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Congress of the United States  
House of Representatives  
Committee on Appropriations  
Washington, DC 20515-6015

April 27, 2006

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The Honorable Lawrence Small  
Secretary  
Smithsonian Institute  
SIB 205  
1000 Jefferson Drive, SW  
Washington, DC 20560

Dear Mr. Secretary

We are writing to express our concern about reports carried in *The Washington Post* describing the recent "Smithsonian on Demand – Showtime Networks" contract. While the exact terms of the contract have not been released by the Smithsonian to us or to the public, these newspaper reports, as well as discussion with your staff, indicate that a legally binding agreement may have been reached with a single commercial firm to grant that vendor near-exclusive rights to the use of Smithsonian resources in all commercial filmmaking efforts in which the Smithsonian is a significant contributor. It appears to do so by giving that vendor first refusal on any commercial film project which makes "more than incidental" use of Smithsonian resources, either collections or personnel. We believe that such an exclusive arrangement may be incompatible with the trust placed in the Smithsonian as an educational institution and as an instrumentality of the United States. Contrary to the stated and intended purpose of the arrangement to increase the access of the public to Smithsonian collections and personnel, this agreement appears to be designed to restrict such access to a single commercial firm.

The Subcommittee requests the Board of Regents to immediately review this contract to determine whether it violates the spirit if not the letter of the Smithsonian Trust and to consider changes to the contract which would fully guarantee that its terms are limited to a narrow set of programs and not a bar to other legitimate commercial filmmakers who we believe have the right to reasonable access to the collections and staff. The Subcommittee requests that this matter be brought to the attention of the Board of Regents at its May 2006 meeting and that a response be provided to the Committee regarding these concerns within 90 days.

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The Honorable Lawrence Small  
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In addition to our concern about this particular contract, we would be concerned about any future agreements that are negotiated in secret, without Committee consultation, which commercialize Smithsonian resources or which appear to essentially sell access to Smithsonian resources. While the Committee recognizes that budget shortfalls, in particular the need for funds to repair and maintain an aging infrastructure, require the Smithsonian to be aggressive and imaginative in its fund raising, these actions are often controversial and raise the risk of damaging both Congressional and public support for the Institution.

The Committee believes that the Regents should charge the Secretary with organizing a formal public process, including an opportunity for public testimony, to analyze the issues surrounding financial agreements which appear to provide exclusivity or significant limitations on access to Smithsonian collections, which are by definition the property of all of the people of the United States.

We look forward to a response to our concerns at your earliest convenience.



Norman D. Dicks  
Ranking Minority Member  
Subcommittee on Interior, Environment,  
and Related Agencies

Sincerely,



Charles Taylor  
Chairman  
Subcommittee on Interior, Environment,  
and Related Agencies