

HONORING THE JOHNSONS ON
THEIR 50TH WEDDING ANNIVERSARY

Mr. ASHCROFT. Mr. President, families are the cornerstone of America. The data are undeniable: Individuals from strong families contribute to the society. In an era when nearly half of all couples married today will see their union dissolve into divorce, I believe it is both instructive and important to honor those who have taken the commitment of "till death us do part" seriously, demonstrating successfully the timeless principles of love, honor, and fidelity. These characteristics make our country strong.

For these important reasons, I rise today to honor Lois and Delmer Johnson of St. Joseph, MO, who on October 12, 1997, will celebrate their 50th wedding anniversary. My wife, Janet, and I look forward to the day we can celebrate a similar milestone. The Johnsons' commitment to the principles and values of their marriage deserves to be saluted and recognized.

BUREAU OF LABOR STATISTICS
TOXICOLOGY ANALYSIS

Mr. ENZI. Mr. President, the lack of information pertaining to alcohol and substance abuse fatalities in the workplace is alarming. If we are serious about the safety of American workers, we must carefully examine all contributing factors that pose a potential threat while on the job.

I had intended to offer an amendment to the Labor, HHS and Education Appropriations bill that would instruct the BLS to incorporate in their annual report an analysis of toxicology reports in the Census of Fatal Occupational Injuries. After meeting with the BLS Commissioner, Katharine Abraham, we agreed that the BLS will again perform this important analysis during the calendar year 1998 and issue a report no later than 6 months after the data collection is completed. This agreement dismisses the need for a congressional mandate. I appreciate BLS's cooperation in properly addressing this matter.

In 1992, the Department of Labor initiated a program to compile data on how alcohol and drugs contributed to fatal work injuries. The BLS's Census of Fatal Occupational Injuries Program collected 1,355 toxicology reports from 43 States and the District of Columbia—roughly one report for every four of the 1992 fatalities. About one-sixth of the cases for which toxicology reports were available, fatally injured workers tested positive for toxic substances. The most frequent cases showed alcohol use followed by cocaine and marijuana.

Unfortunately, the BLS stopped collecting this data in 1995. Although this data was only reported over a 3-year span, it clearly shows that alcohol and substance abuse is a major contributor to fatal workplace injuries. In an effort

to understand the safety of American workers, we must have data available to us. The inclusion of this analysis in the annual report sends a message that we do care about the safety of American workers.

Prior to being elected to the U.S. Senate, I was an accountant for Dunbar Well Service in Wyoming—a large, independent oil well servicing company. Aside from my accounting responsibilities, I also traveled the State collecting urine and saliva samples from our employees. Not only have I given alcohol and substance abuse tests, but I've been tested. I understand a thing or two about validity and dignity. This analysis doesn't hinder either of those traits. Safety in the workplace should be everyone's concern. However, if we don't understand how our workers are killed on the job, then we only deceive ourselves. This analysis will provide a better understanding of why and how frequently alcohol and drugs play a contributory role in fatal work injuries.

Mr. President, I ask unanimous consent that the letter sent to me from BLS Commissioner, Katharine Abraham, be printed in the RECORD.

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

U.S. DEPARTMENT OF LABOR,
Washington, DC, September 4, 1997.

Hon. MICHAEL B. ENZI,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR ENZI: I am writing regarding the proposal to require the Bureau of Labor Statistics (BLS) to gather and analyze toxicology reports on workers who have been fatally injured on the job.

Since 1991, the Bureau has conducted the Census of Fatal Occupational Injuries (CFOI), which compiles a complete roster of workers who are fatally injured at work each year, along with details about the fatal events. In 1991 and 1992, the Bureau conducted research studies in which toxicology reports were collected as part of the fatality census. The reports were analyzed with the help of Dr. William M. Marine, Professor of Preventive Medicine and Biometrics at the University of Colorado Health Sciences Center.

Toxicology reports were obtained from a variety of sources, including medical examiner or coroner reports, police reports of motor vehicle accidents, and autopsy reports. In some jurisdictions, toxicology reports are not available to BLS because of State confidentiality requirements. It also should be noted that toxicology tests are not completed for all deaths. Often tests are performed only when there is a suspicion of drugs present, though the practice regarding conduct of toxicology tests varies by State. In 1991, for example, the share of work-related fatalities for which toxicology reports were available varied from more than 50 percent (in 8 of 23 States for which reports were provided) to less than 10 percent (in 10 of the 23 States).

