restrictions can unfairly penalize employees and discourage their participation. But allowing employees to initiate, modify, or terminate contributions to the TSP in any period, provided the amount does not exceed existing limits for contributions, the legislation ensures that Federal employees' investment decisions will no longer be restricted by the open season requirement.

In testimony before the Congress, Andrew Saul, Chairman of the Federal Retirement Thrift Investment Board, stated that the Board supports the elimination of the open season requirement because it would expand participant access and simplify the administration of the Thrift Savings Plan. Jim Sauber, Chairman of the Employee Thrift Advisory Council, testified in March 2004 that eliminating the TSP open season is perhaps the single best way to reach the 13 percent of employees in the Federal Employees Retirement System who still do not make contributions to the TSP.

In addition to the support by the Federal Retirement Thrift Investment Board and the Employee Thrift Advisory Council, the legislation is supported by the American Federation of Government Employees, the National Treasury Employees Union, the National Association of Retired Federal Employees, the Federal Managers Association, and the Senior Executives Association.

I urge my colleagues to support this important legislation.

THRIFT SAVINGS PLAN OPEN ELECTIONS ACT OF 2004

Mr. AKAKA. Mr. President. I am delighted to join with Senator COLLINS and other colleagues on the Governmental Affairs Committee to introduce the Thrift Savings Plan Open Elections Act of 2004. Our bill will provide participants in the Thrift Savings Plan, TSP, significant flexibility in managing their TSP accounts.

Over the years, I have successfully offered legislation which has ensured that Federal employees enrolled in the Government's retirement savings plan enjoy the same opportunities afforded to employees in the private and public sectors, such as the ability to make additional contributions to the TSP for those over the age of 50 and immediate enrollment for new employees. This new bill would eliminate open seasons, which prohibit employees who choose not to contribute to wait until for a specific amount of time if they later decide to participate.

I am especially pleased that the legislation also includes a section devoted to enhancing financial literacy for Federal employees. As my colleagues know, I have long championed the need for expanded financial literacy for Americans of all ages and background who face increasingly complex financial decisions as members of the Nation's workforce, managers of their families' resources, and voting citizens.

Our bill directs the Federal Retirement Thrift Investment Board, FRTIB, which administers the TSP, to enhance the tools available to TSP participants so that they will be better able to understand, evaluate, and compare the financial products, services, and opportunities available from the Thrift Savings Plan. The measure also requires that as part of the retirement training offered by the Office of Personnel Management, OPM, that OPM, in consultation with the board, develop a retirement financial literacy and education strategy for Federal employees. I wish to commend both the thrift board and OPM for the work that has already been undertaken to increase financial literacy among Federal employees, including the recent OPM-sponsored financial literacy fairs.

As for all Americans, financial literacy education is essential for Federal employees to develop a base of knowledge so that they can participate effectively in the modern economy. We must find opportunities to get information to individuals at the appropriate times throughout their lives as their financial situations and needs change. I believe that the provisions in this bill will give Federal employees the tools needed to empower them to make informed decisions regarding their retirement and financial security.

I strongly urge my colleagues to cosponsor this legislation.

By Mr. GRASSLEY:

S. 2480. A bill to amend title 23, United States Code, to research and prevent drug impaired driving; to the Committee on Environment and Public Works.

Mr. GRASSLEY. Mr. President, every half hour, somewhere in this country somebody is killed as a result of an alcohol related traffic accident. This is a sobering statistic. Thanks in part to a massive national response, nearly 1.5 million people are arrested and taken off the road each year for driving under the influence of alcohol, undoubtedly saving lives. But, there is an equally dangerous and potentially devastating problem lurking on our Nation's highways that is going largely undetected.

In 2002, nearly 11 million people drove under the influence of illegal drugs, according to the National Survey on Drug Use and Health Report. While the effort to reduce drunk driving is making progress, those using illegal drugs like marijuana, cocaine, methamphetamine, and opiates continue to get behind the wheel, putting each of us at risk everyday.

According to the National Highway Traffic Safety Administration, drugs are used by approximately 10 to 22 percent of all drivers involved in fatal motor vehicle crashes. In 2003, a study conducted at the Shock Trauma Center at the University of Maryland Hospital in Baltimore found that testing for alcohol alone would have identified less than 30 percent of all the substance abusing drivers admitted to the trauma unit as a result of a motor vehicle accident. Drugged driving is clearly a serious problem.

While it is illegal in all 50 States to drive a motor vehicle under the influence of alcohol or drugs, there is no consistency in the way the States approach drug impaired drivers. In fact, existing laws often hinder the prosecution of drugged drivers. Adding further difficulty, there currently is no road side test to detect the presence of a controlled substance in a driver's body.

