

\$1 of Federal funds provided in such payments for such fiscal year.”; and

(2) in subsection (b)—

(A) in paragraph (1), by adding “and” after the semicolon;

(B) in paragraph (2), by striking “; and” and inserting a period; and

(C) by striking paragraph (3).

(e) REQUIREMENTS WITH RESPECT TO CARRYING OUT PURPOSE OF ALLOTMENTS.—Section 1213 of the Public Health Service Act (42 U.S.C. 300d-13) is amended—

(1) in subsection (a)—

(A) in paragraph (3), in the matter preceding subparagraph (A), by inserting “nationally recognized” after “contains”;

(B) in paragraph (5), by inserting “nationally recognized” after “contains”;

(C) in paragraph (6), by striking “specifies procedures for the evaluation of designated” and inserting “utilizes a program with procedures for the evaluation of”;

(D) in paragraph (7)—

(i) in the matter preceding subparagraph (A), by inserting “in accordance with data collection requirements developed in consultation with surgical, medical, and nursing specialty groups, State and local emergency medical services directors, and other trained professionals in trauma care” after “collection of data”;

(ii) in subparagraph (A), by inserting “and the number of deaths from trauma” after “trauma patients”; and

(iii) in subparagraph (F), by inserting “and the outcomes of such patients” after “for such transfer”;

(E) by redesignating paragraphs (10) and (11) as paragraphs (11) and (12), respectively; and

(F) by inserting after paragraph (9) the following:

“(10) coordinates planning for trauma systems with State disaster emergency planning and bioterrorism hospital preparedness planning.”;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking “concerning such” and inserting “that outline resources for optimal care of the injured patient”; and

(ii) in subparagraph (D), by striking “1992” and inserting “2004”; and

(B) in paragraph (3)—

(i) in subparagraph (A), by striking “1991” and inserting “2004”; and

(ii) in subparagraph (B), by striking “1992” and inserting “2004”; and

(3) in subsection (c), by striking “1990, the Secretary shall develop a model plan” and inserting “2003, the Secretary shall update the model plan”.

(f) REQUIREMENT OF SUBMISSION TO SECRETARY OF TRAUMA PLAN AND CERTAIN INFORMATION.—Section 1214(a) of the Public Health Service Act (42 U.S.C. 300d-14(a)) is amended—

(1) in paragraph (1)—

(A) by striking “1991” and inserting “2004”; and

(B) by inserting “that includes changes and improvements made and plans to address deficiencies identified” after “medical services”; and

(2) in paragraph (2), by striking “1991” and inserting “2004”.

(g) RESTRICTIONS ON USE OF PAYMENTS.—Section 1215(a)(1) of the Public Health Service Act (42 U.S.C. 300d-15(a)(1)) is amended by striking the period at the end and inserting a semicolon.

(h) REQUIREMENTS OF REPORTS BY STATES.—The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by striking section 1216 and inserting the following:

“**SEC. 1216. [RESERVED].**”.

(i) REPORT BY THE SECRETARY.—Section 1222 of the Public Health Service Act (42 U.S.C. 300d-22) is amended by striking “1995” and inserting “2006”.

(j) FUNDING.—Section 1232(a) of the Public Health Service Act (42 U.S.C. 300d-32(a)) is amended to read as follows:

“(a) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out parts A and B, there are authorized to be appropriated \$12,000,000 for fiscal year 2004, and such sums as may be necessary for each of the fiscal years 2005 through 2008.”.

(k) CONFORMING AMENDMENT.—Section 1232(b)(2) of the Public Health Service Act (42 U.S.C. 300d-32(b)(2)) is amended by striking “1204” and inserting “1202”.

(l) INSTITUTE OF MEDICINE STUDY.—Part E of title XII of the Public Health Service Act (20 U.S.C. 300d-51 et seq.) is amended—

(1) by striking the part heading and inserting the following:

“PART E—MISCELLANEOUS PROGRAMS”;

and

(2) by adding at the end the following:

“**SEC. 1254. INSTITUTE OF MEDICINE STUDY.**

“(a) IN GENERAL.—The Secretary shall enter into a contract with the Institute of Medicine of the National Academy of Sciences, or another appropriate entity, to conduct a study on the state of trauma care and trauma research.

