

S. 5

To remove all statues of individuals who voluntarily served the Confederate States of America from display in the Capitol of the United States, to prohibit the use of Federal funds for Confederate symbols, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 12, 2023

MRS. DAWSON-LOCKHART OF LINCOLN (for herself) introduced the following bill;

A BILL

To remove all statues of individuals who voluntarily served the Confederate States of America from display in the Capitol of the United States, to prohibit the use of Federal funds for Confederate symbols, and for other purposes.

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

SECTION 1. SHORT TITLE.

- (a) **SHORT TITLE.**—This Act may be cited as the Protecting the Union’s Legacy Act.

SEC. 2. FINDINGS.

CONGRESS FINDS THE FOLLOWING—

- (a) The Confederate battle flag is one of the most controversial symbols from U.S. history, signifying a representation of racism, slavery, and the oppression of African Americans.
- (b) The Confederate flag and the erection of Confederate monuments were used as symbols to resist efforts to dismantle Jim Crow segregation, and have become pillars of Ku Klux Klan rallies.
- (c) There are at least 1,503 symbols of the Confederacy in public spaces, including 109 public schools named after prominent Confederates, many with large African-American student populations.
- (d) There are more than 700 Confederate monuments and statues on public property throughout the country, the vast majority in the South. These include 96 monuments in Virginia, 90 in Georgia, and 90 in North Carolina.
- (e) Ten major U.S. military installations are named in honor of Confederate military leaders. These include Fort Rucker (Gen. Edmund Rucker) in Alabama; Fort Benning (Brig. Gen. Henry L. Benning) and Fort Gordon (Maj. Gen. John Brown Gordon) in Georgia; Camp Beauregard (Gen. P.G.T. Beauregard) and Fort Polk (Gen. Leonidas Polk) in Louisiana; Fort Bragg (Gen. Braxton Bragg) in North Carolina; Fort Hood (Gen. John Bell Hood) in Texas; and Fort A.P. Hill (Gen. A.P. Hill), Fort Lee (Gen. Robert E. Lee), and Fort Pickett (Gen. George Pickett) in Virginia.

SEC. 3. REQUIREMENTS AND REMOVAL PROCEDURES.

- (a) **REQUIREMENTS.**—Section 1814 of the Revised Statutes (2 U.S.C. 2131) is amended by inserting “(other than persons who served voluntarily with the Confederate States of America)” after “military services”.
- (b) **STATUE REMOVAL PROCEDURES.**—
 - (i) **IN GENERAL.**—The Architect of the Capitol shall—
 - (1) Identify all statues on display in the Capitol of the United States that do not meet the requirements of section 1814 of the Revised Statutes (2 U.S.C. 2131), as amended by subsection (a); and

- (2) Subject to the approval of the House Ethics and Oversight and Senate Oversight and Ethics Committees, arrange for the removal of each such statue from the Capitol by not later than 120 days after the date of enactment of this Act.

(II) REMOVAL AND RETURN OF STATUES.—

- (1) IN GENERAL.—Subject to subparagraph (3), the Architect of the Capitol shall arrange to transfer and deliver any statue that is removed under this subsection to the Smithsonian Institution.

- (2) 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).

- (3) 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.

- (iii) 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 U.S.C. 2132).

(IV) AUTHORIZATION AND APPROPRIATIONS.—

- (1) IN GENERAL.—There are appropriated to be spread out among the fiscal months starting October 2023 and ending October 2024, 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 this subsection, of which—

- a) \$2,000,000 shall be made available to the Architect of the Capitol, and
- b) \$3,000,000 shall be made available to the Smithsonian Institution.

- (2) AVAILABILITY.—Amounts appropriated under subparagraph (1) shall remain available until expended.

SEC. 4. FEDERAL FUNDS RESTRICTION.

- (a) **IN GENERAL.**—Except as provided in subsection (c), no Federal funds may be used for the creation, maintenance, or display, as applicable, of any Confederate symbol on Federal public land, including any highway, park, subway, Federal building, military installation, street, or other Federal property.
- (b) **CONFEDERATE SYMBOL DEFINED.**—The term “Confederate symbol” includes the following:
 - (i) A Confederate battle flag.
 - (ii) Any symbol or other signage that honors the Confederacy.
 - (iii) Any monument or statue that honors a Confederate leader or soldier of the Confederate States of America.
- (c) **EXCEPTIONS.**—Subsection (a) does not apply—
 - (i) If the use of such funds is necessary to allow for removal of the Confederate symbol to address public safety; or
 - (ii) In the case of a Confederate symbol created, maintained, or displayed in a museum or educational exhibit.

SEC. 5. REDESIGNATION OF MILITARY INSTALLATIONS.

- (a) **REDESIGNATION.**—Not later than 1 year after the date of enactment of this Act, the Secretary of Defense shall redesignate the following military installations with such designation as the Secretary determines appropriate:
 - (i) Fort Rucker, Alabama.
 - (ii) Fort Benning, Georgia.
 - (iii) Fort Gordon, Georgia.
 - (iv) Camp Beauregard, Louisiana.
 - (v) Fort Polk, Louisiana.
 - (vi) Fort Bragg, North Carolina.
 - (vii) Fort Hood, Texas.
 - (viii) Fort A.P. Hill, Virginia.
 - (ix) Fort Lee, Virginia.
 - (x) Fort Pickett, Virginia.
- (b) **REFERENCES.**—Any reference in any law, regulation, map, document, paper, or other record of the United States to a military installation referred to in subsection (a) shall be deemed as a reference to such installation as redesignated under such subsection.

SEC. 6. SEVERABILITY, ENACTMENT.

- (a) SEVERABILITY.—Should any provision of this Act be deemed invalid or unconstitutional for any reason in a court with relevant jurisdiction, the rest of the Act, and the application of the remaining provisions, shall not be affected.
 - (b) ENACTMENT.—This legislation shall go into effect 30 days after its passage.
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