

joined the Nebraska State League in 1933, which was renamed the "Western League" in 1938, when teams from Colorado, Wyoming, Minnesota, and Iowa joined.

In 1942, Rex Stucker upgraded the Sioux Falls Canaries from the Class C Western League to the Class D Northern League. However, World War II stopped league play after the 1942 season, and it would not resume until 1946. At that point, the Canaries was an independent team not affiliated with a major league baseball franchise. That would change in 1947, when Stucker sold the Canaries to Mory Levinger, owner of the Happy Hour bar in Sioux Falls. Soon afterward, Levinger struck an agreement with the Chicago Cubs to make the Canaries one of its farm teams. However, in 1953, Levinger sold the team to Winnipeg and Sioux Falls again was without professional baseball.

In 1966, Sioux Falls became the home of a new team, which moved from the semiprofessional Basin League to the Northern League. This team was known as the Packers, however, not the Canaries, and was owned by a group of Sioux Falls businessmen. This team was a farm club for the Cincinnati Reds. In fact, several Packers would become standouts in the big leagues, most notably Ken Griffey, Sr. The Packers stayed in the Northern League until the league folded after the 1971 season. Sioux Falls would be without a pro baseball team for more than 20 years.

In the early 1990's, Miles Wolff spent 2 years traveling the Upper Midwest meeting with interested baseball people and examining existing facilities. By this time, the Upper Midwest had been the only area of the Nation without minor league baseball. Mr. Wolff rightly saw it as an area ripe for minor league baseball expansion.

In June 1993, the fourth version of the Northern League began with six organizations, including one in Sioux Falls. The organization was honored to bring back the name of the first Sioux Falls pro team, the Canaries.

Mr. President, I am proud the Sioux Falls community has given such great support to the Canaries. In the inaugural 1993 season, the Canaries drew 86,187 in attendance. Last year, attendance grew to just shy of 100,000. This season promises to be no less of a banner year for Sioux Falls Canaries' fan support. Currently, each home game is averaging 2,704 fans in attendance. This high level of fan support is prevalent throughout the entire Northern League. All six of the Northern League teams are ranked nationally in the top 11 for average attendance per game for independent baseball leagues.

As with any quality sports team, the key to success begins with an effective management team and great support staff. In my opinion, the Canaries has one of the best organizations of any independent league team. I salute team president Harry Stavarnos and vice

presidents Mark Wilson, Buzz Hardy, and Rick Tracy for their leadership in guiding the Canaries to success. Field leadership of the team is in the capable hands of manager Dick Dietz, hitting instructor Frank Verdi, coach Hiro Shirahata and player-coach Mike Burton.

The Sioux Falls Canaries' commitment to winning is not only exemplified by its management but also by the hard work and dedication of the players. The Canaries have amassed a win-loss record of 98-88 over its three seasons. The team holds the Northern League record for most consecutive wins, nine in a row. The high quality of the players is evidenced by the 11 former Canaries now playing for major league affiliates.

Mr. President, I ask unanimous consent to have printed in the RECORD the team roster of the 1995 Sioux Falls Canaries at the conclusion of my remarks. Presently, the Canaries are only three games out of first. I have every reason to expect the team will finish on top by the end of the season.

Mr. President, Sioux Falls baseball has had a great tradition of exceptional all-around play. I want to congratulate the Sioux Falls Canaries organization on more than living up to this high standard on the field and giving the Sioux Falls community something to cheer about. I wish the team the very best of success in the future.