“(b) CONTENT.—The study conducted under subsection (a) shall—

“(1) examine and evaluate the state of trauma care and trauma systems research (including the role of Federal entities in trauma research) on the date of enactment of this section, and identify trauma research priorities;

“(2) examine and evaluate the clinical effectiveness of trauma care and the impact of trauma care on patient outcomes, with special attention to high-risk groups, such as children, the elderly, and individuals in rural areas;

“(3) examine and evaluate trauma systems development and identify obstacles that prevent or hinder the effectiveness of trauma systems and trauma systems development;

“(4) examine and evaluate alternative strategies for the organization, financing, and delivery of trauma care within an overall systems approach; and

“(5) examine and evaluate the role of trauma systems and trauma centers in preparedness for mass casualties.

“(c) REPORT.—Not later than 2 years after the date of enactment of this section, the Secretary shall submit to the appropriate committees of Congress a report containing the results of the study conducted under this section.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$750,000 for each of fiscal years 2004 and 2005.”.

(m) RESIDENCY TRAINING PROGRAMS IN EMERGENCY MEDICINE.—Section 1251(c) of the Public Health Service Act (42 U.S.C. 300d-51(c)) is amended by striking “1993 through 1995” and inserting “2004 through 2008”.

(n) STATE GRANTS FOR PROJECTS REGARDING TRAUMATIC BRAIN INJURY.—Section 1252 of the Public Health Service Act (42 U.S.C. 300d-52) is amended in the section heading by striking “**DEMONSTRATION**”.

(o) INTERAGENCY PROGRAM FOR TRAUMA RESEARCH.—Section 1261 of the Public Health Service Act (42 U.S.C. 300d-61) is amended—

(1) in subsection (a), by striking “conducting basic” and all that follows through the period at the end of the second sentence and inserting “basic and clinical research on trauma (in this section referred to as the ‘Program’), including the prevention, diag-

nosis, treatment, and rehabilitation of trauma-related injuries.”;

(2) by striking subsection (b) and inserting the following:

“(b) PLAN FOR PROGRAM.—The Director shall establish and implement a plan for carrying out the activities of the Program, taking into consideration the recommendations contained within the report of the NIH Trauma Research Task Force. The plan shall be periodically reviewed, and revised as appropriate.”;

(3) in subsection (d)—

(A) in paragraph (4)(B), by striking “acute head injury” and inserting “traumatic brain injury”; and

(B) in subparagraph (D), by striking “head” and inserting “traumatic”;

(4) by striking subsection (g);

(5) by redesignating subsections (h) and (i) as subsections (g) and (h), respectively; and

(6) in subsection (h), as redesignated by paragraph (5), by striking “2001 through 2005” and inserting “2004 through 2008”.

## NATIONAL MUSEUM OF AFRICAN AMERICAN HISTORY AND CULTURE ACT

Mr. GRASSLEY. I ask unanimous consent that the Rules Committee be discharged from further consideration of S. 1157 and that the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1157) to establish within the Smithsonian Institution the National Museum of African American History and Culture, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. GRASSLEY. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD.

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

The bill (S. 1157) was read the third time and passed, as follows:

S. 1157

*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 “National Museum of African American History and Culture Act”.

### SEC. 2. FINDINGS.

Congress finds that—

(1) since its founding, the United States has grown into a symbol of democracy and freedom around the world, and the legacy of African Americans is rooted in the very fabric of the democracy and freedom of the United States;

(2) there exists no national museum within the Smithsonian Institution located on the National Mall that—

(A) is devoted to the documentation of African American life, art, history, and culture; and

(B) encompasses, on a national level—

(i) the period of slavery;

(ii) the era of reconstruction;

(iii) the Harlem renaissance;

(iv) the civil rights movement; and

(v) other periods associated with African American life, art, history, and culture; and

(3) a National Museum of African American History and Culture would be dedicated to the collection, preservation, research, and exhibition of African American historical and cultural material reflecting the breadth and depth of the experiences of individuals of African descent living in the United States.

#### SEC. 3. DEFINITIONS.

In this Act:

(1) **BOARD OF REGENTS.**—The term “Board of Regents” means the Board of Regents of the Smithsonian Institution.

(2) **COUNCIL.**—The term “Council” means the National Museum of African American History and Culture Council established by section 5.

(3) **MUSEUM.**—The term “Museum” means the National Museum of African American History and Culture established by section 4.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of the Smithsonian Institution.

#### SEC. 4. ESTABLISHMENT OF MUSEUM.

(a) **ESTABLISHMENT.**—There is established within the Smithsonian Institution a museum to be known as the “National Museum of African American History and Culture”.

