S. 2085

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

IN THE SENATE OF THE UNITED STATES

JULY 10, 2019

Ms. ROSEN (for herself, Mr. CRAMER, Mr. RUBIO, and Mr. BLUMENTHAL) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Never Again Education Act”.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The United States has demonstrated a commitment to remembrance and education about the
Holocaust through bilateral relationships and engagement in international organizations such as the United Nations (UN) and the International Holocaust Remembrance Association (IHRA); the United States works to promote Holocaust education as a means to understand the importance of democratic principles, use and abuse of power, and to raise awareness about the importance of genocide prevention today.

(2) The Congress has played a critical role in preserving the memory of the Holocaust and promoting awareness, including by authorizing the United States Holocaust Memorial Museum as an independent establishment of the Federal Government to ensure that “the study of the Holocaust become part of the curriculum in every school system in the country”, as well as by establishing a national Holocaust Remembrance Day in 1978.

(3) The Congress has gone on record in support of expanded Holocaust education to increase awareness about Holocaust history, counter prejudice and discrimination, and enhance efforts to teach its universal lessons about human behavior and societal cohesion.
More than 70 years after the conclusion of World War II, with the decreasing number of eye-witnesses and growing distance of students and their families from this history, it is important to institutionalize education about the events of the Holocaust such as the Nazis’ racist ideology, propaganda, and plan to lead a state to war and, with their collaborators, kill millions—including the systematic murder of 6,000,000 Jewish people; as well as the persecution and murder of millions of others in the name of racial purity, political, ideological, and behavioral grounds, among them Roma, the disabled, the Slavic people, Communists, Socialists, Jehovah’s Witnesses, and homosexuals.

As intolerance, antisemitism, bigotry, and all forms of hate are promoted by hate groups, Holocaust education provides a context in which to learn about the danger of what can happen when hate goes unchallenged and there is indifference in the face of the oppression of others; learning how and why the Holocaust happened is an important component of the education of citizens of the United States.

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

(7) Currently, many States, including Califor-
nia, Connecticut, Florida, Illinois, Indiana, Ken-
tucky, Michigan, New Jersey, New York, Pennsyl-
vania, and Rhode Island, require by law that schools
teach students about the Holocaust; more schools
and teachers can and should deliver quality Holo-
caust education.

(8) While there are thriving professional devel-
opment programs across the United States delivered
by Holocaust education centers, such as members of
the Association of Holocaust Organizations, many
students still have little exposure to education about
the events of the Holocaust and its relevance to their
lives, in part due to the many financial and logistical
barriers to getting resources from Holocaust education centers to students in the classroom.

(9) The Federal Government, especially the Department of Education, has a role to play in promoting resources and training that can assist teachers and primary and secondary schools incorporate the study of the Holocaust into their curriculum, to help ensure that students have access to accurate and engaging historical information about the Holocaust, and the Department of Education is well-positioned to assist Holocaust education centers in overcoming many of the barriers to expanding Holocaust education, which will allow more students to learn the lessons of the Holocaust.

SEC. 3. DEFINITIONS.

In this Act:

(1) ELIGIBLE ENTITY.—The term “eligible entity” means—

(A) a local educational agency (as defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801));

(B) an organization eligible to receive funds under part B of title IV of such Act (20 U.S.C. 7171 et seq.); or
(C) a secondary school (as defined in section 8101 of such Act (20 U.S.C. 7801)), that is independent of any local educational agency.

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

(3) Holocaust.—The term “Holocaust” means the systematic, bureaucratic, state-sponsored persecution and murder of approximately 6,000,000 Jews by the Nazi regime and its collaborators. During the era of the Holocaust, German authorities also targeted other groups because of their perceived “racial inferiority”, such as Roma gypsies, the disabled, and some of the Slavic people (Poles, Russians, and others). Other groups were persecuted on political, ideological, and behavioral grounds, among them Communists, Socialists, Jehovah’s Witnesses, and homosexuals.

(4) Holocaust denial and distortion.—The term “Holocaust denial and distortion” means discourse and propaganda that deny the historical
reality and the extent of the extermination of the Jews by the Nazis and their accomplices during World War II, known as the Holocaust or the USC Shoah. Holocaust denial refers specifically to any attempt to claim that the Holocaust did not take place. Holocaust distortion refers to intentional efforts to excuse or minimize the impact of the Holocaust or its principal elements, including collaborators and allies of Nazi Germany, to blame the Jews for causing their own genocide, or to portray the Holocaust as a positive historical event.

(5) Holocaust Education Center.—The term “Holocaust education center” means an institution that furthers the teaching and learning about the Holocaust by offering programs for students and training for teachers and other types of professional leadership audiences.

(6) Holocaust Education Program.—The term “Holocaust education program” means a program that—

(A) has as its specific and primary purpose to improve awareness and understanding of the Holocaust and educate students on the lessons of the Holocaust as a means to raise awareness
about the importance of preventing genocide,
hate, and bigotry against any group of people;

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

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

(D) furnishes one or more of the following:

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

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

(iii) The hiring of professional Holo-
cast educators to lead programming.

