

United States Senate

WASHINGTON, DC 20510-4305

October 22, 2025

The Honorable Pamela Jo Bondi
Attorney General
United States Department of Justice
950 Pennsylvania Avenue
Washington, DC 20530

The Honorable Brett A. Shumate
Assistant Attorney General
United States Department of Justice
950 Pennsylvania Avenue
Washington, DC 20530

Dear Attorney General Bondi and Assistant Attorney General Shumate,

We write to encourage the Department of Justice's Civil Division to open an investigation into potential violations of the Anti-Lobbying Act by the Smithsonian Institution in connection with attempts to obstruct the passage and implementation of President Trump's One Big Beautiful Bill Act.

This legislation, signed into law on July 4, 2025, authorizes the transfer of a NASA-designated space vehicle to a center involved in the administration of the Commercial Crew Program, and then to a local entity within the same metropolitan area for public display.¹ In August, Acting Administrator Sean Duffy approved the relocation of Space Shuttle Discovery to a nonprofit organization near NASA's Johnson Space Center (JSC) in Houston. The Space Shuttle Discovery has been housed at the Smithsonian Institution's Udvar-Hazy Center since 2012. The Smithsonian is a federal government entity and has served as the official steward of the orbiter for over a decade. Now, Space Shuttle Discovery will return to the Houston community, marking a historic homecoming to the very place that played an essential role in making its missions possible.

As the cornerstone of America's human space exploration program, Houston is honored to welcome home the Space Shuttle Discovery. However, public reporting suggests the Smithsonian Institution has taken affirmative steps to oppose the passage and implementation of the shuttle's relocation, as part of President Trump's One Big Beautiful Bill Act.² These steps include lobbying the staff of the Senate Appropriations and Rules Committees to express disapproval, coordinating with members of the press to generate public opposition to the law's passage, and disseminating misinformation about the cost and logistics of the move. The Smithsonian has also approached the House Appropriations Committee to advocate for the inclusion of an amendment in the pending FY26 Interior and Environment Appropriations Act and the Commerce, Justice, and Science Appropriations Act that would not allow funding designated for the shuttle's relocation. Furthermore, the Institution has circulated cost estimates that exceed quotes from experienced private-sector logistics firms by more than tenfold and has

¹ Pub. L. No. 119-21 (2025).

² Zach Vaile, *Smithsonian Pushing Back on Plans to Relocate Space Shuttle*, FLYING MAGAZINE (Jul. 11, 2025), <https://www.flyingmag.com/smithsonian-pushing-back-on-plans-to-relocate-space-shuttle/>.

falsely claimed the shuttle's wings would need to be removed for transport, a claim not supported by industry experts.

These activities raise significant concerns under the Anti-Lobbying Act, which prohibits the use of appropriated funds for communications intended to influence members of the public to pressure Congress regarding legislation or appropriations matters.³ The Act also places limits on direct or indirect lobbying efforts funded by federal appropriations unless an express statutory exemption applies.⁴ As the Smithsonian Institution receives annual appropriations from Congress, it is subject to the restrictions imposed by this statute. Furthermore, the Comptroller General has affirmed that appropriated funds provided to the Smithsonian must be used in accordance with federal law.⁵ The statutory exceptions to the Anti-Lobbying Act, such as those permitting public speeches, incidental expenditures for public education, or communications or activities unrelated to legislation or appropriations, are not applicable to the conduct at issue. Should it be determined that appropriated funds, including but not limited to staff time or public relations resources, were utilized to support efforts opposing the legislatively mandated transfer provision, such actions may constitute a violation of federal law and an impermissible use of public funds under 18 U.S.C. § 1913 (2018). Violations of the Anti-Lobbying Act may result in civil penalties under 31 U.S.C. § 1352(c)(1), which provides that any person who makes a prohibited expenditure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such expenditure.⁶ Any use of appropriated funds in this manner would not only contravene statutory restrictions but could also expose the Smithsonian Institution to significant legal and financial consequences.

