January 1, 1982, benefits rightly continue uninterrupted to the surviving spouse. But if the beneficiary died or dies after January 1, 1982, the surviving spouse must file a new claim to benefits and must prove that the miner was already deemed eligible to receive benefits.

This issue affects more than 11,000 West Virginia retirees and their survivors, as well as another 51,000 black lung families across the country. I have introduced legislation that would begin to rectify the failures of the Black Lung Benefits Act. It is a companion to legislation Representative RAHALL introduced in the House. The Black Lung Benefits Survivors Equity Act of 2002 would give benefits to widows of black lung victims, benefits that these women rightfully deserve.

Linda Chapman, one very strong and courageous woman from Spencer, WV, tragically lost her husband, Carson, to black lung disease last January. On top of this tragedy, she was denied survivor benefits simply because of the BLBA's double standards. But rather than giving up, Linda stood up.

On behalf of the surviving widows of black lung victims, she walked several hundred miles from Charleston, WV, to Washington, DC, to generate public interest and to get the attention of lawmakers as well. I applaud Mrs. Chapman's efforts, and was pleased to meet her when she arrived in Washington.

I hope this Senate will act quickly to remedy this problem for Mrs. Chapman and other black lung widows like her. After all that they have endured, these women should not have to fight against bureaucracy simply to obtain the survivors' benefits due them.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2685

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Black Lung Benefits Survivors Equity Act of 2002''.

SEC. 2. EQUITY FOR CERTAIN ELIGIBLE SURVIVORS.

(a) REBUTTABLE PRESUMPTION.—Paragraph (4) of section 411(c) of the Black Lung Benefits Act (30 U.S.C. 921(c)(4)) is amended by striking the last sentence.

(b) CONTINUATION OF BENEFITS.—Section 422(l) of the Black Lung Benefits Act (30 U.S.C. 932(l)) is amended by striking '', except with respect to a claim filed under this part on or after the effective date of the Black Lung Benefits Amendments of 1981''.

By Mr. GRASSLEY (for himself and Mr. LEVIN):

S. 2686. A bill to strengthen national security by providing whistleblower protections to certain employees at airports, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. GRASSLEY. Mr. President, I, along with Senator LEVIN, am pleased to introduce a bill, the Airport Employee Whistleblower Protection Act of 2002, that will enhance airport and air travel safety. It will do this by protecting all security screeners at all airports from reprisal for blowing the whistle on security violations, not just the select few who are currently protected. As my colleagues know, I have long believed that a good government is an accountable government, and whistleblower protection laws go a long way toward making government accountable.

This is particularly true when it involves our nation's security. Just recently we saw enlightening disclosures of massive systemic problems at the FBI by a whistleblower, Special Agent Rowley, that will no doubt lead to improvements and better security for Americans. Although Director Mueller has promised Special Agent Rowley that she will not be discriminated against because of her disclosures, whistleblower protection laws do not currently apply to the FBI, a problem that I'm trying to fix. Likewise, whistleblower protection laws do not currently protect many baggage screeners and x-ray technicians who witness security breaches.

In the Spring of 2000, Congress passed a law known as Air 21 that provided whistleblower protection to employees and contract employers to air carriers. At that time, when baggage screening was usually the responsibility of the airlines, screeners with whistleblower protection could alert their bosses or the Federal Aviation Administration about security violations. But that legislation didn't go far enough. That's because only employees of air carriers were protected from retribution under the law.

Under Air 21, security screeners employed by state or municipal governments, or regional airport authorities, had to rely on a patchwork of state whistleblower protection laws, or just the good sense of their employers, when they decided to blow the whistle on security breaches.

Worse still, when Congress passed the Aviation and Transportation Security Act last Fall, it specifically denied whistleblower protection to the new Federal baggage screeners. During the debates, I called for whistleblower protection for airport screeners because the best way to make an effective workforce is by creating an accountable government. But when Congress federalized the baggage screeners, it took Federal screeners out of the Air 21 air carrier whistleblower protections, and created a class of Federal contractors that perform security screening services, but are not covered by any whistleblower protections.

