

116TH CONGRESS
2D SESSION

H. R. 7573

IN THE SENATE OF THE UNITED STATES

JULY 23, 2020

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. REMOVAL OF CERTAIN STATUES AND BUST.**

22 (a) REMOVAL.—Not later than 45 days after the date
23 of the enactment of this Act, the Joint Committee on the
24 Library shall remove the statue of Charles Brantley
25 Aycock, the statue of John Caldwell Calhoun, the statue

1 of James Paul Clarke, and the bust of John Cabell Breck-
 2 inridge from any area of the United States Capitol which
 3 is accessible to the public.

4 (b) STORAGE OF STATUES.—The Architect of the
 5 Capitol shall keep any statue and bust removed under sub-
 6 section (a) in storage until the Architect and the State
 7 which provided the statue or bust arrange for the return
 8 of the statue or bust to the State.

9 **SEC. 3. REQUIREMENTS AND REMOVAL PROCEDURES FOR**
 10 **STATUES IN NATIONAL STATUARY HALL.**

11 (a) REQUIREMENTS.—Section 1814 of the Revised
 12 Statutes (2 U.S.C. 2131) is amended by inserting “(other
 13 than persons who served as an officer or voluntarily with
 14 the Confederate States of America or of the military forces
 15 or government of a State while the State was in rebellion
 16 against the United States)” after “military services”.

17 (b) STATUE REMOVAL PROCEDURES.—

18 (1) IN GENERAL.—

19 (A) IDENTIFICATION BY ARCHITECT OF
 20 THE CAPITOL.—The Architect of the Capitol
 21 shall identify all statues on display in the
 22 United States Capitol that do not meet the re-
 23 quirements of section 1814 of the Revised Stat-
 24 utes (2 U.S.C. 2131), as amended by subsection
 25 (a); and

1 (B) REMOVAL BY JOINT COMMITTEE ON
2 THE LIBRARY.—The Joint Committee on the
3 Library shall arrange for the removal of each
4 statue identified by the Architect of the Capitol
5 under subparagraph (B) from the Capitol by
6 not later than 120 days after the date of enact-
7 ment of this Act.

8 (2) REMOVAL AND RETURN OF STATUES.—

9 (A) IN GENERAL.—Subject to subpara-
10 graph (C), the Architect of the Capitol shall ar-
11 range to transfer and deliver any statue that is
12 removed under this subsection to the Smithso-
13 nian Institution.

14 (B) STORAGE OR DISPLAY OF STATUES.—
15 The Board of Regents of the Smithsonian Insti-
16 tution shall follow the policies and procedures
17 of the Smithsonian Institution, as in effect on
18 the day before the date of enactment of this
19 Act, regarding the storage and display of any
20 statue transferred under subparagraph (A).

21 (C) STATE REQUESTS.—A statue provided
22 for display by a State that is removed under
23 this subsection shall be returned to the State,
24 and the ownership of the statue transferred to
25 the State, if the State so requests and agrees

1 to pay any costs related to the transportation of
2 the statue to the State.

3 (3) REPLACEMENT OF STATUES.—A State that
4 has a statue removed under this subsection shall be
5 able to replace such statue in accordance with the
6 requirements and procedures of section 1814 of the
7 Revised Statutes (2 U.S.C. 2131) and section 311 of
8 the Legislative Branch Appropriations Act, 2001 (2
9 U.S.C. 2132).

10 (4) AUTHORIZATION AND APPROPRIATIONS.—

11 (A) IN GENERAL.—There are appropriated
12 for the fiscal year ending September 30, 2021,
13 out of any money in the Treasury not otherwise
14 appropriated, \$5,000,000 to carry out this sec-
15 tion, including the costs related to the removal,
16 transfer, security, storage, and display of the
17 statues described in paragraph (1)(A), of
18 which—

19 (i) \$2,000,000 shall be made available
20 to the Architect of the Capitol; and

21 (ii) \$3,000,000 shall be made avail-
22 able to the Smithsonian Institution.

23 (B) AVAILABILITY.—Amounts appro-
24 priated under subparagraph (A) shall remain
25 available until expended.

1 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

2 In addition to the amounts appropriated under sec-
3 tion 3(b)(4), there are authorized to be appropriated such
4 sums as may be necessary to carry out this Act, and any
5 amounts so appropriated shall remain available until ex-
6 pended.

7 **SEC. 5. DETERMINATION OF BUDGETARY EFFECTS.**

8 The budgetary effects of this Act, for the purpose of
9 complying with the Statutory Pay-As-You-Go Act of 2010,
10 shall be determined by reference to the latest statement
11 titled “Budgetary Effects of PAYGO Legislation” for this
12 Act, submitted for printing in the Congressional Record
13 by the Chairman of the House Budget Committee, pro-
14 vided that such statement has been submitted prior to the
15 vote on passage.

Passed the House of Representatives July 22, 2020.

Attest: CHERYL L. JOHNSON,
Clerk.

By ROBERT F. REEVES,
Deputy Clerk.