

## MINUTES OF THE JULY 18, 2017, EXECUTIVE COMMITTEE TELECONFERENCE MEETING

The Executive Committee (“Committee”) of the Board of Regents (“Board”) of the Smithsonian Institution (“Smithsonian”) conducted a teleconference meeting on July 18, 2017. Participating were Board and Executive Committee Chair David Rubenstein, Vice Chair Steve Case, and Member Dr. Risa Lavizzo-Mourey.

Also present by invitation of the Committee were Secretary Skorton, Counselor to the Chief Justice Jeffrey P. Minear, Chief of Staff to the Secretary Greg Bettwy, Office of the Regents Senior Officer for Programs & Operations (recorder) Jennifer Ehlinger, Deputy Chief of Staff to the Regents Kate Forester, General Counsel Judith Leonard, and Chief of Staff to the Regents Porter Wilkinson.

### CALL TO ORDER

Board and Executive Committee Chair David Rubenstein called the meeting to order at 10:01 a.m. and welcomed members and staff participating via phone.

### SECRETARY’S REPORT

The Secretary briefed the Committee on the state of the Smithsonian and provided updates on the National Women’s History Museum initiative, the National Latino Museum initiative, and the Open and Transparent Smithsonian Act of 2015.

#### **Update on the National Women’s History Museum**

On December 19, 2014, a Congressional Commission on a National Women’s History Museum (“Commission”) was established to study the feasibility of such a museum and report its findings to Congress. On November 16, 2016, the Commission presented its official report to Congress, recommending that a museum be created as a formal member of the Smithsonian and that admission be free, as it is for all other Smithsonian museums. The report outlined a ten-year strategic plan to create a museum that would highlight the diverse experiences of women throughout the country. The reports recommended next steps included the formation of a women’s history initiative at the Smithsonian that would create programs and exhibitions featured in the Smithsonian’s existing museums, and to begin drafting legislation, which would designate the location and construction of the museum building itself. In its report, the Commission acknowledged the Smithsonian’s current priorities and financial capacity, including an estimated \$675 million in renovation costs for the National Air and Space Museum (“NASM”). The report also noted that the Commission recognizes that the Smithsonian is currently at fundraising and managerial capacity and is not prepared to initiate the planning of a new permanent Museum in the near-term. The Commission’s report therefore recommended that Congress provide additional funding for the Smithsonian to support programming work, while more specifics regarding long-term logistics and creation of a permanent site to house the new museum are further considered.

On March 30, 2017, H.R. 19, The Smithsonian Women’s History Museum Act was introduced to the United States House of Representatives (“House”). As currently written, the bill would: (1) establish a Smithsonian national museum for the collection, study and establishment of programs covering the contributions of women to various fields throughout history; (2) establish an advisory council consisting of 25 members appointed by the Board to make recommendations concerning planning, design, construction, finances, and programming; (3) direct the Smithsonian to appoint a director who would manage the museum and carry out educational programs in cooperation with other Smithsonian museums and schools; (4) instruct the Board to choose one of two locations for the museum site, both located on the National Mall and authorize the transfer of the chosen site to the Smithsonian; and (5) ensure that private funds finance the construction of the museum building, while authorizing federal funds for the planning, design, and operation of the museum. On June 29, 2017, the bill had sufficient co-sponsors to pass in the House with significant bipartisan support. A nearly identical bill has since been introduced in the Senate, where it has only Democratic support.

The Smithsonian has launched a \$10 million fundraising effort in order to curate objects in its current collection that are relevant to women’s history. Funds will be used to recruit new curators, hire education specialists, bring on interns, and survey the Smithsonian’s existing collection for relevant objects. The Smithsonian will also work to expand the program’s reach with the recruitment of a senior curator, establishment of Washington-based and traveling exhibitions, and the development of print and digital resources.

The Secretary noted his appreciation for the Commission’s work; however, given the Smithsonian’s current priorities, including the complete renovation of NASM, the recent opening of NMAAHC, and other facilities maintenance projects, the construction and opening of an entirely new museum run by the Smithsonian is not a practical undertaking in the near-term. The Secretary will continue to engage with all stakeholders to discuss funding. He also noted that the Smithsonian remains committed to celebrating American women’s history and achievements, and will continue to work with the Commission and Congress to ensure that women’s many contributions and important role in the history of America are aptly represented across the Smithsonian.

#### **Update on the National Latino Museum**

On June 15, 2017, identical legislation was introduced in the U.S. House and Senate calling for the establishment within the Smithsonian the National Museum of the American Latino. The bill authorized the Board to choose the site for the Museum from the following locations: the U.S. Capitol site (currently a Senate parking area and park); the Arts and Industries Building; the mirror site to NMAAHC and the USDA Whitten Building. The bill would authorize a 19-member board of trustees for the museum to work with the Board to find an appropriate venue and determine the use of future appropriations.

While the new bill authorizes the construction and operation of the National Museum of the American Latino, it does not specifically appropriate any federal funding for the project. The proposal would allow the Board of Regents to assign public funding to the museum project, and to collect private donations for the effort.

The Smithsonian remains committed to celebrating American history and culture in all of its dimensions and will continue to work with the Commission; however, similar to the National Women’s History Museum, building, opening, and operating entirely new museums run by the Smithsonian is not a practical nor feasible undertaking in the near-term. A National Latino Gallery is being incorporated into the proposed plans for the future use of the Arts and Industries Building.

#### **Update on the Open and Transparent Smithsonian Act of 2015**

Lastly, the Secretary provided a brief update on the Open and Transparent Smithsonian Act of 2015, a bill first introduced by Delegate Eleanor Holmes Norton (D-DC) on July 22, 2015. As introduced, the bill would have subjected the Smithsonian to the requirements of the Freedom of Information Act (“FOIA”), the Sunshine Act, the Privacy Act, and the Federal Advisory Committee Act (“FACA”).

The Smithsonian has adopted policies and practices consistent with the principles animating these laws, while recognizing the Smithsonian’s unique status. For example, the Smithsonian’s records disclosure policy explicitly embraces FOIA’s principles of disclosure, while making allowances for the Smithsonian’s activities that do not have analogs in the Federal sphere—such as fundraising and endowment management—and, thus, are not contemplated by FOIA. Smithsonian policies enable the Institution to operate in an ethos of openness and accountability that is both informed by, and reflective of, its mission and status as a leading museum, educational, and research organization.

The bill was not considered by the full House prior to the adjournment of the 114th Congress. Delegate Norton expressed a need for the legislation during a meeting of the Committee on Oversight and Government Reform, and the Chair agreed to future consideration, but has not yet reintroduced the bill in the 115th Congress. The Secretary and will keep the Committee apprised of any new developments.

#### **EXECUTIVE SESSION**

The Committee then entered into an executive session at approximately 10:18 a.m. to receive a litigation update from the General Counsel and discuss the Secretary’s goals and action items set for fiscal year 2017.

## ADJOURNMENT

There being no further business to discuss, the meeting adjourned at approximately 10:40 a.m.

Respectfully submitted,

David M. Rubenstein, Chair