

Senate, did something that was unusual in the history of America. We took action to have the remains of Rosa Parks lie in State in the Rotunda of the U.S. Capitol Building, the first woman to be so honored in the history of the United States of America. I was enormously moved this morning, standing with my colleagues, Senator SESSIONS and Senator LEVIN. I know most of our colleagues visited the Rotunda this morning as well. But I did want to follow on his comments about this extraordinary woman who will live forever in the history of this great country of ours.

Mr. SESSIONS Mr. President, I thank the Senator for his eloquent comments. It was, indeed, a pleasure to be with Senator LEVIN—she was his constituent when she moved to Michigan—and hear some of his insights and hear him say that Michigan had bought the actual bus in which she rode on that day and has restored it and made it a museum.

So her life, indeed, continues to reverberate all over the country and, as Fred Gray said, the impact of her actions have spread worldwide. I thank the Senator for his comments and yield the floor.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from North Dakota is recognized.

ENERGY

Mr. DORGAN. Mr. President, there is much happening in Washington, DC, and in our country. Picking up the periodicals, Newsweek or Time magazine, or the morning paper for that matter, you see stories of scandal and stories of controversy and all kinds of interesting things with respect to politics and the economy and things that affect our daily lives. I wanted to talk for a moment, once again, about the issue of energy because, while we will deal with a lot of things—this week, for example, something called the reconciliation bill—most people will deal this week with the challenge of pulling up to the gas pump and putting perhaps 16 or 18 gallons of gas in their tank and trying to find \$50 to pay for it. As the chill is in the air these days in our country, people will begin thinking about how they will pay for the increased cost of natural gas to heat their homes, particularly in our part of the country where that will increase by 60 percent over a year ago. They will wonder about how they will find the money to pay for that cost because heating your home is not a luxury. Heating your home is a necessity.

I have spoken previously about a woman named Sarah Swifthawk. She was a grandmother. She died in the United States of America—she froze to death. She was a member of the Pine Ridge Reservation in South Dakota. This grandmother laid down to go to sleep on a cot in a home that had plastic where windows should have been. At, I believe, 30 or 35 degrees below

zero that evening, others huddled together for body warmth in that family, but this grandmother was laying on a cot, and the next morning she was dead; frozen to death—in the United States of America, not a Third World country, in the United States of America.

I point that out only to say this issue of the cost of shelter, the cost of energy, the requirement that we find ways to keep people warm during cold temperatures can mean the difference between life and death. It did for Sarah Swifthawk.

Now the question is, in this month, October, and then November of the year 2005, what do we do about the prices and the cost of energy now for this winter? Perhaps it is not such a big problem for people who serve in this Chamber or in the House of Representatives. Perhaps they can easily pay the monthly heating bill. But there are many in this country who cannot. The question is, What do we do for them?

The oil companies will say: This is about the free market system and the price of oil, and therefore the price of gasoline and natural gas and home heating fuel, it is just a function of the free market system.

The price of oil is to the free market system like mud wrestling is to the performance arts. It has no relationship at all—none. Let me describe why. There are three things that happen with respect to the price of oil. No. 1, we have this planet in which a substantial portion of the oil reserves are under the sand halfway around the world.

So oil ministries from those countries get together around the table and decide how much they are going to produce and how much that production should impact prices.

Second, the largest oil companies—much larger and bigger and stronger because of blockbuster mergers—decide how they are going to use more raw muscle in the marketplace. And believe me, they have plenty, given the blockbuster mergers.

Third, the futures markets which are supposed to provide liquidity for trading of commodities—in this case, oil—have become orgies of speculation.

So you have these three issues that together tell us now that a barrel of oil is worth \$60 or \$65.

Let me tell you the results of all of that. The oil companies are filling up their treasuries, and the American consumers are emptying their bank accounts.

Let me give you some examples.

ExxonMobil last week said their profits were up 75 percent for the third quarter—\$9.9 billion. Conoco-Phillips—by the way, ExxonMobil used to be two companies, Exxon and Mobil. Then they fell in love. That is economic talk, I guess, about mergers and acquisitions. And they get married. Now it is ExxonMobil.

Conoco-Phillips used to be Conoco and Phillips, two companies. Now it is

one company. They too had some sort of financial romance and got married, Conoco-Phillips, profits up 89 percent, third quarter to third quarter.

Last year—I am not talking about this year's prices—the world's 10 biggest oil companies earned more than \$100 billion on sales of over \$1 trillion. This year, of course, it is going to be much higher than that. ExxonMobil last year had \$25 billion net profit and spent almost \$10 billion of it to buy back their stock.

