

117TH CONGRESS  
1ST SESSION

# S. 2862

To prohibit the National Archives and Records Administration from including content warnings alongside founding documents of the United States, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 27, 2021

Mr. MARSHALL (for himself, Mr. RISCH, and Mr. BRAUN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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## A BILL

To prohibit the National Archives and Records Administration from including content warnings alongside founding documents of the United States, 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. SHORT TITLE.**

4 This Act may be cited as the “National Treasures  
5 Act of 2021”.

1 **SEC. 2. PROHIBITING NATIONAL ARCHIVES AND RECORDS**

2 **ADMINISTRATION CONTENT WARNINGS.**

3 (a) IN GENERAL.—Chapter 21 of title 44, United  
4 States Code, is amended by adding at the end the fol-  
5 lowing:

6 **“SEC. 2121. PROHIBITING CONTENT WARNINGS ON FOUND-**  
7 **ING FATHERS DOCUMENTS.**

8 “(a) DEFINITIONS.—In this section:

9 “(1) CONTENT WARNING.—The term ‘content  
10 warning’ includes any message preceding or attached  
11 to a document that identifies or labels the document  
12 as dangerous, harmful, anachronistic, or any other  
13 term implying harm associated with the document,  
14 disparaging the document, assuming malicious in-  
15 tent on the part of the authors of the document, or  
16 discouraging potential readers from reading the doc-  
17 ument.

18 “(2) FOUNDING FATHER OF THE UNITED  
19 STATES.—The term ‘Founding Father’ means any  
20 individual who—

21 “(A) signed the Declaration of Independ-  
22 ence;

23 “(B) served as an officer in the Revolu-  
24 tionary War;

25 “(C) attended the Second Continental Con-  
26 gress;

1           “(D) attended the Constitutional Conven-  
2           tion; or

3           “(E) was granted a charter for one of the  
4           original 13 colonies of the United States.

5           “(3) QUALIFYING DOCUMENT.—The term  
6           ‘qualifying document’ means any document, text,  
7           manuscript, book, letter, pamphlet, government doc-  
8           ument, artifact, article of clothing, costume, or item  
9           written in whole or in part, once belonging to, or as-  
10          sociated with in public display a Founding Father of  
11          the United States.

12          “(b) PROHIBITION.—The Archivist shall not—

13               “(1) attach to or associate with any qualifying  
14               document written by a Founding Father of the  
15               United States any content warning;

16               “(2) display a content warning as part of an ex-  
17               hibition of any qualifying document in any public  
18               display operated by the Administration;

19               “(3) display a content warning on the website  
20               of the Administration or on any other website oper-  
21               ated by the Administration; or

22               “(4) make any changes to the rotunda of the  
23               Administration or any other space under their juris-  
24               diction of the Administration that displays qualifying  
25               documents to the public except insofar as changes

1       are necessary for maintenance, routine operations,  
2       or repairs.”.

3       (b) TECHNICAL AND CONFORMING AMENDMENT.—

4       The table of sections for chapter 21 of title 44, United  
5       States Code, is amended by adding at the end the fol-  
6       lowing:

“2221. Prohibiting content warnings on founding fathers documents.”.