(iv) Teacher training.

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

(I) The breadth of the history of
the Holocaust, including, the Third
Reich dictatorship, concentration
camp system, persecution of Jews and non-Jews, Jewish and non-Jewish resistance, and post-World War II trials.

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

(vi) Instruction in the content of Holocaust education that includes—

(I) presentation of historically accurate information;

(II) correct terminology, vocabulary, and labels, and encouraging students to use this vocabulary; and

(III) primary documents, including personal testimony and sound historical research from respected resources.

(vii) Supplementary resources required for teacher training, including transportation for teachers to and from training programs, housing at training programs, payment for substitute teachers while teachers are at training, and trans-
portation of trainers to schools to provide training.

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

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

**SEC. 4. PROGRAM AUTHORIZED.**

(a) Fund Established.—

(1) IN GENERAL.—There is established in the general fund of the Treasury a separate account which shall be known as the “Holocaust Education Assistance Program Fund”. Amounts deposited into the Holocaust Education Assistance Program Fund shall remain available until expended to the Secretary to carry out the purposes of this Act in accordance with subsection (d).

(2) Authorization of Appropriations.—There are authorized to be appropriated to the Holocaust Education Assistance Program Fund, $2,000,000 for fiscal year 2020 and each of the 4 succeeding fiscal years.

(b) Acceptance of Donations.—In furtherance of the purposes of this Act, the Secretary is authorized to accept donations of funds and in-kind contributions. Any
funds donated under this subsection, and any proceeds from the sales of other property received as gifts or bequests pursuant to this subsection, shall be deposited in the Holocaust Education Assistance Program Fund.

(c) LIMITATION.—A donation may not be accepted under subsection (b) in exchange for a commitment to the donor on the part of the Secretary or which attaches conditions inconsistent with applicable laws and regulations or that is conditioned upon or will require the expenditure of appropriated funds that are not available to the Secretary, or which compromises a criminal or civil position of the United States or any of its departments or agencies or the administrative authority of any agency of the United States. The Secretary shall ensure that each donation is subject to an agreement that contains provisions setting forth the criteria to be used in determining whether the acceptance of a donation is prohibited because the donation would reflect unfavorably upon the ability of the Department, or any official or employee of the Department, to carry out its responsibilities or official duties in a fair and objective manner, or would compromise the integrity or the appearance of the integrity of its programs or any official or employee involved in those programs.

(d) USE OF FUNDS.—
(1) IN GENERAL.—The Secretary is authorized to use funds from the Holocaust Education Assistance Program Fund—

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

(B) to conduct periodic regional workshops, in partnership with Holocaust education centers when and where appropriate, to provide teachers with technical assistance on how to structure curricula to incorporate Holocaust education in a manner that satisfies challenging State academic standards, as described in section 1111(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)), and standards set by local educational agencies;

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

(D) to cover administrative costs associated with administering the grants and creating and maintaining the online Holocaust education repository of resources, defined in section 5.

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

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

SEC. 5. ONLINE HOLOCAUST EDUCATION REPOSITORY OF RESOURCES.

(a) Website.—The Secretary shall create and maintain a Holocaust education program website within an already existing site or, if necessary, create a new site, containing Holocaust education program resources for middle grades and high schools. The website shall facilitate connections between eligible entities and Holocaust education centers, institutions, and foundations displayed on the website to gain expertise in content and pedagogy for instructing the subject matter appropriately and effectively. The website and resources shall be made available to all eligible entities and all Holocaust education centers. The Secretary shall market the website along with the Holocaust Education Assistance Program to State and local educational agencies and all eligible entities.

(b) Information Distribution.—The Secretary shall distribute information about the Holocaust Edu-
cation Assistance Program and the Holocaust Education website to each State department of education and to any local educational agency, individual school, individual teacher, or Holocaust education center that requests the information.

(c) Best Practices.—The information distributed by the Secretary shall include best practices for educators on how to incorporate materials and resources on Holocaust education into a curriculum.

SEC. 6. HOLOCAUST EDUCATION ADVISORY BOARD.

(a) In General.—In carrying out this Act, the Secretary shall establish an advisory board, which shall be known as the “Holocaust Education Advisory Board”.

(b) Membership.—The Holocaust Education Advisory Board shall consist of 12 members, as follows:

(1) Finance Directors.—Three finance directors, with experience in nonprofit fundraising, who shall be responsible for overseeing fundraising efforts for the Holocaust Education Assistance Program Fund. These individuals may not be engaged in fundraising for an existing Holocaust education center in a formal or professional capacity at the time of their appointment.

(2) National Holocaust Education Representatives.—Four national Holocaust education
representatives, with educational and professional experience in Holocaust education, who shall rep-
resent leading national holocaust education centers, such as the United States Holocaust Memorial Mu-
seum, the Simon Wiesenthal Center, the USC Shoah Foundation, or the Anti-Defamation League.

(3) REGIONAL HOLOCAUST EDUCATION REP-
RESENTATIVES.—Four regional Holocaust education representatives, with educational and professional experience in Holocaust education, who shall rep-
resent regional Holocaust education centers.

