Suspending the Rules and Pass the Bill H.R. 7573 with Amendments

(The amendments strike all after the enacting clause and insert a new text and a new title)

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.

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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

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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.

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

SECTION 1. REPLACEMENT OF BUST OF ROGER BROOKE
TANEY WITH BUST OF THURGOOD MAR-
SHALL.

(a) FINDINGS.—Congress finds the following:

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

(2) Chief Justice Roger Brooke Taney’s author-
ship of Dred Scott v. Sandford, the effects of which
would only be overturned years later by the ratifica-
tion of the 13th, 14th, and 15th Amendments to the
Constitution of the United States, renders a bust of
his likeness unsuitable for the honor of display to
the many visitors to the United States Capitol.
(3) As Frederick Douglass said of this decision in May 1857, “This infamous decision of the Slave-holding wing of the Supreme Court maintains that slaves are within the contemplation of the Constitution of the United States, property; that slaves are property in the same sense that horses, sheep, and swine are property; that the old doctrine that slavery is a creature of local law is false; that the right of the slaveholder to his slave does not depend upon the local law, but is secured wherever the Constitution of the United States extends; that Congress has no right to prohibit slavery anywhere; that slavery may go in safety anywhere under the star-spangled banner; that colored persons of African descent have no rights that white men are bound to respect; that colored men of African descent are not and cannot be citizens of the United States.”

(4) While the removal of Chief Justice Roger Brooke Taney’s bust from the United States Capitol does not relieve the Congress of the historical wrongs it committed to protect the institution of slavery, it expresses Congress’s recognition of one of the most notorious wrongs to have ever taken place in one of its rooms, that of Chief Justice Roger Brooke Taney’s Dred Scott v. Sandford decision.
(b) Removal of Bust of Roger Brooke Taney.—Not later than 45 days after the date of the enactment of this Act, the Joint Committee on the Library shall remove the bust of Roger Brooke Taney in the Old Supreme Court Chamber of the United States Capitol.

(c) Replacement with Bust of Thurgood Marshall.—

(1) Obtaining Bust.—Not later than 2 years after the date of the enactment of this Act, the Joint Committee on the Library shall enter into an agreement to obtain a bust of Thurgood Marshall, under such terms and conditions as the Joint Committee considers appropriate consistent with applicable law.

(2) Placement.—The Joint Committee on the Library shall place the bust obtained under paragraph (1) in the location in the Old Supreme Court Chamber of the United States Capitol where the bust of Roger Brooke Taney was located prior to removal by the Architect of the Capitol under subsection (b).

SEC. 2. REMOVAL OF CERTAIN STATUES AND BUST.

(a) Removal.—Not later than 45 days after the date of the enactment of this Act, the Joint Committee on the Library shall remove the statue of Charles Brantley Aycock, the statue of John Caldwell Calhoun, the statue
of James Paul Clarke, and the bust of John Cabell Breckinridge from any area of the United States Capitol which is accessible to the public.

(b) Storage of Statues.—The Architect of the Capitol shall keep any statue and bust removed under subsection (a) in storage until the Architect and the State which provided the statue or bust arrange for the return of the statue or bust to the State.

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

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

(b) Statue Removal Procedures.—

(1) In general.—

(A) Identification by Architect of the Capitol.—The Architect of the Capitol shall identify all statues on display in the United States Capitol that do not meet the requirements of section 1814 of the Revised Statutes (2 U.S.C. 2131), as amended by subsection (a); and
(B) Removal by Joint Committee on the Library.—The Joint Committee on the Library shall arrange for the removal of each statue identified by the Architect of the Capitol under subparagraph (B) from the Capitol by not later than 120 days after the date of enactment of this Act.

(2) Removal and Return of Statues.—

(A) In General.—Subject to subparagraph (C), the Architect of the Capitol shall arrange to transfer and deliver any statue that is removed under this subsection to the Smithsonian Institution.

(B) Storage or Display of Statues.—
The Board of Regents of the Smithsonian Institution shall follow the policies and procedures of the Smithsonian Institution, as in effect on the day before the date of enactment of this Act, regarding the storage and display of any statue transferred under subparagraph (A).

(C) State Requests.—A statue provided for display by a State that is removed under this subsection shall be returned to the State, and the ownership of the statue transferred to the State, if the State so requests and agrees
to pay any costs related to the transportation of
the statue to the State.

(3) REPLACEMENT OF STATUES.—A State that
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

(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 sec-
tion, 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 avail-
able to the Smithsonian Institution.

(B) AVAILABILITY.—Amounts appro-
priated 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 amounts so appropriated shall remain available until expended.

SEC. 5. DETERMINATION OF BUDGETARY EFFECTS.

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

Amend the title so as to read: “A bill 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.”.