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# Smithsonian Institution: Background, Issues for Congress, and Selected Legislation

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The Smithsonian Institution (SI) is a complex of museum, education, research, and revenue-generating entities primarily located in the Washington, DC, region, with additional facilities and activities across the United States and world. It reportedly employed in 2020 approximately 6,400 staff, supplemented by approximately 5,100 volunteers who work onsite at various SI facilities when fully operational, and a number of digital volunteers who support Smithsonian activities online. In FY2019, the last full year before the onset of the COVID-19 pandemic, the Smithsonian's museums and zoo, which are open to the public largely without admission fees, were visited 23.3 million times, and in FY2020, its websites were accessed 178 million times.

Congress created SI in 1846, after it agreed to accept the bequest of James Smithson, an English scientist who left the bulk of his estate to the United States of America to found at Washington an establishment bearing his name. Governmental but organizationally separate and distinct from the legislative, executive, or judicial branches of the U.S. government, SI is overseen by a Board of Regents (Regents), composed of the Chief Justice, Vice President, Members of the House and Senate, and private citizens. The Regents are authorized by Congress to carry out a number of activities, and oversee certain SI entities established or authorized by Congress. Congress provides to SI an annual appropriation—in FY2021, this was approximately \$1.033 billion—and provides oversight of SI activities. In addition to carrying out authorities granted by Congress, it appears that SI acts pursuant to its role as trustee of the Smithson and other bequests and gifts to create additional entities to further SI missions.

This report provides an overview of SI organization and leadership roles, and entities created by Congress as well as those created by SI. It also provides analysis and background information on consideration of the selection of sites and construction of two newly authorized SI museums, and selected Smithsonian-related legislation introduced in the 117<sup>th</sup> Congress (2021-2022).

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## Introduction and Background

By statute, “the President, the Vice President, the Chief Justice, and the heads of executive departments are constituted an establishment by the name of the Smithsonian Institution for the increase and diffusion of knowledge among men.”<sup>1</sup> Congress created the Smithsonian Institution (SI) in 1846, 10 years after it agreed to accept the bequest of James Smithson, an English scientist who lived much of his life in continental Europe. Smithson, who died in 1829, left the bulk of his estate to the United States of America to found at Washington the establishment that bears his name.<sup>2</sup> Today, SI is a complex of museum, education, research, and revenue-generating entities primarily located in the Washington, DC, region, with additional facilities and activities across the United States and world that reportedly employs approximately 6,400 staff,<sup>3</sup> supplemented by approximately 5,100 volunteers who work onsite at various SI Facilities, and a number of digital volunteers who support SI activities online.<sup>4</sup> In FY2019, the last full year before the COVID-19 pandemic limited some Smithsonian activities, SI’s museums and zoo, which are open to the public largely without admission fees,<sup>5</sup> were visited 23.3 million times.<sup>6</sup> During FY2020, the Smithsonian’s approximately 170 websites were accessed 178 million times.<sup>7</sup>

As a government “establishment” (as applied to SI, the term appears to originate from Smithson’s will) or “trust instrumentality of the United States” (the term sometimes used by SI or government entities attempting to characterize its functions), the Smithsonian occupies a unique position. Governmental, but organizationally separate and distinct from the legislative, executive, or judicial branches of the national government, SI is overseen by a board composed of representatives of each branch. SI oversees a number of entities created by Congress, as well as a number of entities SI established pursuant to its authorities to accept and dispose of gifts, bequests, or money provided to SI or one of its components; seek grants; and raise funds. In addition to any explicit statutory authority that may exist, any of the current activities of SI arguably might support “the increase and diffusion of knowledge,” as stated in law and the Smithson bequest. In some instances, it appears that with one exception,<sup>8</sup> these entities are funded from trust resources, appropriated funds, or both.

SI receives an annual appropriation—in FY2021, this was approximately \$1.033 billion<sup>9</sup>—but executes no direct government program or policy beyond the regulation of its buildings and

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<sup>1</sup> 9 Stat. 102, codified as amended at 20 U.S.C. §41. In current practice, SI typically identifies its mission as “the increase and diffusion of knowledge,” at <https://www.si.edu/About/Mission>.

<sup>2</sup> A detailed history of the Smithson bequest and congressional deliberation regarding its acceptance, as well as creation of SI, can be found in Paul H. Oehser, *The Smithsonian Institution*, 2<sup>nd</sup> ed. (Boulder, CO: Westview Press, 1983), pp. 1-17; and Smithsonian Institution Archives, “General History,” at <http://siarchives.si.edu/history/general-history>.

<sup>3</sup> “People and Operations,” at <https://www.si.edu/dashboard/people-operations#employees>.

<sup>4</sup> “People and Operations,” at <https://www.si.edu/dashboard/people-operations#volunteers>.

<sup>5</sup> One SI museum, Cooper Hewitt, Smithsonian Design Museum in New York, charges an admission fee. In the Washington, DC, area-based SI museums and the National Zoo, no admission is charged, but some special exhibits or other components of a museum’s experience may require a fee.

<sup>6</sup> “Public Engagement,” at <https://www.si.edu/dashboard/public-engagement>.

<sup>7</sup> “Virtual Smithsonian,” at <https://www.si.edu/dashboard/virtual-smithsonian>. SI does not characterize how its data are collected, or whether they represent estimated or actual visits to SI museums and websites.

<sup>8</sup> Smithsonian Enterprises (SE) was reportedly formed in 1999 by the Regents to consolidate and bring professional management to SI commercial activities. SE reportedly works with SI museum directors, the SI Secretary and others “to deliver profitable products and services that further the Smithsonian’s mission.” It appears that SE receives no appropriated funding. See “Smithsonian Enterprises,” at <https://www.linkedin.com/company/smithsonian-enterprises>.

<sup>9</sup> This excludes specific appropriations to SI entities with budget authority separate from SI including the National

property of the United States that have been assigned to it. Since FY2001, appropriations have comprised approximately 66% of SI’s annual expenditures from year to year; some museums’ activities are funded by a greater proportion of appropriated funds.<sup>10</sup> Some of these expenditures include the employment of staff who are considered federal employees.

In addition to appropriated funds, the Smithsonian has separate funding streams from proceeds received through grants, gifts, bequests, commercial revenue-generating activities, and investments, which SI refers to as “trust funds.” Those resources build and maintain its collections or fund its activities, including employment of nonfederal, “trust employees.” In its most recent budget request for FY2022, SI reported that an estimated \$404.9 million in trust funds was available for operational expenses in FY2021.<sup>11</sup> In addition to annual budget submissions to Congress, SI files an accounting of resources as a tax-exempt educational organization under Section 501(c)(3) of the Internal Revenue Code.

SI is overseen by a Board of Regents (Regents), who are authorized by Congress to carry out a number of activities and oversee certain entities authorized by Congress. In addition to carrying out those authorities, it appears that SI acts pursuant to its role as trustee of the Smithsonian and other bequests and gifts to create additional entities to further SI missions. **Table 1** provides a summary of entities established pursuant to the authority granted by Congress and that of SI.

