

116TH CONGRESS
2D SESSION

H. R. 7573

To direct the Architect of the Capitol 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.

IN THE HOUSE OF REPRESENTATIVES

JULY 13, 2020

Mr. HOYER (for himself, Ms. LEE of California, Mr. CLYBURN, Ms. BASS, Mr. THOMPSON of Mississippi, and Mr. BUTTERFIELD) introduced the following bill; which was referred to the Committee on House Administration

A BILL

To direct the Architect of the Capitol 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 30 days after the date of the en-
 3 actment of this Act, the Architect of the Capitol shall re-
 4 move the bust of Roger Brooke Taney in the Old Supreme
 5 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.**

22 (a) REMOVAL.—Not later than 30 days after the date
 23 of the enactment of this Act, the Architect of the Capitol
 24 shall remove the statue of Charles Brantley Aycock, the
 25 statute of John Caldwell Calhoun, and the statue of James

1 Paul Clarke from any area of the United States Capitol
2 which is accessible to the public.

3 (b) STORAGE OF STATUES.—The Architect of the
4 Capitol shall keep any statue removed under subsection
5 (a) in storage until the Architect and the State which pro-
6 vided the statue arrange for the return of the statue to
7 the State.

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

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

16 (b) STATUE REMOVAL PROCEDURES.—

17 (1) IN GENERAL.—The Architect of the Capitol
18 shall—

19 (A) identify all statues on display in the
20 United States Capitol that do not meet the re-
21 quirements of section 1814 of the Revised Stat-
22 utes (2 U.S.C. 2131), as amended by subsection
23 (a); and

24 (B) subject to the approval of the Joint
25 Committee of Congress on the Library, arrange

1 for the removal of each such statue from the
2 Capitol by not later than 120 days after the
3 date of enactment of this Act.

4 (2) REMOVAL AND RETURN OF STATUES.—

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

10 (B) STORAGE OR DISPLAY OF STATUES.—

11 The Board of Regents of the Smithsonian Insti-
12 tution shall follow the policies and procedures
13 of the Smithsonian Institution, as in effect on
14 the day before the date of enactment of this
15 Act, regarding the storage and display of any
16 statue transferred under subparagraph (A).

17 (C) STATE REQUESTS.—A statue provided
18 for display by a State that is removed under
19 this subsection shall be returned to the State,
20 and the ownership of the statue transferred to
21 the State, if the State so requests and agrees
22 to pay any costs related to the transportation of
23 the statue to the State.

24 (3) REPLACEMENT OF STATUES.—A State that
25 has a statue removed under this subsection shall be

able to replace such statue in accordance with the requirements and procedures of section 1814 of the Revised Statutes (2 U.S.C. 2131) and section 311 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 2132).

(4) AUTHORIZATION AND APPROPRIATIONS.—

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

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

(ii) \$3,000,000 shall be made available to the Smithsonian Institution.

(B) AVAILABILITY.—Amounts appropriated under subparagraph (A) shall remain available until expended.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

In addition to the amounts appropriated under section 3(b)(4), there are authorized to be appropriated such sums as may be necessary to carry out this Act, and any

1 amounts so appropriated shall remain available until ex-
2 pended.

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