This legislation will fix these problems. First, the bill will ensure that until airport security screener personnel are fully federalized, all airport security screeners are given whistleblower protection, regardless of whether they're employed by air carriers, state or local governments, regional airport authorities, or contractors. Second, the bill will close the loophole in the law so that Federal baggage screeners receive protection under the same Whistleblower Protection Act that protects many other Federal employees, and so that contractors for the Federal government also will get whistleblower protection.

I note that the Secretary of the Department of Transportation has taken a good step toward supplying whistleblower protection to Federal screeners by signing a memorandum of understanding with the Office of Special Counsel, the office that enforces the Whistleblower Protection Act. The idea is that the OSC will agree to investigate cases of alleged whistleblower retaliation by the Transportation Safety Administration. But this agreement is not enough because it does not afford a right of appeal, so the TSA is free to ignore any OSC recommendation. Further, it does not provide whistleblower protection for contract screeners. Finally, unlike legislation, the agreement can be cancelled by either the TSA or the OSC on 90 day's notice. So the administration's agreement to provide whistleblower protection, though an admirable effort, is just not enough. We need statutory whistleblower protection for airport screeners.

In all my years of doing oversight, I have found that it's pretty rare for an agency to identify and fix its own problems, especially security problems. Most of the time, it takes a whistleblower or an Inspector General or a Congressional investigation to expose and fix security problems.

In conclusion, I urge my colleagues to support the Airport Employee Whistleblower Protection Act of 2002 to improve security at our nation's airports. Let's close the loophole and give all security screeners whistleblower protection so that our nation's aviation system is more safe and secure.

By. Mr. MURKOWSKI:

S. 2687. A bill to facilitate the extension of the Alaska Railroad for national defense purposes; to the Committee on Commerce, Science, and Transportation.

Mr. MURKOWSKI. Mr. President, I rise to introduce a bill to facilitate the construction of national defense facilities in Alaska.

It is a given that the best way to move very large quantities of bulk goods between points is by sea or by train. This bill will allow the extension of the Alaska Railroad from Eielson Air Force Base, just south of Fairbanks, AK, to a point near the location on Fort Greely, AK that has been chosen for the national missile defense system. This will significantly reduce the cost of shipping construction materials and operational supplies to the site, and incidentally allow a considerable savings in the cost of wear and tear on the highway system that would otherwise be the only possible route for those goods.

The extension will allow materials to be shipped to Alaska by sea to be transferred to the railroad and carried all the way to the vicinity of the defense project by rail. This is preferential to being loaded, unloaded, loaded on long-distance trucks, unloaded, and loaded again when they move to the actual work site.

The bill provides for the Secretary of the Interior, working with other agencies as appropriate and necessary, to identify and acquire all of the lands necessary for this modest rail line extension of approximately 80 miles. Where those lands are held by other entities, there will be a fair exchange for lands held elsewhere. Once the entire route has been acquired, the lands will be transferred to the Alaska Railroad under the same circumstances that have been used previously under the Alaska Railroad Transfer Act.

This is a very important step toward ensuring the most economical possible approach to this major project, and I urge my colleagues support.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2687

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This act may be cited as the ''National Defense Rail Connection Act of 2002.''

SEC. 2. FINDINGS.

(a) A comprehensive rail transportation network is a key element of an integrated transportation system for the North American continent, and federal leadership is required to address the needs of a reliable, safe, and secure rail network, and to connect all areas of the United States for national defense and economic development, as previously done for the interstate highway system, the Federal aviation network, and the transcontinental railroad;

(b) The creation and use of joint use corridors for rail transportation, fiber optics, pipelines, and utilities are an efficient and appropriate approach to optimizing the nation's interconnectivity and national security;

(c) Government assistance and encouragement in the development of the transcontinental rail system successfully led to the growth of economically strong and socially stable communities throughout the western United States;

(d) Government assistance and encouragement in the development of the Alaska Railroad between Seward, Alaska and Fairbanks, Alaska successfully led to the growth of economically strong and socially stable communities along the route, which today provide homes for over 70% of Alaska's total population;

(e) While Alaska and the remainder of the continental United States has been connected by highway and air transportation, no rail connection exists despite the fact that Alaska is accessible by land routes and is a logical destination for the North American rail system:

(f) Rail transportation in otherwise isolated areas is an appropriate means of providing controlled access, reducing overall impacts to environmentally sensitive areas over other methods of land-based access;