**Table 1. Smithsonian Institution Entities**

Established by Congress		Established by SI
National Gallery of Art	20 U.S.C. §74	Anacostia Community Museum
National Portrait Gallery	20 U.S.C. §75b	Archives of American Art
Smithsonian Gallery of Art	20 U.S.C. §76b	Arthur M. Sackler Gallery
John F. Kennedy Center for the Performing Arts	20 U.S.C. §76h	Cooper Hewitt Smithsonian Design Museum
Joseph H. Hirshhorn Museum and Sculpture Garden	20 U.S.C. §76aa	Freer Gallery of Art
Smithsonian Tropical Research Institute <sup>a</sup>	20 U.S.C. §79b	Smithsonian Environmental Research Center
National Air and Space Museum	20 U.S.C. §77a	Smithsonian Astrophysical Observatory
National Armed Forces Museum Advisory Board	20 U.S.C. §80	Smithsonian Conservation Biology Institute
Woodrow Wilson International Center for Scholars	20 U.S.C. §80f	Smithsonian Marine Station at Fort Pierce
Commission for Museum of African Art	20 U.S.C. §80n	Museum Conservation Institute
National Museum of the American Indian	20 U.S.C. §80q	Smithsonian Asian Pacific American Center
National Museum of African American History and Culture Council	20 U.S.C. §80r	Smithsonian Center for Folklife and Cultural Heritage
National Zoological Park	20 U.S.C. §81	Smithsonian Latino Center

Gallery of Art; the John F. Kennedy Center for the Performing Arts; and the Woodrow Wilson International Center for Scholars.

<sup>10</sup> For example, according to SI budget requests for various years, since FY1989, 84.4% of the National Museum of the American Indian’s (NMAI) operational expenses have come from appropriated funds. Since FY2005, 86.8% of the National Museum of African American History and Culture (NMAAHC) have come from appropriated funds.

<sup>11</sup> Smithsonian Institution, *Fiscal Year 2022 Budget Justification to Congress*, May 2021, at <https://www.si.edu/sites/default/files/about/smithsonianfy2022congressionaljustificationbook5-24-21.pdf>, p. 285.

Established by Congress		Established by SI
Smithsonian American Women's History Museum Act <sup>b</sup>	20 U.S.C. §80t	Smithsonian Enterprises
National Museum of the American Latino	20 U.S.C. §80u	

**Source:** United States Code, Smithsonian Institution.

- a. SI was authorized by Congress to oversee the forerunner of the Smithsonian Tropical Research Institute, Barro Colorado Island, Panama in 1946. SI had participated on its own initiative in research consortia and activity in the area as early as 1910. "Smithsonian Tropical Research Institute," at <http://siarchives.si.edu/history/smithsonian-tropical-research-institute>.
- b. Legislation establishing a comprehensive women's history museum in the Smithsonian authorized the Regents, in consultation with an unnamed advisory council established to assist the Regents on planning, design, construction, and all matters related to the administration of the museum, to name the museum.

## SI Leadership

The activities of SI are overseen by the Regents of the Smithsonian Institution.<sup>12</sup> Day-to-day operations of SI and some related entities are overseen by the Secretary and staff. Some individual SI entities also have boards of overseers as well as independent professional leadership and staff. With some exceptions,<sup>13</sup> the Regents have broad authority to oversee and amend their activities.

## Board of Regents

The Regents are composed of the Vice President, Chief Justice of the United States, three Members of the Senate, three Members of the House of Representatives, and nine citizen Regents. Two citizen Regents must reside in the city of Washington, DC. The remaining seven must reside in a state, and no more than one citizen Regent may come from any state.

Although under the law any Regent may be elected as chancellor, the group is traditionally led by the Chief Justice, who serves as chancellor, or presiding officer. The law also specifies the election of a three-Regent executive committee.<sup>14</sup> In practice, two citizen Regents serve as chair and vice chair of the board and, along with a third citizen Regent, comprise the executive committee.<sup>15</sup>

Regents who are Senators are appointed by the Vice President for the duration of their current term of office. Regents who are Members of the House of Representatives are appointed by the

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<sup>12</sup> 20 U.S.C. §42. As an entity, the Regents of the Smithsonian Institution are identified in statute in that manner only in 20 U.S.C. §46. In most other statutory language, it is identified as the "Board of Regents," or "Board." Throughout this report, it is referred to as the Regents.

<sup>13</sup> The Regents may modify membership of leadership entities within SI, except for the following: the Board of Regents, National Gallery of Art (NGA), John F. Kennedy Center for the Performing Arts (Kennedy Center), and Woodrow Wilson International Center for Scholars (WWICS), 20 U.S.C. §42. It appears that while identified as SI entities, NGA, the Kennedy Center, and WWICS operate pursuant to their statutory authorities in a manner seemingly independent of SI.

<sup>14</sup> 20 U.S.C. §44.

<sup>15</sup> A list of the Regents is available at <https://www.si.edu/regents/members>.

Speaker for a term of two years. Congressional appointments are renewable. Citizen Regents are appointed to six-year terms by joint resolution of Congress.<sup>16</sup>

## Secretary

The Secretary of the Smithsonian Institution is appointed by the Regents and is responsible for SI buildings and property, and keeping a record of the proceedings of the Regents. The Secretary is also the librarian and the keeper of museums, and is authorized to employ staff to assist with these duties.<sup>17</sup> Lonnie G. Bunch III began service as the 14<sup>th</sup> Secretary of the Smithsonian in June 2019.<sup>18</sup>

In modern practice, the Secretary oversees a complex organization currently organized into five broad areas including the following:

- Administration,
- Education,
- Museums and Culture,
- Science and Research; and
- Smithsonian Enterprises.<sup>19</sup>

## New Smithsonian Museums Authorized, 2020

On December 27, 2020, Congress created two new Smithsonian museums with the enactment of P.L. 116-260, Consolidated Appropriations Act, 2021. Title I of Division T of the law created in the Smithsonian a comprehensive women’s history museum, to be named by the Regents (Women’s Museum).<sup>20</sup> The act established a council, charged with making recommendations to the Regents on the planning, design, and construction of the museum, and other duties. A director may be appointed to oversee the museum and its staff, and to carry out educational and liaison programs in support of museum goals. The Regents are required to designate a site for the Women’s Museum not later than December 27, 2022.

Title II of Division T established the National Museum of the American Latino (NMAL).<sup>21</sup> The law establishes a board for the museum to advise and assist the Regents on matters related to the administration and preservation of the museum. A director of the museum is authorized to manage the museum and carry out educational and liaison programs in support of its goals. The Regents are authorized to designate a site for the museum not later than December 27, 2022, and to design and construct the museum. The act requires the Director of the Institute of Museum and Library Services (IMLS) to execute grant programs and a scholarship program, including a grant program to promote the understanding of the Latin American diaspora in the United States.

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<sup>16</sup> 20 U.S.C. §43.

<sup>17</sup> 20 U.S.C. §46.

<sup>18</sup> “Lonnie G. Bunch III, Secretary of the Smithsonian Institution,” at <https://www.si.edu/about/bios/lonnie-g-bunch-iii>.

<sup>19</sup> Based on SI’s organizational chart published in Smithsonian Institution, *Fiscal Year 2022 Budget Justification to Congress*, May 2021, at <https://www.si.edu/sites/default/files/about/smithsonianfy2022congressionaljustificationbook5-24-21.pdf>, p. 283.

<sup>20</sup> Smithsonian American Women’s History Museum Act, 20 U.S.C. §80t.

<sup>21</sup> 20 U.S.C. §80t.



