

until he receives it before making a decision about Yucca Mountain. The President has the responsibility and the authority to fulfill the promise he made to this Nation as a candidate regarding nuclear waste.

I urge President Bush to exercise that authority and show the Nation he is a man of his word. We are depending on him.

Mr. President, this visual aid represents the proposed routes that trucks and trains would travel to Nevada carrying 70,000 tons of toxic material. One hundred thousand truckloads of nuclear waste will be hauled on these roads. And 20,000 trainloads of nuclear waste will be hauled along the railways we see here on this map.

The Department of Energy has refused to do an environmental impact statement assessing the effects of transporting all of this deadly material. Why? Because they cannot explain how it would be possible to safely haul 70,000 tons of nuclear waste over the highways and railways of this country.

Since September 11, we know that terrorists are waiting for targets of opportunity. We know now not only that they are waiting for targets of opportunity but also that they are capable of hitting their targets. The tragic events of September 11 demonstrated that in such a dramatic fashion. It would be reckless and dangerous to provide terrorists with more than a hundred thousand additional targets, which the trucks and trains carrying nuclear waste would become.

So, Mr. President, I say to you, and the rest of America, we are depending on the President of the United States, George W. Bush, to be a man of his word and not allow nuclear waste to travel across this country until there is sound science. There is not sound science, as separate reports prepared by the General Accounting Office, the Inspector General of the Department of Energy, and, of course, also by the Nuclear Waste Technical Review Board all make clear.

The President should wait until he has credible evidence and a sound scientific basis to support a plan for storing nuclear waste at Yucca Mountain and allowing it to travel across the country.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed

to executive session to consider Calendar Nos. 671, 672, 675, and 697; that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, statements relating to the nominations be printed in the RECORD, and the Senate then return to legislative session.

Mr. President, this applies to David Bunning, to be United States District Judge; James Gritzner, to be United States District Judge; Richard Leon, to be United States District Judge; and Nancy Dorn, to be Deputy Director of the Office of Management and Budget.

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

The nominations considered and confirmed are as follows:

#### THE JUDICIARY

David L. Bunning, of Kentucky, to be United States District Judge for the Eastern District of Kentucky.

James E. Gritzner, of Iowa, to be United States District Judge for the Southern District of Iowa.

Richard J. Leon, of Maryland, to be United States District Judge for the District of Columbia.

#### EXECUTIVE OFFICE OF THE PRESIDENT

Nancy Dorn, of Texas, to be Deputy Director of the Office of Management and Budget.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

#### MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period for morning business, with Senators allowed to speak therein for a period not to exceed 5 minutes each.

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

The majority leader.

#### TEMPORARY UNEMPLOYMENT COMPENSATION ACT OF 2001

Mr. DASCHLE. Madam President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 3090, that all after the enacting clause be stricken, that the text of the substitute amendment which is at the desk be substituted in lieu thereof, the bill be read a third time and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. BOND. Reserving the right to object, I will not object.

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

The amendment (No. 2896) was agreed to as follows:

(Purpose: To provide for a program of temporary extended unemployment compensation)

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Temporary Extended Unemployment Compensation Act of 2002".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Federal-State agreements.
- Sec. 3. Temporary extended unemployment compensation account.
- Sec. 4. Payments to States having agreements under this Act.
- Sec. 5. Financing provisions.
- Sec. 6. Fraud and overpayments.
- Sec. 7. Definitions.
- Sec. 8. Applicability.

#### SEC. 2. FEDERAL-STATE AGREEMENTS.

(a) IN GENERAL.—Any State which desires to do so may enter into and participate in an agreement under this Act with the Secretary of Labor (in this Act referred to as the "Secretary"). Any State which is a party to an agreement under this Act may, upon providing 30 days written notice to the Secretary, terminate such agreement.

(b) PROVISIONS OF AGREEMENT.—Any agreement under subsection (a) shall provide that the State agency of the State will make payments of temporary extended unemployment compensation to individuals—

(1) who—

(A) first exhausted all rights to regular compensation under the State law on or after the first day of the week that includes September 11, 2001; or

(B) have their 26th week of regular compensation under the State law end on or after the first day of the week that includes September 11, 2001;

(2) who do not have any rights to regular compensation under the State law of any other State; and

(3) who are not receiving compensation under the unemployment compensation law of any other country.

(c) COORDINATION RULES.—

(1) TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION TO SERVE AS SECOND-TIER BENEFITS.—Notwithstanding any other provision of law, neither regular compensation, extended compensation, nor additional compensation under any Federal or State law shall be payable to any individual for any week for which temporary extended unemployment compensation is payable to such individual.

(2) TREATMENT OF OTHER UNEMPLOYMENT COMPENSATION.—After the date on which a State enters into an agreement under this Act, any regular compensation in excess of 26 weeks, any extended compensation, and any additional compensation under any Federal or State law shall be payable to an individual in accordance with the State law after such individual has exhausted any rights to temporary extended unemployment compensation under the agreement.

(d) EXHAUSTION OF BENEFITS.—For purposes of subsection (b)(1)(A), an individual shall be deemed to have exhausted such individual's rights to regular compensation under a State law when—

(1) no payments of regular compensation can be made under such law because the individual has received all regular compensation available to the individual based on employment or wages during the individual's base period; or

(2) the individual's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(e) WEEKLY BENEFIT AMOUNT, TERMS AND CONDITIONS, ETC. RELATING TO TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION.—For purposes of any agreement under this Act—

(1) the amount of temporary extended unemployment compensation which shall be payable to an individual for any week of total unemployment shall be equal to the amount of regular compensation (including dependents' allowances) payable to such individual under the State law for a week for total unemployment during such individual's benefit year;

(2) the terms and conditions of the State law which apply to claims for regular compensation and to the payment thereof shall apply to claims for temporary extended unemployment compensation and the payment thereof, except where inconsistent with the provisions of this Act or with the regulations or operating instructions of the Secretary promulgated to carry out this Act; and

(3) the maximum amount of temporary extended unemployment compensation payable to any individual for whom a temporary extended unemployment compensation account is established under section 3 shall not exceed the amount established in such account for such individual.

