

the USDA's proposed added sugars, sodium, and whole grain-rich standards. Further, schools have been able to meet, and in some cases, exceed the current nutrition standards during the pandemic. In the first-of-its-kind study, a nationally representative study of elementary schools found that meals were meeting existing nutrition standards in 2022, and for sodium, average sodium decreased and the vast majority of schools were close to or already meeting future sodium-reduction levels on par with this rule. There are plenty of examples where schools have reduced sodium beyond the USDA's requirements or provided more whole grains and still been able to serve healthy, delicious, and culturally-relevant foods to their students.

Opponents of the rule claim that the meal nutrition standards cannot be strengthened due to labor shortages, supply chain disruptions, and other issues facing school food service programs. These are real challenges but require different solutions than stalling progress for healthier school meals. Over the past decade, the USDA and Congress have learned that schools need the additional assistance to meet stronger standards and they have also recognized current pandemic-related constraints, and therefore have committed millions of dollars to helping schools provide healthier meals while weathering these challenges. In September 2022, the USDA launched its \$100 million Healthy Meals Incentive Initiative with the stated goal of improving the nutritional quality of school meals. Of that, \$30 million is available for small and rural schools and \$50 million will go toward working with food manufacturers on innovative solutions to increase the availability of nutritious school foods. Congress has also increased technical assistance funding each year for the past three fiscal years (FY) (\$1 million in FY 2021; \$2 million in FY 2022 and 2023), with \$1 million of that funding being directed to assist with sodium reduction efforts in FY 2022–2023. These investments will be transformational, but the impact of inflation on school nutrition programs means schools still struggle to make ends meet. Therefore, increased meal reimbursement rates will be critical to the future success of school meals programs.

Beyond riders blocking implementation of the new proposed standards, there are other ongoing attempts to undermine evidence-based nutrition standards. For instance, the proposed rule allows for potatoes to be served in breakfast up to four out of the five school days, if a school chose to serve vegetables in place of fruit in breakfast. Therefore the existing breakfast potato rider—which allows schools to serve potatoes before other vegetables at breakfast—does not need to be included in the spending bill. Further, we are similarly concerned about attempts to bring whole milk into the school meals program. The Dietary Guidelines is explicit in its recommendation that everyone 2 years and older should limit their intake of saturated fat and choose fat-free or 1-percent low-fat milk instead of 2-percent reduced-fat or whole milk. The proposed rule reiterates this, while providing flexibilities for flavored 1-percent milk. Yet continued industry attempts to circumvent the science persist.

Finally, there are evidence-based strategies to increase school meal consumption that do not involve weakening nutrition standards, for instance, enabling students to have sufficient time to eat (at least 20 minutes of seat time) with longer lunch periods, having recess before lunch, serving lunch at an appropriate time of day, presenting food in an appetizing and easily eaten way, making the cafeteria inviting, and limiting competitive foods (snacks and beverages sold in vending machines and a la carte) during the

school day. While some of these strategies cannot be addressed at the federal level, we encourage you to support these efforts.

In conclusion we urge you to oppose any riders that block or weaken stronger nutrition standards for children.

Sincerely,

Academy of Nutrition & Dietetics; Advocates for Better Children's Diets; Alianza Nacional de Campesinas, Inc.; American Academy of Pediatrics; American Cancer Society Cancer Action Network; American Heart Association; American Institute for Cancer Research; American Public Health Association; Ann and Robert H. Lurie Children's Hospital of Chicago; Association of State Public Health Nutritionists; Balanced; California Association of Food Banks; Center for Digital Democracy; Center for Science in the Public Interest; Chef Ann Foundation; Chilis on Wheels; Coalition for Healthy School Food; Colorado Children's Campaign; Community Food Advocates; Council on Black Health, Inc.; Cultiva la Salud; DC Greens.

Dolores Huerta Foundation; Environmental Working Group; FARE (Food Allergy Research and Education); Farm to Table-New Mexico; Food Research & Action Center (FRAC); FoodCorps; Friends of the Earth; From Now On Fund; Healthy Food America; Healthy School Food Maryland; Healthy Schools Campaign; Hope Community Services Youngstown; Illinois Public Health Institute; Independent Restaurant Coalition; Interfaith Center on Corporate Responsibility (ICCR); Johns Hopkins Center for a Livable Future; Latino Farmers of the Southeast; National Association of Pediatric Nurse Practitioners; National Association of School Nurses; National Education Association; National Farm to School Network; National League for Nursing; National PTA; National WIC Association.

Nebraska Appleseed; North American Society for Pediatric Gastroenterology, Hepatology and Nutrition; Northeast Ohio Black Health Coalition; Northwest Coalition for Responsible Investment; Office of Kat Taylor; Oklahoma Black Historical Research Project, Inc.; Public Health Advocates; Public Health Institute; Redstone Global Center for Prevention and Wellness; Roots of Change; Rural Advancement Fund of the National Sharecroppers Fund, Inc; Rural Coalition; Seventh Generation Interfaith Coalition; Sisters of Charity of Saint Elizabeth; Sisters of St. Francis of Philadelphia; Society for Nutrition Education and Behavior; Society of Behavioral Medicine; Springfield Food Policy Council; Stanford Medicine Children's Health; The Laurie M. Tisch Center for Food, Education and Policy, Teachers College, Columbia University; The Praxis Project; Trust for America's Health; UnidosUS; Union of Concerned Scientists; Urban School Food Alliance.