In March 2021, interim directors for NMAL and the Women’s Museum were appointed in anticipation of searches for founding directors of the new museums.<sup>22</sup> On June 29, 2021, the Smithsonian announced the names of some of the 19 members of NMAL’s board of trustees.<sup>23</sup> On August 20, 2021, the Smithsonian announced the names of some of the 25 advisory council members of the Women’s Museum.<sup>24</sup>

## **New Museum Development**

Congress might consider a range of questions regarding the ongoing development of the Women’s Museum and NMAL, as well as the potential development of any additional new museums. These might range from broad considerations to practical, detailed operational concerns. Some are likely to apply to any museum project, whereas others might be specific to a particular proposal or the context of Smithsonian operations. Some questions lend themselves to exploration of how Congress might consider museum development efforts as representations of specific social, cultural, or policy ideals and aspirations, while others might necessitate consideration of readily available data and other information to address technical, practical, institutional, or policy concerns. As with many of the questions Congress considers, the topics do not lend themselves to neat, mutually exclusive categorization. With regard to development of the two new museums and Smithsonian operations, questions Congress could consider might include concerns in the following areas:

- broad considerations,
- the role and availability of private entities to support the new museums and their development,
- the Smithsonian’s capacity to address new and ongoing institutional challenges, and
- potential costs of the new museums.

## **Broad Considerations**

Whether posed explicitly or implicitly, any proposal related to the siting or construction of either of the two new museums, or to potential exhibits within them, arguably must provide answers to questions Congress might consider in an effort to inform its deliberative, legislative, and oversight efforts:

- What is the nature of museums in the contemporary context?
- To what extent, if any, are new museums similar or different from Smithsonian museums established in the 19<sup>th</sup> and early 20<sup>th</sup> centuries?
- What are the potential policy, fiscal, and physical consequences of modern museum design, subject matter, and exhibition?

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<sup>22</sup> Smithsonian Institution, “Lisa Sasaki, Interim Director, Smithsonian American Women’s History Museum,” March 2021, <https://www.si.edu/about/bios/lisa-sasaki>; and Smithsonian Institution, “Eduardo Díaz: Director, Smithsonian Latino Center and Interim Director, Smithsonian’s National Museum of the American Latino,” March 2021, <https://www.si.edu/about/bios/eduardo-diaz>.

<sup>23</sup> Smithsonian Institution, “Smithsonian Names Members of the National Museum of the American Latino Board of Trustees,” press release, June 29, 2021, <https://www.si.edu/newsdesk/releases/smithsonian-names-members-national-museum-american-latino-board-trustees>.

<sup>24</sup> Smithsonian Institution, “Smithsonian Names Members of the American Women’s History Museum Advisory Council,” press release, August 20, 2021, <https://www.si.edu/newsdesk/releases/smithsonian-names-members-american-womens-history-museum-advisory-council>.

- What is the role of future and current museums, in the Smithsonian or elsewhere, in addressing and advancing American stories and accomplishments from multiple perspectives, including those that have arguably been less well represented in the past?
- How might new museums address shortfalls in representing the diversity of American voices and perspectives?
- How might Congress guide and oversee these efforts?

## Role and Availability of Private Entities

Based on the development of the most recent Smithsonian museums, the National Museum of African American History and Culture (NMAAHC) and the National Museum of the American Indian (NMAI), initial proposals for museums typically grow from the initial and sustained efforts of private individuals or groups. For example, in 1896, George Gustav Heye, a private collector, began collecting Native American items. In 1916, he founded a museum of the American Indian in New York to house his collections.<sup>25</sup> Today, some elements of the Heye collection are retained by the Smithsonian and displayed in part at NMAI's Washington, DC, museum and at the George Gustav Heye Center of the National Museum of the American Indian in New York.<sup>26</sup> Similarly, in 1915, African American Civil War veterans began efforts to memorialize on the National Mall the military contributions of African Americans. A national memorial association convened to create a permanent memorial and construct a building depicting African American contributions in all walks of life.<sup>27</sup> While that goal was not specifically realized, the group's efforts and stories were eventually included in NMAAHC.

Based on the development of NMAI and NMAAHC, and consideration of efforts that led to the establishment of the Women's Museum and NMAL, it would appear that a series of events in museum development frequently occurs, including many or all of the following steps:

- initial, nonlegislative efforts raising the idea of a museum,<sup>28</sup>
- initial legislative proposals for a museum study commission,
- enactment of legislation to create a commission or commissions,
- initial legislative proposals to create a museum,
- enactment of legislation to create a museum,
- site consultation,
- site selection,
- museum building planning, design, and construction funding,

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<sup>25</sup> "George Gustav Heye Starts Indian Collection," Smithsonian Archives, [https://sirir-sihistory.si.edu/ipac20/ipac.jsp?session=15I98U121B484.945&profile=sicall&source=~!sichronology&view=subscriptionssummary&uri=full=3100001~!2202~!1&ri=1&aspect=Keyword&menu=search&ip=20&spp=20&staffonly=&term=National+Museum+of+the+American+Indian&index=.SW&uindex=&aspect=Keyword&menu=search&ri=1&limitbox\\_1=LO01+=+sch](https://sirir-sihistory.si.edu/ipac20/ipac.jsp?session=15I98U121B484.945&profile=sicall&source=~!sichronology&view=subscriptionssummary&uri=full=3100001~!2202~!1&ri=1&aspect=Keyword&menu=search&ip=20&spp=20&staffonly=&term=National+Museum+of+the+American+Indian&index=.SW&uindex=&aspect=Keyword&menu=search&ri=1&limitbox_1=LO01+=+sch).

<sup>26</sup> Congress authorized three facilities for NMAI: a museum on the National Mall in Washington, DC; a space in the Old United States Custom House at One Bowling Green, New York, NY, to house the George Gustav Heye Center of the National Museum of the American Indian; and a museum support facility in Suitland, MD, to conserve and store NMAI collections.

<sup>27</sup> Lonnie G. Bunch III, *A Fool's Errand: Creating the National Museum of African American History and Culture in the Age of Bush, Obama, and Trump* (Washington, DC: Smithsonian Books, 2019), p. 5.

<sup>28</sup> Including the establishment of a private American Indian museum in the case of NMAI.

- groundbreaking, and
- museum opening.

Substantial periods of time can elapse between events; from the time George Heye began his collection until NMAI opened its doors, 108 years had passed. Similarly, NMAAHC opened 101 years after the first efforts of the African American Civil War veterans to establish and build a monument or museum. In both cases, consideration of new museums advanced only when engaged, well-organized private citizens and entities expressed sustained interest and concern to public officials. With that in mind, Congress might consider the following questions regarding private entities and their efforts to support the development of the new museums:

- What is the commitment and capacity of advocates for the new museums (as well as any proposals for additional new museums that Congress might consider) to work independently and effectively in support of museum establishment?
- How might those groups successfully partner with the Smithsonian?
- How robust are private museum entities affiliated with the Women’s Museum and NMAL? What are their plans to raise funds, awareness, and provide other support through various periods of the museum development process, and to what extent can those entities engage over a potentially extended period of time?
- What might Congress do to assess the viability of private proposals and their proponents?

A timeline showing when NMAI, NMAAHC, the Women’s Museum, NMAL, and H.R. 3525 (a proposal offered to create a commission to consider an Asian Pacific museum) completed various steps in the process of museum development is provided in **Table 2**. The historical account of the development of existing museums is not intended to be predictive of the potential timing of the two newly authorized Smithsonian museums or the development of any potential museums in the future.

