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Smithsonian Institution: Selected Legislation, 118th Congress

The Smithsonian Institution 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. The Smithsonian oversees entities created by Congress, as well as entities it established pursuant to its authorities to accept and dispose of gifts, bequests, or money provided to the Smithsonian or one of its components.

For further consideration of Smithsonian activities, see CRS Report R44370, *Smithsonian Institution Museums: Selected Issues for Congress* and CRS In Focus IF12718, *Smithsonian Institution: Background, Entities, and Leadership*.

This In Focus discusses proposed legislation to authorize new facilities, relationships, or programming within the Smithsonian in the 118th Congress (2023-2024) to date. It excludes discussion of measures that consider Smithsonian appropriations; joint resolutions to appoint citizen Regents (e.g., H.J.Res. 64 or S.J.Res. 28); assignment of a congressional gold medal to the Smithsonian for display and research (e.g., H.R. 1572 or S. 815); general government initiatives that include the Smithsonian in addition to government entities (e.g., H.R. 703, S. 1702, H.R. 2701 and S. 3293); and other proposals.

Commission to Study the Potential Transfer of the Weitzman National Museum of American Jewish History to the Smithsonian Institution Act

On March 20, 2024, Senator Robert P. Casey, Jr. introduced S. 4001. The same day, Representative Debbie Wasserman Schultz introduced H.R. 7764. Both measures, entitled the Commission to Study the Potential Transfer of the Weitzman National Museum of American Jewish History to the Smithsonian Institution Act, are identical in language that would establish a commission to consider whether to transfer the Weitzman National Museum of American Jewish History (Weitzman), a private museum in Philadelphia, PA, to the Smithsonian Institution.

The bills would require the establishment of a commission of nine members, with two each appointed by the Speaker of the House, the majority leader of the Senate, and the minority leaders of the House and Senate as voting members, and one nonvoting member appointed by the Weitzman Museum board.

The commission would be required within two years of first meeting to submit a report to the President and Congress considering the feasibility of transferring the Weitzman to the Smithsonian. The report would be required to contain a plan of action regarding collections held by the Weitzman and the extent to which they might overlap with collections held by the Smithsonian and federal memorials; costs of

potential future acquisitions; governance, financial, human resources, and donor matters, as well as related legal considerations; and costs for the Smithsonian to operate and maintain a museum outside of Washington, DC.

S. 4001 and H.R. 7764 would require the commission to develop a fundraising plan addressing the ability to support the museum, including potential charges for admission, without reliance on appropriated funds. The bills would require recommendations regarding a legislative plan for transferring the Weitzman to the Smithsonian, and include proposals regarding the timeframe, potential one-time, and continuing appropriations levels, and recommendations for the name of the Weitzman if it is transferred to the Smithsonian. The bill would authorize the commission to convene a national conference relating to the Weitzman Museum, to be comprised of individuals committed to the advancement of the life, art, history, and culture of Jewish Americans.

S. 4001 was referred to the Senate Committee on Rules and Administration.

H.R. 7764 was referred to the House Committee on House Administration. On September 11, 2024, it held a markup of H.R. 7764, and adopted an amendment in the nature of a substitute, and a motion to favorably report the measure to the House, by voice votes.

National Jazz Preservation, Education, and Promulgation Act of 2023

On January 10, 2023, Representative Sheila Jackson Lee introduced H.R. 240, the National Jazz Preservation, Education, and Promulgation Act of 2023. 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.

H.R. 240 would require the Smithsonian 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. The bill would authorize appropriations totaling \$3 million for each of FY2022-FY2024.

H.R. 240 was referred to the Committee on House Administration, and in addition, to the Committee on Education and the Workforce.

African American History Act

On February 2, 2023, Representative Jamaal Bowman introduced H.R. 765. The same day, Senator Cory A. Booker introduced S. 233. Both measures, entitled the African American History Act, are identical in language

that would authorize the Smithsonian’s National Museum of African American History and Culture to develop and make available resources to promote the understanding of African American history, and develop and maintain on its website content designated for educators, students, and families to improve their awareness and understanding of African American history.

