

117TH CONGRESS
2D SESSION

H. R. 8445

To authorize the Director of the National Museum of American History of the Smithsonian Institution to support LGBTQI+ history and women's history education programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 20, 2022

Mrs. CAROLYN B. MALONEY of New York (for herself, Mr. TORRES of New York, Ms. BARRAGÁN, Ms. BLUNT ROCHESTER, Ms. BONAMICI, Mr. BOWMAN, Mr. BROWN of Maryland, Ms. BROWN of Ohio, Mr. CÁRDENAS, Mr. CASE, Mrs. CHERFILUS-McCORMICK, Mr. CICILLINE, Ms. CLARKE of New York, Mr. CONNOLLY, Mr. DANNY K. DAVIS of Illinois, Ms. DEAN, Mr. DEUTCH, Ms. ESHOO, Mr. ESPAILLAT, Mr. GARCÍA of Illinois, Mr. GREEN of Texas, Mr. HIGGINS of New York, Ms. JACOBS of California, Mr. JOHNSON of Georgia, Mr. JONES, Mr. KHANNA, Ms. KUSTER, Mr. LANGEVIN, Mr. LARSON of Connecticut, Mrs. LAWRENCE, Ms. LEE of California, Mr. LOWENTHAL, Mr. LYNCH, Ms. MCCOLLUM, Ms. MENG, Mr. NADLER, Mrs. NAPOLITANO, Ms. NEWMAN, Ms. NORTON, Ms. PINGREE, Mr. RASKIN, Ms. ROYBAL-ALLARD, Ms. SÁNCHEZ, Ms. SCHAKOWSKY, Mr. DAVID SCOTT of Georgia, Mr. SOTO, Ms. STANSBURY, Ms. STEVENS, Ms. TITUS, Ms. TLAIB, Mr. TONKO, Mr. TRONE, Mr. VARGAS, Ms. VELÁZQUEZ, Mrs. WATSON COLEMAN, and Ms. WILSON of Florida) introduced the following bill; which was referred to the Committee on House Administration

A BILL

To authorize the Director of the National Museum of American History of the Smithsonian Institution to support LGBTQI+ history and women's history education programs, 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 “LGBTQI+ and Wom-
5 en’s History Education Act of 2022”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) According to the New-York Historical Soci-
9 ety Museum & Library, only 13 percent of named
10 historical figures in textbooks across the United
11 States are women.

12 (2) In 2017, the National Women’s History
13 Museum analyzed elementary and secondary edu-
14 cation standards in social studies for all 50 States
15 and the District of Columbia and found that ap-
16 proximately 1 woman was mentioned for every 3
17 men in these standards.

18 (3) The Museum also found that 53 percent of
19 the mentions of women’s history were included with-
20 in the context of domestic roles, as opposed to the
21 20 percent that were included within the context of
22 voting rights and suffrage and 2 percent that were
23 included within the context of being in the work-
24 force.

1 (4) Countless studies show that when youth feel
2 seen and affirmed in their curricula, they experience
3 improved academic engagement and achievement. In
4 research the National Women’s Law Center con-
5 ducted in partnership with Latina girls in 2019, the
6 girls reported that when they feel represented in
7 their curricula, they feel a powerful sense of belong-
8 ing and an emphasized identity of resilience.

9 (5) According to the National Women’s History
10 Alliance, only 3 States (Illinois, Florida, and Lou-
11 isiana) have mandated that women’s history be
12 taught in elementary, middle, and high schools.

13 (6) According to GLSEN, only 7 States (Cali-
14 fornia, Colorado, Connecticut, Illinois, Nevada, New
15 Jersey, and Oregon) have passed legislation in sup-
16 port of an LGBTQI+ inclusive curriculum.

17 (7) According to the Museum of disABILITY
18 History, as of 2014, 24 States had established dis-
19 ability awareness curriculum for public schools or
20 were in the process of passing legislation to do so.

21 (8) In March 2022, Governor Ron DeSantis of
22 Florida signed HB 1557 into law. Commonly known
23 as the “Don’t Say Gay or Trans” legislation, this
24 law prevents teachers from administering instruction

1 on sexual orientation and gender identity in kinder-
2 garten through third grade.