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

1995 SIOUX FALLS CANARIES

No.	Name	Position	Hometown
50	Dick Dietz	Manager	Pawley's Island, SC
3	Hiro Shirahata	Coach	Tokyo, Japan
26	Frank Verdi	Pitching coach	Port Richey, FL
24	Mike Burton	First base	Port Charlotte, FL
36	Aaron Cannaday	Catcher	Monroeville, NJ
14	Benny Castillo	Centerfield	Cooper City, FL
8	Beau Champoux	Shortstop	San Diego, CA
21	Tony Coscia	Pitcher	San Jose, CA
25	Rob Croxall	Pitcher	El Segundo, CA
34	Adell Davenport	Leftfield	Greenville, MS
6	Matt Davis	Second base	Chico, CA
29	Nic Frank	Outfield	Camarrillo, CA
40	Kevin Garner	First Base/DH	Austin, TX
28	Joel Gilmore	Pitcher	Conroe, TX
22	Rod Huffman	Pitcher	Tyler, TX
33	Eduardo Lantigua	Rightfield	Moca, DR
18	Glenn Meyers	Pitcher	Wilders, KY
31	Jason Mickel	Pitcher	Portland, OR
27	Bobby Post	Pitcher	Reno, NV
23	Jon Saylor	Pitcher	Dallas, TX
9	Mike Tarter	Catcher	Marietta, GA
7	Frank Valdez	Third base	Miami, FL
20	Max Valencia	Pitcher	San Francisco, CA
19	Andy Wise	Pitcher	Fountain Valley, CA

NAVY SECRETARY JOHN H. DALTON'S SPEECH AT CHANGE OF COMMAND OF COMMANDANT OF THE MARINE CORPS

Mr. HEFLIN. Mr. President, I attended the change of command of the Commandant of the U.S. Marine Corps where Gen. Charles Krulak relieved Gen. Carl Mundy and became the 31st Commandant of the Marine Corps.

The Honorable John H. Dalton, Secretary of the Navy, made a truly outstanding speech. Therefore, I would like to share the contents of this speech with my colleagues, so I ask

unanimous consent that a copy of his speech entitled, "The Marine Corps' Change of Command" be printed in the CONGRESSIONAL RECORD following my remarks.

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

THE MARINE CORPS' CHANGE OF COMMAND (BY HON. JOHN DALTON)

Secretary White, distinguished members of Congress, General Shalikashvili and the members of the Joint Chiefs of Staff, Marines, ladies and gentleman.

I am proud to serve as the Secretary of the United States Marine Corps. And, I am deeply honored to participate in the change of command of an institution that sets the standard for military leadership around the world.

Today is an important day in the lives of these two great men, General Carl Mundy and General Chuck Krulak. But, they would be the first to tell you that today belongs not to them, but to the Corps.

Their selfless attitude is seen clearly in Carl Mundy's insistence that he not be recognized with any personal decorations at this ceremony.

However, I think you all should know that on behalf of the Department, I have awarded the Navy Distinguished Service Medal to General Mundy. Similarly the Secretary of Defense and each one of our sister services have awarded him their Distinguished Service Medal.

General Mundy, you have served with honor, courage and commitment in a manner befitting the Commandant of the Corps. Our allies thank you, America thanks you and above all your Marines thank you for a lifetime dedicated to the defense of freedom.

Carl's many accomplishments and honors would not have been possible without the love and support of his family, especially his devoted wife, Linda. For nearly four decades Linda has served as a Marine wife and mother. During the past four years she has endeared herself to everyone she has touched and has established a special place in history for herself as the First Lady of the Marine Corps. It was an honor for me to recognize her achievements with the Department of the Navy's Distinguished Public Service Award.

The past four years have been challenging ones for the Navy and Marine Corps team. Amidst the drawdown in force structure, shrinking defense budgets and expanding global commitments, General Mundy has led the Corps to new levels of excellence, efficiency and effectiveness. By encouraging closer integration with the Navy, you have created a Marine Corps with enhanced capabilities that is prepared for every eventuality.

It is this spirit of closer integration between the Navy and Marine Corps that will be a legacy of Carl Mundy to our Naval Service. Such integration and interoperability ensure that the Navy and Marine Corps team will be prepared for the challenges and battlefields of the next millennium.

General Mundy's inspiring leadership, bold courage, and extraordinary vision have perpetuated a dynamic and innovative Corps and have put in place the mechanism to ensure that the Corps will continue to flourish.

Today is another step in the continuing evolution of the Corps—one of America's true national treasures. Today we witness the change of command, the passing of responsibility and acceptance of accountability for the United States Marine Corps.