Mr. SCOTT of Virginia. Mr. Chair, this amendment would make it impossible to update the science based on new evidence. We should be basing our decisions on science, not what somebody tells us at the gas station. I hope that we defeat the amendment and the underlying bill, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Wisconsin (Mr. TIFFANY).

The amendment was agreed to.

The Acting CHAIR. There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr.

KILEY) having assumed the chair, Mr. MOOLENAAR, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1147) to amend the Richard B. Russell National School Lunch Act to allow schools that participate in the school lunch program under such Act to serve whole milk, and, pursuant to House Resolution 922, he reported the bill back to the House with sundry further amendments adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment reported from the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. FOXX. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

□ 1515

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MOOLENAAR). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or votes objected to under clause 6 of rule XX.

The House will resume proceedings on postponed questions at a later time.

CONDEMNING ANTISEMITISM ON UNIVERSITY CAMPUSES AND THE TESTIMONY OF UNIVERSITY PRESIDENTS IN THE HOUSE COMMITTEE ON EDUCATION AND THE WORKFORCE

Ms. FOXX. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 927) condemning anti-semitism on University campuses and the testimony of University Presidents in the House Committee on Education and the Workforce.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 927

Whereas, on October 7, 2023, the world witnessed Hamas terrorists perpetrate the deadliest attack against the Jewish people since the Holocaust;

Whereas, in the months since, the Anti-Defamation League has recorded 2,031 antisemitic incidents, 400 of which occurred on college campuses, a more than 330-percent increase from the year prior;

Whereas Jewish and Israeli students have faced physical violence, hate-filled disruptions in the classroom, calls from students and faculty advocating for the elimination and destruction of Israel, and other forms of persistent harassment;

Whereas, according to a recent study from the Anti-Defamation League and Hillel International, 73 percent of Jewish college students surveyed have experienced or witnessed some form of antisemitism on campus since the beginning of the school year, up from 32 percent the prior year;

Whereas many university administrations have failed to address the rise of antisemitism;

Whereas to hold universities accountable, the House Committee on Education and the Workforce held a hearing on December 5, 2023;

Whereas, when the Presidents of the University of Pennsylvania, Harvard University, and Massachusetts Institute of Technology were asked if calling for the genocide of Jews violates university policies on bullying and harassment, Presidents Elizabeth Magill, Claudine Gay, and Sally Kornbluth were evasive and dismissive, failing to simply condemn such action;

Whereas President Magill stated, "It is a context-dependent decision";

Whereas President Gay insisted that it "depends on the context";

Whereas President Kornbluth responded it would only constitute harassment if it were "targeted at individuals";

Whereas President Magill has resigned, and the other Presidents should follow suit; and

Whereas acts of hate, intimidation, discrimination, and violence-based on ethnicity or religion have no place in our country or in the global community: Now, therefore, be it

Resolved, That the House of Representatives—

(1) strongly condemns the rise of antisemitism on university campuses around the country; and

(2) strongly condemns the testimony of University of Pennsylvania President Elizabeth Magill, Harvard University President Claudine Gay, and Massachusetts Institute of Technology President Sally Kornbluth and their failure to clearly state that calls for the genocide of Jews constitute harassment and violate their institutions' codes of conduct in front of the House Committee on Education and the Workforce on December 5, 2023.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from North Carolina (Ms. FOXX) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentlewoman from North Carolina.

GENERAL LEAVE

Ms. FOXX. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H. Res. 927.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

"It depends on the context." This was the testimony delivered by so-

called prestigious university presidents when presented with the question: Does calling for the genocide of Jews violate your campus bullying and harassment policies?

The context. What a disgraceful, legalistic answer from academia's supposed top minds.

As chairwoman of the House Committee on Education and the Workforce, I will tell you what never depends on the context: defending the rights of Jewish students to feel safe on campus.

Condemning calls to incite violence against the world's most persecuted ethnic group is always appropriate and never depends on the context. Holding smug university elites accountable never depends on the context.

That is why I rise today in support of this resolution, and I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I condemn anti-Semitism in all forms. Moreover, calls for genocide of the Jewish people have no place in reasonable discourse, and I condemn that, too. I did not think such a statement would be necessary, but in today's context, it is necessary.

These sentiments were shared repeatedly by Claudine Gay of Harvard, Sally Kornbluth of MIT, and Elizabeth Magill of the University of Pennsylvania during their testimony last week.

Unfortunately, because of a 5-minute exchange toward the end of the hearing that was clipped and shared online without full context during the hours-long hearing, these university presidents' commitment to fighting anti-Semitism has been called into question.

This is because, during the clip, they answered the question asked. They made the mistake of believing the hearing was a serious attempt to ascertain what could be done to promote student safety on campus in light of the tension between the First Amendment protections of freedom of speech on the one hand and the criminal code, title VI, and campus code of conduct on the other.

Some speech, such as threats, can be so severe as to be criminal. Other speech could establish a hostile environment on campus in violation of title VI of the Civil Rights Act of 1964.

Universities can establish codes of conduct prohibiting some speech while respecting the First Amendment, but any speech involved in a First Amendment analysis is likely to be reprehensible. The fact that it might be protected does not make the speech any less reprehensible and does not suggest that you even agree with it.

