

116TH CONGRESS  
1ST SESSION

# H. R. 943

To authorize the Secretary of Education to award grants to eligible entities to carry out educational programs about the Holocaust, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 31, 2019

Mrs. CAROLYN B. MALONEY of New York (for herself, Ms. STEFANIK, Mr. FITZPATRICK, Ms. NORTON, Mr. VELA, Mr. DEUTCH, Mr. COHEN, Mrs. DAVIS of California, Mr. CARTWRIGHT, Mr. ROSE of New York, Mr. KING of New York, Mr. LOWENTHAL, Ms. LOFGREN, Mr. BRENDAN F. BOYLE of Pennsylvania, Miss RICE of New York, Mr. KIND, Mr. PAL-LONE, Ms. WASSERMAN SCHULTZ, Mr. MCNERNEY, Ms. CLARKE of New York, Ms. WILSON of Florida, Mr. MCCAUL, and Mr. CARSON of Indiana) introduced the following bill; which was referred to the Committee on Education and Labor

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## A BILL

To authorize the Secretary of Education to award grants to eligible entities to carry out educational programs about the Holocaust, 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 “Never Again Education  
5 Act”.

1 **SEC. 2. FINDINGS.**

2 The Congress finds the following:

3 (1) The United States has demonstrated a com-  
4 mitment to remembrance and education about the  
5 Holocaust through bilateral relationships and en-  
6 gagement in international organizations such as the  
7 United Nations (UN) and the International Holo-  
8 caust Remembrance Association (IHRA); the United  
9 States works to promote Holocaust education as a  
10 means to understand the importance of democratic  
11 principles, use and abuse of power, and to raise  
12 awareness about the importance of genocide preven-  
13 tion today.

14 (2) The Congress has played a critical role in  
15 preserving the memory of the Holocaust and pro-  
16 moting awareness, including by authorizing the  
17 United States Holocaust Memorial Museum as an  
18 independent establishment of the Federal Govern-  
19 ment to ensure that “the study of the Holocaust be-  
20 come part of the curriculum in every school system  
21 in the country”, as well as by establishing a national  
22 Holocaust Remembrance Day in 1978.

23 (3) The Congress has gone on record in support  
24 of expanded Holocaust education to increase aware-  
25 ness about Holocaust history, counter prejudice and  
26 discrimination, and enhance efforts to teach its uni-

1       versal lessons about human behavior and societal co-  
2       hesion.

3               (4) More than 70 years after the conclusion of  
4       World War II, with the decreasing number of eye-  
5       witnesses and growing distance of students and their  
6       families from this history, it is important to institu-  
7       tionalize education about the events of the Holocaust  
8       such as the Nazis' racist ideology, propaganda, and  
9       plan to lead a state to war and, with their collabo-  
10      rators, kill millions—including the systematic mur-  
11      der of 6,000,000 Jewish people; as well as the perse-  
12      cution and murder of millions of others in the name  
13      of racial purity, political, ideological, and behavioral  
14      grounds, among them Roma, the disabled, the Slavic  
15      people, Communists, Socialists, Jehovah's Witnesses,  
16      and homosexuals.

17              (5) As intolerance, antisemitism, bigotry, and  
18      all forms of hate are promoted by hate groups, Holo-  
19      caust education provides a context in which to learn  
20      about the danger of what can happen when hate  
21      goes unchallenged and there is indifference in the  
22      face of the oppression of others; learning how and  
23      why the Holocaust happened is an important compo-  
24      nent of the education of citizens of the United  
25      States.

1           (6) Today, those who deny that the Holocaust  
2 occurred or distort the true nature of the Holocaust  
3 continue to find forums, especially online; this denial  
4 and distortion dishonors those who were persecuted,  
5 and murdered, making it even more of a national  
6 imperative to educate students in the United States  
7 so that they may explore the lessons that the Holo-  
8 caust provides for all people, sensitize communities  
9 to the circumstances that gave rise to the Holocaust,  
10 and help youth be less susceptible to the falsehood  
11 of Holocaust denial and distortion and to the de-  
12 structive messages of hate that arise from Holocaust  
13 denial and distortion.