General Krulak, you now take up the standard for the most elite fighting force in

the world. May you command our Corps with strength, vision and the same commitment to core values that marked the leadership of the Commandants who precede you. The Corps will be blessed with the unfailing support of your delightful wife Zandi. On Tuesday of this week the 31st Commandant and his lady celebrated their 31st wedding anniversary.

Today is important not only for Marines, but also for every American, and especially those who have worn a military uniform. It is a special day for us to remember the Corps' heroic past and to celebrate its bright future.

The fundamental military values of honor, courage and commitment are as much a part of the Marine Corps today as they were at its birth in 1775. Marines today understand that these values represent an ideal . . . an ideal worth fighting for.

Fighting for ideals is what the Corps is all about. And, the strength of today's Corps rests on a foundation of extraordinary heroism rising up from the bedrock of America's military history.

It is on that foundation of past heroism that the future of the Corps will be built. It will be a future filled with innovation, flexibility, resourcefulness and above all spirit. It is a spirit which comes from being the best. Marines know that when American interests are threatened or our friends need help . . . America calls the Corps.

Throughout the past four years, Marines have been called very often and, as throughout their history, they have responded with the utmost professionalism. Whether it was Haiti, Somalia, Bosnia or the Arabian Gulf, the Marines were always ready to get the job done . . . and to get it done right.

Whether as warfighters, peacekeepers, or rescuers; the Marines have proven time and time again that America can count on the Corps when there is a threat to our national security.

The Marine Corps of today is just the adaptable, flexible, and resourceful force America needs. In this unsettled and often confusing post Cold War world, the military mission is no longer as clearly defined. For this reason our military forces must adapt in order to succeed.

Adapting is what Marines do best. The Marines have been fighting America's wars for two centuries and continue to be the force of choice for either keeping the peace; or storming the beach.

In the past, Marines have done more beach storming than peacekeeping, but in the future it is clear that both missions will need to be performed. In my mind there is no force in the world more capable of handling the complicated military missions of the future than the United States Marine Corps.

The Corps has had many great Commandants, but none who has led through such a tumultuous period of internal change. Today the Corps has never been better trained, better led, or more ready. Only in this state would Carl Mundy even consider relinquishing command of the Corps.

That is your legacy, "a RELEVANT, READY and CAPABLE Corps of Marines" who embody the traditions of the past and who are ready to meet the challenges of the future. RELEVANT to meet the defense needs of the Nation tomorrow; READY to respond instantly as America's 911 Force to prevent and contain crises or fight today; and CAPABLE of meeting the requirements of our National Military Strategy.

Carl, your days in uniform may soon be over, but your service to the Corps will remain timeless. Your total devotion to the Corps has nurtured America's undying love for Marines. Your determination efforts have ensured that Marines will always be the first to fight in America's defense.

Yesterday afternoon, in the oval office, our Commander in Chief promoted Chuck Krulak to General. In that ceremony President Clinton pointed to Carl Mundy and said emphatically, "Of all the General Officers I have worked with, you were the one I knew was always telling me exactly what you believed. I want you to know how much I appreciate that." The President of the United States could not have offered higher praise.

For fifty years Iwo Jima has been a special place for the Marine Corps, and it was there atop Mount Suribachi that I had the privilege to announce the President's nomination for our 31st Commandant.

So as we consider the significance of this ceremony, a change of command of the Corps that these two Marines have devoted their lives to, I think it appropriate to recall the words of Chaplain Roland Gittelsohn when he dedicated the Fifth Marine Division Cemetery on Iwo Jima fifty years ago. This February, Rabbi Gittelsohn recalled his words at the ceremony commemorating that battle at the Iwo Jima War Memorial beside Arlington National Cemetery. He said:

"Here lie officers and men of all colors, rich men and poor men together. Here are Protestants, Catholics and Jews together. Here no man prefers another because of his faith or despises him because of his color. Here there are no quotas of how many from each group are admitted or allowed. Among these men there is no discrimination. No prejudice. No hatred. Theirs is the highest and purest democracy."

"Any man among us, the living, who failed to understand that, will thereby betray those who lie here . . . whoever lifts his hand in hate against a brother, or thinks himself superior to those who happen to be in a minority, makes of . . . their sacrifice an empty, hollow mockery."