(b) **PURPOSE.**—The purpose of the Museum shall be to provide for—

(1) the collection, study, and establishment of programs relating to African American life, art, history, and culture that encompass—

- (A) the period of slavery;
- (B) the era of reconstruction;
- (C) the Harlem renaissance;
- (D) the civil rights movement; and
- (E) other periods of the African American diaspora;

(2) the creation and maintenance of permanent and temporary exhibits documenting the history of slavery in America and African American life, art, history, and culture during the periods referred to in paragraph (1);

(3) the collection and study of artifacts and documents relating to African American life, art, history, and culture; and

(4) collaboration between the Museum and other museums, historically black colleges and universities, historical societies, educational institutions, and other organizations that promote the study or appreciation of African American life, art, history, or culture, including collaboration concerning—

(A) development of cooperative programs and exhibitions;

(B) identification, management, and care of collections; and

(C) training of museum professionals.

#### SEC. 5. COUNCIL.

(a) **ESTABLISHMENT.**—There is established within the Smithsonian Institution a council to be known as the “National Museum of African American History and Culture Council”.

(b) **DUTIES.**—

(1) **IN GENERAL.**—The Council shall—

(A) make recommendations to the Board of Regents concerning the planning, design, and construction of the Museum;

(B) advise and assist the Board of Regents on all matters relating to the administration, operation, maintenance, and preservation of the Museum;

(C) recommend annual operating budgets for the Museum to the Board of Regents;

(D) report annually to the Board of Regents on the acquisition, disposition, and display of objects relating to African American life, art, history, and culture; and

(E) adopt bylaws for the operation of the Council.

(2) **PRINCIPAL RESPONSIBILITIES.**—The Council, subject to the general policies of the Board of Regents, shall have sole authority to—

(A) purchase, accept, borrow, and otherwise acquire artifacts and other property for addition to the collections of the Museum;

(B) loan, exchange, sell, and otherwise dispose of any part of the collections of the Museum, but only if the funds generated by that disposition are used for—

(i) additions to the collections of the Museum; or

(ii) programs carried out under section 7(a); and

(C) specify criteria with respect to the use of the collections and resources of the Museum, including policies on programming, education, exhibitions, and research with respect to—

(i) the life, art, history, and culture of African Americans;

(ii) the role of African Americans in the history of the United States from the period of slavery to the present; and

(iii) the contributions of African Americans to society.

(3) **OTHER RESPONSIBILITIES.**—The Council, subject to the general policies of the Board of Regents, shall have authority—

(A) to provide for preservation, restoration, and maintenance of the collections of the Museum; and

(B) to solicit, accept, use, and dispose of gifts, bequests, and devises of services and property, both real and personal, for the purpose of aiding and facilitating the work of the Museum.

(c) **COMPOSITION AND APPOINTMENT.**—

(1) **IN GENERAL.**—The Council shall be composed of 19 voting members as provided under paragraph (2).

(2) **VOTING MEMBERS.**—The Council shall include the following voting members:

(A) The Secretary of the Smithsonian Institution.

(B) 1 member of the Board of Regents, appointed by the Board of Regents.

(C) 17 individuals appointed by the Board of Regents—

(i) taking into consideration individuals recommended by organizations and entities that are committed to the advancement of knowledge of African American life, art, history, and culture; and

(ii) taking into consideration individuals recommended by the other members of the Council.

(3) **INITIAL APPOINTMENTS.**—The Board of Regents shall make initial appointments to the Council under paragraph (2) not later than 180 days after the date of enactment of this Act.

(4) **SPECIAL RULE FOR CERTAIN MEMBERS.**—Of the total number of members of the Council appointed under subparagraph (C) of paragraph (2), not fewer than 9 shall be of African-American descent.

(d) **TERMS.**—

(1) **IN GENERAL.**—Except as provided in this subsection, each appointed member of the Council shall be appointed for a term of 6 years.

(2) **INITIAL APPOINTEES.**—As designated by the Board of Regents at the time of appointment, of the voting members first appointed under subparagraph (C) of subsection (c)(2)—

(A) 6 members shall be appointed for a term of 2 years;

(B) 6 members shall be appointed for a term of 4 years; and

(C) 5 members shall be appointed for a term of 6 years.

(3) **REAPPOINTMENT.**—A member of the Council may be reappointed, except that no individual may serve on the Council for a total of more than 2 terms.

