

118TH CONGRESS
2D SESSION

H. R. 6090

IN THE SENATE OF THE UNITED STATES

MAY 2, 2024

Received

AN ACT

To provide for the consideration of a definition of anti-semitism set forth by the International Holocaust Remembrance Alliance for the enforcement of Federal anti-discrimination laws concerning education programs or activities, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Antisemitism Aware-
3 ness Act of 2023”.

4 **SEC. 2. SENSE OF CONGRESS.**

5 It is the sense of Congress that—

6 (1) title VI of the Civil Rights Act of 1964 (42
7 U.S.C. 2000d et seq.), prohibits discrimination on
8 the basis of race, color, and national origin in pro-
9 grams and activities receiving Federal financial as-
10 sistance;

11 (2) while such title does not cover discrimina-
12 tion based solely on religion, individuals who face
13 discrimination based on actual or perceived shared
14 ancestry or ethnic characteristics do not lose protec-
15 tion under such title for also being members of a
16 group that share a common religion;

17 (3) discrimination against Jews may give rise to
18 a violation of such title when the discrimination is
19 based on race, color, or national origin, which can
20 include discrimination based on actual or perceived
21 shared ancestry or ethnic characteristics;

22 (4) it is the policy of the United States to en-
23 force such title against prohibited forms of discrimi-
24 nation rooted in antisemitism as vigorously as
25 against all other forms of discrimination prohibited
26 by such title; and

(5) as noted in the U.S. National Strategy to Counter Antisemitism issued by the White House on May 25, 2023, it is critical to—

(A) increase awareness and understanding of antisemitism, including its threat to America;

(B) improve safety and security for Jewish communities;

(C) reverse the normalization of antisemitism and counter antisemitic discrimination; and

(D) expand communication and collaboration between communities.

SEC. 3. FINDINGS.

Congress finds the following:

(1) Antisemitism is on the rise in the United States and is impacting Jewish students in K–12 schools, colleges, and universities.

(2) The International Holocaust Remembrance Alliance (referred to in this Act as the “IHRA”) Working Definition of Antisemitism is a vital tool which helps individuals understand and identify the various manifestations of antisemitism.

(3) On December 11, 2019, Executive Order 13899 extended protections against discrimination under the Civil Rights Act of 1964 to individuals

1 subjected to antisemitism on college and university
2 campuses and tasked Federal agencies to consider
3 the IHRA Working Definition of Antisemitism when
4 enforcing title VI of such Act.

5 (4) Since 2018, the Department of Education
6 has used the IHRA Working Definition of Anti-
7 semitism when investigating violations of that title
8 VI.

9 (5) The use of alternative definitions of anti-
10 semitism impairs enforcement efforts by adding mul-
11 tiple standards and may fail to identify many of the
12 modern manifestations of antisemitism.

13 (6) The White House released the first-ever
14 United States National Strategy to Counter Anti-
15 semitism on May 25, 2023, making clear that the
16 fight against this hate is a national, bipartisan pri-
17 ority that must be successfully conducted through a
18 whole-of-government-and-society approach.

19 **SEC. 4. DEFINITIONS.**

20 For purposes of this Act, the term “definition of anti-
21 semitism”—

22 (1) means the definition of antisemitism adopt-
23 ed on May 26, 2016, by the IHRA, of which the
24 United States is a member, which definition has
25 been adopted by the Department of State; and

1 (2) includes the “[c]ontemporary examples of
2 antisemitism” identified in the IHRA definition.

3 **SEC. 5. RULE OF CONSTRUCTION FOR TITLE VI OF THE**
4 **CIVIL RIGHTS ACT OF 1964.**

5 In reviewing, investigating, or deciding whether there
6 has been a violation of title VI of the Civil Rights Act
7 of 1964 (42 U.S.C. 2000d et seq.) on the basis of race,
8 color, or national origin, based on an individual’s actual
9 or perceived shared Jewish ancestry or Jewish ethnic char-
10 acteristics, the Department of Education shall take into
11 consideration the definition of antisemitism as part of the
12 Department’s assessment of whether the practice was mo-
13 tivated by antisemitic intent.

14 **SEC. 6. OTHER RULES OF CONSTRUCTION.**

15 (a) GENERAL RULE OF CONSTRUCTION.—Nothing in
16 this Act shall be construed—

17 (1) to expand the authority of the Secretary of
18 Education;

19 (2) to alter the standards pursuant to which the
20 Department of Education makes a determination
21 that harassing conduct amounts to actionable dis-
22 crimination; or

23 (3) to diminish or infringe upon the rights pro-
24 tected under any other provision of law that is in ef-
25 fect as of the date of enactment of this Act.

1 (b) CONSTITUTIONAL PROTECTIONS.—Nothing in
2 this Act shall be construed to diminish or infringe upon
3 any right protected under the First Amendment to the
4 Constitution of the United States.

Passed the House of Representatives May 1, 2024.

Attest: KEVIN F. MCCUMBER,
Clerk.