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# Smithsonian Institution: Potential Effects of Executive Order 14253

On March 27, 2025, the President issued Executive Order (E.O.) 14253, “Restoring Truth and Sanity to American History.” Among other actions affecting Independence Hall in Philadelphia, and monuments and memorials under the jurisdiction of the Department of the Interior, the order raised concerns about historic portrayals in exhibits in some of the museums of the Smithsonian Institution, including the Smithsonian American Art Museum and the National Museum of African American History and Culture (NMAAHC).

The order required the Vice President, in his role as a member of the Smithsonian’s Board of Regents, and in consultation with various White House staff, to seek “to remove improper ideology from” Smithsonian museums, education and research centers, and the National Zoo, and to “recommend to the President any additional actions necessary to fully effectuate such policies.” In addition, E.O. 14253 requires the Vice President and the Director of the Office of Management and Budget (OMB) to work with Congress to ensure that future appropriations “prohibit expenditure on exhibits or programs that degrade shared American values, divide Americans based on race, or promote programs or ideologies inconsistent with Federal law and policy; and ... celebrate the achievements of women in the [Smithsonian] American Women’s History Museum and do not recognize men as women in any respect in the Museum.” Finally, regarding the Smithsonian, the order requires the Vice President, in consultation with various White House staff, to work with the Speaker of the House and the Senate majority leader, “to seek the appointment of citizen members to the Smithsonian Board of Regents committed to advancing the policy of this order.”

## Smithsonian Organization

The Smithsonian occupies a unique position. Governmental, but organizationally and operationally separate and distinct from the legislative, executive, or judicial branches of the national government, the Smithsonian is overseen by the Board of Regents composed of representatives of each branch. Regents include the Vice President, Chief Justice of the United States (who typically serves as the chancellor, or presiding officer of the regents), three Members of the Senate, three Members of the House of Representatives, and nine citizen regents.

The Smithsonian oversees entities created by Congress, as well as entities the Smithsonian established. In addition to any explicit statutory authority that may exist, the Smithsonian’s current activities arguably might support “the increase and diffusion of knowledge,” as stated in law establishing the Smithsonian.

The Smithsonian is funded through a combination of appropriated funds, comprising approximately 63% of its annual budget and staffing, and money generated pursuant to its authorities to accept and dispose of gifts, bequests, or money provided to the Smithsonian or one of its components; seek grants; and raise funds. The Smithsonian refers to nonappropriated funds as trust funds.

With the exception of Smithsonian Enterprises, which was established in part to make a profit, and appears to receive no appropriated funds, Smithsonian entities are funded from trust resources, appropriated funds, or both. Smithsonian staff include federal employees paid with appropriated funds, and others whose pay is provided through trust funds.

Further information on the organization of the Smithsonian Institution is available in CRS In Focus IF12718, *Smithsonian Institution: Background, Entities, and Leadership*.

On January 20, 2025, the White House announced a hiring freeze for executive branch federal employees and E.O. 14151, “Ending Radical and Wasteful Government DEI Programs and Preferencing.” The Smithsonian, due to its organizational structure outside the three branches, arguably is not subject to policy promulgated by executive order. The Smithsonian announced it was instituting a freeze on its federal hiring, as well as the closure of its Office of Diversity, soon after the White House announcements.

## Potential Effects of E.O. 14253

The potential scope and effect of E.O. 14253 on the Smithsonian is unclear. While the executive order directs the Vice President to work to carry out various provisions of the order, most of the proposed actions do not appear to rest solely in the Vice President’s authority in his capacity as a regent. Authorities of the Board of Regents and congressional processes could have countervailing effects on the implementation of the executive order.

Efforts to revise Smithsonian operations with regard to any purported ideological stance of its exhibits or research would appear to be exclusively subject to the decisions of the entire Board of Regents pursuant to authorities granted to it by Congress (which allow for “no other” restrictions other than those enacted in law) and bylaws adopted by the board pursuant to those authorities.

As with most budgetary decisions, efforts of the Vice President and OMB Director to prohibit expenditures of any

funds appropriated to the Smithsonian would be subject to separate congressional consideration.

Potential future efforts of the Vice President, Speaker, and Senate majority leader regarding the appointment of citizen regents in the manner proposed by E.O. 14253 would appear to be a departure from established past practices. Existing Board of Regents bylaws state that when a citizen regent vacancy occurs, the board nominates a potential successor for consideration by the House and Senate. Appointment and reappointment of Smithsonian regents is accomplished in Congress by joint resolution that is signed into law by the President. In past practice, such appointments of citizen regents have typically not been controversial. For example, all measures appointing regents enacted by Congress in the 116<sup>th</sup>-118<sup>th</sup> Congresses were considered and agreed to by both chambers by unanimous consent.

### New Museum Development

In addition to the potential matters related to current Smithsonian operations raised by E.O. 14253, the order

could have implications for the ongoing development of the recently authorized Smithsonian Museum of American Women's History, and the National Museum of the American Latino. In addition, a congressional commission authorized to consider the need for an Asian American and Pacific Islander Museum, and whether to place it within the Smithsonian, or a separate commission considering whether the Weitzman National Museum of American Jewish History might become a part of the Smithsonian, might also consider the implications of the executive order. Congress might consider the implications of the executive order from these and several other perspectives.

For further information on Smithsonian museum development, see CRS Report R44370, *Smithsonian Institution Museums: Selected Issues for Congress*.

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