14           (7) Currently, 8 States (California, Florida, Illi-  
15 nois, Indiana, Michigan, New Jersey, New York, and  
16 Rhode Island) require by law that schools teach stu-  
17 dents about the Holocaust; more schools and teach-  
18 ers can and should deliver quality Holocaust edu-  
19 cation.

20           (8) While there are thriving professional devel-  
21 opment programs across the United States delivered  
22 by Holocaust education centers, such as members of  
23 the Association of Holocaust Organizations, many  
24 students still have little exposure to education about  
25 the events of the Holocaust and its relevance to their

1 lives, in part due to the many financial and logistical  
2 barriers to getting resources from Holocaust edu-  
3 cation centers to students in the classroom.

4 (9) The Federal Government, especially the De-  
5 partment of Education, has a role to play in pro-  
6 moting resources and training that can assist teach-  
7 ers and primary and secondary schools incorporate  
8 the study of the Holocaust into their curriculum, to  
9 help ensure that students have access to accurate  
10 and engaging historical information about the Holo-  
11 caust, and the Department of Education is well-posi-  
12 tioned to assist Holocaust education centers in over-  
13 coming many of the barriers to expanding Holocaust  
14 education, which will allow more students to learn  
15 the lessons of the Holocaust.

16 **SEC. 3. DEFINITIONS.**

17 In this Act:

18 (1) **ELIGIBLE ENTITY.**—The term “eligible enti-  
19 ty” means—

20 (A) a local educational agency (as defined  
21 in section 8101 of the Elementary and Sec-  
22 ondary Education Act of 1965 (20 U.S.C.  
23 7801));

1 (B) an organization eligible to receive  
2 funds under part B of title IV of such Act (20  
3 U.S.C. 7171 et seq.); or

4 (C) a secondary school (as defined in sec-  
5 tion 8101 of such Act (20 U.S.C. 7801)), that  
6 is independent of any local educational agency.

7 (2) ANTISEMITISM.—The term “antisemitism”  
8 means a certain perception of Jews, which may be  
9 expressed as hatred toward Jews. Rhetorical and  
10 physical manifestations of antisemitism are directed  
11 toward Jewish or non-Jewish individuals or their  
12 property, toward Jewish community institutions and  
13 religious facilities.

14 (3) HOLOCAUST.—The term “the Holocaust”  
15 means the systematic, bureaucratic, state-sponsored  
16 persecution and murder of approximately 6,000,000  
17 Jews by the Nazi regime and its collaborators. Dur-  
18 ing the era of the Holocaust, German authorities  
19 also targeted other groups because of their perceived  
20 “racial inferiority”, such as Roma gypsies, the dis-  
21 abled, and some of the Slavic people (Poles, Rus-  
22 sians, and others). Other groups were persecuted on  
23 political, ideological, and behavioral grounds, among  
24 them Communists, Socialists, Jehovah’s Witnesses,  
25 and homosexuals.

1           (4) HOLOCAUST DENIAL AND DISTORTION.—  
2           The term “Holocaust denial and distortion” means  
3           discourse and propaganda that deny the historical  
4           reality and the extent of the extermination of the  
5           Jews by the Nazis and their accomplices during  
6           World War II, known as the Holocaust or the USC  
7           Shoah. Holocaust denial refers specifically to any at-  
8           tempt to claim that the Holocaust did not take  
9           place. Holocaust distortion refers to intentional ef-  
10          forts to excuse or minimize the impact of the Holo-  
11          caust or its principal elements, including collabo-  
12          rators and allies of Nazi Germany, to blame the  
13          Jews for causing their own genocide, or to portray  
14          the Holocaust as a positive historical event.

15          (5) HOLOCAUST EDUCATION CENTER.—The  
16          term “Holocaust education center” means an insti-  
17          tution that furthers the teaching and learning about  
18          the Holocaust by offering programs for students and  
19          training for teachers and other types of professional  
20          leadership audiences.