**Table 2. Time Between Selected Events in the Development of Smithsonian Institution Museums and Proposed Museums**

Entity, Event	NMAI		NMAAHC		Women’s Museum		NMAL		Asian Pacific Commission	
	Year	Years Total	Year	Years Total	Year	Years Total	Year	Years Total	Year	Years Total
First Nonlegislative Efforts	1896		1915		1995		1994		1997	
Private Museum	1916	20	N/A		N/A		N/A		N/A	
Legislative Proposals, Commission	N/A		1916	1	1998	3	2003	9	2015	19
Enacted Study/Commission	N/A		1929	14	2014	19	2008	14	N/A	
Second Commission Enacted	N/A		2001	86	N/A		N/A		N/A	
Commission Report Issued	N/A		2003	88	2016	21	2011	17	N/A	
Legislative Proposals, Museum Creation	1911	15	1916	1	2003	8	2011	17	2015	

Entity, Event	NMAI		NMAAHC		Women's Museum		NMAL		Asian Pacific Commission	
Enacted Museum Creation	1989	93	2003	88	2020	25	2020	26	N/A	
Site Selection	1989	93	2004	89	N/A		N/A		N/A	
Groundbreaking	1999	103	2012	97	N/A		N/A		N/A	
Opening	2004	108	2016	101	N/A	Pending, 26	N/A	Pending, 27	N/A	Pending, 24

**Sources:** NMAI: P.L. 101-185; H.R. 16313, S. 3953, 62<sup>nd</sup> Congress; National Museum of the American Indian, <https://siarchives.si.edu/history/national-museum-american-indian>; and “George Gustav Heye Starts Indian Collection,” Smithsonian Archives, [https://siarchives.si.edu/collections/siris\\_sic\\_2202](https://siarchives.si.edu/collections/siris_sic_2202). No legislation proposing the creation of a commission to consider creation of NMAI was introduced.

NMAAHC: P.L. 107-106; P.L. 108-184; Pub. Res. No. 107, March 4, 1929; H.R. 18721, 64<sup>th</sup> Congress; National Museum of African American History and Culture: Plan For Action Presidential Commission, *The Time Has Come: Report to the President and to the Congress*, Washington, DC, April 2, 2003, p. 1; and Lonnie G. Bunch III, *A Fool's Errand: Creating the National Museum of African American History and Culture in the Age of Bush, Obama, and Trump* (Washington, DC: Smithsonian Books, 2019). Legislation to create a commission to consider and build an African American museum was passed by Congress in 1929. That effort did not result in the creation of a museum. Legislation establishing a study commission was passed in 2001.

Women's Museum: P.L. 116-260; P.L. 113-291; H.R. 4722, 105<sup>th</sup> Congress; S. 1741, 108<sup>th</sup> Congress; H.R. 1980, 116<sup>th</sup> Congress; Commission to Study the Potential Creation of a National Women's History Museum, *The American Museum of Women's History: Congressional Commission Report to the President of the United States and Congress*, Washington, DC, November 16, 2016, p. 8, [amwh.us/report/wp-content/uploads/2016/11/AWMH\\_11\\_07\\_16\\_Digital.pdf](http://amwh.us/report/wp-content/uploads/2016/11/AWMH_11_07_16_Digital.pdf); and Karen Staser, “From the Crypt to the Capitol Rotunda: The Creation of NWHM, National Women's History Museum,” Washington, DC, <https://www.womenshistory.org/crypt-capitol-rotunda>.

NMAL: P.L. 116-260; P.L. 110-229; H.R. 3292, 108<sup>th</sup> Congress; H.R. 3459, 112<sup>th</sup> Congress; H.R. 2420, 116<sup>th</sup> Congress; Friends of the National Museum of the American Latino website, <https://americanlatinomuseum.org/presente/>; Smithsonian Institution Task Force on Latino Issues, *Willful Neglect: The Smithsonian Institution and U.S. Latinos*, Washington, DC, May 1994, p. 2, [https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwjQ9e6LoYzqAhXomXIEHeslCOkQFjAAegQIBhAB&url=https%3A%2F%2Fsiarchives.si.edu%2Fsites%2Fdefault%2Ffiles%2Fforum-pdfs%2FWillful\\_Neglect\\_The\\_Smithsonian\\_Institution%2520and\\_US\\_Latinos.pdf&usq=AOvVawIK3giGvaY2sNebXtVW9beU6](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwjQ9e6LoYzqAhXomXIEHeslCOkQFjAAegQIBhAB&url=https%3A%2F%2Fsiarchives.si.edu%2Fsites%2Fdefault%2Ffiles%2Fforum-pdfs%2FWillful_Neglect_The_Smithsonian_Institution%2520and_US_Latinos.pdf&usq=AOvVawIK3giGvaY2sNebXtVW9beU6).

Proposed Asian Pacific museum commission: H.R. 4307, H.R. 4308, 114<sup>th</sup> Congress; H.R. 4132, 116<sup>th</sup> Congress; H.R. 3525, 117<sup>th</sup> Congress; and Smithsonian Institution, “Smithsonian Asian Pacific American Center,” media fact sheet, January 1, 2018, at <https://www.si.edu/newsdesk/factsheets/smithsonian-asian-pacific-american-center>.

## Smithsonian Capacity Questions

The establishment of two new Smithsonian museums necessarily raises questions about capacity. Some elements of capacity might focus on a number of Smithsonian operational and physical plant issues, from several perspectives. These include matters surrounding Smithsonian engagement of new museum development in the context of competing priorities, the challenges of museum siting, and meeting the short- and long-term costs associated with new museums.

Smithsonian Secretary Lonnie Bunch has addressed concerns about certain capacities in at least two congressional hearings. In 2019 testimony before the Senate Committee on Rules and Administration, he emphasized the need to continue reducing a substantial backlog of maintenance issues in SI facilities, and that “a new museum would need funds for both the creation and long-term operations of the facilities, the care and preservation of our collections,

and the on-going success of the museum.”<sup>29</sup> In testimony before the Committee on House Administration in 2020, Dr. Bunch, who served as founding director of NMAAHC before being chosen as Secretary, stated

Any new museum must meet the expectations the public has for a national museum. This means an appropriate size, programming, and collections. We must contemplate the needs of housing staff and collections for a museum and determine if those needs can be met on site. There must also be a suitable location for a new museum. These buildings are powerful symbols of how we, as a nation, value the contributions of the people they represent.<sup>30</sup>

The need for the Smithsonian to oversee the simultaneous development of two new national museums could necessitate congressional assessment of the new museums’ fundraising efforts; the Smithsonian’s siting, design, construction, and operational plans or cost decisions; and the potential implications those actions might have on ongoing SI operations and facilities. Of broader potential oversight concern is the extent to which the Smithsonian Institution has the capacity to integrate the new museums into its portfolio, and consideration of the Smithsonian’s capacity and commitment to new museums considered in the context of its other, ongoing organizational commitments.