For 1991, 23 of 31 States that participated in the fatality census provided toxicology reports. Toxicology reports were available for 28% (829) of the 2,968 work-related fatalities in the 23 States. For 1992, 43 States and the District of Columbia submitted toxicology reports. Reports were received for 1,355 deaths representing 25% of the total work-related fatalities in these States.

Positive toxicology results were found for 125 of 829 cases for which reports were available for 1991. Alcohol was present in 49% of the 125 cases; amphetamines were present in 12%; marijuana in 12%; and cocaine in 10%. For 1992, positive toxicology results were found for 214 deaths out of 1,355 for which reports were received. Alcohol was present in 52% of the 214 cases; cocaine in 17%; marijuana in 13%; and antidepressants, amphetamines, barbiturates, morphine, codeine, methadone or other substances in 17%. These figures exclude cases in which there were toxicological findings that could have been due to the life-saving efforts of hospitals or others. A positive toxicological finding nonetheless does not establish the extent to which alcohol or drugs contributed to the fatality.

I would be happy to meet with you or your staff to discuss the toxicological studies the Bureau has conducted and their findings. If you feel, based on that discussion, that it would be valuable to repeat this type of study, the Bureau will gather and analyze toxicology reports on workers who have been fatally injured on the job during calendar year 1998, and will issue a report no later than six months after the data collection is completed.

I hope you find this information useful. Please let me know if we can be of further assistance.

Sincerely yours,
KATHARINE G. ABRAHAM,
Commissioner.

REGARDING PRODUCT LIABILITY
REFORM

Mr. ENZI. President, I rise to briefly discuss S. 648, a bill to establish standards and procedures for products liability legislation. I am proud to be a co-sponsor of that bill and I feel that it should be a legislative priority for consideration during this session of the 105th Congress.

In the 104th Congress, both the House and Senate passed meaningful product liability reform legislation only to have it vetoed by President Clinton. The President now indicates that he wants to sign a products liability reform bill. Legal reform has the broad support of the American people and strong bipartisan support in Congress.

With each passing day, we are losing an opportunity to do the people's business by not enacting common sense legal reform. S. 648 is designed to inject some common sense into runaway punitive damage awards in view of the need for some semblance of uniformity in our National interstate commerce system.

Last May, the United States Supreme Court held in *BMW in North America v. Gore*, that punitive damages can be considered so excessive as to violate a defendant's constitutional due process rights. It seems that many courts have not heeded this lesson. Just a few weeks ago, another case received national attention for the enormity of its punitive damage award. A jury in a Louisiana State court levied a \$2.5 billion punitive damage award against CSX Transportation corporation and \$1 billion against the other defendants in the case for their involvement in a 1987 tank car fire. The court

awarded this enormous punitive judgment despite findings by the National Transportation Safety Board (NTSB) that CSXT did not cause the accident and that no serious injuries resulted from the accident.

In light of these egregious examples, it is time for Congress to pass legislation to reign in these exploding legal costs which have hurt American businesses, stifled ingenuity, and punished consumers through higher prices and decreased competition. S. 648 would mark an important first step in reforming a tort system which all too often better resembles a lottery than a forum of justice. I urge our leadership to make S. 648 a priority in the first session of the 105th Congress.

MESSAGES FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate on September 22, 1997, received a message from the President of the United States submitting a nomination which was referred to the Committee on Foreign Relations.

The nomination received on September 22, 1997, is shown in today's RECORD at the end of the Senate proceedings.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2996. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-117 adopted by the Council on July 1, 1997; to the Committee on Governmental Affairs.

EC-2997. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-119 adopted by the Council on July 1, 1997; to the Committee on Governmental Affairs.

EC-2998. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-125 adopted by the Council on July 1, 1997; to the Committee on Governmental Affairs.

EC-2999. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-128 adopted by the Council on July 1, 1997; to the Committee on Governmental Affairs.

EC-3000. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-129 adopted by the Council on July 1, 1997; to the Committee on Governmental Affairs.

EC-3001. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-130 adopted by the Council on July 1, 1997; to the Committee on Governmental Affairs.

EC-3002. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-131 adopted by the Council on July 1, 1997; to the Committee on Governmental Affairs.

EC-3003. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-132 adopted by the Council on July 1, 1997; to the Committee on Governmental Affairs.

EC-3004. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-139 adopted by the Council on July 1, 1997; to the Committee on Governmental Affairs.