(4) **VACANCIES.**—

(A) **IN GENERAL.**—A vacancy on the Council—

(i) shall not affect the powers of the Council; and

(ii) shall be filled in the same manner as the original appointment was made.

(B) **TERM.**—Any member of the Council appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of that term.

(e) **COMPENSATION.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), a member of the Council shall serve without pay.

(2) **TRAVEL EXPENSES.**—A member of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Council.

(f) **CHAIRPERSON.**—By a majority vote of its voting members, the Council shall elect a chairperson from its members.

(g) **MEETINGS.**—

(1) **IN GENERAL.**—The Council shall meet at the call of the chairperson or on the written request of a majority of the voting members of the Council, but not fewer than twice each year.

(2) **INITIAL MEETINGS.**—During the 1-year period beginning on the date of the first meeting of the Council, the Council shall meet not fewer than 4 times for the purpose of carrying out the duties of the Council under this Act.

(h) **QUORUM.**—A majority of the voting members of the Council holding office shall constitute a quorum for the purpose of conducting business, but a lesser number may receive information on behalf of the Council.

(i) **VOLUNTARY SERVICES.**—Notwithstanding section 1342 of title 31, United States Code, the chairperson of the Council may accept for the Council voluntary services provided by a member of the Council.

#### SEC. 6. DIRECTOR AND STAFF OF THE MUSEUM.

(a) **DIRECTOR.**—

(1) **IN GENERAL.**—The Museum shall have a Director who shall be appointed by the Secretary, taking into consideration individuals recommended by the Council.

(2) **DUTIES.**—The Director shall manage the Museum subject to the policies of the Board of Regents.

(b) **STAFF.**—The Secretary may appoint 2 additional employees to serve under the Director, except that such additional employees may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

(c) **PAY.**—The employees appointed by the Secretary under subsection (b) may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

#### SEC. 7. OFFICE OF EDUCATION AND LIAISON PROGRAMS.

(a) **IN GENERAL.**—

(1) **ESTABLISHMENT.**—There is established within the Museum the Office of Education and Liaison Programs.

(2) **FUNCTIONS.**—The Office of Education and Liaison Programs shall—

(A) carry out educational programs relating to African American life, art, history, and culture, including—

(i) programs using digital, electronic, and interactive technologies; and

(ii) programs carried out in collaboration with elementary schools, secondary schools, and postsecondary schools; and

(B) consult with the Director of the Institute of Museum and Library Services concerning the grant and scholarship programs carried out under subsection (b).

## (b) GRANT AND SCHOLARSHIP PROGRAMS.—

(1) IN GENERAL.—In consultation with the Council and the Office of Education and Liaison Programs, the Director of the Institute of Museum and Library Services shall establish—

(A) a grant program with the purpose of improving operations, care of collections, and development of professional management at African American museums;

(B) a grant program with the purpose of providing internship and fellowship opportunities at African American museums;

(C) a scholarship program with the purpose of assisting individuals who are pursuing careers or carrying out studies in the arts, humanities, and sciences in the study of African American life, art, history, and culture;

(D) in cooperation with other museums, historical societies, and educational institutions, a grant program with the purpose of promoting the understanding of modern-day practices of slavery throughout the world; and

(E) a grant program under which an African-American museum (including a non-profit education organization the primary mission of which is to promote the study of African-American diaspora) may use the funds provided under the grant to increase an endowment fund established by the museum (or organization) as of May 1, 2003, for the purposes of—

(i) enhancing educational programming; and

(ii) maintaining and operating traveling educational exhibits.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Director of the Institute of Museum and Library Services to carry out this subsection—

(A) \$15,000,000 for fiscal year 2004; and

(B) such sums as are necessary for each fiscal year thereafter.

### SEC. 8. BUILDING FOR THE NATIONAL MUSEUM OF AFRICAN AMERICAN HISTORY AND CULTURE.

(a) IN GENERAL.—

(1) LOCATION.—

(A) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Board of Regents shall designate a site for the Museum.

(B) SITES FOR CONSIDERATION.—In designating a site under subparagraph (A), the Board of Regents shall select from among the following sites in the District of Columbia:

(i) The area bounded by Constitution Avenue, Pennsylvania Avenue, and 1st and 3rd Streets, Northwest.

(ii) The Arts and Industries Building of the Smithsonian Institution, located on the National Mall at 900 Jefferson Drive, Southwest, Washington, District of Columbia.

(iii) The area bounded by Constitution Avenue, Madison Drive, and 14th and 15th Streets, Northwest.