A call for genocide of Jewish people is obviously reprehensible in all contexts, but whether or not it is constitutionally protected depends on context.

Don't take my word for it. Read the article published recently in The Har-

vard Crimson authored by Harvard law professor Charles Fried, formerly the Solicitor General during the Reagan administration.

In the article, Professor Fried states: "When asked whether they would discipline students (or, I suppose, faculty) if they called for genocide of Jews, each president responded that the answer depends on the context of the utterances."

He goes on by saying: "I have taught at Harvard Law School since 1961 and began practicing before the Supreme Court in 1985—for 4 years as Solicitor General of the United States—and I would have felt professionally obligated to answer as the presidents did. It does depend on context."

"In the 1969 case *Brandenburg v. Ohio*, the Supreme Court ruled unanimously that 'constitutional guarantees of free speech and free press do not permit a State to forbid or prescribe advocacy of the use of force or of law violation except where such advocacy is directed to inciting or producing imminent lawless action and is likely to incite or produce such action.'"

He continues: "Speech itself is, indeed, well protected."

The three university presidents head private institutions that are not bound in every aspect by Federal constitutional restraints, but each institution, in various ways, has declared itself committed to protecting First Amendment values over the years.

It is not surprising that their presidents would have answered that whether they would discipline or expel students for advocating genocide depends on the context. If one seeks to follow constitutional principles, answering this question certainly does depend on the context.

That is what Professor Fried said. That is the kind of analysis applied to any freedom of speech question. It is even being applied to former President Trump today. Was his speech on January 6, 2021, a crime of inciting violence or was it protected speech?

Incredibly, the university presidents were directed to give a one-word answer, yes or no, and they responded as Professor Fried said he would have been professionally obligated to do: It depends on context.

Regrettably, they took the question as an opportunity to seriously discuss the constitutional implications of a complex question. That was a big mistake. For that mistake, we are considering a resolution to condemn them and ask them to resign.

I also think it is important to put this resolution in context because, in 2017, after white supremacists walked through the campus of the University of Virginia shouting, "Jews will not replace us," Democrats on the committee requested a hearing on that incident and nothing happened. Meanwhile, the one who declared there were "good people on both sides" has been enthusiastically endorsed.

We need to do everything the law allows to address anti-Semitism,

Islamophobia, racism, homophobia, and other forms of discrimination on college campuses. This resolution is not a serious effort to advance that cause. I, therefore, oppose this resolution.

Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Ms. STEFANIK), the Conference chairwoman.

Ms. STEFANIK. Mr. Speaker, I thank Chairwoman FOXX for chairing last week's important hearing.

There is a reason that last week's hearing with the university presidents of Harvard, Penn, and MIT made history as the most watched congressional testimony in history with over 1 billion views. That is because their testimony was the most morally bankrupt testimony in the history of the United States Congress.

When asked the very specific question, "Does calling for the genocide of Jews violate [your] code of conduct when it comes to bullying and harassment?" the world watched and the world heard their answers in horror as the president of Harvard, the now-former president of Penn, and the president of MIT equivocated, dehumanized, and failed to answer yes. Anyone with a sliver of decency, humanity, and morality knows that the answer to that question is yes.

President Kornbluth of MIT said that such depravity would only be considered harassment depending on the "context."

When pressed during her questioning, Penn's now-former President Magill's response was shocking to the extreme: "If the speech becomes conduct, it can be harassment."

Finally, Harvard President Gay's answer was the same: "It depends on the context."

It was pathetic, amoral, and inhumane, and by God, the world heard it. As I said in the hearing, it does not depend on the context.

As attacks against Jewish students have skyrocketed on campuses across America, we clearly have tremendous work ahead of us, Mr. Speaker, to address this rot of anti-Semitism that is now rooted in our once-premier higher education institutions, and we will not be deterred by this important work.

This is why I rise today in support of my bipartisan resolution condemning the rise of anti-Semitism on university campuses around the country and the morally bankrupt testimony of those university presidents.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Ms. FOXX. Mr. Speaker, I yield an additional 30 seconds to the gentlewoman from New York.

Ms. STEFANIK. Mr. Speaker, it is only a first step, but it is an important step. I commend my colleagues, Congressman MOSKOWITZ, Majority Leader SCALISE, and Congressman GOTTHEIMER, for joining to lead this

historically important, bipartisan effort to stand for moral truth.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 5 minutes to the gentlewoman from North Carolina (Ms. MANNING).

Ms. MANNING. Mr. Speaker, I thank my friend, the gentleman from Virginia, Ranking Member SCOTT, for recognizing me.

Mr. Speaker, as someone who has dedicated most of her career to combating anti-Semitism and as the co-chair of the House Bipartisan Task Force for Combating Antisemitism, I know well that anti-Semitism has been on the rise in our country for years.

It was a growing problem before the October 7 Hamas terrorist attack, and sadly, immediately after that savage attack, anti-Semitism has skyrocketed, particularly on college campuses.

What we have seen happening on college campuses is outrageous, and too many college and university leaders have totally failed in their moral responsibility to condemn anti-Semitism. They have failed to keep Jewish students and faculty members safe. That is shameful.

I was appalled by the failure of the three college presidents to simply say yes. A call for the genocide of Jews is wrong, period, but I have no interest in meaningless resolutions that do nothing to address the underlying issue of anti-Semitism.