In light of these concerns, Congress might consider the following questions:

- How might the establishment of two new museums fit into existing Smithsonian leadership priorities, competing demands on staff and resources, or congressional direction?
- What is the capacity of SI to balance the following:
  - The long-term maintenance backlog across the Smithsonian’s facilities?<sup>31</sup>
  - The development and funding of its new headquarters building?<sup>32</sup>
  - Collection storage, digitization and protection?<sup>33</sup>

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<sup>29</sup> Written Statement of Secretary of the Smithsonian Institution Lonnie G. Bunch III, before U.S. Congress, Senate, Committee on Rules and Administration, November 14, 2019, at <https://www.rules.senate.gov/download/mr-lonnie-bunch-testimony>.

<sup>30</sup> Written Statement of Secretary of the Smithsonian Institution Lonnie G. Bunch III, in U.S. Congress, House of Representatives, Committee on House Administration, *Oversight of the Smithsonian Institution: Opportunities for Growth by Honoring Latino Americans and Asian Pacific Americans*, February 5, 2020, at <http://docs.house.gov/meetings/HA/HA00/20200205/110437/HHRG-116-HA00-Wstate-BunchL-20200205-U1.pdf>.

<sup>31</sup> Written Statement of Secretary of the Smithsonian Institution Lonnie G. Bunch III, in U.S. Congress, House of Representatives, Committee on Transportation and Infrastructure, Subcommittee on Economic Development, Public Buildings, and Emergency Management, *Review of Smithsonian Institution Current Facilities and Future Space Needs*, November 13, 2019, at <https://transportation.house.gov/download/bunch-testimony>, unnumbered pages; and Smithsonian Institution, Office of Inspector General, *Deferred Maintenance: The Smithsonian Generally Followed Leading Management Practices, but Reducing Its Backlog Remains a Challenge*, Report Number OIG-A-16-06, Washington, DC, March 30, 2016, [https://www.si.edu/Content/OIG/Audits/2016/OIG\\_A\\_16\\_06.pdf](https://www.si.edu/Content/OIG/Audits/2016/OIG_A_16_06.pdf).

<sup>32</sup> John Banister, “Smithsonian To Acquire Southwest D.C. Building For New Headquarters,” *Bisnow*, June 12, 2019, <https://www.bisnow.com/washington-dc/news/office/smithsonian-to-acquire-southwest-dc-building-for-new-headquarters-99402>; and Daniel J. Sernovitz, “Smithsonian reveals more details on new headquarters,” *Washington Business Journal*, November 14, 2019, <https://www.bizjournals.com/washington/news/2019/11/14/smithsonian-reveals-more-details-on-new.html>.

In H.R. 4372, language related to the Smithsonian’s appropriations for FY2022 stated “[t]hat no appropriated funds may be used directly to service debt which is incurred to finance the costs of acquiring a portion of the building at 600 Maryland Avenue, SW, Washington, DC, or of planning, designing, and constructing improvements to such building.”

<sup>33</sup> Testimony of Cathy L. Helm, Inspector General, Smithsonian Institution, Before The United States House Of Representatives Committee On House Administration, September 18, 2019, at

- The development of new collections storage facilities?<sup>34</sup>
- The vitality and currency of existing museums and exhibits as SI also addresses the challenges of establishing the new museums?
- How might the new museums affect current arrangements between and among existing museums?
- How might the Smithsonian identify senior leaders to oversee the development of the new museums?
- What plans might Congress want SI to consider to ensure that established museums and the new museums avoid competing for collections, exhibits, staff, or other resources?

## Museums' Siting

Congress required that the Regents select sites in Washington, DC, for the Women's Museum and NMAL, and stated its intent that both "be located on or near the National Mall, to the maximum extent practicable." In addition, Congress specified that the Regents consider two specific sites for the Women's Museum, including the site known as the "South Monument site," located on the National Mall and bordered by 14<sup>th</sup> Street SW, Jefferson Drive SW, Raoul Wallenberg Place SW, and Independence Avenue SW;<sup>35</sup> and the Northwest U.S. Capitol site, bordered by 3<sup>rd</sup> Street NW, Constitution Avenue NW, 1<sup>st</sup> Street NW, and Pennsylvania Avenue NW.<sup>36</sup>

For NMAL, Congress also designated the South Monument and Northwest U.S. Capitol sites for consideration, as well as the Smithsonian Arts and Industries Building at 900 Jefferson Drive SW; and the facility and grounds on the National Mall between 12<sup>th</sup> and 14<sup>th</sup> Streets SW, Jefferson Drive SW, and Independence Avenue SW.<sup>37</sup> **Figure 1** provides an illustration of the sites Congress designated for consideration for each museum.

In designating museum sites, Congress required the Regents to take into consideration several factors, including

- estimates of the costs associated with each potential site;
- an assessment of the suitability of the space of each potential site, including size, proximity to other buildings and transportation, and other external environmental conditions, as appropriate; and
- the recommendations of the Commission to Study the Potential Creation of a National Women's History Museum (Women's Museum Commission) for the Women's Museum, and the Commission to Study the Potential Creation of a National Museum of the American Latino (NMAL Commission) for NMAL.

The Regents are to carry out site selection for each museum in consultation with the following:

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[docs.house.gov/meetings/HA/HA00/20190918/109929/HHRG-116-HA00-Wstate-HelmC-20190918-U1.pdf](https://docs.house.gov/meetings/HA/HA00/20190918/109929/HHRG-116-HA00-Wstate-HelmC-20190918-U1.pdf); and Smithsonian Institution, Office of Inspector General, *Collections Management: Progress Made with Initiatives to Improve Inadequate Storage and Undertake Digitization, but Key Challenges Remain*, Report Number A-13-11, Washington, DC, September 14, 2015, <https://www.si.edu/Content/OIG/Audits/2015/A-13-11.pdf>.

<sup>34</sup> See "H.R. 1175—Smithsonian and National Gallery of Art Collections Space Authorization Act", below; and Smithsonian Institution, *Securing the Future for Smithsonian Collections*, Smithsonian Collections Space Framework Plan, February 2015, <https://www.si.edu/Content/Pdf/About/2015-Collections-Space-Framework-Plan.pdf>.

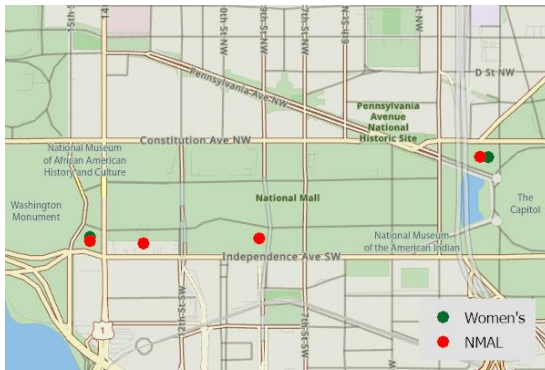
<sup>35</sup> The site is currently under the jurisdiction of the National Park Service.

<sup>36</sup> The site is currently under the jurisdiction of the Architect of the Capitol.

<sup>37</sup> The site and related facilities are under the jurisdiction of the Department of Agriculture.

- the chair of the National Capital Planning Commission;
- the Director of the National Park Service;
- the chair of the National Capital Memorial Advisory Commission;
- the chair of the Commission of Fine Arts;
- the Architect of the Capitol;
- the chair and ranking member of each of the following committees: In the House, the Committees on Appropriations, House Administration, Natural Resources, and Transportation and Infrastructure. In the Senate, the Committees on Appropriations, Energy and Natural Resources, and Rules and Administration.