In addition to obstructing the lawful implementation of President Trump's One Big Beautiful Bill Act, the Smithsonian claims it is not a government entity. This claim is legally unfounded. The Smithsonian Institution is fundamentally a creation of Congress. Its original trust fund is held and managed by the U.S. Department of the Treasury.⁷ Two-thirds of its budget comes from federal appropriations, and its employees are federal employees.⁸ The Institution is represented in litigation by the U.S. Department of Justice, with judgments paid from the United States Judgment Fund.⁹ Notably, it has never sued a federal executive branch agency. Federal Courts have repeatedly recognized the Smithsonian as a federal government entity, subject to federal law and entitled to governmental immunities.¹⁰ As the U.S. District Court for the District of Columbia stated, the "Smithsonian is a government institution through and through."¹¹ That

³ 18 U.S.C. § 1913 (2018).

⁴ *Id.*

⁵ *Cotton v. Adams*, 798 F. Supp. 22 (D.D.C. 1992).

⁶ 31 U.S.C. § 1352(c)(1).

⁷ S. Rep. No. 109-275, at 109 (2006) (Department of the Interior, Environment, and Related Agencies Appropriations Bill, 2007).

⁸ *Frequently Asked Questions*, Smithsonian, <https://www.si.edu/ohr/faq>.

⁹ *O'Rourke v. Smithsonian Inst.*, 766 F.3d 140, 145 (D.C. Cir. 2014).

¹⁰ *Benita v. Smithsonian Institution*, 471 F. Supp. 62 (D.Mass.1979); *Cotton v. Adams*, 798 F. Supp. 22 (D.D.C. 1992).

¹¹ *Raven v. Sajed*, 334 F. Supp. 3d 22 (D.D.C. Sept. 19, 2018).

status demands strict adherence to federal law and the highest ethical standards. Anything less risks undermining the public's confidence and the Institution's integrity.

The Smithsonian was entrusted to perform "governmental functions as a center of scholarship and a national museum responsible for the safekeeping and maintenance of national treasures."¹² Following the lead of President Trump's recent Executive Order 14253, *Restoring Truth and Sanity to American History*,¹³ and the announcement of an *Internal Review of Smithsonian Exhibitions and Materials*,¹⁴ we question whether the Smithsonian is truly fulfilling its statutorily provided mission. The Smithsonian's exhibits appear to reflect a growing shift toward interpreting American history through the lens of grievance, rather than grounded historical scholarship. The Smithsonian's Secretary, Lonnie Griffith Bunch III, has embraced the 1619 Project's interpretation of American history, which centers on slavery and its legacy as the true founding of the United States, beginning in 1619 instead of 1776.¹⁵ The upcoming American Women's History Museum has pledged to include biological men in its narrative of female achievement, even as female athletes nationwide face challenges to their accomplishments due to the participation of men in women's sports.¹⁶ These actions, combined with the Smithsonian's nefarious lobbying efforts against President Trump's One Big Beautiful Bill Act, indicate the Institution has abandoned its core mission as a steward of national heritage and historical integrity, in favor of a politicized agenda that undermines its responsibilities as a federal government entity and possibly violates federal law.

For these reasons, we urge a prompt and thorough investigation into the matter. As a federal government entity, the Smithsonian Institution carries the responsibility to uphold the highest legal and ethical standards. Its credibility and the public's trust depend on it.

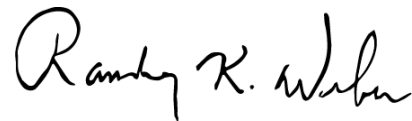
Sincerely,



John Cornyn
United States Senator



Ted Cruz
United States Senator



Randy K. Weber
United States Representative

¹² See *supra* note 5.

¹³ Exec. Order No. 14,253, 90 Fed. Reg. 14,563 (Apr. 3, 2025).

¹⁴ The White House, *Letter to the Smithsonian: Internal Review of Smithsonian Exhibitions and Materials*, (Aug. 12, 2025), <https://www.whitehouse.gov/briefings-statements/2025/08/letter-to-the-smithsonian-internal-review-of-smithsonian-exhibitions-and-materials/>.

¹⁵ Peter Flaherty, *Smithsonian Should Be Evenhanded, Not Woke*, NLPC Government Integrity Project (Sept. 27, 2025), <https://nlpc.org/government-integrity-project/smithsonian-should-be-evenhanded-not-woke/>.

¹⁶ Samantha Kamman, *Smithsonian to Honor Biological Males in Women's History Museum*, CHRISTIAN POST (Mar. 3, 2023), <https://www.christianpost.com/news/smithsonian-to-honor-biological-males-in-womens-history-museum.html>.