3 (9) GLSEN reports that 9 other States in addi-
4 tion to Florida (Alabama, Arizona, Idaho, Iowa,
5 Mississippi, Oklahoma, New Hampshire, Tennessee,
6 and Texas) have recently passed curriculum censor-
7 ship laws that prohibit honest teaching about race,
8 gender, or LGBTQI+ communities.

9 (10) According to the African American Policy
10 Forum, at least 16 States have passed racial and
11 gender equity curriculum prohibitions, and 15 other
12 States are considering them.

13 (11) According to Education Week, at least 15
14 States are considering nearly 30 bills that would af-
15 fect discussions or interactions with LGBTQI+
16 youth in schools during the 2021–22 legislative ses-
17 sion.

18 (12) According to GLSEN, 4 States (Lou-
19 isiana, Mississippi, Oklahoma, and Texas) have “no
20 promo homo” laws in place that prevent positive and
21 affirming representations of LGBTQI+ identities in
22 schools.

23 (13) LGBTQI+ youth already experience high
24 rates of mistreatment in schools:

1 (A) According to GLSEN’s 2019 National
2 School Climate Survey, over 80 percent of
3 LGBTQI+ students ages 13 to 21 report being
4 verbally harassed during any given school year.

5 (B) According to the National Center for
6 Transgender Equality’s 2015 U.S. Transgender
7 Survey, 77 percent of transgender K–12 stu-
8 dents experienced anti-transgender mistreat-
9 ment, including verbal harassment, and physical
10 or sexual assault.

11 (C) According to a 2021 survey, 45 per-
12 cent of intersex students reported experiencing
13 gender-based harassment or discrimination
14 from teachers or faculty during the 2021 school
15 year.

16 (14) Nationally, only 19.4 percent of respond-
17 ents to GLSEN’s 2019 National School Climate
18 Survey said they had been taught any positive rep-
19 resentations of LGBTQI+ people, history, or events
20 in their schools.

21 (15) Results from GLSEN’s 2019 National
22 School Climate Survey also indicate that, compared
23 to students in schools without an LGBTQI+-inclu-
24 sive curriculum, LGBTQI+ students in schools with

1 an LGBTQI+-inclusive curriculum were less likely
2 to—

3 (A) hear homophobic slurs or negative re-
4 marks about transgender people often or fre-
5 quently;

6 (B) feel unsafe because of their sexuality
7 or gender identity; or

8 (C) miss school because they felt unsafe or
9 uncomfortable.

10 (16) Women and LGBTQI+ people—including
11 those of color and those with disabilities—have been
12 and continue to be powerful agents of change in
13 United States history. For example:

14 (A) Black and brown transgender women,
15 including Marsha P. Johnson, Miss Major Grif-
16 fin-Gracy, Sylvia Rivera, and Stormé
17 DeLarverie were prominent leaders and partici-
18 pants of the 1969 protests against unjust police
19 raids of the New York City gay bar, the Stone-
20 wall Inn, that ignited the national movement
21 for LGBTQI+ justice.

22 (B) Dr. Margaret Chung, a queer Chinese
23 American woman, advocated for Chinese Ameri-
24 cans' and women's right to vote at a time when

1 women, particularly women of color, were de-
2 nied that right.

3 (C) Judith Ellen “Judy” Heumann is an
4 internationally recognized disability rights advo-
5 cate who played a leading role in the develop-
6 ment and implementation of major legislation,
7 including the Individuals with Disabilities Edu-
8 cation Act, Section 504 of the Rehabilitation
9 Act of 1973, the Americans with Disabilities
10 Act, and the Convention on the Rights of Per-
11 sons with Disabilities.

12 (D) Alice Wong is a queer disabled activist
13 and the founder and director of the Disability
14 Visibility Project who served on the National
15 Council on Disability.

16 (E) Ruby Bridges, a Black civil rights ac-
17 tivist, pioneered the school desegregation move-
18 ment and was among the first Black students
19 to integrate schools in the South at the age of
20 six. Ruby’s story, particularly as it was memori-
21 alized in her children’s book, Ruby Bridges
22 Goes to School: My True Story, continues to in-
23 spire girls across the country but was also one
24 of the histories specifically targeted for censor-

1 ship in States prohibiting honest teachings
2 about race.

