

by an action in the district courts under any law providing for the protection of such marks, copyrights, or patents.

(d) **LEGAL REPRESENTATION.**—The Attorney General shall furnish the Commission with such legal representation as the Commission may require under subsection (c). The Secretary of Defense shall provide representation for the Commission in administrative proceedings before the Patent and Trademark Office and Copyright Office.

(e) **IRREVOCABILITY OF TRANSFERS OF COPYRIGHTS TO COMMISSION.**—Section 203 of title 17 shall not apply to any copyright transferred in any manner to the Commission.

(Added Pub. L. 106–117, title VI, §603(a), Nov. 30, 1999, 113 Stat. 1579.)

§ 2115. Acquisition, operation, and maintenance of Lafayette Escadrille Memorial

The American Battle Monuments Commission may enter into an agreement with the Lafayette Escadrille Memorial Foundation to acquire, operate, and maintain the Lafayette Escadrille Memorial in Marnes-la-Coquette, France. Under such an agreement, the Commission shall make necessary arrangements to ensure the ongoing maintenance of the memorial, including the cemetery at the memorial that contains the remains of 49 aviators of the United States who died during World War I.

(Added Pub. L. 114–227, §1(a), Sept. 29, 2016, 130 Stat. 934.)

CHAPTER 23—UNITED STATES HOLOCAUST MEMORIAL MUSEUM

Sec.	
2301.	Establishment of the United States Holocaust Memorial Museum; functions.
2302.	Functions of the Council; membership.
2303.	Compensation; travel expenses; full-time officers or employees of United States or Members of Congress.
2304.	Administrative provisions.
2305.	Staff.
2306.	Insurance for Museum.
2307.	Gifts, bequests, and devises of property; tax treatment.
2308.	Annual report.
2309.	Audit of financial transactions.
2310.	Authorization of appropriations.

Editorial Notes

PRIOR PROVISIONS

A prior chapter 23, consisting of sections 2301 to 2309, related to the United States Holocaust Memorial Council, prior to the general amendment of this chapter by Pub. L. 106–292, §1.

AMENDMENTS

2006—Pub. L. 109–284, §5(3), Sept. 27, 2006, 120 Stat. 1211, substituted “Museum” for “museum” in item 2306.

§ 2301. Establishment of the United States Holocaust Memorial Museum; functions

The United States Holocaust Memorial Museum (hereafter in this chapter referred to as the “Museum”) is an independent establishment of the United States Government. The Museum shall—

(1) provide for appropriate ways for the Nation to commemorate the Days of Remembrance, as an annual, national, civic commemoration of the Holocaust, and encourage and sponsor appropriate observances of such Days of Remembrance throughout the United States;

(2) operate and maintain a permanent living memorial museum to the victims of the Holocaust, in cooperation with the Secretary of the Interior and other Federal agencies as provided in section 2304 of this title; and

(3) carry out the recommendations of the President’s Commission on the Holocaust in its report to the President of September 27, 1979, to the extent such recommendations are not otherwise provided for in this chapter.

(Added Pub. L. 106–292, §1, Oct. 12, 2000, 114 Stat. 1030; amended Pub. L. 109–284, §5(4), Sept. 27, 2006, 120 Stat. 1211; Pub. L. 113–237, §3(c)(2), Dec. 18, 2014, 128 Stat. 2840.)

Editorial Notes

PRIOR PROVISIONS

A prior section 2301, Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1277, related to the establishment and purposes of the Holocaust Memorial Council, prior to the general amendment of this chapter by Pub. L. 106–292.

AMENDMENTS

2014—Par. (2). Pub. L. 113–237 substituted “section 2304” for “section 2306”.

2006—Pub. L. 109–284 substituted “United States Government” for “United State Government” in introductory provisions.

Statutory Notes and Related Subsidiaries

SUPPORT FOR HOLOCAUST EDUCATION PROGRAMS

Pub. L. 116–141, May 29, 2020, 134 Stat. 636, as amended by Pub. L. 118–197, §2, Dec. 23, 2024, 138 Stat. 2677, provided that:

“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 and the International Holocaust Remembrance Alliance; 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) 75 years after the conclusion of World War II, with the decreasing number of eyewitnesses 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 German 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 Slavs, Communists, Socialists, Jehovah's Witnesses, and homosexuals.

“(4) As intolerance, antisemitism, and bigotry 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.

“(5) 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 Holocaust 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 destructive messages of hate that arise from Holocaust denial and distortion.