That is why my colleagues should join us in crafting serious bipartisan legislation that will make a real difference. We don't need throwaway resolutions. We need effective solutions.

If we are serious about fighting anti-Semitism, we need legislation to implement and codify the United States' National Strategy to Counter Anti-Semitism. We need to pass the President's request for \$200 million in emergency supplemental funding for the Nonprofit Security Grant Program. We need to fully fund the Office of Civil Rights at the U.S. Department of Education, not cut that funding. We need to strengthen our Federal civil rights laws to punish all universities that fail to protect Jewish students.

□ 1530

Until we do that, nonbinding politically motivated resolutions are not worth the paper they are written on. When anti-Semitism rears its ugly head, it harms us all and it eats at the foundations of our democracy.

I have always called out anti-Semitism on the left and on the right, and I will continue to do so, but I don't want just words. I want this Congress to take action and pass implementing legislation.

Ms. FOXX. Mr. Speaker, I yield 1½ minutes to the gentleman from South Carolina (Mr. WILSON), a member of the Committee on Education and the Workforce.

Mr. WILSON of South Carolina. Mr. Speaker, I thank Chairwoman VIRGINIA FOXX for yielding, a former college

president herself, who understands these issues. I am very grateful for Republican Conference Chairwoman ELISE STEFANIK, who is courageously leading this resolution that condemns anti-Semitism on university campuses.

Most Americans are shocked at the insane campus anti-Semitism that has developed. I reviewed this in a lead Op Ed in the Washington Times on December 7.

My analysis was:

Sadly, college campuses have descended from coveted citadels of intellectual freedom to illiberal sewers of intolerance and bigotry. Diversity and inclusion are a George Orwell 1984 implementation excluding conservative thought.

Over the years, as infantile leftists hire only other infantile leftists, the most extreme hire even more extreme, as each tries to outdo the other in leftism. This leads to today's suicidal derangement, even as the regime in Tehran, coordinating with war criminal Putin, develops missiles for a nuclear attack on the big Satan America, which would vaporize college campuses.

The solution for close-minded intolerance on campuses is obvious. To liberate academia from denial of free speech, there should be the inclusion and diversity of more conservative academics overcoming today's blatant discrimination. All Americans in good faith want college education to be uplifting for students to achieve the American Dream.

Mr. Speaker, I look forward to working with my colleague, Congresswoman MANNING. This should be bipartisan.

Mr. SCOTT of Virginia. Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield 1½ minutes to the gentleman from Wisconsin (Mr. GROTHMAN), a member of the Committee on Education and the Workforce.

Mr. GROTHMAN. Mr. Speaker, like most Americans, I happened to be in the room because I am on the committee and was a little bit startled and stunned by the lack of concern for rampant anti-Semitism in the most prominent universities in this country—the leaders who were chosen to lead those universities.

We have to ask ourselves why is it happening on our premier campuses?

I can go out in Wisconsin, all the hard workers in the factories, all the hard workers on the farms, all the people working in retail, I don't see any evidence of this. As a matter of fact, I don't think there is anywhere in the State of Wisconsin I would go and find this sort of thing.

Nevertheless, we seem to be fighting it in our universities.

The question is: Why is that so? Is there anything out there that would give an indication that you have a possibility of anti-Semitism?

Part of it, I think, is coming from recent immigrants who are carrying grievances from long ago to the United States, but the more concerning one is the spoiled, upper-middle classes that make up so many of the college students and professors.

I think what we are coming out of is what I will call the bored upper-middle classes looking for something to do and the unhappiness out of that boredom that leads them to anti-American, but also anti-Semitic and anti-Israel. Because when they see Gaza and Israel, they see one successful Western country and they see an unsuccessful crooked country, and it leads them to be so mentally muddled up that they can't see what is wrong with the horrific murders that took place.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. SCOTT of Virginia. Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. KILEY), a member of the Committee on Education and the Workforce.

Mr. KILEY. Mr. Speaker, for nearly four centuries Harvard has been known for many great things: as America's first college, as the alma mater of eight Presidents, as the most fertile of ground for new ideas and cutting-edge research.

Yet now, in this moment, Harvard has become known for a truly terrible thing—for anti-Semitism, for leading a 21st century American resurgence of one of the world's most ancient and retrograde prejudices. This is in large part because of the words and action, as well as the silence and inaction of President Claudine Gay.

We have all now seen the shocking testimony from last week, but to borrow a phrase from Dr. Gay, we need to also look at the context, the context of Harvard having the very worst ranking in the entire country for protecting free speech; the context of President Gay initially refusing to condemn the Hamas terrorist attack and then refusing to condemn the student groups that blamed Israel; the context of Harvard's woefully inadequate measures to protect Jewish students both before October 7 but especially after, to the point that at the hearing, President Gay refused to even answer the question as to whether a Jewish student can feel safe and welcome on her campus.

That Harvard has declined to remove President Gay, even after Penn forced out its president, speaks volumes about the singular failures of that university.

Yet, Harvard also offers a broader window into what ails higher education in our country.

This is a moment of reckoning for American higher education. Our universities cost too much, deliver too little value to graduates, and have become the most intolerable places in American life.

Now is the time for fundamental change to reform the American university, and this resolution is a first step.

Mr. SCOTT of Virginia. Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. BEAN), chairman of the Early

Childhood, Elementary, and Secondary Education Subcommittee.

