

118TH CONGRESS
1ST SESSION

H. R. 4273

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

JUNE 22, 2023

Ms. BALINT (for herself, Mr. TORRES of New York, Ms. BONAMICI, Ms. BROWN, Mr. CÁRDENAS, Ms. CHU, Ms. CLARKE of New York, Mr. CONNOLLY, Ms. CROCKETT, Ms. DAVIDS of Kansas, Mr. GREEN of Texas, Mr. GREJALVA, Mr. KHANNA, Mr. LYNCH, Ms. MENG, Mr. MULLIN, Ms. NORTON, Mr. RASKIN, Ms. SÁNCHEZ, Ms. SCHAKOWSKY, Mr. DAVID SCOTT of Georgia, Ms. STANSBURY, Mr. TRONE, Ms. VELÁZQUEZ, 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 2023”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) According to the New-York Historical Soci-
4 ety Museum & Library, only 13 percent of named
5 historical figures in textbooks across the United
6 States are women.

7 (2) In 2017, the National Women’s History
8 Museum analyzed elementary and secondary edu-
9 cation standards in social studies for all 50 States
10 and the District of Columbia and found that:

11 (A) 53 percent of the mentions of women’s
12 history were included within the context of do-
13 mestic roles, compared to 20 percent that were
14 included within the context of voting rights and
15 suffrage, 9 percent in women’s rights movement
16 of the 19th and mid-20th centuries, 8 percent
17 that were included within the context of the
18 civil rights movement, and 2 percent that were
19 included within the context of being in the
20 workforce.

21 (B) Named women do not reflect the diver-
22 sity of women and their contributions—only 8
23 percent of named women are Hispanic and no
24 named women are Asian American.

25 (C) Disability rights, Native American
26 rights, LGBTQI+, and migrant labor move-

1 ments are less frequently included in standards
2 and, when included, are covered in less detail,
3 providing fewer opportunities to address wom-
4 en’s contributions to these movements.

5 (3) According to a Smithsonian analysis of the
6 2017 National Women’s History Museum study, ap-
7 proximately 1 woman was mentioned for every 3
8 men in elementary and secondary education stand-
9 ards in social studies.

10 (4) According to the National Women’s History
11 Alliance, only 3 States (Illinois, Florida, and Lou-
12 isiana) have legislated standards for inclusion of
13 women’s history in elementary, middle, and high
14 schools instruction.

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

19 (6) In March 2022, Governor Ron DeSantis of
20 Florida signed HB 1557 into law. Commonly known
21 as the “Don’t Say Gay or Trans” legislation, this
22 law prevents teachers from administering instruction
23 on sexual orientation and gender identity in kinder-
24 garten through third grade and, in 2023 the Florida
25 legislature expanded this prohibition on instruction

1 to 8th grade (HB 1069), and the State Board of
2 Education further expanded this prohibition through
3 12th grade, with the exception of health education.

4 (7) According to the Movement Advancement
5 Project, between 2021 and May 2023, 9 States
6 passed curriculum censorship laws that restrict in-
7 struction on LGBTQI+ people and issues (Alabama,
8 Arizona, Arkansas, Florida, Indiana, Iowa, Ken-
9 tucky, Montana, and Tennessee).

10 (8) According to the African American Policy
11 Forum, at least 16 States have passed racial and
12 gender equity curriculum prohibitions.

13 (9) According to the ACLU, there have been
14 over 200 anti-LGBTQI+ school and education bills
15 introduced in 2023 in State legislatures around the
16 country, as of May 2023.

17 (10) According to GLSEN, 4 States (Lou-
18 isiana, Mississippi, Oklahoma, and Texas) still have
19 “no promo homo” laws in place that prohibit posi-
20 tive and affirming representations of LGBTQI+
21 identities in schools.

22 (11) According to the CDC’s 2021 Youth Risk
23 Behavior Survey of high school students, girls are
24 more likely to be bullied at school and electronically
25 than boys.