“(6) Currently, 12 States (California, Connecticut, Florida, Illinois, Indiana, Kentucky, Michigan, New Jersey, New York, Oregon, Pennsylvania, and Rhode Island) require by law that schools teach students about the Holocaust; more schools and teachers, including those in underserved communities, can and should deliver quality Holocaust education.

“(7) For more than 30 years, the United States Holocaust Memorial Museum has worked to build and support the field of Holocaust education, and advance the quality and sustainability of Holocaust education at the local, State, and national levels, by engaging teachers and students across disciplines and grade levels.

“(8) The Federal Government, through support for educational activities of national museums established under Federal law, can assist teachers in efforts to incorporate historically accurate instruction on human rights atrocities, including the Holocaust, in curricula.

“SEC. 3. DEFINITIONS.

“In this Act:

“(1) **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.

“(2) **DIRECTOR.**—The term ‘Director’ means the Director of the United States Holocaust Memorial Museum.

“(3) **ELIGIBLE PROGRAM PARTICIPANT.**—The term ‘eligible program participant’ means—

“(A) a high school teacher, a teacher of one of the middle grades, or a school leader of a high school or a school that includes one of the middle grades (as such terms are defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801));

“(B) an educational leader or expert who is not employed by a local educational agency (as defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) or an elementary school or secondary school (as such terms are so defined) that is independent of any local educational agency; or

“(C) a prospective teacher enrolled in a program of postsecondary education coursework or preservice clinical education.

“(4) **HOLOCAUST.**—The term ‘the Holocaust’ means the systematic, bureaucratic, state-sponsored persecution and murder of 6,000,000 Jews by the Nazi regime and its allies and collaborators. During the era of the Holocaust, German authorities also targeted other groups because of their perceived ‘racial inferiority’, such as Roma, the disabled, and Slavs. Other groups were persecuted on political, ideological, and behavioral grounds, among them Communists, Socialists, Jehovah's Witnesses, and homosexuals.

“(5) **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. Holocaust denial refers specifically to any attempt to claim that the Holocaust did not take place. Holocaust distortion refers to efforts to excuse or minimize the events 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.

“(6) **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.

“(7) **HOLOCAUST EDUCATION PROGRAM.**—The term ‘Holocaust education program’ means a program that has as its specific and primary purpose to improve awareness and understanding of the Holocaust and educate individuals 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.

“SEC. 4. PROGRAM AUTHORIZED.

“(a) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this Act \$2,000,000 for fiscal year 2021 and each succeeding fiscal year through fiscal year 2030.

“(b) **DONATIONS, GIFTS, BEQUESTS, AND DEVICES OF PROPERTY.**—In accordance with chapter 23 of title 36, United States Code, and in furtherance of the purposes of this Act, the Director is authorized to solicit, accept, hold, administer, invest, and use donated funds and gifts, bequests, and devises of property, both real and personal.

“(c) **USE OF FUNDS.**—The Director, using funds appropriated under subsection (a) and resources received under subsection (b), and including through the engagement of eligible program participants as appropriate—

“(1) shall develop and nationally disseminate accurate, relevant, and accessible resources to promote understanding about how and why the Holocaust happened, which shall include digital resources and may include other types of resources, such as print resources and traveling exhibitions; and

“(2) may carry out one or more of the following Holocaust education program activities:

“(A) Development, dissemination, and implementation of principles of sound pedagogy for teaching about the Holocaust.

“(B) Provision of professional development for eligible program participants, such as through—

“(i) local, regional, and national workshops;

“(ii) teacher trainings in conjunction with Holocaust education centers and other appropriate partners;

“(iii) engagement with—

“(I) local educational agencies (as defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 21 7801) [probably means 20 U.S.C. 7801]); and

“(II) high schools and schools that include one of the middle grades (as so defined) that are independent of any local educational agency; and

“(iv) operation and expansion of a teacher fellowship program to cultivate and support leaders in Holocaust education.

“(C) Engagement with State and local education leaders to encourage the adoption of resources supported under this Act into curricula across diverse disciplines.

“(D) Evaluation and research to assess the effectiveness and impact of Holocaust education programs, which may include completion of the report required under section 8.

“(d) APPLICATIONS.—The Director may seek the engagement of an eligible program participant under subsection (c) by requiring submission of an application to the Director at such time, in such manner, and based on such competitive criteria as the Director may require.