Mr. BEAN of Florida. Mr. Speaker, I thank the chairwoman for yielding time.

Mr. Speaker, we have seen the evil and hatred of anti-Semitism find its voice across American college and university campuses, and we have seen the full force of Jewish hatred grow as student organizations continue to celebrate the horrific October 7 terrorist attacks.

These institutions have become hate factories that are quick to allow the spread of anti-Semitism but slow to condemn it, if at all.

Harvard President, Claudine Gay, even said, calling for the genocide of Jewish students "depends on the context" when it comes to violating the university's code of conduct.

Let me be clear: Today, the faces of modern anti-Semitism in American education are Harvard, UPenn, MIT.

These institutions have gone from elite to elitist.

At Harvard, if you use the wrong pronouns, that is a violation of their code of conduct, but violently targeting Jewish students and calling for the genocide of the Jewish people, that is acceptable Harvard conduct.

The history of the Holocaust reminds us what will happen when hatred is met by silence. We cannot stand by while students feel threatened.

It is more than a discussion, Mr. Speaker. It is a call to action.

That is why I am proud to support Representative STEFANIK's resolution condemning anti-Semitism in institutions of higher learning and specifically condemning Presidents Magill, Gay, and Kornbluth for failing to denounce the calls for genocide on their campuses.

Mr. Speaker, 17 times it was asked; 17 times they failed the question.

Mr. Speaker, it bears repeating, anti-Semitism is not activism.

Mr. SCOTT of Virginia. Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield 1½ minutes to the gentleman from Michigan (Mr. WALBERG), a member of the Committee on Education and the Workforce.

Mr. WALBERG. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, I rise today in support of H. Res. 927. Last week, Americans watched in bewilderment as the presidents of Harvard, MIT, and Penn were unable to say if calls for a genocide of Jews violated their harassment and bullying policy.

Let's not forget campus leaders go after microaggressions, but suddenly when it comes to anti-Semitism, they chose to remain silent.

At that same hearing, I asked Harvard's President how she could rectify cracking down on faculty for saying there are biologically two genders but maintain that calling for genocide is protected speech.

The reality is that at these universities, free speech only applies to cer-

tain people at certain times, which is why these schools rank at the bottom of scorecards that judge freedom of speech.

The inability of these presidents to condemn anti-Semitic rhetoric only encourages further harassment and jeopardizes the safety of Jewish students, and ultimately all.

Mr. Speaker, they need to be held to account. I encourage adoption of the resolution.

Mr. SCOTT of Virginia. Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, may I inquire as to how much time is remaining.

The SPEAKER pro tempore. The gentlewoman from North Carolina has 8½ minutes remaining. The gentleman from Virginia has 11½ minutes remaining.

Ms. FOXX. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, "Anti-Semitism on College Campuses: Incident Tracking from 2019 to 2023; 659 total reported anti-Semitic incidents on college campuses since October 7—a 700 percent increase compared to last year."

This was updated on December 13, 2023.

"Since the terrorist attack on Israel by Hamas on October 7, anti-Semitic incidents against Jewish students on college campuses have reached alarmingly high rates, increasing by 700 percent over the same period last year.

"Hillel International has been working around the clock with our partners to report and address these incidents, and to ensure that all Jewish students feel safe on campus."

Mr. Speaker, I include in the RECORD this report from Hillel International.

ANTISEMITISM ON COLLEGE CAMPUSES: INCIDENT TRACKING FROM 2019-2023

659: TOTAL REPORTED ANTISEMITIC INCIDENTS ON COLLEGE CAMPUSES SINCE OCTOBER 7—A 700% INCREASE COMPARED TO LAST YEAR

Since the terrorist attack on Israel by Hamas on October 7, antisemitic incidents against Jewish students on college campuses have reached alarmingly high rates, increasing by 700% over the same period last year.

Hillel International has been working around the clock with our partners to report and address these incidents, and to ensure that all Jewish students feel safe on campus. If you or a student you know experiences an antisemitic incident on campus, report it (anonymously) to receive 24/7 support at ReportCampusHate.org, or contact our free legal helpline, the Campus Antisemitism Legal Line (CALL) for pro bono legal support.

IN THE MONTH FOLLOWING THE OCTOBER 7 ATTACK ON ISRAEL, HILLEL INTERNATIONAL TRACKED A 700% INCREASE IN ANTISEMITIC INCIDENTS ON COLLEGE CAMPUSES COMPARED TO THE SAME PERIOD LAST YEAR

306: TOTAL REPORTED INCIDENTS OF ANTISEMITISM FROM OCTOBER 7-NOVEMBER 7, 2023 HILLEL HAS NEVER RECORDED MORE THAN 50 TOTAL INCIDENTS IN THIS SAME TIME PERIOD SINCE WE STARTED TRACKING IN 2019

129: UNIQUE CAMPUSES IMPACTED BY ANTISEMITIC INCIDENTS FROM OCTOBER 7-NOVEMBER 7, 2023

We have never recorded more than 40 campuses impacted by antisemitism in this same time period

Mr. SCOTT of Virginia. Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. WILLIAMS), a member of the Committee on Education and the Workforce.

Mr. WILLIAMS of New York. Mr. Speaker, I thank the chairwoman for yielding.

Mr. Speaker, I thank Representative STEFANIK, my colleague from New York, for introducing this much-needed legislation.