**Figure 1. Sites of Congressionally Designated Consideration, Women’s Museum and NMAL**



**Source:** CRS, based on P.L. 116-260, 20 U.S.C. §80t-5(a)(2), and 20 U.S.C. §80u-(g)(1)(A)(ii).

In addition, for the Women’s Museum, the Regents must also consult with the chair of the Commission to Study the Potential Creation of a National Women’s History Museum. For NMAL, the Regents must also consult with the chair and vice chair of the NMAL Commission, and the chair of the Building and Site Subcommittee of the NMAL Commission.

In addition to the challenges of siting the new museums, in previous testimony to Congress before the new museums were authorized, Secretary Bunch noted that climate-related

considerations, including the management of flood risk,<sup>38</sup> “will be a crucial part of any site selection and planning.”<sup>39</sup>

## Potential Costs of New Museums

The establishment of the Women’s Museum and NMAL could represent a significant demand for appropriated and nonappropriated resources to establish new museum facilities, and enduring increases in annual appropriations provided for SI operations. P.L. 116-260 authorizes the

<sup>38</sup> According to some observers, the risk of urban flooding in the United States is increasing for a variety of reasons. See National Academies of Sciences, Engineering, and Medicine, *Framing the Challenge of Urban Flooding in the United States* (Washington, DC: The National Academies Press, 2019), <https://doi.org/10.17226/25381>; and University of Maryland, Center for Disaster Resilience and Texas A&M University, Galveston Campus, Center for Texas, *The Growing Threat of Urban Flooding: A National Challenge*, (College Park, MD: A. James Clark School of Engineering, 2018), [https://cdr.umd.edu/sites/cdr.umd.edu/files/resource\\_documents/COMPRESSEDurban-flooding-report-online-compressed-0319.pdf](https://cdr.umd.edu/sites/cdr.umd.edu/files/resource_documents/COMPRESSEDurban-flooding-report-online-compressed-0319.pdf). In Washington, DC, parts of the National Mall and adjacent areas are designated by planning and flood management entities as areas of potentially significant risk for flooding and damage to facilities in the event of flooding. See, generally, National Capital Planning Commission, “Flooding & Resilience,” <https://www.ncpc.gov/topics/flooding/>; *Flood Risk Management Planning Resources for Washington, DC*, Washington, DC, January 2018, [https://www.ncpc.gov/docs/Flood\\_Risk\\_Management\\_Planning\\_Resources\\_January\\_2018.pdf](https://www.ncpc.gov/docs/Flood_Risk_Management_Planning_Resources_January_2018.pdf); and Greeley and Hansen, LLC, *Federal Triangle Stormwater Drainage Study*, DC Water, Washington, DC, July 2011, [https://www.ncpc.gov/docs/Federal\\_Triangle\\_Stormwater\\_Drainage\\_Study\\_Jul2011.pdf](https://www.ncpc.gov/docs/Federal_Triangle_Stormwater_Drainage_Study_Jul2011.pdf).

<sup>39</sup> Written Statement of Secretary of the Smithsonian Institution Lonnie G. Bunch III, in U.S. Congress, House of Representatives, Committee on Transportation and Infrastructure, Subcommittee on Economic Development, Public Buildings, and Emergency Management, *Review of Smithsonian Institution Current Facilities and Future Space Needs*, November 13, 2019, at <https://transportation.house.gov/download/bunch-testimony>, unnumbered pages.

Regents to meet 50% of the cost of construction for each museum, paid from appropriated funds, and 50% for each museum met by nonfederal resources. The act authorizes such sums as necessary for museum operations from FY2020 for the Women’s Museum. NMAL’s authorization for operations was \$20 million for FY2021, and such sums as necessary for both museums thereafter.

The precise funding requirements of the two new museums cannot be predicted authoritatively, but potential guidance on costs may be drawn from the costs of building facilities and operational expenditures of NMAI and NMAAHC.

### New Museum Facilities

The planning, design, construction, and exhibit development of new museum facilities, or renovation of existing structures, appears to be a years-long process of fundraising, designing facilities to fit the chosen site, and remediating site, building, and other challenges. When fully realized, construction projects may exceed original budget estimates. **Table 3** provides the original estimates for building NMAI and NMAAHC facilities in nominal and constant 2021 dollars. In constant dollars, the final stated cost of NMAI facilities was approximately 43% higher than originally estimated; stated NMAAHC costs were approximately 38% higher.

**Table 3. Initial Construction Estimates and Final Costs, National Museum of the American Indian, and National Museum of African American History and Culture**

Nominal and Constant 2021 Dollars, Millions

Entity	Initial Estimate		Final Cost		Initial Estimate Constant\$	Final Cost Constant\$	% Difference
	Nominal\$	Year	Nominal\$	Year			
NMAI	1990	\$106	2004	\$219	\$222	\$318	43%
NMAAHC	2003	\$300	2016	\$540	\$447	\$617	38%

**Sources:** Smithsonian Institution, *Budget Justifications for Fiscal Year 1991*, Washington, DC, February 1990, p. 289; Lynette Clemetson, “Bush Authorizes a Black History Museum,” *The New York Times*, December 17, 2003, p. A34; Smithsonian Institution, National Museum of the American Indian, “National Museum of the American Indian Architecture Fact Sheet,” press release, July 2014, at [http://nmai.si.edu/sites/1/files/pdf/press\\_releases/NMAI-Architecture-Release-2014.pdf](http://nmai.si.edu/sites/1/files/pdf/press_releases/NMAI-Architecture-Release-2014.pdf); Smithsonian Institution, “National Museum of African American History and Culture: Design and Construction,” media fact sheet, September 1, 2016, <https://www.si.edu/newsdesk/factsheets/design-and-construction>; Lonnie G. Bunch III, *A Fool’s Errand: Creating the National Museum of African American History and Culture in the Age of Bush, Obama, and Trump* (Washington, DC: Smithsonian Books, 2019), p. 49; and CRS calculations. Numbers rounded to nearest million.

Museum facilities can vary in size, location, and scope, which can make comparing projects, or estimating future costs challenging. Presenting cost information per square foot of a proposed museum or museum exhibition might be of assistance to Congress when considering potential cost estimates for new Smithsonian museums.<sup>40</sup> Estimated costs per square foot for NMAI and NMAAHC in nominal and constant 2021 dollars are provided in **Table 4**.

<sup>40</sup> Smithsonian Institution, *The Costs and Funding of Exhibitions*, Office of Policy and Analysis, August 2002, <https://www.si.edu/Content/opanda/docs/Rpts2002/02.08.CostsFundingExhibitions.Final.pdf>; and Department of the Interior, *Museum Cost Estimates*, Interior Museum Program, 2013, <https://edit.doi.gov/museum/policy/upload/DOI-Museum-Cost-Estimates-2013.pdf>.



