

115TH CONGRESS  
2D SESSION

# H. R. 5460

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

APRIL 10, 2018

Mrs. CAROLYN B. MALONEY of New York (for herself, Mr. DONOVAN, Mr. ROSKAM, Mr. ENGEL, Ms. GRANGER, Mrs. LOWEY, Ms. ROS-LEHTINEN, Mr. DEUTCH, and Mr. VEASEY) introduced the following bill; which was referred to the Committee on Education and the Workforce

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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”.

6       **SEC. 2. FINDINGS.**

7       The Congress finds the following:

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

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

21          (3) The Congress has gone on record in support  
22          of expanded Holocaust education to increase aware-  
23          ness about Holocaust history, counter prejudice and  
24          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 to learn about the  
20      danger of what can happen when hate goes unchal-  
21      lenged and there is indifference in the face of the  
22      oppression of others. Learning how and why the  
23      Holocaust happened is an important component of  
24      the education of citizens of the United 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. This makes it even more of a na-  
6 tional imperative to educate students in the United  
7 States so that they may explore the lessons that the  
8 Holocaust provides for all people, sensitize commu-  
9 nities to the circumstances that gave rise to the Hol-  
10 ocaust, and help youth be less susceptible to the  
11 falsehood of Holocaust denial and distortion and to  
12 the destructive messages of hate that arise from  
13 Holocaust 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. While there are thriving professional develop-  
20 ment programs across the United States delivered by  
21 Holocaust education centers, such as members of the  
22 Association of Holocaust Organizations, many stu-  
23 dents still have little exposure to education about the  
24 events of the Holocaust and its relevance to their  
25 lives. This is, in part, due to the many financial and

1 logistical barriers to getting resources from Holo-  
2 caust education centers to students in the classroom.

3 (8) The Federal Government, especially the De-  
4 partment of Education, has a role to play in pro-  
5 moting resources and training that can assist teach-  
6 ers and educational institutions to incorporate the  
7 study of the Holocaust into their schools, to help en-  
8 sure that students have access to accurate and en-  
9 gaging historical information about the Holocaust.  
10 The Department of Education is well-positioned to  
11 assist Holocaust education centers in overcoming  
12 many of the barriers to expanding Holocaust edu-  
13 cation, which will allow more students to learn the  
14 lessons of the Holocaust.

15 **SEC. 3. DEFINITIONS.**

16 In this Act:

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

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

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

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

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

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

23 (4) HOLOCAUST DENIAL AND DISTORTION.—  
24 The term “Holocaust denial and distortion” means  
25 discourse and propaganda that deny the historical

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

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

18 (6) HOLOCAUST EDUCATION PROGRAM.—The  
19 term “Holocaust education program” means a pro-  
20 gram that—

21 (A) has as its specific and primary purpose  
22 to improve awareness and understanding of the  
23 Holocaust and educate students on the lessons  
24 of the Holocaust as a means to raise awareness

1 about the importance of preventing genocide,  
2 hate, and bigotry against any group of people;

3 (B) is delivered to students enrolled in  
4 middle grades or high school as both such  
5 terms are defined in section 8101 of the Ele-  
6 mentary and Secondary Education Act of 1965;

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

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

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

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

16 (iii) The hiring of professional Holo-  
17 caust educators to lead programming.

18 (iv) Teacher training.

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

22 (I) The breadth of the history of  
23 the Holocaust, including, the Third  
24 Reich dictatorship, concentration  
25 camp system, persecution of Jews and



1 non-Jews, Jewish and non-Jewish re-  
2 sistance, and post-World War II  
3 trials.

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

7 (vi) Instruction in the content of Hol-  
8 ocaust education that includes—

9 (I) presentation of historically ac-  
10 curate information;

11 (II) correct terminology, vocabu-  
12 lary, and labels, and encouraging stu-  
13 dents to use this vocabulary; and

14 (III) primary documents, includ-  
15 ing personal testimony and sound his-  
16 torical research from respected re-  
17 sources.

18 (vii) Supplementary resources re-  
19 quired for teacher training, including  
20 transportation for teachers to and from  
21 training programs, housing at training pro-  
22 grams, payment for substitute teachers  
23 while teachers are at training, and trans-  
24 portation of trainers to schools to provide  
25 training.