21          (6) HOLOCAUST EDUCATION PROGRAM.—The  
22          term “Holocaust education program” means a pro-  
23          gram that—

24                        (A) has as its specific and primary purpose  
25                        to improve awareness and understanding of the

1 Holocaust and educate students on the lessons  
2 of the Holocaust as a means to raise awareness  
3 about the importance of preventing genocide,  
4 hate, and bigotry against any group of people;

5 (B) is delivered to students enrolled in  
6 middle grades or high school (as such terms are  
7 defined in section 8101 of the Elementary and  
8 Secondary Education Act of 1965 (20 U.S.C.  
9 7801));

10 (C) uses stories, testimonies, photos, dia-  
11 ries and other educational tools to support un-  
12 derstanding rather than for shock value or sen-  
13 sationalism; and

14 (D) furnishes one or more of the following:

15 (i) Educational materials that are  
16 age- and grade-appropriate.

17 (ii) Student and school-based activi-  
18 ties, including field trips.

19 (iii) The hiring of professional Holo-  
20 caust educators to lead programming.

21 (iv) Teacher training.

22 (v) Programming that includes the  
23 following subjects where appropriate in in-  
24 struction:



1 (I) The breadth of the history of  
2 the Holocaust, including, the Third  
3 Reich dictatorship, concentration  
4 camp system, persecution of Jews and  
5 non-Jews, Jewish and non-Jewish re-  
6 sistance, and post-World War II  
7 trials.

8 (II) Antisemitism, racism, and  
9 the abridgement of human and civil  
10 rights.

11 (vi) Instruction in the content of Hol-  
12 ocaust education that includes—

13 (I) presentation of historically ac-  
14 curate information;

15 (II) correct terminology, vocabu-  
16 lary, and labels, and encouraging stu-  
17 dents to use this vocabulary; and

18 (III) primary documents, includ-  
19 ing personal testimony and sound his-  
20 torical research from respected re-  
21 sources.

22 (vii) Supplementary resources re-  
23 quired for teacher training, including  
24 transportation for teachers to and from  
25 training programs, housing at training pro-

1           grams, payment for substitute teachers  
2           while teachers are at training, and trans-  
3           portation of trainers to schools to provide  
4           training.

5                   (viii) Goods or services designed to  
6           improve awareness and understanding of  
7           the Holocaust.

8                   (7) SECRETARY.—The term “Secretary” means  
9           the Secretary of Education.

10 **SEC. 4. PROGRAM AUTHORIZED.**

11           (a) FUND ESTABLISHED.—

12                   (1) IN GENERAL.—There is established in the  
13           general fund of the Treasury a separate account  
14           which shall be known as the “Holocaust Education  
15           Assistance Program Fund”. Amounts deposited into  
16           the Holocaust Education Assistance Program Fund  
17           shall remain available until expended to the Sec-  
18           retary to carry out the purposes of this Act in ac-  
19           cordance with subsection (d).

20                   (2) AUTHORIZATION OF APPROPRIATIONS.—

21           There are authorized to be appropriated to the Holo-  
22           caust Education Assistance Program Fund,  
23           \$2,000,000 for fiscal year 2020 and each of the 4  
24           succeeding fiscal years.

1           (b) ACCEPTANCE OF DONATIONS.—In furtherance of  
2 the purposes of this Act, the Secretary is authorized to  
3 accept donations of funds and in-kind contributions. Any  
4 funds donated under this subsection, and any proceeds  
5 from the sales of other property received as gifts or be-  
6 quests pursuant to this subsection, shall be deposited in  
7 the Holocaust Education Assistance Program Fund.

8           (c) LIMITATION.—A donation may not be accepted  
9 under subsection (b) in exchange for a commitment to the  
10 donor on the part of the Secretary or which attaches con-  
11 ditions inconsistent with applicable laws and regulations  
12 or that is conditioned upon or will require the expenditure  
13 of appropriated funds that are not available to the Sec-  
14 retary, or which compromises a criminal or civil position  
15 of the United States or any of its departments or agencies  
16 or the administrative authority of any agency of the  
17 United States. The Secretary shall ensure that each dona-  
18 tion is subject to an agreement that contains provisions  
19 setting forth the criteria to be used in determining wheth-  
20 er the acceptance of a donation is prohibited because the  
21 donation would reflect unfavorably upon the ability of the  
22 Department, or any official or employee of the Depart-  
23 ment, to carry out its responsibilities or official duties in  
24 a fair and objective manner, or would compromise the in-

1 tegrity or the appearance of the integrity of its programs  
2 or any official or employee involved in those programs.