**Table 4. Initial Construction Estimates and Final Costs per Square Foot, National Museum of the American Indian, and National Museum of African American History and Culture**

Nominal and Constant 2021 Dollars

Entity	Building Size Square Feet	Initial Estimate Nominal\$		Final Cost Nominal\$		Initial Estimate Constant\$		Final Cost Constant\$	
		Year	\$/SF	Year	\$/SF	\$/SF	\$/SF		
NMAI	250,000	1990	\$424	2004	\$876	\$888	\$888	\$1,272	
NMAAHC	400,000	2003	\$750	2016	\$1,350	\$1,118	\$1,118	\$1,543	

**Sources:** CRS calculations based on data reported in Smithsonian Institution, *Budget Justifications for Fiscal Year 1991*, Washington, DC, February 1990, p. 289; Lynette Clemetson, “Bush Authorizes a Black History Museum,” *The New York Times*, December 17, 2003, p. A34; Smithsonian Institution, National Museum of the American Indian, “National Museum of the American Indian Architecture Fact Sheet,” press release, July 2014, at [http://nmai.si.edu/sites/1/files/pdf/press\\_releases/NMAI-Architecture-Release-2014.pdf](http://nmai.si.edu/sites/1/files/pdf/press_releases/NMAI-Architecture-Release-2014.pdf); Smithsonian Institution, “National Museum of African American History and Culture: Design and Construction,” media fact sheet, September 1, 2016, <https://www.si.edu/newsdesk/factsheets/design-and-construction>; and Lonnie G. Bunch III, *A Fool’s Errand: Creating the National Museum of African American History and Culture in the Age of Bush, Obama, and Trump* (Washington, DC: Smithsonian Books, 2019), p. 49. “\$/SF” denotes cost per square foot.

In congressional testimony about the costs of potential new museums, Secretary Bunch stated that “[g]iven expected construction cost increases and the challenges of the preferred sites, a comparable new museum will likely exceed the costs of building the National Museum of African American History and Culture.”<sup>41</sup> Construction on NMAAHC was completed in 2016, and cost approximately \$616 million in constant 2021 dollars.

The range of potential estimated costs of construction of a new Smithsonian museum provided in **Table 5** is based on the results of analysis of the final stated costs of construction for NMAAHC, and differences between initial cost estimates and stated final costs for NMAI (43%) and NMAAHC (38%), provided in constant 2021 dollars. The center point of the range of potential initial cost estimates is based on the average difference between initial estimates and final costs of NMAI and NMAAHC (40.5%). The table provides potential estimates in increments of 5% and 10% above and below the average difference. This model is one of many potential methods of estimating potential museum construction costs. Models based on different initial estimates, or cost data based on plans that vary from the planning assumptions and cost estimates for NMAAHC, or other criteria, could result in different estimates of costs.

**Table 5. Potential Estimated Costs of Construction, for New Smithsonian Museums**

Based on NMAAHC Construction Costs

NMAAHC Construction Cost 2021 Constant\$	Potential Difference	Potential Estimate New Museum \$Million	Potential \$/SF
\$616 Million	30%	\$802	\$2,005
\$1,490/SF	35%	\$833	\$2,082

<sup>41</sup> Written Statement of Secretary of the Smithsonian Institution Lonnie G. Bunch III, in U.S. Congress, House of Representatives, Committee on House Administration, *Oversight of the Smithsonian Institution: Opportunities for Growth by Honoring Latino Americans and Asian Pacific Americans*, February 5, 2020, at <http://docs.house.gov/meetings/HA/HA00/20200205/110437/HHRG-116-HA00-Wstate-BunchL-20200205-U1.pdf>.

NMAAHC Construction Cost 2021 Constant\$	Potential Difference	Potential Estimate New Museum \$Million	Potential \$/SF
Approximately	40%	\$864	\$2,160
400,000 Sq. Ft.	45%	\$895	\$2,237
	50%	\$926	\$2,314

**Sources:** CRS calculations based on data reported in Smithsonian Institution, *Budget Justifications for Fiscal Year 1991*, Washington, DC, February 1990, p. 289; Lynette Clemetson, “Bush Authorizes a Black History Museum,” *The New York Times*, December 17, 2003, p. A34; Smithsonian Institution, National Museum of the American Indian, “National Museum of the American Indian Architecture Fact Sheet,” press release, July 2014, at [http://nmai.si.edu/sites/1/files/pdf/press\\_releases/NMAI-Architecture-Release-2014.pdf](http://nmai.si.edu/sites/1/files/pdf/press_releases/NMAI-Architecture-Release-2014.pdf); Smithsonian Institution, “National Museum of African American History and Culture: Design and Construction,” media fact sheet, September 1, 2016, <https://www.si.edu/newsdesk/factsheets/design-and-construction>; and Lonnie G. Bunch III, *A Fool’s Errand: Creating the National Museum of African American History and Culture in the Age of Bush, Obama, and Trump* (Washington, DC: Smithsonian Books, 2019), p. 49. “\$/SF” denotes cost per square foot.

**Notes:** The range of potential estimated costs of construction of a potential new Smithsonian museum provided here are based on the results of analysis of the final stated costs of construction for NMAAHC, and differences between initial cost estimates and stated final costs for NMAI (43%) and NMAAHC (38%), provided in constant 2021 dollars. The center point of the range of potential initial cost estimates is based on the average difference between initial estimates and final costs of NMAI and NMAAHC (40.5%). The table provides potential estimates in increments of 5% and 10% above and below the average difference. This cost estimating model is but one of many potential methods of estimating potential museum construction costs. Models based on different initial estimates, or cost data based on plans that vary from the planning assumptions and cost estimates for NMAAHC, or other criteria could result in different estimates of costs. See “New Museum Facilities.”

## Ongoing Operational Costs

In congressional testimony, Secretary Bunch stated that

It’s also important to note that the costs do not end with construction. The annual operation costs of a museum alone are significant, but the true costs are spread throughout the Institution. Many functions of the Smithsonian are centralized, such as maintenance, security, and general counsel to name a few. We must also consider our intellectual capacity. We cannot let additional museums detract from our ability to appropriately staff and support the work of all of our museums, galleries, and central support units.<sup>42</sup>

**Table 6** provides the direct, annual appropriations for the first 15 years the NMAI and the NMAAHC were in operation, as well as appropriations for the federal component of museum planning, design, construction, and exhibit development, in constant 2021 dollars.<sup>43</sup> Overall costs of any potential museums could vary according to the scope of a new museum’s mandate, including any federal share in construction or operating costs; size and siting of a new museum facility; whether a new museum is fit into existing structures or requires new facilities to be built; fundraising; and SI accounting for support costs, among other factors.

<sup>42</sup> Written Statement of Secretary of the Smithsonian Institution Lonnie G. Bunch III, in U.S. Congress, House of Representatives, Committee on House Administration, *Oversight of the Smithsonian Institution: Opportunities for Growth by Honoring Latino Americans and Asian Pacific Americans*, February 5, 2020, at <http://docs.house.gov/meetings/HA/HA00/20200205/110437/HHRG-116-HA00-Wstate-BunchL-20200205-U1.pdf>.

<sup>43</sup> NMAI construction costs are based on the costs of three facilities, including a museum on the National Mall, for which Congress agreed to appropriate two-thirds of costs, \$147.76 million in September 2021 dollars; a second museum in New York, for which Congress agreed to appropriate one-third of the costs, \$17.43 million in September 2021 dollars; and a museum service center in Suitland, MD, to house NMAI collections, for which Congress appears to have provided the bulk of funds, \$92.1 million in September 2021 dollars.