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

(c) APPOINTMENT.—Members of the Holocaust Edu-
cation Advisory Board shall be appointed as follows:
(1) Three members shall be appointed by the
majority leader of the Senate.

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

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

(4) Three members shall be appointed by the
minority leader of the House of Representatives.
(d) TERMS.—Each member of the Holocaust Education Advisory Board shall serve a 4-year term, except that 4 members shall serve an initial term of 6 years.

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

1. shall advise the Secretary on developing competitive criteria and content of application as described in section 4(e);
2. shall advise the Secretary on the content that is displayed on the Holocaust education program website required under section 5;
3. shall lead the effort to solicit donations for the Holocaust Education Assistance Program Fund; and
4. shall submit an annual fundraising plan to the Secretary prior to the board receiving any funds for administrative costs associated with fundraising.

(f) PERSONNEL.—The Holocaust Education Advisory Board may be granted funds by the Secretary from the Holocaust Education Assistance Program Fund to employ and compensate an executive director and any other additional personnel necessary for fundraising efforts. Any individual employed by the Holocaust Education Advisory Board shall not, by virtue of such employment, be consid-
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• ered a Federal employee for the purpose of any law gov-

erning Federal employment.

3 (g) LIMITATIONS.—

4 (1) IN GENERAL.—The Holocaust Education

5 Advisory Board shall not be an agency or instrumen-

6 tality of the Federal Government, and officers, em-

7 ployees, and members of the board of the Holocaust

8 Education Advisory Board shall not be officers or

9 employees of the Federal Government. No funds

10 from the Holocaust Education Assistance Program

11 Fund may be paid as compensation to members of

12 the Holocaust Education Advisory Board for their

13 service.

14 (2) EXCEPTION.—An individual who is em-

15 ployed by the United States Holocaust Memorial

16 Museum shall be eligible for appointment to the Hol-

17 ocaust Education Advisory Board as a national Hol-

18 ocaust education representative.

19 (h) TRAVEL EXPENSES.—A member of the Holocaust

20 Education Advisory Board shall be allowed a per diem al-

21 lowance for travel expenses, to be paid for from the Holo-

22 caust Education Assistance Program Fund, at rates con-

23 sistent with those authorized under subchapter I of chap-

24 ter 57 of title 5, United States Code.
(i) TECHNICAL ASSISTANCE.—On request of the Holocaust Education Advisory Board, the head of a Federal agency may provide technical assistance to the Holocaust Education Advisory Board, but no Federal employee may be detailed to the Holocaust Education Advisory Board.

(j) VACANCIES.—A vacancy in the Holocaust Education Advisory Board—

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

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

(k) APPLICABILITY OF FACA.—The Holocaust Education Advisory Board shall be treated as an advisory committee subject to the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 7. USE OF GRANT FUNDS.

(a) IN GENERAL.—Each eligible entity that receives a grant under this Act shall use the grant funds to provide students with a Holocaust education program in accordance with the following requirements:

(1) All resources shall be used for the purposes of educating students on the history of the Holocaust and the relevant lessons that can be learned from the Holocaust in dealing with modern day issues of genocide, hate, and bigotry against any
group of people. This may include the teaching of
other genocides along with the Holocaust.

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

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

(b) GRANT PERIOD.—Grants awarded under this Act
shall be for a period of 1 year.

c) REQUIREMENTS.—An eligible entity receiving a
grant under this Act shall comply with the following re-
quirements:

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

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

(d) PRIORITY.—In awarding grants under this sec-
tion, the Secretary shall give priority to eligible entities
that do not currently offer any Holocaust education pro-
gramming.
(c) COMPETITIVE CRITERIA.—The Secretary shall establish competitive criteria for use in awarding grants under this Act not later than 1 year after the date of the enactment of this Act. The competitive criteria shall be displayed on the Department’s Holocaust Education website along with all necessary forms and instructions to allow eligible entities to apply for grants from the Holocaust Education Assistance Program Fund.

SEC. 8. REVIEW.

The Secretary shall review at least annually each eligible entity receiving a grant under this Act to determine the extent to which the eligible entity may not be in compliance with the provisions of this Act and the regulations issued under this Act. The Secretary shall consult the Holocaust Education Advisory Board as needed for uncertain cases. The Secretary shall also establish a process for the Holocaust Education Advisory Board to submit instances of suspected noncompliance for programs supported by these funds, and the Secretary shall review any grant that is submitted by the Holocaust Education Advisory Board for suspected noncompliance not later than 60 days after the Holocaust Education Advisory Board submits a program for review by the Secretary, and the Secretary shall notify the grantee of potential noncompliance.
SEC. 9. ANNUAL REPORT.

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

(1) The amount of money donated to the Holocaust Education Assistance Program Fund.

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

(3) The number of eligible entities using the grant funding to offer instruction in Holocaust education.

(4) A description of the manner in which eligible entities are offering instruction in Holocaust education.

(5) The number of hours instruction is offered, the grade levels that such instruction is offered and the course within which such instruction is integrated.

(b) ADDITIONAL INFORMATION.—The report shall also contain any other related information that the Secretary considers appropriate.