3 (d) USE OF FUNDS.—

4 (1) IN GENERAL.—The Secretary is authorized  
5 to use funds from the Holocaust Education Assist-  
6 ance Program Fund—

7 (A) to award grants to eligible entities to  
8 carry out Holocaust education programs;

9 (B) to conduct periodic regional work-  
10 shops, in partnership with Holocaust education  
11 centers when and where appropriate, to provide  
12 teachers with technical assistance on how to  
13 structure curricula to incorporate Holocaust  
14 education in a manner that satisfies State edu-  
15 cation standards, as described in section  
16 1111(a) of the Elementary and Secondary Edu-  
17 cation Act of 1965 (20 U.S.C. 1111(a)), and  
18 standards set by local educational agencies;

19 (C) to cover administrative costs associated  
20 with fundraising authorized under this Act; and

21 (D) to cover administrative costs associ-  
22 ated with administering the grants and creating  
23 and maintaining the online Holocaust education  
24 repository of resources, defined in section 5.

1           (2) LIMITATION.—At least 90 percent of funds  
2           expended from the Holocaust Education Assistance  
3           Program Fund shall be expended to award grants to  
4           eligible entities to carry out proposed Holocaust edu-  
5           cation programs.

6           (e) APPLICATIONS.—The Secretary may award a  
7           grant under this Act only to an eligible entity that has  
8           submitted an application to the Secretary at such time,  
9           in such manner, and based on such competitive criteria  
10          as the Secretary may require.

11 **SEC. 5. ONLINE HOLOCAUST EDUCATION REPOSITORY OF**  
12 **RESOURCES.**

13          (a) WEBSITE.—The Secretary shall create and main-  
14          tain a Holocaust education program website within an al-  
15          ready existing site or, if necessary, create a new site, con-  
16          taining Holocaust education program resources for middle  
17          grades and high schools. The website shall facilitate con-  
18          nections between eligible entities and Holocaust education  
19          centers, institutions, and foundations displayed on the  
20          website to gain expertise in content and pedagogy for in-  
21          structing the subject matter appropriately and effectively.  
22          The website and resources shall be made available to all  
23          eligible entities and all Holocaust education centers. The  
24          Secretary shall market the website along with the Holo-

1 caust Education Assistance Program to State and local  
2 educational agencies and all eligible entities.

3 (b) INFORMATION DISTRIBUTION.—The Secretary  
4 shall distribute information about the Holocaust Edu-  
5 cation Assistance Program and the Holocaust Education  
6 Website to each State department of education and to any  
7 local educational agency, individual school, individual  
8 teacher, or Holocaust education center that requests the  
9 information.

10 (c) BEST PRACTICES.—The information distributed  
11 by the Secretary shall include best practices for educators  
12 on how to incorporate materials and resources on Holo-  
13 caust education into a curriculum.

14 **SEC. 6. HOLOCAUST EDUCATION ADVISORY BOARD.**

15 (a) IN GENERAL.—In carrying out this Act, the Sec-  
16 retary shall establish an advisory board, which shall be  
17 known as the “Holocaust Education Advisory Board”.

18 (b) MEMBERSHIP.—The Holocaust Education Advi-  
19 sory Board shall consist of 12 members, as follows:

20 (1) FINANCE DIRECTORS.—Three finance direc-  
21 tors, with experience in nonprofit fundraising, who  
22 shall be responsible for overseeing fundraising ef-  
23 forts for the Holocaust Education Assistance Fund.  
24 These individuals may not be engaged in fundraising  
25 for an existing Holocaust education center in a for-

1 mal or professional capacity at the time of their ap-  
2 pointment.