EC-3005. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-140 adopted by the Council on July 1, 1997; to the Committee on Governmental Affairs.

EC-3006. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-143 adopted by the Council on July 1, 1997; to the Committee on Governmental Affairs.

EC-3007. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-144 adopted by the Council on July 1, 1997; to the Committee on Governmental Affairs.

EC-3008. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-126 adopted by the Council on July 1, 1997; to the Committee on Governmental Affairs.

EC-3009. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, the reports and testimony for July 1997; to the Committee on Governmental Affairs.

EC-3010. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, the report of a financial audit relative to the Internal Revenue Service; to the Committee on Governmental Affairs.

EC-3011. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report relative to General Accounting Office employees; to the Committee on Governmental Affairs.

EC-3012. A communication from the Deputy Director of the U.S. Office of Government Ethics, transmitting, pursuant to law, a rule entitled "Removal of Superseded References to the Former Honorarium Ban" (RIN3209-AA00, AA04) received on September 11, 1997; to the Committee on Governmental Affairs.

EC-3013. A communication from the Director of the Office of the Secretary of Defense (Administration and Management), transmitting, pursuant to law, a rule entitled "The Privacy Program" received on September 8, 1997; to the Committee on Governmental Affairs.

EC-3014. A communication from the Executive Director, Committee for Purchase From People Who are Blind or Severely Disabled, transmitting, pursuant to law, a rule relative to additions to the procurement list, received on September 5, 1997; to the Committee on Governmental Affairs.

EC-3015. A communication from the Director of the U.S. Office of Personnel Management, transmitting, pursuant to law, a rule entitled "Federal Employees Health Benefits Program Acquisition Regulation" (RIN3206-AH45) received on September 8, 1997; to the Committee on Governmental Affairs.

EC-3016. A communication from the Acting Director of the U.S. Office of Personnel Management, transmitting, pursuant to law, a rule entitled "Pay Administration (General)" (RIN3206-AF89) received on September 18, 1997; to the Committee on Governmental Affairs.

EC-3017. A communication from the Acting Director of the U.S. Office of Personnel Management, transmitting, pursuant to law, a rule entitled "Federal Employees Health Benefits Program Acquisition Regulation" (RIN3206-AF32, AG79, AG68); to the Committee on Governmental Affairs.

EC-3018. A communication from the Director of the U.S. Office of Personnel Management, transmitting, a draft of proposed legislation to amend title 5, U.S.C., to extend the

Federal physicians comparability allowance authority, and for other purposes; to the Committee on Governmental Affairs.

EC-3019. A communication from the Chief Financial Officer of the Department of the Interior, transmitting, pursuant to law, the report on accountability for fiscal year 1996; to the Committee on Governmental Affairs.

EC-3020. A communication from the Director of the National Archives and Records Administration, Information Security Oversight Office, transmitting, pursuant to law, the report for calendar year 1996; to the Committee on Governmental Affairs.

EC-3021. A communication from the Chairman of the U.S. Merit Systems Protection Board, transmitting, pursuant to law, the report of cases decided during fiscal year 1996; to the Committee on Governmental Affairs.

EC-3022. A communication from the Chairman of the U.S. Merit Systems Protection Board, transmitting, pursuant to law, a report entitled "Achieving a Representative Federal Workforce: Addressing the Barriers to Hispanic Participation"; to the Committee on Governmental Affairs.

EC-3023. A communication from the Deputy Associate Administrator for Acquisition Policy, Office of Governmentwide Policy, U.S. General Services Administration, transmitting, pursuant to law, a rule entitled "Federal Acquisition Regulation" (RIN9000-AH21) received on September 23, 1997; to the Committee on Governmental Affairs.

EC-3024. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to paperwork; to the Committee on Governmental Affairs.

EC-3025. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, the report of the list of General Accounting Office reports and testimony for August 1997; to the Committee on Governmental Affairs.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation:

Robert L. Mallett, of Texas, to be Deputy Secretary of Commerce.

W. Scott Gould, of the District of Columbia, to be Chief Financial Officer, Department of Commerce.

W. Scott Gould, of the District of Columbia, to be an Assistant Secretary of Commerce, vice Thomas R. Bloom.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. President, for the Committee on Commerce, Science, and Transportation, I report favorably four nominations lists in the Coast Guard, which were printed in full in the CONGRESSIONAL RECORD on September 3, 15, and 18, 1997, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

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

(The nominations ordered to lie on the Secretary's desk were printed in