

117TH CONGRESS
1ST SESSION

H. R. 3005

IN THE SENATE OF THE UNITED STATES

JULY 12, 2021

Received

AN ACT

To direct the Joint Committee on the Library to replace the bust of Roger Brooke Taney in the Old Supreme Court Chamber of the United States Capitol with a bust of Thurgood Marshall to be obtained by the Joint Committee on the Library and to remove certain statues from areas of the United States Capitol which are accessible to the public, to remove all statues of individuals who voluntarily served the Confederate States of America from display in the United States Capitol, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. REPLACEMENT OF BUST OF ROGER BROOKE**

4 **TANEY WITH BUST OF THURGOOD MAR-**
5 **SHALL.**

6 (a) FINDINGS.—Congress finds the following:

7 (1) While sitting in the United States Capitol,
8 the Supreme Court issued the infamous *Dred Scott*
9 v. *Sandford* decision on March 6, 1857. Written by
10 Chief Justice Roger Brooke Taney, whose bust sits
11 inside the entrance to the Old Supreme Court
12 Chamber in the United States Capitol, this opinion
13 declared that African Americans were not citizens of
14 the United States and could not sue in Federal
15 courts. This decision further declared that Congress
16 did not have the authority to prohibit slavery in the
17 territories.

18 (2) Chief Justice Roger Brooke Taney's author-
19 ship of *Dred Scott* v. *Sandford*, the effects of which
20 would only be overturned years later by the ratifica-
21 tion of the 13th, 14th, and 15th Amendments to the
22 Constitution of the United States, renders a bust of
23 his likeness unsuitable for the honor of display to
24 the many visitors to the United States Capitol.

1 (3) As Frederick Douglass said of this decision
2 in May 1857, “This infamous decision of the Slave-
3 holding wing of the Supreme Court maintains that
4 slaves are within the contemplation of the Constitu-
5 tion of the United States, property; that slaves are
6 property in the same sense that horses, sheep, and
7 swine are property; that the old doctrine that slavery
8 is a creature of local law is false; that the right of
9 the slaveholder to his slave does not depend upon
10 the local law, but is secured wherever the Constitu-
11 tion of the United States extends; that Congress has
12 no right to prohibit slavery anywhere; that slavery
13 may go in safety anywhere under the star-spangled
14 banner; that colored persons of African descent have
15 no rights that white men are bound to respect; that
16 colored men of African descent are not and cannot
17 be citizens of the United States.”.

18 (4) While the removal of Chief Justice Roger
19 Brooke Taney’s bust from the United States Capitol
20 does not relieve the Congress of the historical
21 wrongs it committed to protect the institution of
22 slavery, it expresses Congress’s recognition of one of
23 the most notorious wrongs to have ever taken place
24 in one of its rooms, that of Chief Justice Roger
25 Brooke Taney’s *Dred Scott v. Sandford* decision.

1 (b) REMOVAL OF BUST OF ROGER BROOKE
 2 TANEY.—Not later than 45 days after the date of the en-
 3 actment of this Act, the Joint Committee on the Library
 4 shall remove the bust of Roger Brooke Taney in the Old
 5 Supreme Court Chamber of the United States Capitol.

6 (c) REPLACEMENT WITH BUST OF THURGOOD MAR-
 7 SHALL.—

8 (1) OBTAINING BUST.—Not later than 2 years
 9 after the date of the enactment of this Act, the Joint
 10 Committee on the Library shall enter into an agree-
 11 ment to obtain a bust of Thurgood Marshall, under
 12 such terms and conditions as the Joint Committee
 13 considers appropriate consistent with applicable law.

14 (2) PLACEMENT.—The Joint Committee on the
 15 Library shall place the bust obtained under para-
 16 graph (1) in the location in the Old Supreme Court
 17 Chamber of the United States Capitol where the
 18 bust of Roger Brooke Taney was located prior to re-
 19 moval by the Architect of the Capitol under sub-
 20 section (b).