“SEC. 5. ONLINE HOLOCAUST EDUCATION RESOURCES.

“(a) WEBSITE.—The Director shall maintain on the website of the United States Holocaust Memorial Museum a special section designated for Holocaust education resources to improve awareness and understanding of the Holocaust and educate individuals 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. The website and resources shall be made publically available.

“(b) INFORMATION DISTRIBUTION.—The Director shall distribute information about the activities funded under this Act through the website of the United States Holocaust Memorial Museum, and shall respond to inquiries for supplementary information concerning such activities.

“(c) BEST PRACTICES.—The information distributed by the Director shall include best practices for educators.

“SEC. 6. UNITED STATES HOLOCAUST MEMORIAL COUNCIL.

“The United States Holocaust Memorial Council established under section 2302 of title 36, United States Code, shall have governance responsibility for the programs and activities carried out under this Act in accordance with chapter 23 of title 36, United States Code.

“SEC. 7. ENGAGEMENT OF ELIGIBLE PROGRAM PARTICIPANTS.

“(a) IN GENERAL.—An eligible program participant shall be engaged at the discretion of the Director to participate in Holocaust education program activities authorized under this Act and approved by the Director pursuant to an application described in section 4(d).

“(b) ENGAGEMENT PERIOD.—Engagement of eligible program participants under this Act shall be for a period determined by the Director.

“(c) PRIORITY.—In engaging eligible program participants under section 4, the Director shall give priority to applications from such participants who work for or with a local educational agency, or a school that is independent of any local educational agency, that does not, at the time application is made, offer any Holocaust education programming.

“SEC. 8. ANNUAL REPORT.

“Not later than February 1 of each year, the Director shall submit to the Congress a report describing the activities carried out under this Act.”

TRANSFER OF AUDITORS WEST BUILDING (ANNEX 3);
RESPONSIBILITY FOR REPAIRS AND ALTERATIONS

Pub. L. 101-45, title II, June 30, 1989, 103 Stat. 125, provided that:

“Notwithstanding any other provision of law, the Administrator of General Services (Administrator) shall transfer to the administrative jurisdiction of the Holocaust Memorial Council (Council), without consider-

ation, the Auditors West Building (Annex 3) located at Raoul Wallenberg Place and Independence Avenue Southwest, Washington, District of Columbia.

“Prior to such transfer of jurisdiction to the Council, the Council shall agree to perform all necessary repairs and alterations to the Auditors West Building so as to renovate the exterior of the Auditors West Building in a manner consistent with preservation of the historic architecture of the building, and to preserve the structural integrity of the building. The Council, prior to such transfer, shall furnish to the Administrator, for his approval, a plan detailing the repairs and alterations proposed, dates for completion of the work, and funding availability.

“In the event the Council ceases to exist, administrative jurisdiction of the Auditors West Building (Annex 3) shall revert to the General Services Administration.”

§ 2302. Functions of the Council; membership

(a) IN GENERAL.—The United States Holocaust Memorial Council (hereafter in this chapter referred to as the “Council”) shall be the board of trustees of the Museum and shall have overall governance responsibility for the Museum, including policy guidance and strategic direction, general oversight of Museum operations, and fiduciary responsibility. The Council shall establish an Executive Committee which shall exercise ongoing governance responsibility when the Council is not in session.

(b) COMPOSITION OF COUNCIL; APPOINTMENT; VACANCIES.—The Council shall consist of 65 voting members appointed (except as otherwise provided in this section) by the President and the following ex officio nonvoting members:

(1) One appointed by the Secretary of the Interior.

(2) One appointed by the Secretary of State.

(3) One appointed by the Secretary of Education.

Of the 65 voting members, five shall be appointed by the Speaker of the United States House of Representatives from among Members of the United States House of Representatives and five shall be appointed by the President pro tempore of the United States Senate upon the recommendation of the majority and minority leaders from among Members of the United States Senate. Any vacancy in the Council shall be filled in the same manner as the original appointment was made.

(c) TERM OF OFFICE.—

(1) Except as otherwise provided in this subsection, Council members shall serve for 5-year terms.

(2) The terms of the five Members of the United States House of Representatives and the five Members of the United States Senate appointed during any term of Congress shall expire at the end of such term of Congress.

(3) Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member, other than a Member of Congress appointed by the Speaker of the United States House of Representatives or the President pro tempore of the United States Senate, may serve after the expiration of his term until his successor has taken office.