"Thus do we consecrate ourselves, the living, to carry on the struggle they began. Too much blood has gone into this soil for us to let it lie barren."

Those words spoken in honor of fallen Marines and Sailors hold a living truth. The truth is that we, the living, must carry on their struggle for liberty and freedom every day, and in everything we do.

God bless you, and God bless the United States Marine Corps. Semper Fidelis.

H.R. 956 (PRODUCTS LIABILITY BILL) AND PRICE-ANDERSON ACT

Mr. HEFLIN. Mr. President, during the course of debate on the products liability bill, I mentioned nuclear power plants and the possible effect that the proposed legislation might have on two issues dealing with a nuclear power plant problem—one being the issue of pain and suffering and the other being the statute of repose.

Then on May 9, 1995, I spoke on this issue in the U.S. Senate. I concluded my remarks by saying that I wanted to do further research pertaining to these issues.

I asked the Congressional Research Service of the Library of Congress to look into this and they have prepared a memorandum. I ask unanimous consent that the attached memorandum from the Congressional Research Service be printed in the CONGRESSIONAL RECORD following my remarks.

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

CONGRESSIONAL RESEARCH SERVICE,
LIBRARY OF CONGRESS,
Washington, DC, May 23, 1995.
To: Sen. Howell Heflin; Attention: Jim Whiddon.
From: American Law Division.
Subject: Causes of Action under the Price-Anderson Act.

This is in response to your request for a memorandum addressing whether state causes of action based on public liability exist under the Price-Anderson Act.¹ In particular, your inquiry asks that we address survival of state tort action, statutes of limitation and repose, and the impact of the recently passed products liability legislation (the House-passed and Senate-passed versions of H.R. 956, 104th Congress).

In Parts I and II, we analyze the Act's language, legislative history and relevant case law, concluding that the 1988 Amendments Act created a federal cause of action. Whereas state causes of action based upon public liability existed under Price-Anderson prior to the 1988 amendments, such is no longer the case. The only state tort actions that may continue to survive are those completely outside the Price-Anderson public liability scheme. Under the 1988 Amendments Act, federal courts, which have original jurisdiction over public liability actions arising out of nuclear incidents, are directed to apply state law substantive rules. With the exception of waiver of defenses provisions regarding extraordinary nuclear occurrences, the Price-Anderson Act, as amended, lacks a specific statute of limitations for public liability actions arising out of nuclear incidents. As such, courts will apply the statute of limitations in effect in the state in which the nuclear incident occurred. In Part III, we analyze the possible impact of the statutes of limitation and repose as contained in the recently passed products liability legislation in light of the Price-Anderson scheme.

I. BACKGROUND

In 1957, the Price-Anderson Act was enacted as an amendment to the Atomic Energy Act in order to remove the deterrent of potentially catastrophic liability to those in the private sector who were interested in participating in the nuclear power industry but reluctant to risk significant financial resources and liability.² In 1966, the Act was extended for another ten year period and a key provision—a waiver of defenses provision³—was added. Under this provision, the defendant in any action involving public liability⁴ arising from an "extraordinary nuclear occurrence"⁵ can be required to waive certain legal defenses (e.g., defenses based on conduct, immunity, and state statutes of limitation).⁶ It is clear that the Act, as originally enacted and as amended in 1966, was intended to have minimal inference with State law.⁷ Also in 1966, the Act was amended to include a provision authorizing the consolidation in one U.S. District Court of all law suits arising from an "ENO"—conferring original jurisdiction upon the Federal courts in such cases.⁸ The Act was amended again in 1975.

A long line of cases under the Act as amended through 1975 had held that federal courts did not have subject matter jurisdiction for claims arising out of non-ENO nuclear incidents and that state tort remedies were *not* preempted by the Act.⁹

II. 1988 AMENDMENTS

Under the Price-Anderson Amendments Act of 1988, original federal jurisdiction was significantly broadened to cover not only those actions arising from ENOs but those

¹Footnotes at the end of the article.