(g) Because Congress originally authorized 1,000 miles of rail line to be built in Alaska, and because the system today covers only approximately half that distance, substantially limiting its beneficial effect on the economy of Alaska and the nation, it is appropriate to support the expansion of the Alaska system to ensure the originally planned benefits are achieved;

(h) Alaska has an abundance of natural resources, both material and aesthetic, access to which would significantly increase Alaska's contribution to the national economy;

(i) Alaska contains many key national defense installations, including sites chosen for the construction of the first phase of the National Missile Defense system, the cost of which could be significantly reduced if rail transportation were available for the movement of materials necessary for construction and for the secure movement of launch vehicles, fuel and other operational supplies;

(j) The 106th Congress recognized the potential benefits of establishing a rail connection to Alaska by enacting legislation to authorize a U.S. -Canada bilateral commission to study the feasibility of linking the rail system in Alaska to the nearest appropriate point in Canada of the North American rail network; and

(k) In support of pending bilateral activities between the United States and Canada, it is appropriate for the United States to undertake activities relating to elements within the United States.

SEC. 3. IDENTIFICATION OF NATIONAL DEFENSE RAILROAD-UTILITY CORRIDOR.

(a) Within one year from the date of enactment of this Act, the Secretary of the Interior, in consultation with the Secretary of Transportation, the State of Alaska and the Alaska Railroad Corporation, shall identify a proposed national defense railroad-utility corridor linking the existing corridor of the Alaska Railroad to the vicinity of the proposed National Missile Defense facilities at Fort Greely, Alaska. The corridor shall be at least 500 feet wide and shall also identify land for such terminals, stations, maintenance facilities, switching yards, and material sites as are considered necessary.

(b) The identification of the corridor under paragraph (a) shall include information providing a complete legal description for and noting the current ownership of the proposed corridor and associated land.

(c) In identifying the corridor under paragraph (a), the Secretary shall consider, at a minimum, the following factors:

(a) The proximity of national defense installations and national defense considerations;

(2) The location of and access to natural resources that could contribute to economic development of the region;

(3) Grade and alignment standards that are commensurate with rail and utility construction standards and that minimize the prospect of at-grade railroad and highway crossings;

(4) Availability of construction materials;

(5) Safety;

(6) Effects on and service to adjacent communities and potential intermodal transportation connections;

(7) Environmental concerns;

(8) Use of public land to the maximum degree possible;

(9) Minimization of probable construction costs;

(10) An estimate of probable construction costs and methods of financing such costs through a combination of private, state, and federal sources; and

(11) Appropriate utility elements for the corridor, including but not limited to petroleum product pipelines, fiber-optic telecommunication facilities, and electrical power transmission lines, and

(12) Prior and established traditional uses.

(d) the Secretary may, as part of the corridor identification, include issues related to the further extension of such corridor to a connection with the nearest appropriate terminus of the North American rail network in Canada.

SEC. 4. NEGOTIATION AND LAND TRANSFER.

(a) The Secretary of the Interior shall—

(1) upon completion of the corridor identification in Sec. 3, negotiate the acquisition of any lands in the corridor which are not federally owned through an exchange for lands of equal or greater value held by the federal government elsewhere in Alaska; and

(2) upon completion of the acquisition of lands under paragraph (1), the Secretary shall convey to the Alaska Railroad Corporation, subject to valid existing rights, title to the lands identified under Section 3 as necessary to complete the national defense railroad-utility corridor, on condition that the Alaska Railroad Corporation construct in the corridor an extension of the railroad system to the vicinity of the proposed national missile defense installation at Fort Greely, Alaska, together with such other utilities, including but not limited to fiber-optic transmission lines and electrical transmission lines, as it considers necessary and appropriate. The Federal interest in lands conveyed to the Alaska Railroad Corporation under this Act shall be the same as in lands conveyed pursuant to the Alaska Railroad Transfer Act (45 USC 1201 et seq.).

SEC. 5. APPLICABILITY OF OTHER LAWS.