21 **SEC. 2. REQUIREMENTS AND REMOVAL PROCEDURES FOR**
 22 **STATUES IN NATIONAL STATUARY HALL.**

23 (a) REQUIREMENTS.—Section 1814 of the Revised
 24 Statutes (2 U.S.C. 2131) is amended by inserting “(other
 25 than persons who served voluntarily in the military forces

1 or government of the Confederate States of America or
2 in the military forces or government of a State while the
3 State was in rebellion against the United States)” after
4 “military services”.

5 (b) STATUE REMOVAL PROCEDURES.—

6 (1) IN GENERAL.—

7 (A) IDENTIFICATION BY ARCHITECT OF
8 THE CAPITOL.—The Architect of the Capitol
9 shall identify all statues on display in the
10 United States Capitol that do not meet the re-
11 quirements of section 1814 of the Revised Stat-
12 utes (2 U.S.C. 2131), as amended by subsection
13 (a).

14 (B) REMOVAL BY JOINT COMMITTEE ON
15 THE LIBRARY.—The Joint Committee on the
16 Library shall arrange for the removal of each
17 statue identified by the Architect of the Capitol
18 under subparagraph (A) from any area of the
19 United States Capitol which is accessible to the
20 public by not later than 120 days after the date
21 of the enactment of this Act.

22 (2) RETURN OF STATUES.—A statue which is
23 removed under this subsection and which was pro-
24 vided for display by a State shall be returned to the
25 State, and the ownership of the statue transferred to

1 the State, if the State so requests and agrees to pay
 2 any costs related to the transportation of the statue
 3 to the State.

4 (3) REPLACEMENT OF STATUES.—A State that
 5 has a statue removed under this subsection may re-
 6 place such statue in accordance with the require-
 7 ments and procedures of section 1814 of the Revised
 8 Statutes (2 U.S.C. 2131) and section 311 of the
 9 Legislative Branch Appropriations Act, 2001 (2
 10 U.S.C. 2132).

11 (c) STORAGE.—The Architect of the Capitol shall
 12 keep any statue removed under this section in storage
 13 pending the return of the statue to the State.

14 **SEC. 3. REMOVAL OF CERTAIN OTHER STATUES AND**
 15 **BUSTS.**

16 (a) CONFEDERATE STATUES AND BUSTS.—

17 (1) REMOVAL.—Not later than 45 days after
 18 the date of the enactment of this Act, the Joint
 19 Committee on the Library, together with the Cura-
 20 tor of the House of Representatives or the Curator
 21 of the Senate (as the case may be), shall remove all
 22 Confederate statues and Confederate busts from any
 23 area of the United States Capitol which is accessible
 24 to the public.

25 (2) DEFINITIONS.—

1 (A) CONFEDERATE STATUE.—In this sub-
2 section, the term “Confederate statue” means a
3 statue which was provided by a State for dis-
4 play in the United States Capitol that depicts—

5 (i) any individual who served volun-
6 tarily at any time as a member of the
7 Armed Forces of the Confederate States of
8 America or of the military of a State while
9 the State was in open rebellion against the
10 United States; or

11 (ii) any individual who served as an
12 official of the Government of the Confed-
13 erate States of America or as an official of
14 a State while the State was in open rebel-
15 lion against the United States.

16 (B) CONFEDERATE BUST.—In this sub-
17 section, the term “Confederate bust” means a
18 bust which depicts an individual described in
19 clause (i) or (ii) of subparagraph (A).

20 (b) OTHER STATUES.—Not later than 45 days after
21 the date of the enactment of this Act, the Joint Committee
22 on the Library shall remove the statue of Charles Brantley
23 Aycock, the statue of John Caldwell Calhoun, and the
24 statue of James Paul Clarke from any area of the United
25 State Capitol which is accessible to the public.

1 (c) STORAGE.—The Architect of the Capitol shall
2 keep any statue or bust removed under this section in stor-
3 age.

4 (d) EXCLUSION OF STATUES SUBJECT TO OTHER
5 REMOVAL PROCEDURES.—This subsection does not apply
6 with respect to any statue which is subject to removal
7 under section 2.

8 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

9 There are authorized to be appropriated such sums
10 as may be necessary to carry out this Act, and any
11 amounts so appropriated shall remain available until ex-
12 pended.

Passed the House of Representatives June 29, 2021.

Attest: CHERYL L. JOHNSON,
Clerk.