In response to these challenges, today I am pleased to be joined by Senator FEINSTEIN in introducing legislation designed to encourage States to develop and carry out drug impaired driving traffic safety programs. By adopting a model statute, States become eligible for grants that would assist drivers in need of drug treatment, as well as grants that would enhance the training of law enforcement and prosecutors. Furthermore, in an effort to keep drug impaired drivers off the road, passage of this legislation will advance the research and development of a roadside testing mechanism.

Clearly there is a need to strengthen efforts to identify, prosecute, and treat drugged drivers. Just as the coordinated efforts to prevent drunk driving have saved lives, so too can the devastating consequences of drugged driving be prevented. I encourage my colleagues to join in support of this legislation.

Mr. President, 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. 2480

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 "Drug Impaired Driving Research and Prevention Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) driving under the influence of, or after having used, illegal drugs has become a significant problem worldwide;

(2) in 2002, over 35,000,000 persons in the United States aged 12 or older had used illegal drugs in the past year and almost 11,000,000 of these persons (5 percent of the total population of the United States aged 12 or older and 31 percent of past year illicit drug users) had driven under the influence of, or after having used, illegal drugs in the past year;

(3) research has established that abuse of a number of drugs can impair driving performance;

(4) according to the National Highway Traffic Safety Administration, illegal drugs (often in combination with alcohol) are used by approximately 10 to 22 percent of drivers involved in all motor vehicles crashes;

(5) drug impaired drivers are less frequently detected, prosecuted, or referred to treatment than drunk drivers;

(6) there is a lack of uniformity or consistency in the way the 50 States approach drug impaired drivers;

(7) too few police officers have been trained to detect drug impaired drivers, and too few prosecutors have been trained to prove drug impaired driving cases beyond a reasonable doubt;

(8) per se drug impaired driving laws, like those used for driving under the influence of alcohol, are feasible and represent a sound strategy for dealing with drug impaired drivers and can assist in the prosecution of drug impaired driving offenders; and

(9) while it is illegal in all States to drive a motor vehicle while under the influence of alcohol, drugs other than alcohol, or a combination of alcohol and other drugs, there is no consistent method across States for identifying drug impairment and the presence of drugs in the body.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to provide a model for States to implement and enforce a drug impaired driving statute;

(2) to ensure drivers in need of drug education or treatment are identified and provided with the appropriate assistance;

(3) to advance research and development of testing mechanisms and knowledge about drugged driving and its impact on traffic safety; and

(4) to enhance the training of traffic safety officers and prosecutors to detect, enforce, and prosecute drug impaired driving laws.

SEC. 4. DEFINITIONS.

In this Act, the following definitions apply:

(1) CONTROLLED SUBSTANCE.—The term ''controlled substance'' includes substances listed in schedules I through V of section 112(e) of the Controlled Substances Act (21 U.S.C. 812(e)).

(2) INHALANT.—The term ''inhalant'' means a household or commercial product that can be used by inhaling for intoxicating effect.

(3) DRUG RECOGNITION EXPERT.—The term ''drug recognition expert'' means an individual trained in a specific evaluation procedure that enables the person to determine whether an individual is under the influence of drugs and then to determine the type of drug causing the observable impairment.

SEC. 5. MODEL STATUTE.

(a) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Secretary shall develop and provide to the States a model statute relating to drug impaired driving which incorporates the provisions described in this Act.

(b) MANDATORY PROVISIONS.—Provisions of the model statute developed by the Secretary for recommendation to the States under this section shall include, at a minimum, a provision that the crime of drug impaired driving is committed when a person operates a motor vehicle—

(1) while any detectable amount of a controlled substance is present in the person's body, as measured in the person's blood, urine, saliva, or other bodily substance; or

(2) due to the presence of a controlled substance or a controlled substance in combination with alcohol or an inhalant, or both, in the person's body, the person's mental or physical faculties are affected to a noticeable or perceptible degree.

(c) DISCRETIONARY PROVISIONS.—Provisions of the model statute developed by the Secretary for recommendation to the States under this section may include the following:

(1) Sanctions for refusing to submit to a test for the presence of a controlled substance in a person's body which are equivalent to sanctions for a positive test result.

(2) Lawful use of any controlled substance listed in schedule II, III, IV, or V of section 112(c) of the Controlled Substances Act (21 U.S.C. 812(c)) that was lawfully prescribed by a physician licensed under State law is an affirmative defense to a charge of drug impaired driving; except that the affirmative defense shall not be available if it is shown that the person's mental or physical faculties were impaired by such use to a noticeable or perceptible degree.

