

which Republicans, then in the minority, insisted that judicial vacancies in the last year of a President's term remain vacant in order to be filled with the nominations of the next President. He understands the dynamics in the last year of a President's term. And no modern President has been as divisive as this President on these issues.

This is the Senate. This is not Alice in Wonderland. I would rather see us work with the President on his selection of nominees that the Senate can proceed to confirm than waste precious time fighting about controversial nominees. That is why I have urged the White House to work with Senators WARNER and WEBB to send to the Senate without delay nominees to the Virginia vacancies on the fourth circuit.

Mr. President, you have had enormous experience in your own State. I ask this of all Senators: If you have a highly respected Republican Senator and a highly respected Democratic Senator both saying we want this person to be on a Federal circuit court, and they both vouch for him or her, you know that person is going to go sailing through this place.

I thank the Republican members of the Judiciary Committee this week for not boycotting our meeting. As a result, we have seven nominations on the Executive Calendar who would not be there if they continued the boycott.

I have urged the White House to work with all Senators from States with vacancies on the Federal bench. We may still be able to make progress before the Thurmond rule comes into effect but only with the full cooperation of this President and of the Republican Members of this Senate.

OIL PRICES

Mr. LEAHY. Mr. President, the Organization of Petroleum Exporting Countries, OPEC, is an international cartel. It limits the supply of oil, which helps keep fuel prices high, and it is one of the major causes of the relentless increase in oil prices.

This week, OPEC members met again. They refused to increase the supply of oil. If such a meeting took place in almost any other context, the participants would likely be arrested for an illegal conspiracy in restraint of trade. Can you imagine somebody selling some other supplies such as medical equipment or items we need in this Nation, electricity. Let's say the utilities all met like that and they said: We will hold back electricity so we can raise the prices. There would be an antitrust suit, there would be an illegal-restraint-of-trade suit brought immediately.

I wish the administration would join me and Senator KOHL and 68 other Senators—Republicans and Democrats alike—and 345 Members of the House of Representatives of both parties who have voted for NOPEC legislation. This would hold accountable certain oil-producing nations for their collusive be-

havior which has artificially reduced the supply and inflated the price of fuel.

In April 2004, when American consumers were paying \$1.78 per gallon at the pump, I warned energy experts were predicting the price of gas might rise to \$2.50, to \$3 a gallon. The administration did nothing. Last October, when American consumers were paying \$2.87 per gallon at the pump, I warned that oil might be on its way to over \$100 a barrel, and the administration did nothing. This week, oil reached a record \$104 a barrel and gas prices averaged \$3.16 a gallon. So how much will families in Vermont and across America have to pay to heat their homes in this long winter or to drive to work before the President takes action?

Further, at a news conference last week, the President was not even aware—was not even aware as President of the United States—that many are predicting that gas prices will hit \$3.50 or even \$4 a gallon by spring. He simply was not aware of how crippling high prices really are for Americans.

Two facts are painfully clear: Gas prices have more than doubled since the President took office, and the President has no plan to protect consumers and our economy. He promised the American people that with his family's oil ties, he would effectively be able to jawbone OPEC into being nice to him and that they would raise production to lower prices if he asked them. It is now evident for all to see that it is just another unfulfilled commitment from the administration.

I said this before and I say it again today: The principal cause of the relentless increase in oil prices is not just a natural supply issue but market manipulation by OPEC.

In January, the President's best attempt to increase the supply of oil was to tell Saudi King Abdallah that paying more for gasoline hurt some American families. Well, yes. It is a lot more than some families, it is most. I am pleased the administration acknowledges the effects of rising gas prices on Americans, but Saudi Arabia is a founding member of OPEC, and they have every incentive to limit output and keep prices artificially high. The futility of going to an OPEC member and pleading for it to raise output is now obvious to all. Instead of President Bush holding hands with the oil cartel—literally and figuratively—the administration should join us in trying to protect the interests of the American people.

It is important to emphasize again that if a meeting such as the OPEC meeting that took place this week happened in almost any other context, the participants would likely be arrested for an illegal conspiracy in restraint of trade. Yet this President stood in front of the King of the largest participant in the oil cartel and asked for relief instead of saying: It is an illegal activity, stop it.

If the administration truly acknowledges the impact artificially high oil

prices have on our Nation, he should join with this Congress and support NOPEC legislation. Instead of pleading for help, the next time the President of the United States meets with members of the cartel, the President should be able to explain that entities engaging in anticompetitive conduct that harms American consumers can expect an investigation and they can expect prosecution. When I was a prosecutor, it was not enough just to ask people: Don't break the law. You had to outright say: If you break the law, we will arrest you.

We cannot claim to be energy independent while we permit foreign governments to manipulate oil prices in an anticompetitive manner. It is wrong to let these members of OPEC off the hook just because their anticompetitive practices come with the seal of approval of national governments.

Mr. President, I see the distinguished Senator from Texas on the floor. I already asked that he be recognized after me.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

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

THE INTELLIGENCE GAP

Mr. CORNYN. Mr. President, I thank the distinguished Senator from Vermont, the chairman of the Judiciary Committee, for his courtesy.

When the Senate debates the budget next week, we will hear a lot about the tax gap. This is the name given to uncollected taxes which some have said, if collected, could pay up to \$300 billion in additional revenue to the Federal Treasury. I wish to talk about this in a minute, first of all to ask the question why it is, notwithstanding this so-called tax gap, we have not seen any money at all collected over the last year to fill that gap. But first I want to talk about the intelligence gap. This has to do with the critical information the United States should be collecting in pursuit of radical Islamists but is not because of burdensome and unnecessary legal restrictions—restrictions Congress has within its power to remove.

To the Senate's credit, in a bipartisan fashion, the Senate Intelligence Committee passed out a bill that I hope the House of Representatives will vote on soon. That same bill passed by a bipartisan majority of 68 Senators. That is not easy, but it does demonstrate a bipartisan consensus in this body to make sure we have our eyes open and our ears open when it comes to foreign intelligence that could detect, deter, and even defeat future terrorist attacks against the United States and our allies.

The intelligence gap is also closed not only by passing that important legislation which the House of Representatives has inexplicably sat on for the