

Process was not served on Randy Weaver, and the process server thought they had given him notice of the trial. But that led to the issuance of a warrant of arrest, and Randy Weaver resisted on the mountaintop. That led the Bureau of Alcohol, Tobacco and Firearms unit to come to try to compel the arrest. A fire fight ensued, where Deputy Marshal Degan was killed; where Sammy Weaver, age 14, was killed in an incident involving Sammy Weaver's dog, a very tragic setting. Then the FBI came in with their hostage rescue team and Randy Weaver's wife was killed.

The case went to trial in the Federal court against Randy Weaver, which found him guilty on lesser charges but concluded that Randy Weaver had, in fact, been entrapped.

During the course of the extensive hearings before the Judiciary subcommittee, it was developed that while Randy Weaver was certainly at fault in providing these two sawed-off shotguns, that he had in fact been entrapped and that it was totally inappropriate conduct by the Bureau of Alcohol, Tobacco and Firearms in mounting this assault on Randy Weaver and his family.

During the course of these hearings, FBI Director Louis Freeh conceded that the FBI had violated Weaver's constitutional rights in their use of deadly force, and the FBI changed those practices. John Magaw, who was the Director of the Bureau of Alcohol, Tobacco and Firearms, steadfastly defended the propriety of what BATF had done in the face of what the subcommittee found to be overwhelming evidence of impropriety on the part of the BATF.

Recently President Bush nominated Mr. Magaw to be an under secretary for the Department of Transportation for airport security.

And that led Senator CRAIG, who sat with the subcommittee—although not a member of the subcommittee—and myself to have a meeting with Mr. Magaw to review his conduct and his attitude on BATF at Ruby Ridge. During the course of those discussions, we went into the matter in some detail. When Mr. Magaw had his hearing on December 20, I questioned him at length before the Commerce subcommittee. Although not a member, I received the acquiescence of the Commerce Committee and the subcommittee to question Mr. Magaw. We went through the facts.

Mr. Magaw said at that hearing that if he had it all to do over again, he would, in effect, concede that the BATF unit had made serious mistakes in their conduct there. Notwithstanding some reservations that I personally had about Mr. Magaw's judgment, even in the face of this concession, it seemed to me that when we have the major problems of airport security in the United States today, and the President wanted Mr. Magaw, had personally interviewed him, and I discussed the matter at length with Secretary of Transportation, Norman Mi-

neta, who wanted Mr. Magaw confirmed. That was the last day of the session. I decided not to put a hold on Mr. Magaw. I thought, in fact, he would be confirmed in what we call wrap-up. But somebody else put a hold on, not me. He was not confirmed.

The President made an interim appointment. After we reconvened in January, Mr. Magaw has been confirmed by the Senate. I have taken these few minutes to put on the record what I think is a very important concession from the then-Director of the Bureau of Alcohol, Tobacco and Firearms, that his unit did not act properly.

We have to recognize, in my opinion, that when congressional oversight finds serious errors and serious problems with the administrative branches, that there be a sincere effort to correct them, and to the credit of the FBI and Louis Freeh, that concession was made. They changed their policy on the use of deadly force. Now we have on the record at these hearings in the Commerce Committee that then-Director Magaw conceded the errors and elaborated on changes which he had made in BATF procedures.

I yield the floor.

#### CONGRATULATIONS TO HIGHMORE, SD GRAND OPENING OF THE NEW HIGHMORE HIGH SCHOOL

Mr. DASCHLE. Mr. President, I would like to take this opportunity to congratulate the community of Highmore, SD, and the Highmore School District as they celebrate the grand opening of their new high school.

Helping each child obtain the best possible education is more important than ever. While some of our Nation's schools are providing instruction at an exceptional level, others are simply not making the grade. Poor infrastructure and inadequate facilities can have an effect on student learning. When a school has a leaky roof, or holes in the walls, or other unsafe conditions, it sends a message to the students who attend that school that education is not really a high priority.

Highmore is sending a different message to its children. Highmore's commitment to give its students a safe learning environment will have tremendous effects on this community for years to come. This community should be commended for its efforts to ensure every child in the district has access to a quality education, starting with a great school building.

I am especially impressed by the determination of the school district and Superintendent Larry Gauer to see this project to completion. School Board President Julie Gutzmer, Vice Chairman Leroy Scott, board members Jim Frost, Ed Westcott, Jerry Dittman, Rod Kusser and Peggy Kroeplin, and the outstanding faculty and staff are all to be commended for their vision and dedication to this project.