(3) A graduated system of penalties for repeat offenses of drug impaired driving, including, at a minimum, that a third or subsequent offense within a 10-year period shall be a felony punishable by imprisonment for more than a year.

(4) Authorization for States to suspend or revoke the license of any driver upon receiving a record of the driver's conviction of driving a motor vehicle while under the influence of a controlled substance.

(5) Provisions that require a sentence of imprisonment imposed for any drug impaired driving offense be served consecutively, not concurrently, from a sentence imposed for any other criminal act; except that a sentence imposed for the same act of impaired driving may be imposed concurrently if the additional conviction was based on an alternate theory of culpability for the same act.

(6) An appropriate system of evaluation, counseling, treatment (if required), and supervision for persons convicted of drug impaired driving.

SEC. 6. RESEARCH AND DEVELOPMENT.

Section 403(b) of title 23, United States Code, is amended by adding at the end the following:

''(5) New technology to detect drug use.

''(6) Research and development to improve testing technology, including toxicology lab resources and field test mechanisms to enable States to process toxicology evidence in a more timely manner.

''(7) Determining per se impairment levels for controlled substances and the compound effects of alcohol and controlled substances on impairment to facilitate enforcement of per se drug impaired driving laws. Research under this paragraph shall be carried out in collaboration with the National Institute on Drug Abuse of the National Institutes of Health.''.

SEC. 7. GOALS FOR TRAINING.

Section 403 of title 23, United States Code, is amended by adding at the end the following:

''(g) TRAINING GOALS.—For the purpose of enhancing the States' ability to detect, enforce, and prosecute drug impaired driving laws, the Secretary shall—

''(1) establish and carry out programs to enhance police and prosecutor training efforts for enforcement of laws relating to drug impaired driving and for development of programs to improve enforcement of such laws; and

''(2) ensure that drug impaired driving enforcement training or drug recognition expert programs, or both, exist in all 50 States and the District of Columbia by December 31, 2006.''.

SEC. 8. DUTIES.

The Administrator of the National Highway Traffic Safety Administration shall—

(1) advise and coordinate with other Federal agencies on how to address the problem of driving under the influence of an illegal drug; and

(2) conduct research on the prevention, detection, and prosecution of driving under the influence of an illegal drug.

SEC. 9. REPORTS.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act and annually thereafter, the Secretary shall transmit to Congress a report on the progress being made in carrying out this Act, including the amendments made by this Act.

(b) CONTENTS.—The Secretary shall include in the report an assessment of the status of drug impaired driving laws in the United States—

(1) new research and technologies in the area of drug impaired driving enforcement;

(2) a description of the extent of the problem of driving under the influence of an illegal drug in each State and any available information relating thereto, including a description of any laws relating to the problem of driving under the influence of an illegal drug; and

(3) recommendations for addressing the problem of driving under the influence of an illegal drug.

SEC. 10. FUNDING.

Out of amounts appropriated to carry out section 403 of title 23, United States Code, for fiscal years 2004 through 2009, the Secretary shall use, at a minimum, $1,200,000 per fiscal year to carry out drug impaired driving traffic safety programs, including the provisions of this section and the amendments made by this section.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 112—SUPPORTING THE GOALS AND IDEALS OF NATIONAL PURPLE HEART RECOGNITION DAY

Mrs. CLINTON (for herself and Mr. HAGEL) submitting the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 112

Whereas the Purple Heart is the oldest military decoration in the world in present use;

Whereas the Purple Heart is awarded in the name of the President of the United States to members of the Armed Forces who are wounded in conflict with an enemy force or are wounded while held by an enemy force as prisoners of war, and posthumously to the next of kin of members of the Armed Forces who are killed in conflict with an enemy force or who die of a wound received in conflict with an enemy force;

Whereas the Purple Heart was established on August 7, 1782, during the Revolutionary War, when General George Washington issued an order establishing the Honorary Badge of Distinction, otherwise known as the Badge of Military Merit;

Whereas the award of the Purple Heart ceased with the end of the Revolutionary War, but was revived in 1932, the 200th anniversary of George Washington's birth, out of respect for his memory and military achievements; and

Whereas National Purple Heart Recognition Day is a fitting tribute to George Washington and to the more than 1,535,000 recipients of the Purple Heart, approximately 550,000 of whom are still living: Now, therefore, be it

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

(1) supports the goals and ideals of National Purple Heart Recognition Day;

(2) encourages all people of the United States to learn about the history of the Purple Heart and to honor its recipients; and

(3) requests that the President issue a proclamation calling on the people of the United States to conduct appropriate ceremonies, activities, and programs to demonstrate support for people who have been awarded the Purple Heart.