1 (12) LGBTQI+ youth experience high rates of
2 mistreatment in schools:

3 (A) According to the CDC's 2021 Youth
4 Risk Behavior Survey of high school students,
5 lesbian, gay and bisexual students are nearly
6 twice as likely to be bullied at school and are
7 more than twice as likely to be bullied electroni-
8 cally than their non-LGB peers.

9 (B) According to CDC's 2017 Youth Risk
10 Behavior Survey, high school students who
11 identify as transgender are more likely to be
12 bullied at school and electronically than
13 cisgender girls and more than twice as likely to
14 be bullied at school and electronically than
15 cisgender boys.

16 (C) According to GLSEN's 2021 National
17 School Climate Survey, among LGBTQI+ sec-
18 ondary students who attended school in-person
19 during the 2020–2021 school year, over 76 per-
20 cent reported being verbally harassed, over 31
21 percent reported being physically harassed, and
22 over 12 percent reported being physically as-
23 saulted because of their sexual orientation, gen-
24 der identity, or gender expression with

1 transgender students reporting the highest
2 rates of in-person victimization.

3 (D) According to a 2021 Trevor Project
4 report, 45 percent of intersex students reported
5 experiencing gender-based harassment or dis-
6 crimination from teachers or faculty.

7 (13) Nationally, only 16.3 percent of respond-
8 ents to GLSEN's 2021 National School Climate
9 Survey said they had been taught any positive rep-
10 resentations of LGBTQI+ people, history, or events
11 in their classes, which represents a 3-point decline
12 from the 2019 survey.

13 (14) According to the CDC's 2021 Youth Risk
14 Behavior Survey of high school students, women and
15 girls, LGBQ+ students, and students of color were
16 least likely to feel connected at school.

17 (15) Countless studies show that when youth
18 feel seen and affirmed in their curricula, they experi-
19 ence improved academic engagement and achieve-
20 ment.

21 (A) In participatory research the National
22 Women's Law Center conducted in partnership
23 with Latina girls in 2019, the girls reported
24 that when they feel represented in their cur-

1 ricula, they feel a powerful sense of belonging
2 and an emphasized identity of resilience.

3 (B) GLSEN’s 2021 National School Cli-
4 mate Survey indicates that, compared to stu-
5 dents in schools without an LGBTQI+-inclu-
6 sive curriculum, LGBTQI+ students in schools
7 with an LGBTQI+-inclusive curriculum were
8 less likely to hear homophobic slurs or negative
9 remarks about transgender people often or fre-
10 quently; feel unsafe because of their sexuality or
11 gender identity; or miss school because they felt
12 unsafe or uncomfortable.

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

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

1 (B) Dr. Margaret Chung, a queer Chinese
2 American woman, advocated for Chinese Ameri-
3 cans' and women's right to vote at a time when
4 women, particularly women of color, were de-
5 nied that right.

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

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

19 (E) Ruby Bridges, a Black civil rights ac-
20 tivist, pioneered the school desegregation move-
21 ment and was among the first Black students
22 to integrate schools in the South at the age of
23 six. Ruby's story, particularly as it was memori-
24 alized in her children's book, Ruby Bridges
25 Goes to School: My True Story, continues to in-

1 spire girls across the country but was also one
2 of the histories specifically targeted for censor-
3 ship in States prohibiting honest teachings
4 about race.

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

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

19 **SEC. 3. DEFINITIONS.**

20 In this Act:

21 (1) **ESEA TERMS.**—The terms “elementary
22 school”, “local educational agency”, “secondary
23 school”, “Secretary”, and “State” have the mean-
24 ings given such terms in section 8101 of the Ele-

1 mentary and Secondary Education Act of 1965 (20
2 U.S.C. 7801).

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

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

17 (4) LGBTQI+.—The term “LGBTQI+”
18 means sexual and gender minority populations, in-
19 cluding 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;

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

23 (C) addresses culture, community, accom-
24 plishments, and history, including an accurate

1 account of historical barriers faced by the com-
2 munity.

3 (8) DIRECTOR.—The term “Director” means
4 the Director of the National Museum of American
5 History of the Smithsonian Institution.

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

7 (a) AUTHORIZATION OF APPROPRIATIONS.—There
8 are authorized to be appropriated to carry out this Act
9 \$2,000,000 for fiscal year 2024 and for each of the 4 suc-
10 ceeding fiscal years.

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

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

24 (2) The development, national dissemination,
25 and implementation of principles of sound pedagogy

1 for administering LGBTQI+ and women’s history
2 education.

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

6 (A) local, regional, and national workshops
7 to provide technical assistance;

8 (B) teacher trainings or engagement in
9 conjunction with LGBTQI+ and women’s his-
10 tory education centers and other appropriate
11 partners;

12 (C) engagement with—

13 (i) local educational agencies;

14 (ii) State education agencies;

15 (iii) schools that are independent of
16 any local educational agency; and

17 (iv) school-based extracurricular meet-
18 ings or organizations; and

19 (D) development, operation, and expansion
20 of a teacher fellowship program to cultivate and
21 support leaders in LGBTQI+ and women’s his-
22 tory education.

23 (4) Engagement with State and local education
24 leaders to encourage the adoption of resources sup-

1 ported under this Act into curricula across diverse
2 disciplines.

3 (5) Through an intersectional and inclusive ap-
4 proach, convening experts, providing opportunities
5 for discourse, and engaging with the public through
6 programming, educational resources, and social
7 media with respect to LGBTQI+ and women’s his-
8 tory education.

9 (6) Through an intersectional and inclusive ap-
10 proach, increasing resource capacity, technical sup-
11 port, and content creation to engage various audi-
12 ences in person and via online platforms with respect
13 to LGBTQI+ and women’s history education.

14 (7) Creating, expanding, and disseminating
15 scholarly work through research, curricula, in-house
16 and traveling exhibitions, publications, and program-
17 ming with respect to LGBTQI+ and women’s his-
18 tory education.

19 (8) Providing language translation of the work
20 of the Smithsonian Institution’s National Museum of
21 American History, including scholarly work, re-
22 search, traveling exhibitions, publications, program-
23 ming, pamphlets, and other information distributed
24 about activities funded under this Act with respect
25 to LGBTQI+ and women’s history education.

1 (9) Expanding the collection acquisition and
2 collection access processes, including staffing, con-
3 servation, processing, and digitization with respect
4 to LGBTQI+ and women’s history education.

5 (10) Creating, developing, implementing, repli-
6 cating, or taking to scale entrepreneurial, evidence-
7 based, field-initiated innovations for museum im-
8 provement with respect to LGBTQI+ and women’s
9 history education, and evaluating rigorously such in-
10 novations.

11 (c) ONLINE LGBTQI+ AND WOMEN’S HISTORY
12 EDUCATION RESOURCES.—

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

22 (2) INFORMATION DISTRIBUTION.—The Direc-
23 tor shall use such funds to distribute information
24 about the activities funded under this Act through
25 the website of the Smithsonian Institution’s National

1 Museum of American History, and shall respond to
2 inquiries for supplementary information concerning
3 such activities.

4 (3) CONTINUATION OF ACTIVITIES.—To the ex-
5 tent that the Smithsonian Institution’s National Mu-
6 seum of American History is engaged in an activity
7 described in subsection (b) or this subsection on the
8 date of the enactment of this Act, the Director may
9 use the funds appropriated under subsection (a) to
10 continue that activity.

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

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

17 (1) to create and promote educational activities;

18 and

19 (2) to otherwise carry out this Act.

20 (b) BRIEFINGS.—Not later than 6 months after the
21 date on which funding is first distributed under this Act,
22 and annually thereafter, the Director or the Director’s
23 designee shall brief the Committee on House Administra-
24 tion of the House of Representatives and the Committee

1 on Rules and Administration of the Senate on the pro-
2 grams and activities carried out under this Act.

3 (c) SUNSET.—Subsections (a) and (b) shall cease to
4 be effective on September 30, 2028.

○