BusinessWeek asked this question. This is not some liberal journal, this is BusinessWeek. They asked:

Why isn't big oil drilling more? Rather than developing new fields, oil giants have preferred to buy rivals, drilling for oil on Wall Street. While that makes financial sense, it is not a substitute for new oil.

Again, this is BusinessWeek. This isn't some politician, it is not some liberal publication someplace.

Oil has been over \$20 a barrel almost continuously since mid-1990's. That should have been ample incentive for oil companies to open new fields, since projects are designed to be profitable with prices in the low- or mid-teens. Nevertheless, drilling has lagged. Far from raising money to pursue opportunities, oil companies are paying down debt, buying back shares, and hoarding cash—

And drilling for oil on Wall Street.

Sixty-six million homes in this country are heated mainly with natural gas and home heating oil. Their heating bills this winter are going up on average 48 percent. It is going to be up over 60 percent for those in my region of the country who are heating with natural gas.

What have I proposed with respect to that? I proposed that if the oil companies are not using this additional cash—unprecedented amounts of cash in the history of corporate America—to explore for more oil or build more refineries—and oh, by the way, they are the ones that have been closing refineries. I know it is fashionable during political discussions to talk about, it is the environmentalists' fault or Calvin Coolidge's fault or somebody else's fault that we don't have enough refinery capacity. It is the energy companies that have themselves shut down refineries. When they have mergers, they shut down refineries.

If they are not using these unprecedented gains in corporate America to explore for more oil or build additional refineries, then I believe they ought to be recaptured with a windfall profits tax, the proceeds of which should be sent back to the American consumers in the form of a rebate.

I noticed last Friday that my colleague from New Hampshire, Senator JUDD GREGG, indicated that he would support—he called it an excess profits tax. He would use the proceeds, at least from the press reports, of an excess profits tax for the purpose of providing additional low-income home heating fuel assistance, among other things. I believe we should provide additional low-income energy help for low-income citizens in this country. We are going

into a winter season. We don't have that adequately funded. Three times we have tried on the floor of the Senate, and three times we failed. We should try again—and we will. And this Senate one day will decide that perhaps keeping people warm in the winter is as important as providing millionaires tax cuts on their yearly tax bills.

Someone will say that is class warfare. I don't mean class warfare at all. I just make the point that the last two tax cuts have produced \$32 million a year in tax reductions for people whose incomes are over \$1 million a year, and more. Perhaps we should capture a part of that \$32 million. Surely those who are earning \$1 million-plus a year could give up just a little of the tax cuts they have received, and we could divert it to try to help those who are low-income folks going into winter trying to figure out how they will pay a 60-percent increase in natural gas bills to heat their homes, at a time, by the way, when the Exxon Corporation and others are showing the highest profits in their history.

The American people who struggle to pay these bills, take a look at these companies: ExxonMobil, Shell-BP, Chevron-Texaco, Conoco-Phillips.

By the way, Chevron-Texaco used to be two companies. There used to be Exxon, and then there was Mobil; then there was Chevron, then there was Texaco; then there was Conoco and then there was Phillips. They all got married. So now we have just a few companies—75-percent increase, 68-percent increase, 89-percent increase. I am talking about increase in profits.

At the same time this is going on, by the way, the American people are paying through the nose at the gas pumps, and we are setting them up to pay a dramatic increase to heat their homes this winter.

Once again, one group is filling their treasury, and the other group is emptying their bank accounts. Guess which is which. The oil companies are filling their treasuries, and average Americans are having to empty their bank accounts to pay the price.

Let me give you some numbers, if I might. In January of last year, the price of a barrel of oil was \$34.50 a barrel. At that price, the oil companies had the highest profits in the history of the oil industry. Now it is almost \$30 a barrel above that. That is about \$7 billion more a month in profits.

The Shell report, which was received in my office about two months ago talked about their financial performance in 2004. This is last year, when prices averaged around \$40 a barrel. The report says: We achieved the highest net income in our history, 48 percent higher than the year before, as a result of higher oil and natural gas prices. It goes on to say that these higher profits occurred even though the company produced less oil than the previous year. They produced less and saw a 50-percent increase in their prof-

its. The same is true with other companies saying: We had higher profits, but we produced less.

As I indicated, my colleague, Senator JUDD GREGG, has indicated publicly that he would support an excess—I call it a windfall profits tax. He would use it for the purpose of providing low-income energy assistance.

I personally believe that this money doesn't belong to the Government. I don't want to bring it in the Treasury. I want to capture some of that which they are not using to expand our energy supply and use it to give rebates to the consumers. They are, after all, the ones paying the price. Taking it from the consumers, putting it in the energy companies' treasuries, and then bringing it into the Government means you have taken money from the consumers to Government. I would just as soon provide a rebate back to the consumers.

