictate amendments to the minority. That will not work in the Senate. One of the prices of being in the majority—it is better to be in the majority than not. I would rather be in majority than not. But one of the prices you pay for being in the majority is you have to take votes you do not want to take in order to advance legislation.

So I would say to my good friend from Nevada, he is going to have as much cooperation as I can possibly muster. I am anxious to help us move forward on all of these issues he and I have been discussing here this morning.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that the time Senator MCCONNELL and I have used not be counted against the hour for morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I have been in the minority; I understand how that works. But the record is very clear that on rare occasions did we oppose motions to proceed. We did but on rare occasions.

Keep in mind, as I have said, during this period of time—not even 1 year yet—records for filibusters will be broken for a 2-year session.

We have involved the minority. We did it on the minimum wage. We did it on ethics and lobbying reform. We have done it on U.S. attorneys independence. When we passed a supplemental appropriations bill, there was total involvement of House Republicans and Senate Republicans. That was good. We were able to finally get money for Katrina and wildfire relief. We have worked together on veterans legislation we have done. It has been a bipartisan move forward.

One of the rewarding things for me is the work we have been able to get out of the HELP Committee. Two diametrically opposed political minds, KENNEDY and ENZI, have worked together and produced a lot of good things on which we have been able to move forward—mental health parity, the Head Start Program, a number of other items.

We have passed legislation that has paid for our troops. The only words of disagreement Senator MCCONNELL and I have had on a private basis has been

over the Energy bill; that was a misunderstanding. Those things happen, and I have forgotten about that. Other than that, we do our best to represent our caucus and our country. I have no personal animosity toward my friend.

On the Energy bill, I do want to say this before we leave that. To frame this issue, understand we are in the middle of a debate on the Energy bill. The issue was whether we would have a \$32 billion tax on the Energy bill. There was objection from my Republican friends. Before votes were taken, one of my friends, a Democratic Senator, stood and said: It doesn't matter what you do here. We will take care of it in conference.

I stood and said: This will not take place in conference. We will not have this matter in conference.

The problem is, we have never been able to get to conference. We tried numerous times to have a conference on the Energy bill, and they wouldn't let us do it. So now we are going to get from the House tomorrow something they have done. Republicans have been involved, Republicans in the House and in the Senate. But, remember, in the House they have a little different procedure. Because the power is with the party that has the most votes, they can do most anything they want.

I have kept my word. There is nothing that has been added in conference. We haven't had a conference. I can't control Speaker PELOSI. I hope everybody understands that. She is a strong, independent woman. She runs the House with an iron hand. I support what she does, but no one needs to come and tell me I didn't keep my word. You check the record, which we have. I said this matter would not be added in conference, and it has not been added in conference. We haven't had a conference.

I have spoken to Senator DOMENICI. He is my friend, and I have great respect for him. He has served his State and the country well. Senator DOMENICI and I have worked as the two leaders of the Energy and Water Subcommittee on Appropriations for a long time. He was either the chairman or I was. We get along very well. I talked to him last night. I explained to him the situation. I think he understands what took place. We have not had a conference. If that bill comes to us and those tax provisions are in it, we will take a look at it.

I do know this: As I have been told, the tax portion of that, if it is tied on to the Energy bill, would be \$12 billion less than the one proposed in the Senate. I hope we can get some cooperation on the Energy bill. That would be great. It is something this country needs.

A couple of other things I want to say. On the farm bill, I say with the most genuine respect I can that my friend is not being fair in his description of why we don't move forward on the farm bill. Remember, the last bill