It is true that our Nation's future security depends on the soundness of its foundation. Our future will be strong

and bright only if we help all of our children grow up to be well-educated, healthy, contributing citizens. I view public education as an investment in our national security, and I will continue my efforts to see that all students have access to a healthy, positive school environment that encourages them to learn and grow.

But the Federal Government can only be a partner in this important effort. The efforts of dedicated people in communities like Highmore working together is what will make the difference for the youth of South Dakota and across the Nation. It is wonderful to see that the people of Highmore are making education a priority. I salute them for their foresight.

#### ADDITIONAL STATEMENTS

##### MINNESOTAN TO LEAD THE NATION INTO THE WINTER OLYMPICS

• Mr. DAYTON. Mr. President, as we all know, the 2002 Winter Olympics begin tonight in Salt Lake City. These games have taken on a special importance in our country this year in the wake of the September 11 terrorist attacks, and will be an important part of our Nation's healing process.

That is why I am so proud that Minnesotan Stacey Liapis will help carry the flag that once flew at the World Trade Center into the Opening Ceremony of the Olympics.

Stacey Liapis is a curling team member from Bemidji, who at the age of 27, is competing for the first time in the Winter Olympics. Before making it to Salt Lake City, Liapis finished eighth at the 1998 World Championships and came in fifth in 2001.

Stacey took up curling in 1987 and has played most of her career with older sister Kari Erickson, the skip for the U.S. team. They were inspired by their parents, both of whom were recreational curlers.

In honor of Stacey's many accomplishments and to mark her being chosen as one of the eight Olympic athletes to carry the ground zero flag into the Opening Ceremony of the Winter Olympics, I am having a U.S. flag flown over our Nation's Capitol. The chosen athletes, one from each of the eight Winter Olympic sports, were selected by their teammates. I congratulate Stacey on being recognized by her teammates with this honor.

Thank you, Stacey for your participation in this historic event. Tonight, you will make all Minnesotans and the entire Nation proud. •

#### THE PIPELINE SAFETY IMPROVEMENT ACT OF 2001

• Mr. MCCAIN. Mr. President, one year ago today, the Senate passed S. 235, the Pipeline Safety Improvement Act of 2001. This bill, overwhelmingly approved by a vote of 98-0, is the product

of many months of hearings, bipartisan compromise, and cooperation that began during the last Congress. It is designed to promote both public and environmental safety by reauthorizing and strengthening our federal pipeline safety programs which expired in September, 2000.

Since the Senate began debating pipeline safety improvement legislation in 1999, the House has taken little action. Various pipeline safety improvement measures are available for consideration by the House, including a bill introduced December 20, 2001 by the Chairman of the House Transportation and Infrastructure Committee. I encourage the House Members to act swiftly and help prevent not only needless deaths and injuries, but also environmental and economic disasters. Legislative action is necessary as demonstrated by the number of tragic accidents in recent years.

For example, on June 10, 1999, 277,000 gallons of gasoline leaked from a 16 inch underground pipeline into the Hannah Creek near Bellingham, WA. The gasoline migrated into the Whatcom Creek, where it was subsequently ignited. The ignition set off an explosion and fire, burning along both sides of the creek, for approximately 1.5 miles, killing two 10 year old boys and an 18 year old young man who was fishing in the creek. In addition to the three deaths, there were eight injuries and environmental damage to the area. Also, the fire damaged the Bellingham Water Treatment Plant and other industrial structures, as well as a private residence. Interstate 5 was closed for a period of time because of the thick smoke, and the Coast Guard closed Bellingham Bay for a one mile radius from the mouth of the Whatcom Creek.

Other tragedies have occurred. On August 19, 2000, a natural gas transmission line ruptured in Carlsbad, NM, killing 12 members of two families. On September 7, 2000, a bulldozer in Lubbock, TX, ruptured a propane pipeline. The ensuing cloud was ignited by a passing vehicle, creating a fireball which killed a police officer.

Congress was called on to act after the first accident in Washington. I introduced S. 2438, the Pipeline Safety Improvement Act of 2000, on April 13, 2000. With the assistance of a bipartisan group of Senators, including Senators Slade Gorton and PATTY MURRAY, the Commerce Committee reported the measure favorably later that July. The Senate took swift action upon return from the August recess, during which the accident in New Mexico had occurred. We passed S. 2438 by unanimous consent on September 7, 2000, on the same day as the rupture in Texas.