I know that when we talk about this, the oil industry has an apoplectic seizure. They get all upset. I understand that. They are making more money than ever. I have been supportive of the energy industry. I hope we find substantial new reserves. While I don't support opening ANWR, I believe that is one of those pristine areas which was set aside, not to be opened first, but to be opened last, if ever. I do support opening up Lease 181 in the Gulf of Mexico. I hope we can do that. I would like to see us vote on opening that lease area. We have substantial proven reserves that exist there.

There are other things on which I do support the energy industry. People said: Well, if you think prices are too high, what about when they are too low? I was one of those who supported an \$18 price and did support a proposal for an \$18 price, including tax credits to get to that price for marginal wells. I have supported the energy industry in many areas, but I cannot support, I don't think the American people support, and I don't believe the Senate should support these kinds of excess windfall profits that far exceed anything that is reasonable and seeing these profits gathered at the expense of the American people often who can least afford it.

There are some who, as I said when I started, make the case, Well, this is just the market system at work. This isn't the market system. That is all nonsense. The market system is fine. I used to teach some economics at college. I was able to overcome that afterward. I understand free markets and the market system. The free market system needs a referee from time to time. Do you know that we pay one 7-foot, 2-inch basketball player the equivalent of 1,000 elementary school teachers? That is the market system. Does that make sense? Probably not; the market system. There is a judge on television, Judge Judy. It seems kind of out of sorts when I have been channel-surfing and I see her. I understand from a magazine article that she made

\$25 million in a year. I think the Chief Justice of the Supreme Court makes \$190,000. Market system? Well, you know. You can take a look at the market system and see areas where there needs to be from time to time somebody who says: This isn't fair, it doesn't make any sense. The market system is not perfect. It is not the market system, however, that produces a \$60-plus barrel of oil.

I mentioned before that there are three factors. I described OPEC ministers with substantial control over the supply of oil; the larger, more muscular oil companies made larger by mergers, exerting more muscle in the marketplace; and the futures market becoming a speculative bazaar, all of which then produce this remarkable price for energy. It has an impact on every single American. Some perhaps don't care. But the question is this: If we in this country are going to pay these prices for a barrel of oil and, therefore, gasoline and natural gas, if we are going to pay these prices, should they result in more exploration in a greater supply of energy with greater energy security for this country's future? Shouldn't they? That is not what is happening. What is happening—I described BusinessWeek—is these companies more and more are buying back their stock. They are hoarding the cash. They are drilling for oil on Wall Street where oil doesn't exist. That is not in the country's interest.

I take some hope from my colleague, Senator JUDD GREGG's press statements last Friday. I take some hope from the statements by the Speaker of the House. He held a press conference suggesting that the oil companies should be investing more in exploration. His remedy was the equivalent of beating them over the head with a feather. But, nonetheless, he was speaking out about the need to produce more energy. It is the case even with the majority leader of the Senate talking about that. I think perhaps, if not seeing the light, at least there are people here who are feeling the heat from drivers, from people who are worried about heating their homes in the winter, who take a look at the price and say it is unfair. The question isn't whether it is unfair; the question is, What do we do about it? Apparently the Speaker of the House, the majority leader of the Senate, and our colleague from New Hampshire think it is unfair.

What do we do about it? We can sit around and mop our brow, we can grit our teeth, wring our hands, and we can fret. We do that petty well. I don't know of any body that does that better than the U.S. Senate. But that doesn't do much for those being hurt in this country.

What we ought to do, in my judgment, is employ and adopt a windfall profits tax, gather from that windfall profits tax the revenue that is being taken from consumers unfairly, and use it as a rebate back to consumers.

My proposal would be a windfall profits tax, the one I introduced with Senator DODD and others; that is, if the energy companies are, in fact, sinking their profits back into the ground to explore for more oil and build additional refineries above ground, they wouldn't be paying an excess windfall profits tax. That is not what they are doing with their money. Don't take it from me; take it from their own financial reports because that is not what they are doing with their money. I believe they ought to be paying a 50-percent windfall tax for oil above \$40 a barrel, and that excise tax ought to be redistributed to the American consumers who are the ones ultimately paying the bill. It ought to be distributed to them as a rebate for those consumers. We will have more to talk about this week on this subject.

I took some heart on Friday to hear a Member of the Senate from the other side of the political aisle has come to the same conclusion I have reached, and that is that these profits are far above that which is supportable or justifiable, profits far above that which would be created by a free market system; that the consumers are being treated unfairly. The Senate ought to do something about it. The question isn't whether we should do it. Of course we should. The question is, which method or which strategy do we employ? Do we decide this money grab goes to the Government—grab some of it and bring it here? Or do we decide this money comes from the consumer and ought to go back to the consumer in the form of the rebate?