Actions authorized in this Act shall proceed immediately and to conclusion not withstanding the land-use planning provisions of Section 202 of the Federal Land Policy and Management Act of 1976, P.L. 94–579.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 292—EXPRESSING SUPPORT FOR THE PLEDGE OF ALLEGIANCE

Mr. DASCHLE (for himself, Mr. LOTT, Mr. BYRD, Mr. LEAHY, Mr. WARNER, Mr. REID, Mr. BINGAMAN, Mr. JOHNSON, Mr. DEWINE, Mr. MCCAIN, Mr. AKAKA, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. CAMPBELL, Ms. CANTWELL, Mrs. CARNAHAN, Mr. CARPER, Mr. CHAFEE, Mr. CLELAND, Mrs. CLINTON, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORZINE, Mr. CRAIG, Mr. CRAPO, Mr. DAYTON, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. ENSIGN, Mr. FEINGOLD, Mrs. FEINSTEIN Mr. FITZGERALD, Mr. FRIST, Mr. GRAHAM, Mr. GRAMM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mr. HELMS, Mr. HOLLINGS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. JEFFORDS, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN Mr. LUGAR, Mr. MCCONNELL, Ms. MIKULSKI Mr. MILLER, Mr. MURKOWSKI, Mrs. MURRAY Mr. NELSON

of Florida, Mr. NELSON of Nebraska, Mr. NICKLES, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANTORIUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Ms. SNOWE Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. THURMOND, Mr. TORRICELLI, Mr. VOINOVICH, Mr. WELLSTONE, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 292

Whereas, this country was founded in religious freedom by founders, many of whom were deeply religious;

Whereas, the First Amendment to the Constitution embodies principles intended to guarantee freedom of religion both through the free exercise thereof and by prohibiting the government establishing a religion;

Whereas, the Pledge of Allegiance was written by Francis Bellamy, a Baptist Minister, and first published in the September 8, 1892, issue of the Youth's Companion;

Whereas, Congress in 1954 added the words ''under God'' to the Pledge of Allegiance;

Whereas, the Pledge of Allegiance has for almost 50 years included references to the U.S. flag, the country, to our country having been established as a union ''under God'' and to this country being dedicated to securing ''liberty and justice for all,''

Whereas, the Congress in 1954 believed it was acting constitutionally when it revised the Pledge of Allegiance;

Whereas, this Senate of the 107th Congress believes that the Pledge of Allegiance is not an unconstitutional expression of patriotism;

Whereas, patriotic songs, engravings on U.S. legal tender, engravings on federal buildings also contain general references to ''God'';

Whereas, in accordance with decisions of the U.S. Supreme Court, public school students cannot be forced to recite the Pledge of Allegiance without violating their First Amendment rights;

Whereas, the Congress expects that the U.S. Court of Appeals for the Ninth Circuit will rehear the case of the *Newdow v. U.S. Congress*, en banc;

Resolved, That The Senate Strongly Disapproves of the Ninth Circuit Decision in Newdow v. U.S. Congress; and that the Senate authorizes and instructs the Senate Legal Counsel to seek to intervene in the case to defend the constitutionality of the Pledge of Allegiance.

SENATE CONCURRENT RESOLUTION 124—CONDEMNING THE USE OF TORTURE AND OTHER FORMS OF CRUEL, INHUMANE, OR DEGRADING TREATMENT OR PUNISHMENT IN THE UNITED STATES AND OTHER COUNTRIES, AND EXPRESSING SUPPORT FOR VICTIMS OF THOSE PRACTICES

Mr. CAMPBELL (for himself, Mr. DODD, Mr. FEINGOLD, Mrs. CLINTON, and Mr. WELLSTONE) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 124

Whereas the Eighth Amendment to the United States Constitution prohibits ''cruel and unusual punishments'' and torture is prohibited by law throughout the United States without exception;

Whereas the prohibition against torture in international agreements is absolute, unqualified, and non-derogable under any circumstance, even during a state of war or national emergency;

Whereas an important component of the concept of comprehensive security in a free society is the fundamental service provided by law enforcement personnel to protect the basic human rights of individuals in society;

Whereas individuals require and deserve protection by law enforcement personnel and need the confidence in knowing that such personnel are not themselves agents of torture or other forms of cruel, inhumane, or degrading treatment or punishment, including extortion or other unlawful acts;

Whereas individuals who are incarcerated should be treated with respect in accordance with the inherent dignity of the human person;

