

into the United States in violation of U.S. law and international trade law. The President granted our request for a meeting so that we could state to him our views on this important subject.

The Senate Steel Caucus has 34 members from 24 States. The House Steel Caucus has 133 members. I was Chairman of the Senate Steel Caucus until Senator JEFFORDS made his famous declaration. Now I am Vice Chairman with Senator JAY ROCKEFELLER serving as Chairman.

Senator ROCKEFELLER and I were at the meeting with the President, as were Senator SANTORUM, Senator DURBIN, Senator SESSIONS, and Congressman ENGLISH, Chairman of the House Steel Caucus. We presented the case to the President that this is really the critical stage, that it is not inaccurate to say at this time that it is a do-or-die situation.

There have been tens of thousands—really hundreds of thousands—of jobs lost in the steel industry. There have been bankruptcies literally too numerous to count from the steel companies, and there has been an onslaught of steel coming into the United States which is subsidized and dumped.

When the term “dumping” is used, it means that steel is sold in the United States at a price lower than it is sold, for example, in Brazil where it is manufactured. So it is a calculated effort to sell at a cost so low that it undercuts the legitimate costs of American steel, and the costs are customarily calculated at the cost of production, plus a reasonable profit. The steel which comes into the United States, in addition to being dumped, is subsidized very heavily by foreign governments, so an American steel company is compelled to compete against a foreign government. That is something you cannot compete with, leading to the characterization of the playing field, which is not level.

We presented to the President the consideration that it really require what Commissioners on the International Trade Commission have recommended. The President said: Where did you come up with the idea of a 40 percent tariff for 4 years? The response was: Well, that is what the Republican members of the International Trade Commission said. That is necessary in order to give the American steel industry an opportunity to restructure itself.

There have been very extensive conversations with Mr. Leo Gerard, President of the United Steelworkers of America, and Mr. Tom Usher, President of USX, regarding the steel tariffs. In discussing the remedy, one of the critical parts about imposing a tariff is that it will call upon the foreign steel companies to restructure their steel. There is excess capacity in the world at the present time, and it comes to the United States where it is dumped because we are a great market. We have an open market. We believe in free trade, and I believe in free trade.

An essential ingredient of free trade is to not allow subsidies or dumping, which is illegal. Free trade also has the critical component of fair trade, which is a part of free trade.

These considerations were presented. The issue arose as to what the impact would be upon the American consumer. It has been carefully calculated. A tariff of 40 percent would lead to a price increase on steel to around 8.4 percent, a negligible cost on the purchase of an automobile or a refrigerator. It is not going to change the American economy, but it is shortsighted for consumers to seek that kind of cheaper steel because we know for sure that if, as, or when the American steel industry is unable to meet domestic demands, we are at the mercy of foreign steel prices, which are going to go up. It is a boomerang consideration. It is not in the consumers' interest in the long run to have that kind of illegal competition come in and drive the American steel industry out of business.

All of these arguments were presented to the President, a meeting which lasted for the better part of an hour. The President was noncommittal, subjective as to how he was regarding the arguments. He made a number of comments. I think it is fair to say that he was sympathetic to the arguments. He made the point that he was prepared to make the tough decision without regard to political costs or whether Europe was going to be mad over what the decision would be.

President Bush has shown a remarkable tendency to be willing to make his own judgment, to go his own way. He has shown that in the War on Terrorism. He has sometimes been criticized for unilateralism by the United States, but he is a person who studies a situation very carefully, a very good listener who makes up his mind and then is prepared to make a judgment, in accordance with what his conscience says is in the national interest.

Overall, I thought it was a very good meeting, and I am optimistic. It is hard to say much more than that without creating false hope or false impressions.

Earlier in the day there was a rally on the Ellipse, which was calculated to be within earshot of the President. The speaker's stand was set up. The Chair was there, as were many of our colleagues in the Senate. We heard quite a number of speeches, and an enormous number of steelworkers, men and women, were there. The crowd was estimated to be at 25,000. I think that was a conservative estimate. Mr. Leo Gerard, President of the United Steelworkers of America, said they gave out 18,000 tokens. They had to bus people into RFK Stadium—there was no place to park the buses—and have them take the subway. Even when the rally had run for almost an hour, there were still people streaming in.

As I was on the speaker's podium and looked over at the South Portico, I

could not tell if the President was there listening or not. However, I think he was within earshot. One of the great things about America is our right to assemble, even within earshot of the White House, as well as the right to freedom of speech and the right to petition the Government.

This whole issue has had a very thorough hearing. It is a matter of great importance. It is a matter of importance to America to have a steel industry. Without a steel industry, what do you do for national defense in time of a national emergency? Without a steel industry, what do you do if you are at the mercy of foreign suppliers? We have laws to stop dumping in subsidy. They are not enforced.

Years ago, I introduced legislation for a private right of action. It has been very difficult to get enforcement proceedings. Through the International Trade Commission, they are laborious. They can be upset easily. By the time they take effect, the critical period has passed. They have not been adequate.

Now, that the President has introduced, to his credit, the Section 201 proceedings, there is a chance for real action. Under the law, the decision has to be made by March 6, 2002, which is next Wednesday. To repeat, I am optimistic there will be a good result.

I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

NOMINATIONS

Mr. SPECTER. Mr. President, I have sought again recognition to comment on the pending nomination of District Court Judge Charles Pickering who is up for consideration for the Court of Appeals for the Fifth Circuit. I had spoken briefly on this subject yesterday and had stated my intention to support Judge Pickering because he is a different man in 2002 than he was in the early 1970s when he was a Mississippi State senator.

The world has come a long way in the intervening 30 years. Attitudes have evolved. Judge Pickering has evidenced his sensitivity to civil rights issues. He has been praised broadly by people who know him from Laurel, MS, for taking on the leader of the Ku Klux Klan in a way which was physically endangering to Judge Pickering himself.