H.R. 765 was referred to the Committee on House Administration. S. 233 was referred to the Committee on Rules and Administration.

African Burial Ground International Memorial Museum and Educational Center Act

On March 3, 2023, Representative Daniel S. Goldman introduced H.R. 1349, the African Burial Ground International Memorial Museum and Educational Center Act. The bill would establish the African Burial Ground International Memorial Museum and Educational Center at the African Burial Ground National Monument in New York, NY. H.R. 1349 would require the National Park Service to acquire property for the construction of a museum located adjacent to the National Monument or within areas of the National Landmark.

The bill would require the museum to “become associated with the National Museum of African American History and Culture [NMAAHC], in a manner to be determined by” the Secretary of the Interior, in consultation with the African Burial Ground Advisory Council to be established in H.R. 1349, and the Board of Regents of the Smithsonian. The extent of association between the new museum and NMAAHC is not further specified in the bill.

H.R. 1349 was referred to the Committee on Natural Resources, which subsequently referred it to the Subcommittee on Federal Lands.

LGBTQI+ and Women’s History Education Act of 2023

On June 22, 2023, Representative Becca Balint introduced H.R. 4273, the LGBTQI+ and Women’s History Education Act of 2023. The bill would direct the Smithsonian’s National Museum of American History (NMAH) to carry out activities to support LGBTQI+ history and women’s history education programs. In addition, NMAH would be required to develop and maintain on its website content designated for educators, students, and families to improve their awareness and understanding of LGBTQI+ and women’s history education.

H.R. 4273 was referred to the Committee on House Administration.

Commission to Study the Potential Creation of a National Museum of American LGBTQI+ History and Culture Act

On October 26, 2023, Representative Mark Pocan introduced H.R. 6102, the Commission to Study the Potential Creation of a National Museum of American LGBTQI+ History and Culture Act. The bill would establish a commission of eight members, with two each

appointed by the Speaker of the House, the Majority Leader of the Senate, and the Minority Leaders of the House and Senate.

The commission would be required within 18 months of first meeting to submit a report to the President and Congress containing a plan of action regarding the feasibility of establishing and maintaining a national museum of American LGBTQI+ history and culture, including consideration of the potential museum becoming part of the Smithsonian Institution, and the costs of constructing, operating, and maintaining the proposed museum.

H.R. 6102 would require the commission to develop a fundraising plan addressing the ability to support the museum through contributions from the public without reliance on appropriated funds. The bill would authorize the commission to convene a national conference relating to the potential museum, to be comprised of individuals committed to the advancement of the life, art, history, and culture of LGBTQI+ Americans.

H.R. 6102 was referred to Committees on Natural Resources, House Administration, and the Budget.

Smithsonian History of American Women and Latino Act, the SHAWL Act

On August 2, 2024, Representative Nicole Malliotakis introduced H.R. 9274, the SHAWL Act. The measure would authorize sites within the Reserve of the National Mall for the construction of the Smithsonian American Women’s History Museum (SAWHM) and the National Museum of the American Latino (NMAL). Discussion of Smithsonian Museum siting is available in CRS Report R44370, *Smithsonian Institution Museums: Selected Issues for Congress*. H.R. 9274 would also require both museums to ensure that the exhibits and programs of the museum accurately and comprehensively represent the varied cultures, histories, events, and values held by women (for SAWHM) and by Latinos (for NMAL) in the United States. The bill would require the secretary of the Smithsonian to submit reports 120 days after passage and every two years thereafter to various congressional committees on actions taken by each museum to comply with political viewpoint diversity requirements, including revisions of current exhibits and programs, and the planning of future exhibits and programs.

H.R. 9274 was referred to the Committees on House Administration and Natural Resources.

Status of Legislation

No further action has been taken on any of the measures described here as of the date of this report.

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