3 (2) NATIONAL HOLOCAUST EDUCATION REP-  
4 REPRESENTATIVES.—Four national Holocaust education  
5 representatives, with educational and professional  
6 experience in Holocaust education, who shall rep-  
7 resent leading national holocaust education centers,  
8 such as the United States Holocaust Memorial Mu-  
9 seum, the Simon Wiesenthal Center, the USC Shoah  
10 Foundation, or the Anti-Defamation League.

11 (3) REGIONAL HOLOCAUST EDUCATION REP-  
12 REPRESENTATIVES.—Four regional Holocaust education  
13 representatives, with educational and professional  
14 experience in Holocaust education, who shall rep-  
15 resent regional Holocaust education centers.

16 (4) CHAIRMAN.—One Chairman of the Board,  
17 with professional experience in both Holocaust edu-  
18 cation and nonprofit fundraising.

19 (c) APPOINTMENT.—Members of the Holocaust Edu-  
20 cation Advisory Board shall be appointed as follows:

21 (1) Three members shall be appointed by the  
22 majority leader of the Senate.

23 (2) Three members shall be appointed by the  
24 Speaker of the House of Representatives.

1           (3) Three members shall be appointed by the  
2 minority leader of the Senate.

3           (4) Three members shall be appointed by the  
4 minority leader of the House of Representatives.

5           (d) TERMS.—Each member of the Holocaust Edu-  
6 cation Advisory Board shall serve a 4-year term, except  
7 that 4 members shall serve an initial term of 6 years.

8           (e) DUTIES.—The Holocaust Education Advisory  
9 Board—

10           (1) shall advise the Secretary on developing  
11 competitive criteria and content of application as de-  
12 scribed in section 4(e);

13           (2) shall advise the Secretary on the content  
14 that is displayed on the Holocaust education pro-  
15 gram website required under section 5;

16           (3) shall lead the effort to solicit donations for  
17 the Holocaust Education Assistance Program Fund;  
18 and

19           (4) shall submit an annual fundraising plan to  
20 the Secretary prior to the board receiving any funds  
21 for administrative costs associated with fundraising.

22           (f) PERSONNEL.—The Holocaust Education Advisory  
23 Board may be granted funds by the Secretary from the  
24 Holocaust Education Assistance Program Fund to employ  
25 and compensate an executive director and any other addi-



1 tional personnel necessary for fundraising efforts. Any in-  
2 dividual employed by the Holocaust Education Advisory  
3 Board shall not, by virtue of such employment, be consid-  
4 ered a Federal employee for the purpose of any law gov-  
5 erning Federal employment.

6 (g) LIMITATIONS.—

7 (1) IN GENERAL.—The Holocaust Education  
8 Advisory Board shall not be an agency or instrumen-  
9 tality of the Federal Government, and officers, em-  
10 ployees, and members of the board of the Holocaust  
11 Education Advisory Board shall not be officers or  
12 employees of the Federal Government. No funds  
13 from the Holocaust Education Assistance Fund may  
14 be paid as compensation to members of the Holo-  
15 caust Education Advisory Board for their service.

16 (2) EXCEPTION.—An individual who is em-  
17 ployed by the United States Holocaust Memorial  
18 Museum shall be eligible for appointment to the Hol-  
19 caust Education Advisory Board as a national Hol-  
20 caust education representative.

21 (h) TRAVEL EXPENSES.—A member of the Advisory  
22 Board shall be allowed a per diem allowance for travel ex-  
23 penses, to be paid for from the Holocaust Education As-  
24 sistance Program Fund, at rates consistent with those au-

1 thORIZED under subchapter I of chapter 57 of title 5,  
2 United States Code.

3 (i) TECHNICAL ASSISTANCE.—On request of the Hol-  
4ocaust Education Advisory Board, the head of a Federal  
5 agency may provide technical assistance to the Holocaust  
6 Education Advisory Board, but no Federal employee may  
7 be detailed to the Holocaust Education Advisory Board.

8 (j) VACANCIES.—A vacancy in the Holocaust Edu-  
9 cation Advisory Board—

10 (1) shall not affect the powers of the Holocaust  
11 Education Advisory Board; and

12 (2) shall be filled in the same manner as the  
13 original appointment was made.