With issues as critical as mitigating anti-Semitism and protecting our Jewish community, it is vital that we speak today with moral clarity.

Just days ago, in a hearing in the House Education and the Workforce Committee, we heard shocking testimony from the presidents of what were once our most esteemed educational institutions.

Each one of these institutions has more than 100 years of history educating our youth.

One, Harvard University, is closing in on 400 years of history.

These schools have an embarrassment of riches: Billions of dollars in annual revenue, much of it from Federal funds, billions more in endowments—no, tens of billions of dollars in endowments—they have the resources to reach any educational goal.

When pressed on the solution to the problem of anti-Semitism, each of them testified that education was, in fact, the solution. Education is supposed to be the solution to anti-Semitism.

Yet, with all of that history, with all of those resources, with the esteem of our society and the world, these universities are ground zero for rampant, virulent, obscene, and inhuman anti-Semitism.

□ 1545

The hearings last week exposed not only the lack of moral leadership at these schools; it also exposed a sickness in the culture of our elite universities.

If calling for the murder and genocide of fellow students for the crime of being Jewish is not immediately and completely repugnant, then there is no moral compass at the heart of these institutions.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 4 minutes to the gentleman from Maryland (Mr. RASKIN).

Mr. RASKIN. Mr. Speaker, I rise to oppose this resolution which, to my knowledge, would mark the first time in American history that the House of Representatives would vote to tell private college and university presidents to resign. I want all of my colleagues to think very seriously about what this means for us today and in the future.

We are all profoundly disturbed by the resurgence of anti-Semitism and racism in campus towns, including death threats, serious death threats against Jewish students at Cornell, and

actual shootings and attempted murder of three Palestinian-American students in Burlington, Vermont.

We all want to express our outrage in House resolutions, which we have done more than 20 times as a House of Representatives, and numerous times even since October 7. For example, on November 2, we passed H. Res. 798, which condemned all forms of anti-Semitism on college campuses, denounced any support for terrorist groups on campus, reaffirmed the free speech rights of Jewish students and faculty, and urged enforcement of Federal civil rights laws to protect Jewish students against anti-Semitism.

Why do we need this resolution? The only thing new about it is it would have the U.S. House of Representatives call specifically for the resignation of two college presidents, a call that has been slipped in at the bottom of page 2 of the resolution.

This extraordinary passage comes close to being what the Constitution calls a bill of attainder, which is the unconstitutional imposition by Congress on a specific citizen or citizens of a criminal punishment or stigma by the Congress itself. Although this resolution is not a criminal punishment or stigma against specific citizens, it is undoubtedly a civil punishment and stigma against specific American citizens.

How many of you would like the president of the college where you went or where your children go to be walking around with a congressional resolution telling them to resign?

Everyone knows that this will be an academic scarlet letter and a professional death sentence for anyone carrying it around. Does anyone think that UPenn President Liz Magill, who has already resigned in the face of Ms. STEFANIK's ceaseless campaign to force her out, will ever be able to find another college presidency? Give me a break.

Now, I hold no brief for the college presidents' overly legalistic, ethically tone-deaf answers awkwardly advanced in response to Ms. STEFANIK's rapid-fire, yes-no questions. It should not be difficult for anybody to say in an age of rampant gun violence and lax Republican gun laws, which have put tens of millions of AR-15s in circulation in our society, anyone calling for genocide of the Jews, or anyone else, should be sent immediately a campus security detail to see if they pose the risk of harm to other people or if they need an immediate mental health exam. If there is not an imminent threat, surely the call for genocide of the Jews by definition constitutes a hostile learning environment and should occasion aggressive disciplinary action. Where is the common sense on the part of the college presidents?

Where is the common sense in the Congress of the United States of America?

Calling for the resignation of private individuals at private universities

would be a dramatic and unprecedented departure for the U.S. Congress, which has never before voted to tell a college president to resign.

Before we affix this lifelong stigma, reproach, and dishonor on a private citizen, do you think perhaps we should offer them some kind of due process, the kind of due process that even George Santos got and that Donald Trump is getting all over America right now for his 91 Federal and State felony charges?

The SPEAKER pro tempore (Mr. MEUSER). The time of the gentleman has expired.

Mr. SCOTT of Virginia. Mr. Speaker, I yield an additional 2 minutes to the gentleman from Maryland.

Mr. RASKIN. Mr. Speaker, should Harvard President Claudine Gay, who is the first Haitian American ever to serve in that position, and Sally Kornbluth, who is Jewish, get the chance to explain what they are actually doing to combat racism and anti-Semitism at their schools and what they have done in their lives and in their careers to oppose anti-Semitism and racism, which are the gateways to destruction of liberal democracy? Do we care about that, or is this just a bunch of drive-by talking points?

Is it relevant that the Harvard and MIT boards have made unanimous statements affirming the leadership of their two college presidents? Are we saying that their boards don't matter or they are indifferent to anti-Semitism and the leaders of the Freedom Caucus know better than the Jewish president of MIT what anti-Semitism is?

Now, I know these two were the presidents testifying before Ms. STEFANIK, but are we sure that these two are even the worst in the country when it comes to bias and discrimination? Is this a one-shot deal, or, as Ms. STEFANIK promises, is this just the beginning? Are we going to go through all of the college and university presidents in America? What about the CEOs of the businesses? Maybe they are not performing to her satisfaction either.