(iv) The site known as the “Liberty Loan site”, located on 14th Street Southwest at the foot of the 14th Street Bridge.

(C) AVAILABILITY OF SITE.—

(i) IN GENERAL.—A site described in subparagraph (B) shall remain available until the date on which the Board of Regents designates a site for the Museum under subparagraph (A)(i).

(ii) TRANSFER TO SMITHSONIAN INSTITUTION.—Except with respect to a site described in clause (i) or (ii) of subparagraph (B), if the site designated for the Museum is in an area that is under the administrative jurisdiction of a Federal agency, as soon as practicable after the date on which the designation is made, the head of the Federal agency shall transfer to the Smithsonian In-

stitution administrative jurisdiction over the area.

(D) CONSULTATION.—The Board of Regents shall carry out its duties under this paragraph in consultation with—

(i) the Chair of the National Capital Planning Commission;

(ii) the Chair of the Commission on Fine Arts;

(iii) the Chair and Vice Chair of the Presidential Commission referred to in section 10;

(iv) the Chair of the Building and Site Subcommittee of the Presidential Commission referred to in section 10; and

(v) the Chairman and Ranking Member of each of—

(I) the Committee on Rules and Administration of the Senate;

(II) the Committee on House Administration of the House of Representatives;

(III) the Committee on Transportation and Infrastructure of the House of Representatives;

(IV) the Committee on Appropriations of the House of Representatives; and

(V) the Committee on Appropriations of the Senate.

(2) CONSIDERATION.—The Board of Regents shall take into consideration the recommendations of the Council concerning the planning, design, and construction of the Museum.

(3) CONSTRUCTION OF BUILDING.—The Board of Regents, in consultation with the Council, may plan, design, and construct a building for the Museum, which shall be located at the site designated by the Board of Regents under this paragraph.

(b) COST SHARING.—The Board of Regents shall pay—

(1) 50 percent of the costs of carrying out this section from Federal funds; and

(2) 50 percent of the costs of carrying out this section from non-Federal sources.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

### SEC. 9. CONGRESSIONAL BUDGET ACT COMPLIANCE.

Authority under this Act to enter into contracts or to make payments shall be effective in any fiscal year only to the extent provided in advance in an appropriations Act, except as provided under section 11(b).

### SEC. 10. CONSIDERATION OF RECOMMENDATIONS OF PRESIDENTIAL COMMISSION.

In carrying out their duties under this Act, the Council and the Board of Regents shall take into consideration the reports and plans submitted by the National Museum of African American History and Culture Plan for Action Presidential Commission under the National Museum of African American History and Culture Plan for Action Presidential Commission Act of 2001 (Public Law 107-106).

### SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Smithsonian Institution to carry out this Act, other than sections 7(b) and 8—

(1) \$17,000,000 for fiscal year 2004; and

(2) such sums as are necessary for each fiscal year thereafter.

(b) AVAILABILITY.—Amounts made available under subsection (a) shall remain available until expended.

### TO AUTHORIZE TESTIMONY OF DONALD JOHNSON

Mr. GRASSLEY. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S.

Res. 179, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 179) to authorize testimony and legal representation in the State of New Hampshire vs. Donald Johnson.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, this resolution concerns a request for testimony in a criminal trespass action in the Concord District Court for the State of New Hampshire. In this action, a defendant has been charged with criminally trespassing on March 7, 2003, on the premises of Senator GREGG's concord office. The defendant refused repeated requests to leave Senator GREGG's office after it had closed for the night. The trial on this action is scheduled to be held on June 24, 2003. Pursuant to a subpoena issued on behalf of the State of New Hampshire, this resolution authorizes a staff member in Senator GREGG's office who witnessed the defendant's behavior concerning the relevant incident to testify in connection with this matter, with representation by the Senate legal counsel.

Mr. GRASSLEY. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table and that any statements relating to this matter be printed in the RECORD.

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

The resolution (S. Res. 179) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 179

Whereas, in the case of State of New Hampshire v. Donald Johnson, pending in Concord District Court for the State of New Hampshire, testimony has been requested from Carol Carpenter, a staff member in the office of Senator Judd Gregg;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288 c(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved That Carol Carpenter is authorized to provide testimony in the case of State of New Hampshire v. Donald Johnson, except concerning matters for which a privilege should be asserted.

SEC 2. The Senate Legal Counsel is authorized to represent Carol Carpenter in connection with any testimony authorized in section one of this resolution.