14 (k) APPLICABILITY OF FACA.—The Holocaust Edu-  
15 cation Advisory Board shall be treated as an advisory com-  
16 mittee subject to the Federal Advisory Committee Act (5  
17 U.S.C. App.).

18 **SEC. 7. USE OF GRANT FUNDS.**

19 (a) IN GENERAL.—Each eligible entity that receives  
20 a grant under this Act shall use the grant funds to provide  
21 students with a Holocaust education program in accord-  
22 ance with the following requirements:

23 (1) All resources shall be used for the purposes  
24 of educating students on the history of the Holo-  
25 caust and the relevant lessons that can be learned

1 from the Holocaust in dealing with modern day  
2 issues of genocide, hate, and bigotry against any  
3 group of people. This can include the teaching of  
4 other genocides along with the Holocaust.

5 (2) Funds may only be used to carry out the  
6 Holocaust education program for which the grant  
7 was provided.

8 (3) Any other limitation on use of funds estab-  
9 lished by the Secretary, in consultation with the Hol-  
10 ocaust Education Advisory Board.

11 (b) GRANT PERIOD.—Grants awarded under this sec-  
12 tion shall be for a period of 1 year.

13 (c) REQUIREMENTS.—An eligible entity receiving a  
14 grant shall comply with the following requirements:

15 (1) The eligible entity shall, throughout the pe-  
16 riod that the institution receives and uses the fund-  
17 ing, continue to be an eligible entity.

18 (2) The eligible entity shall ensure the funding  
19 is used to supplement, and not supplant, non-Fed-  
20 eral funds that would otherwise be available to the  
21 eligible entity to carry out the Holocaust education  
22 program for which the grant was provided.

23 (d) PRIORITY.—In awarding grants under this sec-  
24 tion, the Secretary shall give priority to eligible entities

1 that do not currently offer any Holocaust education pro-  
2 gramming.

3 (e) COMPETITIVE CRITERIA.—The Secretary shall es-  
4 tablish competitive criteria for use in awarding grants  
5 under this Act not later than 1 year after the date of the  
6 enactment of this Act. The competitive criteria shall be  
7 displayed on the Department’s Holocaust Education  
8 Website along with all necessary forms and instructions  
9 to allow eligible entities to apply for grants from the Holo-  
10 caust Education Assistance Program Fund.

11 **SEC. 8. REVIEW.**

12 The Secretary shall review at least annually each eli-  
13 gible entity receiving a grant under this Act to determine  
14 the extent to which the eligible entity may not be in com-  
15 pliance with the provisions of this Act and the regulations  
16 issued under this Act. The Secretary shall consult the Ad-  
17 visory Board as needed for uncertain cases. The Secretary  
18 shall also establish a process for the Advisory Board to  
19 submit instances of suspected noncompliance for programs  
20 supported by these funds, and the Secretary shall review  
21 any grant that is submitted by the Advisory Board for  
22 suspected noncompliance not later than 60 days after the  
23 Advisory Board submits a program for review by the Sec-  
24 retary, and the Secretary shall notify the grantee of poten-  
25 tial noncompliance.

1 **SEC. 9. ANNUAL REPORT.**

2 (a) IN GENERAL.—Not later than February 1 of each  
3 year, the Secretary shall submit to the Congress a report  
4 describing the activities carried out under this Act. The  
5 report shall include the following information:

6 (1) The amount of money donated to the Holo-  
7 caust Education Assistance Program Fund.

8 (2) The amount of money allocated in grants  
9 from the fund.

10 (3) The number of eligible entities using the  
11 grant funding to offer instruction in Holocaust edu-  
12 cation.

13 (4) A description of the manner in which eligi-  
14 ble entity are offering instruction in Holocaust edu-  
15 cation.

16 (5) The number of hours instruction is offered,  
17 the grade levels that such instruction is offered and  
18 the course within which such instruction is inte-  
19 grated.

20 (b) ADDITIONAL INFORMATION.—The report shall  
21 also contain any other related information that the Sec-  
22 retary considers appropriate.

○