3 (17) Discrimination on the basis of sex (includ-
4 ing sexual orientation and gender identity) com-
5 pounds with discrimination on the basis of other
6 identities, such as race, national identity, religious
7 background, or disability. Within marginalized
8 groups, compounding layers of discrimination across
9 intersectional identities often results in the most
10 marginalized members of a group being silenced or
11 left out of historical narratives.

12 (18) All women, LGBTQI+ people, and those
13 living at the intersection of those identities, deserve
14 to be represented in classrooms across the country
15 in an accurate, unbiased, intersectional, and inclu-
16 sive manner.

17 **SEC. 3. DEFINITIONS.**

18 In this Act:

19 (1) ESEA TERMS.—The terms “elementary
20 school”, “local educational agency”, “secondary
21 school”, “Secretary”, and “State” have the mean-
22 ings given such terms in section 8101 of the Ele-
23 mentary and Secondary Education Act of 1965 (20
24 U.S.C. 7801).

1 (2) INCLUSIVE EDUCATIONAL APPROACH.—The
2 term “inclusive educational approach” means a
3 teaching approach that acknowledges, includes, and
4 affirms experiences of people who are Black, Indige-
5 nous, and people of color (“BIPOC”), people with
6 disabilities, LGBTQI+ people, and all marginalized
7 communities.

8 (3) INTERSECTIONAL EDUCATIONAL AP-
9 PROACH.—The term “intersectional educational ap-
10 proach” means a teaching approach that acknowl-
11 edges, includes, and affirms the unique and com-
12 pounded forms of discrimination experienced by
13 those who live at the intersection of two or more op-
14 pressed identities.

15 (4) LGBTQI+.—The term “LGBTQI+”
16 means sexual and gender minority populations, as
17 defined by the Sexual and Gender Minority Research
18 Office of the National Institutes of Health, including
19 individuals who are lesbian, gay, bisexual,
20 transgender, queer, nonbinary, Two-Spirit, and
21 intersex.

22 (5) LGBTQI+ HISTORY EDUCATION.—The
23 term “LGBTQI+ history education” means cul-
24 turally relevant (to the extent practicable), unbiased,
25 non-discriminatory, and accurate education about

1 the roles and contributions of LGBTQI+ individuals
2 in order to promote representation and visibility and
3 combat prejudice, inclusive of multiple identities
4 within LGBTQI+ populations, including
5 transgender, nonbinary, gender non-conforming,
6 Two-Spirit, and intersex individuals, which have his-
7 torically been marginalized within the larger
8 LGBTQI+ population.

9 (6) WOMEN’S HISTORY EDUCATION.—The term
10 “women’s history education” means culturally rel-
11 evant (to the extent practicable), unbiased, non-dis-
12 criminatory, and accurate education about the roles
13 and contributions of women, with a specific focus on
14 non-domestic roles, in order to promote representa-
15 tion and visibility and combat prejudice.

16 (7) CULTURALLY RELEVANT.—The term “cul-
17 turally relevant” means, with respect to education,
18 education that is—

19 (A) available in multiple languages; and

20 (B) consistent with census data and demo-
21 graphics of the area in which the education will
22 be provided.

23 (8) DIRECTOR.—The term “Director” means
24 the Director of the National Museum of American
25 History of the Smithsonian Institution.

1 **SEC. 4. PROGRAM AUTHORIZED.**

2 (a) AUTHORIZATION OF APPROPRIATIONS.—There
3 are authorized to be appropriated to carry out this Act
4 \$2,000,000 for fiscal year 2023 and for each of the 4 suc-
5 ceeding fiscal years.

6 (b) USE OF FUNDS.—The Director, in accordance
7 with any program of the National Museum of American
8 History of the Smithsonian Institution established before,
9 on, or after the date of the enactment of this Act, shall
10 use funds appropriated under subsection (a) to carry out
11 the following activities:

12 (1) The development and national dissemination
13 of accurate, relevant, and accessible national re-
14 sources for classrooms to administer LGBTQI+ and
15 women’s history education in an inclusive and inter-
16 sectional approach, which shall include digital re-
17 sources and may include other types of resources,
18 such as print resources and traveling exhibitions.

19 (2) The development, national dissemination,
20 and implementation of principles of sound pedagogy
21 for administering LGBTQI+ and women’s history
22 education.