The Senate's accomplishment that year stemmed from several months of hearings and countless meetings. Unfortunately, the House failed to approve a pipeline safety measure so we were never able to go to conference or send a measure to the President. Our collective inaction was a black mark on the 106th Congress.

After the opening of the 107th Congress, I introduced nearly identical legislation, S. 235, the Pipeline Safety Improvement Act of 2001. The Senate acted swiftly and passed S. 235 on this date last year, one of the first legislative actions of the 107th Congress. The House now has the opportunity to remove the black mark by acting on pipeline safety legislation.

Including the tragedies I mentioned earlier, a total of 71 fatalities have occurred as a result of a pipeline accident over the past three years. It should be noted, however, that despite these horrible accidents, the pipeline industry has a good safety record relative to other forms of transportation. According to the Department of Transportation, pipeline related incidents dropped nearly 80 percent between 1975 and 1998, and the loss of product due to accidental ruptures has been cut in half. From 1989 through 1998, pipeline accidents resulted in about 22 fatalities per year—far fewer than the number of fatal accidents experienced among other modes of transportation. But this record should not be used as an excuse for inaction on legislation to strengthen pipeline safety.

The Office of Pipeline Safety, OPS, within the Department of Transportation's, DOT, Research and Special Programs Administration, RSPA, oversees the transportation of about 65 percent of the petroleum and most of the natural gas transported in the United States. OPS regulates the day-to-day safety of 3,000 gas pipeline operators with more than 1.6 million miles of pipeline. It also regulates more than 200 hazardous liquid operators with 155,000 miles of pipelines. Given the immense array of pipelines that traverse our nation, reauthorization of our pipeline safety programs is critical to the safety and security of thousands of communities and millions of Americans nationwide.

Early attention by the Senate demonstrates our firm commitment to improving pipeline safety. I will continue to do all I can to advance pipeline safety legislation this year. When the Senate considers an Energy bill in the upcoming days or weeks, I intend to offer S. 235 as an amendment to it. I hope my colleagues will join with me in demonstrating their strong support for addressing identified pipeline safety lapses and will vote for this amendment.

I remain hopeful that Congress as a whole will finally act before we receive another call to action by yet another tragic accident. Action is needed. It is needed now.●

#### IN RECOGNITION OF RICHARD "NIGHT TRAIN" LANE

● Mr. LEVIN. Mr. President, I am delighted to rise today to acknowledge the life of Richard Lane, a National Football League player who finished his career playing for the Detroit Lions, who passed away Tuesday, Janu-

ary 29th. Richard "Night Train" Lane possessed great athletic capabilities, a passion for the game and played the game of football like no one else. He is still recognized by many as one of the greatest cornerbacks to ever play the game.

Through hard work and an unwavering commitment to the game of football, Night Train Lane's skill has made an indelible mark on the annals of football history. At six feet, two inches and 210 pounds, he will be remembered for hounding wide receivers with his trademark tackle, the Night Train Necktie.

Upon graduating from High School, Night Train attended Scottsbluff Junior College, where he played football for one season. After a year in college, he served four years in the United States Army. He played wide receiver for service teams during his time in the Army and was spotted by a Los Angeles Rams scout during an Army exhibition game. In 1952, upon his discharge from the Army, Night Train was invited to drop by the Rams training camp for a try out.

In his rookie season with the Rams, he had 14 interceptions in a 12 game season, a record that has stood for 50 years despite the NFL season schedule increasing to 16 games. After starting his career with the Rams, he was traded to the Chicago Cardinals, and later traded to the Detroit Lions. Over the course of his 14 year career, he made 68 interceptions, five for touchdowns. His career interception return yards total of 1,207 is still second in NFL history.

After retiring from the NFL, Lane worked in the front office of the Detroit Lions, and was later head coach of both Southern University and Central State University. He later returned to Detroit to become executive director of the Police Athletic League, a sports program for at-risk children in Detroit. Night Train Lane's hard work and tremendous ability has been recognized by his peers who elected him to the Pro Football Hall of Fame in 1974 and to the 75th anniversary all-time team in 1994.

I hope my Senate colleagues will join me in saluting Night Train Lane for his extraordinary career in the National Football League, his honorable service to our nation and his work with the children of Detroit.●

#### LOCAL LAW ENFORCEMENT ACT OF 2001

● Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred May 19, 1994 in Savannah, GA. Milton Bradley, 72, was fatally strangled by a man who believed Bradley to be gay.