### SEC. 3. TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION ACCOUNT.

(a) IN GENERAL.—Any agreement under this Act shall provide that the State will establish, for each eligible individual who files an application for temporary extended unemployment compensation, a temporary extended unemployment compensation account.

(b) AMOUNT IN ACCOUNT.—

(1) IN GENERAL.—The amount established in an account under subsection (a) shall be equal to 13 times the individual's weekly benefit amount.

(2) WEEKLY BENEFIT AMOUNT.—For purposes of paragraph (1)(B), an individual's weekly benefit amount for any week is an amount equal to the amount of regular compensation (including dependents' allowances) under the State law payable to the individual for such week for total unemployment.

### SEC. 4. PAYMENTS TO STATES HAVING AGREEMENTS UNDER THIS ACT.

(a) GENERAL RULE.—There shall be paid to each State that has entered into an agreement under this Act an amount equal to 100 percent of the temporary extended unemployment compensation paid to individuals by the State pursuant to such agreement.

(b) DETERMINATION OF AMOUNT.—Sums under subsection (a) payable to any State by reason of such State having an agreement under this Act shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this Act for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

(c) ADMINISTRATIVE EXPENSES.—There are appropriated out of the employment security administration account (as established by section 901(a) of the Social Security Act (42 U.S.C. 1101(a)) of the Unemployment Trust Fund, without fiscal year limitation, such funds as may be necessary for purposes of assisting States (as provided in title III of the Social Security Act (42 U.S.C. 501 et seq.)) in meeting the costs of administration of agreements under this Act.

### SEC. 5. FINANCING PROVISIONS.

(a) IN GENERAL.—Funds in the extended unemployment compensation account (as established by section 905(a) of the Social Se-

curity Act (42 U.S.C. 1105(a))), and the Federal unemployment account (as established by section 904(g) of such Act (42 U.S.C. 1104(g))), of the Unemployment Trust Fund (as established by section 904(a) of such Act (42 U.S.C. 1104(a))) shall be used, in accordance with subsection (b), for the making of payments (described in section 4(a)) to States having agreements entered into under this Act.

(b) CERTIFICATION.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums described in section 4(a) which are payable to such State under this Act. The Secretary of the Treasury, prior to audit or settlement by the General Accounting Office, shall make payments to the State in accordance with such certification by transfers from the extended unemployment compensation account, as so established (or, to the extent that there are insufficient funds in that account, from the Federal unemployment account, as so established) to the account of such State in the Unemployment Trust Fund (as so established).

### SEC. 6. FRAUD AND OVERPAYMENTS.

(a) IN GENERAL.—If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received any temporary extended unemployment compensation under this Act to which such individual was not entitled, such individual—

(1) shall be ineligible for any further benefits under this Act in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

(2) shall be subject to prosecution under section 1001 of title 18, United States Code.

(b) REPAYMENT.—In the case of individuals who have received any temporary extended unemployment compensation under this Act to which such individuals were not entitled, the State shall require such individuals to repay those benefits to the State agency, except that the State agency may waive such repayment if it determines that—

(1) the payment of such benefits was without fault on the part of any such individual; and

(2) such repayment would be contrary to equity and good conscience.

(c) RECOVERY BY STATE AGENCY.—

(1) IN GENERAL.—The State agency may recover the amount to be repaid, or any part thereof, by deductions from any regular compensation or temporary extended unemployment compensation payable to such individual under this Act or from any unemployment compensation payable to such individual under any Federal unemployment compensation law administered by the State agency or under any other Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the temporary extended unemployment compensation to which such individuals were not entitled, except that no single deduction may exceed 50 percent of the weekly benefit amount from which such deduction is made.

(2) OPPORTUNITY FOR HEARING.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(d) REVIEW.—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

### SEC. 7. DEFINITIONS.

In this Act, the terms "compensation", "regular compensation", "extended compensation", "additional compensation", "benefit year", "base period", "State", "State agency", "State law", and "week" have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

### SEC. 8. APPLICABILITY.

An agreement entered into under this Act shall apply to weeks of unemployment—

(1) beginning after the date on which such agreement is entered into; and

(2) ending before January 6, 2003.

The bill, H.R. 3090, as amended, was read the third time and passed.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Madam President, for the knowledge of Senators, this is the same language for unemployment insurance extension that we had passed earlier. There is no change. I wanted to make that clear.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Madam President, I concur with the distinguished Republican leader in making that assertion as well. This is exactly the same language that 7 days ago we sent to the House. My only reason for renewing the request today is because, unfortunately, I think we are going to be getting a much more comprehensive package back from the House, a package that clearly doesn't today enjoy the 60 votes that it would require to move not only unemployment compensation but all the other issues that are attached.

On a bipartisan basis, both Republicans and Democrats in the Senate are clear and on record in support, at the very least, of an extension of the unemployment benefits, and for good reason. Every day, about 11,000 people are pushed off the unemployment compensation rolls. About 77,000 of these workers have been made ineligible for unemployment compensation just since we passed this resolution 7 or 8 days ago. Our proposal is simply to give the House an opportunity to take up this simple extension with an expectation at some point later that we could entertain economic stimulus legislation as well.

I thank my colleagues for their cooperation. Again, this sends a clear message. We are very hopeful we can do something to help these unemployed workers prior to the President's Day recess.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I ask unanimous consent to speak as in morning business for no more than 5 minutes.

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