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

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

6 **SEC. 4. PROGRAM AUTHORIZED.**

7 (a) FUND ESTABLISHED.—There is established in  
8 the general fund of the Treasury a separate account which  
9 shall be known as the “Holocaust Education Assistance  
10 Program Fund”. To the extent provided in advance in ap-  
11 propriations Acts, amounts deposited into the Holocaust  
12 Education Assistance Program Fund shall remain avail-  
13 able until expended to the Secretary to carry out the pur-  
14 poses of this Act in accordance with subsection (d).

15 (b) ACCEPTANCE OF DONATIONS.—In furtherance of  
16 the purposes of this Act, the Secretary is authorized to  
17 accept donations of funds and in-kind contributions. Any  
18 funds donated under this subsection, and any proceeds  
19 from the sales of other property received as gifts or be-  
20 quests pursuant to this subsection, shall be deposited in  
21 the Holocaust Education Assistance Program Fund.

22 (c) LIMITATION.—A donation may not be accepted  
23 under subsection (b) in exchange for a commitment to the  
24 donor on the part of the Secretary or which attaches con-  
25 ditions inconsistent with applicable laws and regulations

1 or that is conditioned upon or will require the expenditure  
2 of appropriated funds that are not available to the Sec-  
3 retary, or which compromises a criminal or civil position  
4 of the United States or any of its departments or agencies  
5 or the administrative authority of any agency of the  
6 United States. The Secretary shall ensure that each dona-  
7 tion is subject to an agreement that contains provisions  
8 setting forth the criteria to be used in determining wheth-  
9 er the acceptance of a donation is prohibited because the  
10 donation would reflect unfavorably upon the ability of the  
11 Department, or any official or employee of the Depart-  
12 ment, to carry out its responsibilities or official duties in  
13 a fair and objective manner, or would compromise the in-  
14 tegrity or the appearance of the integrity of its programs  
15 or any official or employee involved in those programs.

16 (d) USE OF FUNDS.—

17 (1) IN GENERAL.—The Secretary is authorized  
18 to use funds from the Holocaust Education Assist-  
19 ance Program Fund—

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

22 (B) to conduct periodic regional work-  
23 shops, in partnership with Holocaust education  
24 centers when and where appropriate, to provide  
25 teachers with technical assistance on how to

1 structure curricula to incorporate Holocaust  
2 education in a manner that satisfies State edu-  
3 cation standards, as described in section  
4 1111(a) of the Elementary and Secondary Edu-  
5 cation Act of 1965 (20 U.S.C. 1111(a)), and  
6 standards set by local educational agencies;

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

9 (D) to cover administrative costs associ-  
10 ated with administering the grants and creating  
11 and maintaining the online Holocaust education  
12 repository of resources, defined in section 5.

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

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

1 **SEC. 5. ONLINE HOLOCAUST EDUCATION REPOSITORY OF**  
2 **RESOURCES.**

3 (a) WEBSITE.—The Secretary shall create and main-  
4 tain a Holocaust education program website within an al-  
5 ready existing site or, if necessary, create a new site, con-  
6 taining Holocaust education program resources for middle  
7 grades and high schools. The website shall facilitate con-  
8 nections between eligible entities and Holocaust education  
9 centers, institutions, and foundations displayed on the  
10 website to gain expertise in content and pedagogy for in-  
11 structing the subject matter appropriately and effectively.  
12 The website and resources shall be made available to all  
13 eligible entities and all Holocaust education centers. The  
14 Secretary shall market the website along with the Holo-  
15 caust Education Assistance Program to State and local  
16 educational agencies and all eligible entities.

17 (b) INFORMATION DISTRIBUTION.—The Secretary  
18 shall distribute information about the Holocaust Edu-  
19 cation Assistance Program and the Holocaust Education  
20 Website to each State department of education and to any  
21 local educational agency, individual school, individual  
22 teacher, or Holocaust education center that requests the  
23 information.

24 (c) BEST PRACTICES.—The information distributed  
25 by the Secretary shall include best practices for educators

1 on how to incorporate materials and resources on Holo-  
2 caust education into a curriculum.

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

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

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

9 (1) FINANCE DIRECTORS.—Three finance direc-  
10 tors, with experience in nonprofit fundraising, who  
11 shall be responsible for overseeing fundraising ef-  
12 forts for the Holocaust Education Assistance Fund.  
13 These individuals may not be engaged in fundraising  
14 for an existing Holocaust education center in a for-  
15 mal or professional capacity at the time of their ap-  
16 pointment.