23 (3) The provision of professional development
24 services to administer LGBTQI+ and women’s his-
25 tory education, such as through—

1 (A) local, regional, and national work-
2 shops;

3 (B) teacher trainings or engagement in
4 conjunction with LGBTQI+ and women's his-
5 tory education centers and other appropriate
6 partners;

7 (C) engagement with—

8 (i) local educational agencies;

9 (ii) State education agencies;

10 (iii) schools that are independent of
11 any local educational agency; and

12 (iv) school-based extracurricular meet-
13 ings or organizations; and

14 (D) development, operation, and expansion
15 of a teacher fellowship program to cultivate and
16 support leaders in LGBTQI+ and women's his-
17 tory education.

18 (4) Engagement with State and local education
19 leaders to encourage the adoption of resources sup-
20 ported under this Act into curricula across diverse
21 disciplines.

22 (5) Through an intersectional and inclusive ap-
23 proach, convening experts, providing opportunities
24 for discourse, and engaging with the public through
25 programming, educational resources, and social

1 media with respect to LGBTQI+ and women's his-
2 tory education.

3 (6) Through an intersectional and inclusive ap-
4 proach, increasing resource capacity, technical sup-
5 port, and content creation to engage various audi-
6 ences in person and via online platforms with respect
7 to LGBTQI+ and women's history education.

8 (7) Creating, expanding, and disseminating
9 scholarly work through research, curricula, in-house
10 and traveling exhibitions, publications, and program-
11 ming with respect to LGBTQI+ and women's his-
12 tory education.

13 (8) Providing language translation of the work
14 of the Smithsonian Institution's National Museum of
15 American History, including scholarly work, re-
16 search, traveling exhibitions, publications, program-
17 ming, pamphlets, and other information distributed
18 about activities funded under this Act with respect
19 to LGBTQI+ and women's history education.

20 (9) Expanding the collection acquisition and
21 collection access processes, including staffing, con-
22 servation, processing, and digitization with respect
23 to LGBTQI+ and women's history education.

24 (10) Creating, developing, implementing, repli-
25 cating, or taking to scale entrepreneurial, evidence-

1 based, field-initiated innovations for museum im-
2 provement with respect to LGBTQI+ and women's
3 history education, and evaluating rigorously such in-
4 novations.

5 (c) ONLINE LGBTQI+ AND WOMEN'S HISTORY
6 EDUCATION RESOURCES.—

7 (1) WEBSITE.—In addition to the activities de-
8 scribed under subsection (b), the Director shall use
9 the funds appropriated under subsection (a) to de-
10 velop and maintain on the website of the Smithso-
11 nian Institution's National Museum of American
12 History content designated for educators, students,
13 and families to improve their awareness and under-
14 standing of LGBTQI+ and women's history edu-
15 cation.

16 (2) INFORMATION DISTRIBUTION.—The Direc-
17 tor shall use such funds to distribute information
18 about the activities funded under this Act through
19 the website of the Smithsonian Institution's National
20 Museum of American History, and shall respond to
21 inquiries for supplementary information concerning
22 such activities.

23 (3) CONTINUATION OF ACTIVITIES.—To the ex-
24 tent that the Smithsonian Institution's National Mu-
25 seum of American History is engaged in an activity

1 described in subsection (b) or this subsection on the
2 date of the enactment of this Act, the Director shall
3 use the funds appropriated under subsection (a) to
4 continue that activity.

5 **SEC. 5. ANNUAL REPORT.**

6 (a) REPORT REQUIREMENT.—Not later than Feb-
7 ruary 1 of each year, the Director shall submit to the Con-
8 gress and make available to the public a report describing
9 how the funds made available under this Act have been
10 used—

11 (1) to create and promote educational activities;

12 and

13 (2) to otherwise carry out this Act.

14 (b) BRIEFINGS.—Not later than 6 months after the
15 date on which funding is first distributed under this Act,
16 and annually thereafter, the Director or the Director's
17 designee shall brief the Committee on House Administra-
18 tion of the House of Representatives and the Committee
19 on Rules and Administration of the Senate on the pro-
20 grams and activities carried out under this Act.

21 (c) SUNSET.—Subsections (a) and (b) shall cease to
22 be effective on September 30, 2027.

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