Whereas there is a growing commitment by governments to eradicate torture and other forms of cruel, inhumane, or degrading treatment or punishment, to provide in law and practice procedural and substantive safeguards and remedies to combat such practices, to assist the victims of such practices, and to cooperate with relevant international organizations and nongovernmental organizations with the goal of eradicating such practices;

Whereas torture and other forms of cruel, inhumane, or degrading treatment or punishment continues in many countries despite international commitments to take effective legislative, administrative, judicial and other measures to prevent and punish such practices;

Whereas the rape of prisoners by prison officials or other prisoners, tolerated for the purpose of intimidation and abuse, is a particularly egregious form of torture;

Whereas incommunicado detention facilitates the use of torture and other forms of cruel, inhumane, or degrading treatment or punishment, and may constitute, in and of itself, a form of such practices;

Whereas the use of racial profiling to stop, search, investigate, arrest, or convict an individual who is a minority severely erodes the confidence of a society in law enforcement personnel and may make minorities especially vulnerable to torture and other forms of cruel, inhumane, or degrading treatment or punishment;

Whereas the use of confessions and other evidence obtained through torture or other forms of cruel, inhumane, or degrading treatment or punishment in legal proceedings runs counter to efforts to eradicate such practices;

Whereas more than 500,000 individuals who are survivors of torture live in the United States;

Whereas the victims of torture and other forms of cruel, inhumane, or degrading treatment or punishment and their families often suffer devastating effects and therefore require extensive medical and psychological treatment;

Whereas medical personnel and torture treatment centers play a critical role in the identification, treatment, and rehabilitation of victims of torture and other forms of cruel, inhumane, or degrading treatment or punishment; and

Whereas each year the United Nations designates June 26 as an International Day in Support of Victims of Torture: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) condemns the use of torture and other forms of cruel, inhumane, or degrading treatment or punishment in the United States and other countries;

(2) recognizes the United Nations International Day in Support of the Victims of Torture and expresses support for all victims of torture and other forms of cruel, inhumane, or degrading treatment or punishment who are struggling to overcome the physical scars and psychological effects of such practices;

(3) encourages the training of law enforcement personnel and others who are involved in the custody, interrogation, or treatment of any individual who is arrested, detained, or imprisoned, in the prevention of torture and other forms of cruel, inhumane, or degrading treatment or punishment, in order to reduce and eradicate such practices; and

(4) encourages the Secretary of State to seek, at relevant international fora, the adoption of a commitment—

(A) to treat confessions and other evidence obtained through torture or other forms of cruel, inhumane, or degrading treatment or punishment, as inadmissible in any legal proceeding; and

(B) to prohibit, in law and in practice, incommunicado detention.

Mr. CAMPBELL. Mr. President, I am joined by Senators DODD, FEINGOLD, CLINTON, and WELLSTONE in introducing today a resolution condemning the use of torture and other forms of cruel, inhumane, or degrading treatment or punishment in the United States and other countries, and expressing support for the victims of torture. An identical version is being introduced by Congressman CHRISTOPHER H. SMITH, who co-chairs the Commission on Security and Cooperation in Europe, which I am privileged to chair.

Torture is prohibited by a raft of international agreements, including documents of the 55-nation Organization for Security and Cooperation in Europe. It remains, however, a serious problem in many countries. In the worst cases, torture occurs not merely from rogue elements in the police or a lack of appropriate training among law enforcement personnel, but is systematically used by the controlling regime to target political opposition members; racial, ethnic, linguistic or religious minorities; and others.

In some countries, medical professionals who treat the victims of torture have become, themselves, victims of torture in government's efforts to document this abuse and to hold perpetrators accountable. The U.S. Congress can continue to play a leadership role by signaling our unwavering condemnation of such egregious practices.

Torture is, in effect, prohibited by several articles of the U.S. Constitution. Nevertheless, some commentators have suggested that torture might be an acceptable tool in the war on terrorism. I believe we should answer that proposition with a resounding ''no''. To repeat: torture is unconstitutional. Moreover, as many trained law enforcement officials note, it is also a lousy way to get reliable information. People subjected to torture will often say anything to end the torture. Finally, it makes no sense to wage war to defend our great democracy and use methods that denigrate the very values we seek to protect. Torture is unacceptable, period.