I make a final point. We will again be confronted with this question of heating fuel assistance for low-income Americans. But it is not only low-income Americans who are being injured, who will be hurt by these prices. There are a lot of working families who just get by and who will look at this 60-percent increase in the cost to heat their home this winter in my part of the country and wonder how on Earth will they be able to do that.

I have described profits of the heads of the oil companies. Let me read total 2004 compensation for the chief executive officers: \$33 million, \$64 million, \$4 million, \$16 million, \$8 million. These are salaries and compensation packages for the folks who run the companies that are charging these prices.

The people have a right to ask the question, how on Earth is this allowed? We will have more to talk about as we go along this week. I hope, finally, there might be some tipping point at which the Senate says we must address this issue.

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

The PRESIDING OFFICER (Mr. SESSIONS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

U.S. FISH AND WILDLIFE SERVICE AND WATERFOWL POPULATION SURVEY

Mr. GREGG. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 259, S. Res. 255.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 255) recognizing the achievements of the United States Fish and Wildlife Service and the Waterfowl Population Survey.

There being no objection, the Senate proceeded to consider the resolution.

Mr. GREGG. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD.

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

The resolution (S. Res. 255) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 255

Whereas every spring and summer teams of United States Fish and Wildlife Service pilot-biologists take to the skies to survey North America's waterfowl breeding grounds flying more than 80,000 miles a year, crisscrossing the country just above the treetops and open fields, they and observers on the ground record the number of ducks, geese, and swans and assess the quality and quantity of water-fowl breeding habitats;

Whereas the pilot biologists operate from the wide open bays and wetlands of the eastern shores of North America to some of the most remote regions of Canada and Alaska, and are documenting an important part of our wildlife heritage;

Whereas the Waterfowl Population Survey, operated by the United States Fish and Wildlife Service, is celebrating its 50th anniversary in 2005, is featured on the 2005–2006 Duck Stamp, and has been recognized by the Congressional Sportsmen's Foundation for its contribution to waterfowl hunting;

Whereas the Waterfowl Population Survey Program has evolved into the largest and most reliable wildlife survey effort in the world;

Whereas for more than 50 years cooperative waterfowl surveys have been performed by the United States Fish and Wildlife Service, the Canadian Wildlife Service, State and provincial biologists, and nongovernmental partners; and

Whereas survey results determine the status of North America's waterfowl populations, play an important role in setting annual waterfowl hunting regulations, and help guide the decisions of waterfowl managers throughout North America: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the achievements and contributions of the Waterfowl Population Survey Program;

(2) expresses strong support for the continued success of the Waterfowl Population Survey Program;

(3) encourages the United States Fish and Wildlife Service in its efforts to broaden understanding and public participation in the Waterfowl Population Survey Program by increasing partnerships to continue growth and development of the Survey; and

(4) reaffirms its commitment to the Waterfowl Population Survey Program and the conservation of the rich natural heritage of the United States.

Mr. GREGG. Mr. President, in a few minutes, under the regular order, we will proceed to the deficit reduction bill.

DEFICIT REDUCTION OMNIBUS RECONCILIATION ACT OF 2005

The PRESIDING OFFICER. The Senator is correct. Under the previous order, the hour of 4 o'clock having arrived, the Senate will proceed to consideration of S. 1932, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1932) to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95).

Mr. GREGG. Mr. President, I ask unanimous consent that the presence and use of small electronic calculators be permitted in this Chamber during consideration of S. 1932.

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

Mr. GREGG. Mr. President, I ask unanimous consent that time spent in quorum calls requested during consideration of S. 1932 be equally divided between the majority and minority managers of the bill.

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

Mr. GREGG. Mr. President, at this point we turn to what is one of the more significant pieces of legislation to come before the Senate and the Congress during this session of the Senate. We always hear that. Whatever legislation comes to the Congress, they always say, Well, it is a significant piece of legislation—and it is. There is very little that he we do that cannot have that identification. But this one is a little unique because for the first time in 8 years under Republican leadership, this Congress will, if we are successful in passing this bill, conferencing it and then sending it on to the President, reduce the deficit of the United States through addressing what is the most significant item of spending in the Federal budget—mandatory programs. This is a major effort. As I said, it has not occurred in 8 years. The last time it happened was in the mid-1990s, and it has not occurred because people did not want to do it. It did not occur because it is not an easy thing to do. It is not easy to control the rate of the growth of the Federal Government, and it is not easy to control the growth of mandatory entitlement programs which is what this bill does.

So it is an important step in the direction of fiscal responsibility, and it is one which I am very proud to have the opportunity to bring here to the floor as chairman of the Budget Committee.