17 (2) NATIONAL HOLOCAUST EDUCATION REP-  
18 RESENTATIVES.—Four national Holocaust education  
19 representatives, with educational and professional  
20 experience in Holocaust education, who shall rep-  
21 resent leading national holocaust education centers,  
22 such as the United States Holocaust Memorial Mu-  
23 seum, the Simon Wiesenthal Center, the USC Shoah  
24 Foundation, or the Anti-Defamation League.

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

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

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

11           (1) 3 members shall be appointed by the major-  
12          ity leader of the Senate.

13           (2) 3 members shall be appointed by the Speak-  
14          er of the House of Representatives.

15           (3) 3 members shall be appointed by the minor-  
16          ity leader of the Senate.

17           (4) 3 members shall be appointed by the minor-  
18          ity leader of the House of Representatives.

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

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

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

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

7           (3) shall lead the effort to solicit donations for  
8 the Holocaust Education Assistance Program Fund;  
9 and

10           (4) shall submit an annual fundraising plan to  
11 the Secretary prior to the board receiving any funds  
12 for administrative costs associated with fundraising.

13       (f) PERSONNEL.—The Holocaust Education Advisory  
14 Board may be granted funds by the Secretary from the  
15 Holocaust Education Assistance Program Fund to employ  
16 and compensate an executive director and any other addi-  
17 tional personnel necessary for fundraising efforts. Any in-  
18 dividual employed by the Holocaust Education Advisory  
19 Board shall not, by virtue of such employment, be consid-  
20 ered a Federal employee for the purpose of any law gov-  
21 erning Federal employment.

22       (g) LIMITATIONS.—

23           (1) IN GENERAL.—The Holocaust Education  
24 Advisory Board shall not be an agency or instrumen-  
25 tality of the Federal Government, and officers, em-



1        ployees, and members of the board of the Holocaust  
2        Education Advisory Board shall not be officers or  
3        employees of the Federal Government. No funds  
4        from the Holocaust Education Assistance Fund may  
5        be paid as compensation to members of the Holo-  
6        caust Education Advisory Board for their service.

7            (2) EXCEPTION.—An individual who is em-  
8        ployed by the United States Holocaust Memorial  
9        Museum shall be eligible for appointment to the Hol-  
10       ocaust Education Advisory Board as a national Hol-  
11       ocaust education representative.

12        (h) TRAVEL EXPENSES.—A member of the Advisory  
13       Board shall be allowed a per diem allowance for travel ex-  
14       penses, to be paid for from the Holocaust Education As-  
15       sistance Program Fund, at rates consistent with those au-  
16       thorized under subchapter I of chapter 57 of title 5,  
17       United States Code.

18        (i) TECHNICAL ASSISTANCE.—On request of the Hol-  
19       ocaust Education Advisory Board, the head of a Federal  
20       agency may provide technical assistance to the Holocaust  
21       Education Advisory Board, but no Federal employee may  
22       be detailed to the Holocaust Education Advisory Board.

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

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

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

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

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

10          (a) **IN GENERAL.**—Each eligible entity that receives  
11          a grant under this Act shall use the grant funds to provide  
12          students with a Holocaust education program in accord-  
13          ance with the following requirements:

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

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

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

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

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

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

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

16           (d) PRIORITY.—In awarding grants under this sec-  
17           tion, the Secretary shall give priority to eligible entities  
18           that do not currently offer any Holocaust education pro-  
19           gramming.

20           (e) COMPETITIVE CRITERIA.—The Secretary shall es-  
21           tablish competitive criteria for use in awarding grants  
22           under this Act not later than 1 year after the date of the  
23           enactment of this Act. The competitive criteria shall be  
24           displayed on the Department's Holocaust Education  
25           Website along with all necessary forms and instructions

1 to allow eligible entities to apply for grants from the Holo-  
2 caust Education Assistance Program Fund.

3 **SEC. 8. REVIEW.**

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

18 **SEC. 9. ANNUAL REPORT.**

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

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

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

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

6           (4) A description of the manner in which eligi-  
7 ble entity are offering instruction in Holocaust edu-  
8 cation.

9           (5) The number of hours instruction is offered,  
10 the grade levels that such instruction is offered and  
11 the course within which such instruction is inte-  
12 grated.

13       (b) ADDITIONAL INFORMATION.—The report shall  
14 also contain any other related information that the Sec-  
15 retary considers appropriate.

○