

(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 af-

firmative 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.

SENATE CONCURRENT RESOLUTION 113—RECOGNIZING THE IMPORTANCE OF EARLY DIAGNOSIS, PROPER TREATMENT, AND ENHANCED PUBLIC AWARENESS OF TOURETTE SYNDROME AND SUPPORTING THE GOALS AND IDEALS OF NATIONAL TOURETTE SYNDROME AWARENESS MONTH

Mr. SMITH (for himself and Mr. DURBIN) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 113

Whereas Tourette Syndrome is an inherited neurological disorder characterized by involuntary and sudden movements or repeated vocalizations;

Whereas approximately 200,000 people in the United States have been diagnosed with Tourette Syndrome and many thousands more remain undiagnosed;

Whereas lack of public awareness has increased the social stigma attached to Tourette Syndrome;

Whereas early diagnosis and treatment of Tourette Syndrome can prevent physical and psychological harm;

Whereas there is no known cure for Tourette Syndrome and treatment involves multiple medications and therapies with costs that can be prohibitive;

Whereas the Tourette Syndrome Association is the only national nonprofit membership organization dedicated to identifying the cause, finding the cure, and controlling the effects of Tourette Syndrome; and

Whereas the Tourette Syndrome Association has designated May 15 through June 15 as National Tourette Syndrome Awareness Month, the goal of which is to educate the public about the nature and effects of Tourette Syndrome: Now, therefore, be it

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

(1) recognizes the impact that Tourette Syndrome can have on people living with the disorder;

(2) recognizes the importance of an early diagnosis and proper treatment of Tourette Syndrome;

(3) recognizes the need for enhanced public awareness of Tourette Syndrome;

(4) supports the goals and ideals of National Tourette Syndrome Awareness Month, as designated by the Tourette Syndrome Association; and

(5) encourages the President to issue a proclamation calling on the people of the United States and interested organizations to observe National Tourette Syndrome Awareness Month.

Mr. SMITH. Mr. President, I rise today to submit a resolution recognizing National Tourette Syndrome Awareness Month. This resolution recognizes the importance of an early and accurate diagnosis, proper treatment for Tourette Syndrome and is intended to raise public awareness about the disorder. I am pleased to be joined today by my colleague from Illinois, Senator DURBIN, in offering this resolution.

Tourette Syndrome, or TS, is an inherited, neurobiological disorder that affects children of all racial and ethnic groups. The symptoms of TS are rapid, repeated, involuntary movements, and sounds called tics. In a large percentage of cases, TS is accompanied by other disorders, the most common of

which are Obsessive-Compulsive Disorder, Attention Deficit Hyperactivity Disorder and nonverbal Learning Disabilities.

An estimated 200,000 Americans have substantially impairing TS and many more have milder symptoms of the disorder. Many endure the stigma, isolation, and psychological impact associated with this chronic disorder. There is, unfortunately, no cure for TS, although some individuals benefit from a reduction in symptoms from medication or other clinical treatments.

In my State of Oregon, approximately 600 individuals are affected by Tourette Syndrome. While the Oregon chapter of the Tourette Syndrome Association, TSA, serves as an outstanding resource for information, it constantly faces the challenge of fulfilling its mission in a large, mostly rural State. TSA of Oregon currently operates a support group in the Portland area, and it is emerging as a useful source for families and provides leadership within the community. I would like to commend TSA of Oregon and thank them for their outstanding work.

Designating the month of June as the National Tourette Syndrome Awareness Month gives everyone an opportunity to familiarize themselves with TS and to better understand the impact that TS has on people living with the disorder. Additionally, it recognizes the importance of early diagnosis and receiving proper treatment. I urge my colleagues to support this resolution.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3239. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table.

SA 3240. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 2400, supra.

SA 3241. Mr. LEVIN (for Mr. NELSON, OF NEBRASKA) proposed an amendment to the bill S. 2400, supra.

SA 3242. Mr. WARNER (for Mr. GRASSLEY (for himself, Mr. FITZGERALD, and Mr. SESSIONS)) proposed an amendment to the bill S. 2400, supra.

SA 3243. Mr. LEVIN (for Mrs. FEINSTEIN) proposed an amendment to the bill S. 2400, supra.

SA 3244. Mr. BENNETT submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3245. Mr. BOND (for himself and Mrs. DOLE) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3246. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3247. Ms. SNOWE submitted an amendment intended to be proposed by her to the

bill S. 2400, supra; which was ordered to lie on the table.

SA 3248. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3249. Mr. HAGEL submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3250. Mr. HAGEL submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3239. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 19, between lines 19 and 20, insert the following:

SEC. 113. FOUR-YEAR AUTHORITY FOR THE SECRETARY OF THE ARMY TO USE SALES PROCEEDS TO PROCURE CERTAIN ITEMS.

(a) EXCHANGE AND SALE AGREEMENT.—(1) The Secretary of the Army may enter into an agreement to procure M109-based command-and-control vehicles or field artillery ammunition support vehicles using the sale proceeds of long-supply M109 howitzers.

(2) Section 503 of title 40, United States Code, and the regulations issued under subsection (b) of such section, shall apply to the exercise of the authority under paragraph (1), except for the following requirements:

(A) The requirement for the exchanged items to be similar.

(B) The one-for-one item replacement requirement.

(b) PERIOD OF AUTHORITY.—The authority to enter into agreements under subsection (a) and to make purchases under any such agreement is effective for sales made during the four-year period beginning on October 1, 2004, and ending at the end of September 31, 2008.

SA 3240. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; as follows:

Beginning on page 105, strike line 21 and all that follows through page 106, line 2.

SA 3241. Mr. LEVIN (for Mr. NELSON of Nebraska) proposed an amendment to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; as follows: