

# EXECUTIVE SUMMARY OF SUNSET STAFF REPORT

## Texas Holocaust and Genocide Commission

Project Manager: Merrell Foote

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In 2009, the Legislature created the Texas Holocaust and Genocide Commission (THGC) to advise, assist, and support others in educating Texans about the Holocaust and other genocides. Initially, the advisory commission's role and design seemed straightforward:

- 15 public members would perform the commission's work themselves and seek gifts and grants to carry out its duties, with a small budget of about \$85,000 a year for a part-time coordinator and other operating expenses.
- Three nonvoting ex officio members — the commissioner of education, commissioner of higher education, and executive director of the Texas Veterans Commission — would advise and assist the public members.
- The Texas Historical Commission (THC) would provide administrative services and designate a THC employee as the part-time coordinator.

At THGC's first meeting in 2010, commission members discussed their advisory-only role and lack of staff and funds, and voted to form an affiliated nonprofit to raise money for the unfunded projects they envisioned. In 2011, the Legislature authorized THGC to partner with the affiliated nonprofit and to provide matching grants, also to be funded by private donations.

**THGC has exceeded its statutory authority, neglected certain duties, and cannot show any measurable benefit to the state.**

This Sunset review is the first comprehensive independent review of THGC since it was created. The review revealed a disorganized and unsupervised advisory body that has exceeded its statutory authority, neglected some of its original advisory duties, and increased its reliance on general revenue by nearly 1,000 percent, without clearly articulated goals. The Friends of THGC, the affiliated nonprofit created to fund the commission's projects, grants, and activities, has donated \$10,000 to the commission for one project, leaving taxpayers to foot the bill for the commission's \$3.2 million in expenditures in fiscal years 2010–19.

The Sunset review did not assess or judge the importance of educating Texans about the Holocaust and other genocides, which is beyond the Sunset Commission's purview. Rather, the Sunset review evaluated the commission based on the statutory criteria in the Texas Sunset Act to determine the need

for and effectiveness of THGC. Based on THGC's failure to meet these criteria and inability to show any measurable benefit to the state, Sunset staff recommends abolishing the commission.

The commission has chosen to pursue its own projects rather than abide by its statutorily limited duty to identify existing resources that support education and awareness. The commission has used general revenue instead of private donations to pay for these projects without identifying a need or purpose for them or establishing clear educational goals, detailed budgets, and performance measures for the projects. While a few of these projects have received some media attention, the commission cannot show whether they increased Texans' knowledge and understanding of the Holocaust or other genocides.

While well-intentioned, the commission's actions demonstrate how a state entity can go astray in the absence of needed oversight and accountability. From the beginning, THGC has been left to its own devices. Commission members and staff have little or no experience in state government and no one to advise them on policy matters, relying only on procedural guidance and support from THC and a contract for legal services with the attorney general's office. Neither has authority or responsibility to oversee THGC by approving its actions, monitoring its performance, or holding it accountable. Ultimately, the commission is responsible for its actions, performance, and accountability. The problems identified below have contributed to the commission's questionable decisions and actions, with notable policy and accountability implications:

- An advisory body making final executive decisions without the statutory authority and financial and operational controls of most state agencies.
- Administrative attachment to a separate, unrelated agency that has no authority to supervise the advisory commission, approve its actions, monitor its performance, or hold it accountable.
- General revenue funding through an appropriations bill rider with no goals, outcomes, strategies, or performance measures tied to the funds.

After a decade, some of these problems are so ingrained and pervasive they cannot be remedied through the Sunset review process. Instead, addressing THGC's structural, operational, and accountability issues would require a full reconsideration of the state's role in helping educate Texans about the Holocaust and other genocides, which is not within Sunset's scope.

The following material highlights Sunset staff's recommendation to abolish the Texas Holocaust and Genocide Commission. Sunset staff did not make this recommendation lightly, and it is not an assessment of the need for or value of public education on the Holocaust and other genocides, but rather of the way the state has attempted to achieve this mission.

## Sunset Staff Issue and Recommendation

### ISSUE 1

The Texas Holocaust and Genocide Commission Has Never Functioned as Intended, Cannot Show Measurable Benefit to the State, and Should Be Abolished.

#### Key Recommendation

- Abolish the Texas Holocaust and Genocide Commission.

### Fiscal Implication Summary

Abolishing THGC would result in estimated savings of \$707,013 per fiscal year after the wind-down period ends on August 31, 2022. This estimate is based on fiscal year 2021 appropriations of \$666,013 for THGC, which includes six full-time-equivalent positions, and \$41,000 for THC. Total savings during the five-year period beginning September 1, 2022, would be \$3,535,065.

#### Texas Holocaust and Genocide Commission

Fiscal Year	Savings to the General Revenue Fund	Change in Number of FTEs From FY 2021
2023	\$707,013	-6
2024	\$707,013	-6
2025	\$707,013	-6
2026	\$707,013	-6
2027	\$707,013	-6

