would level the playing field for State and local governments faced with activist Federal judges that are legislating from the bench. Federal consent decrees can be an effective judicial tool, but too often activist judges use them to lock in policy changes long after the State or local official that agreed to the decree has left office. H.R. 1229 would make it easier for State and local governments to amend such decrees.

Local control of education. Congressman JOHN CULBERSON has introduced legislation that would restore State sovereignty over public elementary and secondary education in H.R. 3449. The bill would require that a State specifically authorize operation of any Federal education program for which it accepts Federal funds, waiving the State's rights to act inconsistently with any strings attached to that Federal funding.

I am proud to be a cosponsor on all three pieces of this legislation, and in the next few weeks the Congressional Constitution Caucus is going to call attention not only to these bills, but others that we are bringing to the attention of the leadership and the American people to get us back into compliance with the Constitution.

The SPEAKER pro tempore (Mr. DAVIS of Kentucky). Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

(Mr. EMANUEL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

STOP OIL COMPANY PROFITEERING AND PRICE GOUGING

Mr. DEFAZIO. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from Illinois (Mr. EMANUEL).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, gas is bumping 3 bucks a gallon in Oregon, I know it is well over $3 a gallon in other parts of the country; and people are saying, oh, it is just market forces, supply and demand.

Well, you know, there is no free market in oil: from the production by the OPEC countries, with the cooperation of Mexico and Russia, where they conspire to restrict supply, to the oil companies themselves, who have created a black market, that is, a market where 75 percent of the oil is traded and retraded and retraded, driving up the price for no good reason just to facilitate profits, and then it is delivered to the refineries. We see now that we have a refinery shortage.

Well, why do we have a refinery shortage? Actually, that is pretty interesting. Ten years ago, the American Petroleum Institute sent a memo to its members saying, hey, you are not making much money with refineries. If you would facilitate the closing of refineries and squeeze down the availability of refinery capacity, you could increase profits. And then they did. In fact, in the last decade, through mergers and by action of individual corporations, they have closed 55 refineries in America.

Now they want to blame the environmentalists and say there isn't enough refinery capacity. Those darn environmentalists. Guess what? Not one of the 55 refineries was closed because of environmental issues. They were closed to increase profits.

The industry has become wildly profitable. Back in 2004, the refiners got 27 cents on each gallon of gas we bought. Last year, they got 99 cents on each gallon of gas we bought, four times higher. That has nothing to do with supply and demand. That is extortion of the American consumer.

The Valero Company, now the biggest refiner in America, their chief operating officer was asked about building more refineries, and said, why would we want to do that? We are doing very well the way things are.

The President claimed it was environmental restrictions, still does, and then he offered to allow any oil company to build a refinery on a closed military base with no environmental restrictions. He had no takers. It is working exactly the way the American Petroleum Institute predicted when they recommended the closing of refineries a decade ago.

Now this administration says they are not going to go with the windfall profits tax, despite the fact that Exxon-Mobil last year had the largest profit of any corporation in history, $36 billion in one year, $10 million a day. They were so awash in cash, giving it back, buying stock back, giving out dividends, and $400 million to their CEO, who wasn't there very long. It averaged out to a $135,000 pension a day for the time he worked at that company.

But there is no price gouging or profiteering going on here. So the administration says no windfall profits tax. They are going to look at gouging. But they are not going to look into the corporate boardrooms. They are going to go out and look at the corner gas stations, that are getting record low margins as they are squeezed by this noncompetitive industry.

It is past time for Congress to take definitive action. First, Congress should subject the trading of oil to the same regulations as any other commodity. Wipe out the black market in oil where they are jacking up the price. Experts say that one simple step, saying oil will be traded like every other commodity, it will be regulated and overseen by the Commodity Futures Trading Commission, something the Bush administration doesn't want to do, would drive down the price immediately by 25 cents by squeezing out the speculation.

Impose a windfall profits tax on Exxon-Mobil and others unless and except they use some of their obscene profits to build new refining capacity. That could be exempt from the windfall profits tax. Give them a strong incentive to undo this little game they are playing on the American consumers.

Make price gouging a Federal crime. Right now you have to prove two companies colluded, not just one set out to price gouge. Change the law.

And then OPEC. Remember the President told us he was going to take on OPEC? He was going to jump on OPEC. He was going to do something about their restriction of the supply of oil. We have done nothing. Six of the OPEC countries are in the World Trade Organization. This President is big on free trade and rules-based trade. They are breaking the rules. They are violating all the rules of the WTO. File a complaint.

To be fair, I asked the last President, Mr. Clinton, to file a complaint against OPEC. He was as scared as George Bush to file a complaint against OPEC.

It is time to take on the international cartel and the price gouging. We need relief for American consumers now. Stop the price gouging, stop the profiteering, and take on this big industry.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DREIER) is recognized for 5 minutes.

(Mr. DREIER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

IN SUPPORT OF FUNDING FOR THE FLIGHT 93 MEMORIAL

Mr. RAMSTAD. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from California (Mr. DREIER).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. RAMSTAD) is recognized for 5 minutes.

Mr. RAMSTAD. Mr. Speaker, I rise to pay tribute to the fallen American heroes on United Flight 93, heroes like Tom Burnett, Jr., from Minnesota, who put country ahead of self on September 11, 2001, as he made the ultimate sacrifice.

Mr. Speaker, as we all know, Tom Burnett and the other brave American heroes that day overpowered the terrorist hijackers who sought to crash Flight 93 into the United States Capitol. America owes all the brave passengers on Flight 93 a deep debt of gratitude for the remarkable bravery.