**Table 6. Smithsonian Institution National Museums of the American Indian (NMAI) and African American History and Culture (NMAAHC): Appropriations for Construction and Operational Costs for the First 15 Years of Operations**

Constant 2021 Dollars, Millions

NMAI	Amount	NMAAHC	Amount
FY1989-FY2003 Operations	\$348.12	FY2006-FY2020 Operations	\$382.50
Appropriations, Museum Planning, Design, Construction, Exhibits	\$257.98	Appropriations, Museum Planning, Design, Construction, Exhibits	\$297.98
Appropriations, First 15 Years	\$606.11	Appropriations, First 15 Years	\$680.47

**Sources:** Enacted appropriations data taken from Smithsonian Institution annual budget requests, various years; and Smithsonian Institution, “National Museum of African American History and Culture: Design and Construction,” media fact sheet, September 1, 2016, <https://www.si.edu/newsdesk/factsheets/design-and-construction>, CRS calculations.

**Notes:** Data provided in millions of constant September 2021 dollars. NMAI construction costs are based on the costs of three facilities, including a museum on the National Mall, for which Congress agreed to appropriate two-thirds of costs, \$148.17 million in September 2021 dollars; a second museum in New York, for which Congress agreed to appropriate one-third of the costs, \$17.47 million in September 2021 dollars; and a museum service center in Suitland, MD, to house NMAI collections, for which Congress appears to have provided the bulk of funds, \$92.4 million in September 2021 dollars. NMAAHC constructions costs are based on its National Mall museum building.

Costs provided here exclude the expenses of study commissions prior to the establishment of NMAAHC, and any additional appropriations necessary to increase the capacity of internal SI leadership, governance, oversight, or support entities related to the establishment of the new museums.

## Selected Legislation, 117<sup>th</sup> Congress (2021-2022)

In each Congress, numerous measures that could potentially affect Smithsonian operations are typically introduced. This section discusses proposed legislation to authorize new facilities or programming within the Smithsonian in the 117<sup>th</sup> Congress to date.<sup>44</sup>

### H.R. 139—National Jazz Preservation, Education, and Promulgation Act of 2021

On January 4, 2021, Representative Sheila Jackson Lee introduced H.R. 139, the National Jazz Preservation, Education, and Promulgation Act of 2021. The bill would establish national jazz preservation and appreciation programs, to be carried out by the Smithsonian’s National Museum of American History (NMAH), to preserve knowledge and promote education about jazz, and to further the appreciation of jazz music.

SI would be required to record interviews with leading jazz artists; acquire, preserve, interpret, and share jazz artifacts; continue to recognize Jazz Appreciation Month;<sup>45</sup> and encourage and engage in capacity building with community-based and regional organizations with the potential to establish jazz archival collections.

<sup>44</sup> This section excludes discussion of measures that consider SI appropriations, joint resolutions to appoint citizen Regents, assignment of a congressional gold medal to the Smithsonian for display and research, general government initiatives that include the Smithsonian among other government entities, and other proposals.

<sup>45</sup> April, see NMAH, <https://americanhistory.si.edu/smithsonian-jazz/jazz-appreciation-month>.

H.R. 139 would require SI to establish a series of jazz performances at Smithsonian affiliates to provide broad geographic access to jazz and support public appreciation for the diversity of jazz music.

H.R. 139 was referred on January 4, 2021, to the Committee on House Administration, and in addition, to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned. No further action has been taken as of the date of this report.

## **H.R. 1175—Smithsonian and National Gallery of Art Collections Space Authorization Act**

On February 18, 2021, Representative Lucille Roybal-Allard introduced H.R. 1175, the Smithsonian and National Gallery of Art Collections Space Authorization Act. The bill would authorize the Regents and the trustees of NGA to construct and use a collections storage space at the Smithsonian museum support facility in Suitland, MD, to accommodate the care, preservation, conservation, storage, and study of their collections.

H.R. 1175 was referred on February 18, 2021, to the Committee on House Administration, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned. On February 19, the measure was referred to the Subcommittee on Economic Development, Public Buildings, and Emergency Management of the Committee on Transportation and Infrastructure. No further action has been taken as of the date of this report.

## **H.R. 3019—COVID-19 Memorial Quilt Act of 2020**

On May 7, 2021, Representative Andre Carson of Indiana introduced H.R. 3019, to direct the Smithsonian Institution and the American Folklife Center at the Library of Congress to jointly carry out the COVID-19 Pandemic Memorial Quilt Project to honor and remember Americans who have lost their lives to the COVID-19 pandemic, and for other purposes.

According to Representative Carson’s introductory remarks in the House, the bill would create a congressional advisory panel to submit plans to the Smithsonian Institution and the American Folklife Center at the Library of Congress for the development of a memorial quilt that “honors and celebrates the lives of those we have lost to the COVID-19 pandemic.” When complete, this memorial quilt would be displayed on the United State Capitol Grounds with a subsequent display on the National Mall and other locations.<sup>46</sup>

H.R. 3019 was referred on May 7, 2021, to the Committee on House Administration, and in addition, to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned. No further action has been taken as of the date of this report.

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<sup>46</sup> Representative Andre Carson, “Introduction of the COVID-19 Memorial Quilt Act Of 2021,” Extension of Remarks, *Congressional Record*, daily edition, vol. 167, part 79 (May 7, 2021), pp. E481-E482.

## **H.R. 3525 – Commission to Study the Potential Creation of a National Museum of Asian Pacific American History and Culture H.R. 3525 Act**

On May 25, 2021, Representative Grace Meng of New York introduced, the Commission to Study the Potential Creation of a National Museum of Asian Pacific American History and Culture Act. The bill would establish a commission to study the potential creation of a national museum of Asian Pacific American history and culture, and would require the commission to

- report to the President and Congress recommendations for a plan of action for the establishment and maintenance of a national museum of Asian Pacific American history and culture in the District of Columbia, including consideration of whether the museum should be a part of the Smithsonian;
- develop a fundraising plan to support the establishment, operation, and maintenance of the museum through public contributions;
- obtain an independent review of the fundraising plan, with an analysis of the resources necessary to fund the construction of the museum and its operations and maintenance in perpetuity without reliance on federal funds; and
- submit a legislative plan of action to establish and construct the museum.

The commission would be authorized to convene a national conference relating to the proposed museum.

H.R. 3525 was referred on May 25, 2021, to the Committee on Natural Resources, and in addition, to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned. No further action has been taken as of the date of this report.

## **H.R. 4372 – Department of the Interior, Environment, and Related Agencies Appropriations Act, 2022, Potential Museum Acquisition**

Consideration of annual appropriations for the Smithsonian is beyond the scope of this report. In the report to accompany H.R. 4372, Department of the Interior, Environment, and Related Agencies Appropriations Act, 2022, the House Committee on Appropriations stated that it “encourages the Smithsonian to work with the National Museum of American Jewish History (NMAJH) to explore a plan for acquisition of the Museum and report back within 180 days of enactment” of H.R. 4372.<sup>47</sup>

H.R. 4372 was introduced by Representative Chellie Pingree on July 6, 2021, reported as an original measure of the Committee on Appropriations, and placed on the Union Calendar on the same day. No further action has been taken as of the date of this report.

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<sup>47</sup> U.S. Congress, House Committee on Appropriations, *Department of the Interior, Environment, and Related Agencies Appropriations Act, 2022*, Report to accompany H.R. 4372, 117<sup>th</sup> Cong., 1<sup>st</sup> sess., July 6, 2021 (Washington: GPO, 2021), p. 138, <https://www.congress.gov/117/crpt/hrpt83/CRPT-117hrpt83.pdf>.

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