

116TH CONGRESS
1ST SESSION

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.

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:

8 (1) The United States has demonstrated a com-
9 mitment to remembrance and education about the

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

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

19 (3) The Congress has gone on record in support
20 of expanded Holocaust education to increase aware-
21 ness about Holocaust history, counter prejudice and
22 discrimination, and enhance efforts to teach its uni-
23 versal lessons about human behavior and societal co-
24 hesion.

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

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

24 (6) Today, those who deny that the Holocaust
25 occurred or distort the true nature of the Holocaust

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

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

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

1 barriers to getting resources from Holocaust edu-
2 cation centers to students in the classroom.

3 (9) 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 primary and secondary schools incorporate
7 the study of the Holocaust into their curriculum, to
8 help ensure that students have access to accurate
9 and engaging historical information about the Holo-
10 caust, and the Department of Education is well-posi-
11 tioned to assist Holocaust education centers in over-
12 coming many of the barriers to expanding Holocaust
13 education, which will allow more students to learn
14 the 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 or their
9 property, toward Jewish community institutions and
10 religious facilities.

11 (3) HOLOCAUST.—The term “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 such terms are
5 defined in section 8101 of the Elementary and
6 Secondary Education Act of 1965 (20 U.S.C.
7 7801));

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

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

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

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

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

19 (iv) Teacher training.

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

23 (I) The breadth of the history of
24 the Holocaust, including, the Third
25 Reich dictatorship, concentration

1 camp system, persecution of Jews and
 2 non-Jews, Jewish and non-Jewish re-
 3 sistance, and post-World War II
 4 trials.

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

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

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

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

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

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

1 portation of trainers to schools to provide
2 training.

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

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

8 **SEC. 4. PROGRAM AUTHORIZED.**

9 (a) FUND ESTABLISHED.—

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

18 (2) AUTHORIZATION OF APPROPRIATIONS.—

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

23 (b) ACCEPTANCE OF DONATIONS.—In furtherance of
24 the purposes of this Act, the Secretary is authorized to
25 accept donations of funds and in-kind contributions. Any

1 funds donated under this subsection, and any proceeds
2 from the sales of other property received as gifts or be-
3 quests pursuant to this subsection, shall be deposited in
4 the Holocaust Education Assistance Program Fund.

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

24 (d) USE OF FUNDS.—

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

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

6 (B) to conduct periodic regional work-
7 shops, in partnership with Holocaust education
8 centers when and where appropriate, to provide
9 teachers with technical assistance on how to
10 structure curricula to incorporate Holocaust
11 education in a manner that satisfies challenging
12 State academic standards, as described in sec-
13 tion 1111(b) of the Elementary and Secondary
14 Education Act of 1965 (20 U.S.C. 6311(b)),
15 and standards set by local educational agencies;

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

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

22 (2) LIMITATION.—At least 90 percent of funds
23 expended from the Holocaust Education Assistance
24 Program Fund shall be expended to award grants to

1 eligible entities to carry out proposed Holocaust edu-
2 cation programs.

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

8 **SEC. 5. ONLINE HOLOCAUST EDUCATION REPOSITORY OF**
9 **RESOURCES.**

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

24 (b) INFORMATION DISTRIBUTION.—The Secretary
25 shall distribute information about the Holocaust Edu-

1 cation Assistance Program and the Holocaust Education
 2 website to each State department of education and to any
 3 local educational agency, individual school, individual
 4 teacher, or Holocaust education center that requests the
 5 information.

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

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

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

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

16 (1) FINANCE DIRECTORS.—Three finance direc-
 17 tors, with experience in nonprofit fundraising, who
 18 shall be responsible for overseeing fundraising ef-
 19 forts for the Holocaust Education Assistance Pro-
 20 gram Fund. These individuals may not be engaged
 21 in fundraising for an existing Holocaust education
 22 center in a formal or professional capacity at the
 23 time of their appointment.

24 (2) NATIONAL HOLOCAUST EDUCATION REP-
 25 RESENTATIVES.—Four national Holocaust education

1 representatives, with educational and professional
 2 experience in Holocaust education, who shall rep-
 3 resent leading national holocaust education centers,
 4 such as the United States Holocaust Memorial Mu-
 5 seum, the Simon Wiesenthal Center, the USC Shoah
 6 Foundation, or the Anti-Defamation League.

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

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

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

17 (1) Three members shall be appointed by the
 18 majority leader of the Senate.

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

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

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

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

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

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

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

12 (3) shall lead the effort to solicit donations for
13 the Holocaust Education Assistance Program Fund;
14 and

15 (4) shall submit an annual fundraising plan to
16 the Secretary prior to the board receiving any funds
17 for administrative costs associated with fundraising.

18 (f) PERSONNEL.—The Holocaust Education Advisory
19 Board may be granted funds by the Secretary from the
20 Holocaust Education Assistance Program Fund to employ
21 and compensate an executive director and any other addi-
22 tional personnel necessary for fundraising efforts. Any in-
23 dividual employed by the Holocaust Education Advisory
24 Board shall not, by virtue of such employment, be consid-

1 ered a Federal employee for the purpose of any law gov-
2 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.

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

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

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

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

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

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

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

21 (1) All resources shall be used for the purposes
 22 of educating students on the history of the Holo-
 23 caust and the relevant lessons that can be learned
 24 from the Holocaust in dealing with modern day
 25 issues of genocide, hate, and bigotry against any

1 group of people. This may include the teaching of
2 other genocides along with the Holocaust.

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

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

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

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

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

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

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

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

9 **SEC. 8. REVIEW.**

10 The Secretary shall review at least annually each eli-
11 gible entity receiving a grant under this Act to determine
12 the extent to which the eligible entity may not be in com-
13 pliance with the provisions of this Act and the regulations
14 issued under this Act. The Secretary shall consult the Hol-
15 ocaust Education Advisory Board as needed for uncertain
16 cases. The Secretary shall also establish a process for the
17 Holocaust Education Advisory Board to submit instances
18 of suspected noncompliance for programs supported by
19 these funds, and the Secretary shall review any grant that
20 is submitted by the Holocaust Education Advisory Board
21 for suspected noncompliance not later than 60 days after
22 the Holocaust Education Advisory Board submits a pro-
23 gram for review by the Secretary, and the Secretary shall
24 notify the grantee of potential 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 entities are offering instruction in Holocaust
15 education.

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.

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