I noted yesterday, and I think it worth commenting today, the votes probably will not be there to send Judge Pickering from the Judiciary Committee with an affirmative vote. It looks to me as if it will be a party-line vote of 10 to 9. Regrettably, there is a great deal of partisan politics in the way judges are confirmed by the Senate. Regrettably, that is a practice regardless of which party is in control of

the White House and which party has control of the Senate.

When President Clinton, a Democrat, was in the White House, sending over nominations, I expressed my personal dissatisfaction at the way they were handled by the Republican-controlled Senate, Republican-controlled Judiciary Committee. I crossed party lines and voted for Judge Paez, Judge Berzon, Judge Gregory, and the nomination of Bill Lann Lee. Now we have the situation reversed: A Republican President, President George W. Bush, and a Judiciary Committee controlled by the Democrats.

It is time for a truce. It is time for an armistice. We ought to sign a declaration if necessary to set forth a procedure to take partisan politics out of judicial confirmations. That is present very decisively with Judge Pickering. There is an element expressed by some members of the Judiciary Committee on the so-called litmus test, with some people believing that unless a judicial nominee is willing to endorse *Roe v. Wade* on a woman's right to choose, that individual should not be confirmed to the Supreme Court—really, an effort to place *Roe v. Wade* on a level with *Brown v. Board of Education*. But it is clear no one can be confirmed today who said *Brown v. Board of Education* should be reversed.

When the nominees are questioned before the Judiciary Committee, they frequently will say: I won't answer that question; it is a matter which may come before the court. That is customarily accepted. If someone were to say that about *Brown v. Board of Education*, not affirming that conclusion—that the decision ending segregation is a vital part of America—I think that person could not be confirmed. To establish that standard for *Roe v. Wade* I think is very contentious, but that awaits another day.

The issue of taking partisan politics out of judicial selection is one with us right now. Earlier this week, Judge D. Brooks Smith, who is a chief judge of the U.S. District Court for the Western District of Pennsylvania, a person recommended for that position by Senator Heinz and myself back in 1988, was confirmed and is now up for the Court of Appeals for the Third Circuit. Although not as heavily overlaid as Judge Pickering's confirmation was, there is an element of partisanship as to Judge Smith. I believe he has answered the questions adequately, and I am cautiously confident he will be confirmed.

It is my hope that if I am right—hopefully, I am not right and Judge Pickering will be confirmed by a majority here—if it turns out to be a vote along party lines, I am hopeful the Judiciary Committee will send Judge Pickering for action by the full Senate. There is precedence for that. Judge Thomas was not recommended by the committee and received a tie, 7-to-7, vote. That meant it failed. But by a 13-to-1 vote, the Judiciary Committee

sent Judge Thomas, who was then a circuit judge, to the Senate, where they voted 13-to-1 that the full Senate should consider him. The full Senate confirmed him 52 to 48.

Judge Bork received a negative vote of 5 in favor and 9 against, and then on a motion to send to the floor, Judge Bork got 9 votes that the full Senate should consider him, with 5 members of the Judiciary Committee dissenting.

In the old days, we used to have the Judiciary Committee bottleneck civil rights litigation, stopping it from coming to the floor.

I believe on the judicial nominations with the overtones of partisanship, this is a matter which ought to be decided by the full Senate. I urge my colleagues to give consideration that in the event there is not an affirmative vote in committee, at least Judge Pickering ought to have standing to have the full Senate consider his nomination.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent morning business be extended to the hour of 5:30 today.

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

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. CARNAHAN). Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. DASCHLE. Madam President, there have been discussions all day long with regard to the so-called Schumer amendment, the matter involving photo identification and the election reform legislation. I think it is accurate to say that while no resolution has been reached, the discussions continue.

This has been an unfortunate and very unproductive period of time, but nonetheless I think it is appropriate at this point to announce there will be no more rollcall votes today. We will be in session tomorrow, and there is a likelihood that we will have at least a cloture vote. There may be other votes as well. So Senators should be advised that at least in the morning tomorrow there will be votes, perhaps beginning at 10 o'clock.

So we will keep Senators informed of our progress. We will not be going out of session tonight. My hope is we might still resume debate and further consideration of the election reform bill, but I think the time has come to recognize that at least if votes could be cast, we could postpone those votes until tomorrow. So no votes tonight but votes certainly in the morning.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. CLINTON). Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent the Senate now proceed to a period of morning business with Senators allowed to speak for up to 5 minutes.

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

ELECTION REFORM

Ms. STABENOW. Madam President, I would like to express my strong support for the Schumer-Wyden amendment to S. 565, the Martin Luther King Jr., Equal Protection of Voting Rights Act of 2001. While one of the important goals of this legislation is to prevent voter fraud, we must be careful that we do not go so far that we keep eligible voters out of the electoral process.

This bill currently requires first-time voters who registered by mail to provide either a photo ID or a copy of a utility bill, bank statement, a Government paycheck or other government document that shows the name or address of the voter when they go to cast their vote. While this may sound like a reasonable requirement on the surface, the practical consequences of this requirement could easily prevent countless eligible voters from voting.

For example, senior citizens, who vote in large numbers, often do not drive and therefore, do not have a driver's license to use as a photo ID. Voting age high school and college students, a group that we need to encourage to vote and participate in the democratic process, may not have a photo ID, and certainly will not have a Government paycheck or a utility bill in their name. A photo ID requirement also would place a heavy burden on the millions of Americans with disabilities who do not drive or do not live independently so that their name would be listed on a bank statement or utility bill.

Finally, a photo ID requirement could have an adverse impact on minority voters. Immigrants who have newly become U.S. citizens and come