Indeed, maybe there are college presidents who have looked the other way in not hypothetical cases of anti-Semitism and racism but real cases of anti-Semitism and racism. What about them? Are we going to let them go, or are we going to go after them? Maybe we should determine who the worst are before we start using the resources of the House of Representatives to call for people to resign.

Are there college presidents, by the way, who looked the other way when there was sexual abuse of college male wrestling team members, rape of students, or female gymnasts or female soccer players? Are we interested in that now that we are superintending higher education in America, now that we are the appellate review board for the colleges?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SCOTT of Virginia. Mr. Speaker, I yield an additional 1 minute to the gentleman from Maryland.

The SPEAKER pro tempore. Members are reminded to direct their remarks to the Chair.

Mr. RASKIN. Mr. Speaker, are we prepared to become the national academic appeals panel for college presidents, coaches, and professors, or is that perhaps best left to the universities themselves?

Maybe it is that we just don't have a positive legislative agenda of our own to lower drug prices in America, to get aid to our democratic allies in Ukraine against the fascist imperialist thug Vladimir Putin. Maybe we don't have anything real to do, so we decide instead to go around and start lecturing the college presidents and the college boards all over America.

In the absence of a real program for America, the majority is filling our hours with censures, expulsions, motions to vacate the speakership, overthrow their own leaders, and, of course, impeachment of President Biden for what? For doing nothing wrong. That is all that they give us. This cannibalistic instinct they have unleashed now turns on private citizens, academic leaders who will wear the scarlet letter "A" so they can have some more press conferences.

Vote "no" on this resolution.

Mr. SCOTT of Virginia. Mr. Speaker, may I inquire as to how much time is remaining?

The SPEAKER pro tempore. The gentleman from Virginia has 4½ minutes remaining. The gentlewoman from North Carolina has 6 minutes remaining.

Mr. SCOTT of Virginia. Mr. Speaker, I include in the RECORD a December 8 statement from the Foundation for Individual Rights and Expression, a group invited by the majority in 2018 to testify at a hearing examining the First Amendment rights on campus and a group that authors the free speech ranking the majority cited several times at the committee hearing, titled, "University Presidents Were Right to Condemn Hate Speech and Defend Free Speech."

[From FIRE, Dec. 8, 2023]

SPECIAL POST: STEPHEN ROHDE, 'UNIVERSITY PRESIDENTS WERE RIGHT TO CONDEMN HATE SPEECH AND DEFEND FREE SPEECH'—FIRST AMENDMENT NEWS 403.1

(by Ronald K. L. Collins)

When it comes to speech on college campuses, the problem is one with a vintage flavor. Simply recall (if you can) what Chief Justice Earl Warren wrote in his 1957 opinion in *Sweezy v. New Hampshire* (a case successfully argued by professor Thomas Emerson): "The essentiality of freedom in the community of American universities is almost self-evident."

Note that it was a plurality opinion—and note also his use of the word "almost." In other words, doubts lingered.

Four decades later, in a book way ahead of its time, the late Robert M. O'Neil awakened our world to free speech issues that would define the world in decades to come. The book was "Free Speech in the College Com-

munity." In it, Bob (a free speech champion and friend) wrote:

When the Carnegie Foundation for the Advancement of Teaching surveyed university presidents for a study in the late 1980s entitled campus tensions, more than half the respondents noted that racial intimidation or harassment was a serious problem on their campuses. The National Institute Against Prejudice and Violence, which has the most detailed database, cited at least 250 campuses at which acts of racial hatred occurred in the period 1986–89. The institute has elsewhere reported that one in five minority students encounters some form of physical or psychological racial harassment at least once a year.

And so the same problem resurfaces, but now in a new context, growing out of the Israel-Hamas War and the free expression issues raised by it: those of antisemitism and hate speech. In a recent *Politico Magazine* interview, professor Eugene Volokh said:

I'm worried that there is pro-Palestinian speech being suppressed. I'm worried that there's some pro-Israeli speech being suppressed . . . I also think that there are some things that are being too much tolerated.

Mindful of all of the above and much more, what follows is an op-ed by Stephen Rohde, author of "American Words of Freedom: The Words That Define Our Nation" and "Freedom of Assembly," regarding the recent hearings on campus antisemitism and the reactions to statements by the university presidents on the matter.

At a contentious congressional hearing on December 5, the presidents of three major universities unequivocally condemned antisemitism and hate speech while standing firm in defense of free speech. In a furious backlash, elected officials, alumni, students and donors have unleashed scathing criticism, going so far as to open a congressional investigation and demand that all three resign.

The three presidents, Elizabeth Magill of the University of Pennsylvania, Claudine Gay of Harvard, and Sally Kornbluth of Massachusetts Institute of Technology, testified before the House Committee on Education and the Workforce at a hearing entitled "Holding Campus Leaders Accountable and Confronting Antisemitism."

The episode reveals not only how little our elected officials and the American people understand about the concept of protected free speech at our colleges and universities; it shows how, in a free society, confidence in the value of protecting all ideas and viewpoints—even those we despise—is eroding.

NADINE STROSSEN'S 'NON-EMERGENCY SPEECH'

Public colleges and universities are bound by the First Amendment. Private colleges and universities, in their written policies and handbooks (and in some states by legislation), generally guarantee students and faculty members the right to academic freedom and freedom of speech comparable to the First Amendment.

