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Smithsonian Institution: Background, Entities, and Leadership

Congress created the Smithsonian Institution in 1846, 10 years after it agreed to accept the bequest of James Smithson, an English scientist who died in 1829. Smithson left the bulk of his estate to the United States of America to found at Washington the establishment that bears his name. Today, the Smithsonian 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.

For further consideration of Smithsonian activities, see [update links, new titles] CRS Report R44370, *Smithsonian Institution: Background, Issues for Congress, and Selected Legislation* and link to other IF____, *Smithsonian Institution: Selected Legislation, 118th Congress*.

Background

As a government “establishment” (for the Smithsonian, the term appears to originate from Smithson’s will) or “trust instrumentality of the United States” (the term sometimes used by the Smithsonian 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, the Smithsonian is overseen by a board composed of representatives of each branch.

The Smithsonian oversees entities created by Congress, as well as entities the Smithsonian established 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. 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 and the Smithson bequest. 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.

The Smithsonian receives an annual appropriation, but executes no direct government program or policy beyond the regulation of its buildings and property of the United States that has been assigned to it. Smithsonian entities, including the National Gallery of Art, the John F. Kennedy Center for the Performing Arts, and the Woodrow Wilson International Center for Scholars, also receive direct appropriations. Since FY2001, appropriations have typically comprised approximately 66% of the Smithsonian’s annual expenditures from year to year. 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 the Smithsonian refers to as “trust funds.” Those resources build and maintain its collections or fund its activities, including employment of nonfederal, “trust employees.” In addition to annual budget submissions to Congress, the Smithsonian files an accounting of resources as a tax-exempt educational organization under Section 501(c)(3) of the Internal Revenue Code.

Congressionally Created Entities

The Smithsonian 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. These entities include the following:

- National Gallery of Art
- National Portrait Gallery
- Smithsonian Gallery of Art
- John F. Kennedy Center for the Performing Arts
- Joseph H. Hirshhorn Museum and Sculpture Garden
- Smithsonian Tropical Research Institute (Panama)
- National Air and Space Museum
- National Armed Forces Museum Advisory Board
- Woodrow Wilson International Center for Scholars
- Commission for Museum of African Art
- National Museum of the American Indian
- National Museum of African American History and Culture
- National Zoological Park
- Smithsonian American Women’s History Museum
- National Museum of the American Latino

Entities Created by the Smithsonian

In addition to carrying out authorities granted by Congress, it appears that the Smithsonian acts pursuant to its role as trustee of the Smithson and other bequests and gifts to create additional entities to further the Smithsonian missions. These include the following:

- Anacostia Community Museum
- Archives of American Art
- Cooper Hewitt, Smithsonian Design Museum (New York)
- National Museum of Asian Art
- Smithsonian Environmental Research Center
- Smithsonian Astrophysical Observatory
- Smithsonian Conservation Biology Institute
- Smithsonian Marine Station at Fort Pierce
- Museum Conservation Institute
- Smithsonian Asian Pacific American Center
- Smithsonian Astrophysical Observatory
- Smithsonian Center for Folklife and Cultural Heritage
- Smithsonian Institution Archives
- Smithsonian Enterprises

Smithsonian Leadership

The activities of the Smithsonian are overseen by the Regents of the Smithsonian Institution (Regents). Day-to-day operations of the Smithsonian and some related entities are overseen by the Secretary and staff. Some individual Smithsonian entities also have boards of overseers as well as independent professional leadership and staff. With some exceptions, 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. 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.

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 Speaker for a term of two years. Congressional appointments are renewable. Citizen regents are appointed to six-year terms by joint resolution of Congress.

Secretary

The Secretary of the Smithsonian Institution is appointed by the Regents and is responsible for the Smithsonian 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. Lonnie G. Bunch III began service as the 14th Secretary of the Smithsonian in June 2019.

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

- Finance and Administration
- Education
- Museums and Culture
- Science and Research
- Smithsonian Enterprises

R. Eric Petersen, Specialist in American National Government

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