In her new book "Free Speech: What Everyone Needs to Know," Nadine Strossen, who served for 17 years as national president of the ACLU, provides a useful summary of current First Amendment law:

The First Amendment permits government to outlaw the speech that is the most dangerous, consistent with the "emergency" principle: speech that, considered in its overall context, directly, imminently causes or threatens specific serious harm . . . [on the other hand, the] First Amendment outlaws the censorship that is the most dangerous: restrictions based solely on disfavor of the speaker's ideas, or on generalized, speculative fear that the speech might indirectly contribute to some future harm.

Strossen calls the latter "non-emergency speech."

While non-emergency speech may potentially cause harm, Strossen explains that "it is dangerous to grant government the added latitude to punish speech with a less direct, imminent connection to potential harm" because "predictably, government (which is accountable to majoritarian and other powerful interest groups) disproportionately exercises any such discretion to suppress minority voices and views."

Strossen's warning applies equally to public universities (which are an arm of the government) as well as to private universities, which rely on the support of the federal and state governments as well as donors and alumni, and who may be inclined to suppress unpopular views in order to protect their funding.

Consequently, whether students should be expelled or disciplined for expressing their views goes far beyond simply looking at the words they speak. It requires a serious examination of the context and circumstances surrounding the speech. The chants of protesters at a large rally screaming "Kill all the Jews," while unspeakably vile and contemptible, would not "directly and imminently" cause or threaten specific serious harm when considered in their overall context.

Yet the same words spoken by someone holding a gun on the steps of a Jewish student center do pose a "direct and imminent threat" and should be stopped and punished by campus authorities and/or the government. What students say in the classroom should be treated differently than what they say at a campus rally or debate. Angry threats made to individual students should be treated differently than the same words written on a flyer or in an op-ed in the campus newspaper.

THE PLIGHT OF PENN'S PRESIDENT MAGILL

Members of Congress and other critics of the college presidents apparently couldn't be bothered with the nuances of these complex issues. In the midst of complaints that the presidents failed to adequately condemn antisemitism, scant attention has been paid to their opening remarks.

For example, Penn President Magill couldn't have been more forceful in her condemnation of antisemitism. Given the misleading and unfair criticism to which she was subjected and the immediate calls for her resignation, her balanced and comprehensive opening statement deserves to be considered in detail.

After summarizing her impressive credentials prior to becoming Penn's president (executive vice president and provost of the University of Virginia, dean of Stanford Law School, professor of law at the University of Virginia, law clerk for U.S. Supreme Court Justice Ruth Bader Ginsburg), she immediately and forcefully stated that she and Penn:

. . . are horrified by and condemn Hamas's abhorrent terrorist attack on Israel on October 7th. There is no justification—none—for those heinous attacks. The loss of life and suffering that are occurring in Israel and Gaza during the ensuing war are heart-breaking. The pain extends to our campus. I know it from my daily conversations with our students, faculty, and staff, as well as parents and alumni.

Magill said she valued the opportunity to reaffirm her and Penn's "unyielding opposition to antisemitism, and to outline the urgent, university-wide actions we are taking to combat this centuries-old and resurgent threat." She also said her "first priority is to members of the Penn community and, above all, to their safety and support." She continued:

I must also ensure that our academic mission thrives; that academic freedom and the free exchange of ideas endure; and that we swiftly address any violation of the Law or our University's policies. These are the priorities Penn is seeking to achieve in the actions I will discuss today.

She noted that prior to October 7, "antisemitism"—a pernicious, viral evil—was already rising in our society, and global events have dramatically accelerated the surge. No place is immune, and campuses, including ours, have recently experienced an unacceptable number of antisemitic incidents. We are combating this evil head-on with immediate action." She described how she "condemned antisemitism publicly, regularly, and in the strongest terms possible," and wanted to:

reiterate my and Penn's commitment to combating it. For decades our Division of Public Safety has learned from and worked with the Anti-Defamation League office in Philadelphia, and we are working closely with them, as well as local, state, and federal law enforcement to promptly report and investigate antisemitic acts against any member of the Penn community. Where we have been able to identify individuals who committed these acts in violation of existing University policy or law, we have initiated disciplinary proceedings and referred these matters to law enforcement where appropriate.

President Magill went into detail about how Penn has "acted decisively to ensure safety throughout and near campus." Then she pointed out that like many communities around the world:

Penn has also experienced protests, rallies, and vigils related to the terrorist attack and the subsequent war. Protest—and all it entails—has long been a feature of university life. Penn's approach to protest is guided by the U.S. Constitution, outlined in decades-old open expression policies, and supported and upheld by trained Open Expression Observers. We recognize the right of peaceful protest and assembly, and we give broad protection to free expression—even expression that is offensive. At the same time, we have zero tolerance for violence or speech intended to incite it. Our public safety officers are present at every protest, rally, or vigil, trained in de-escalation techniques, and, if necessary, they are ready to act.

Magill also talked about "the challenges of fostering robust debate during difficult times," how "in addition to respecting the right of protest, Penn is offering many ways for students to come together in classrooms and in small groups to discuss these issues," how "educating citizens requires engagement with real-world challenges and hard topics—topics that often inspire passionate responses," and how "university leadership must provide guardrails that encourage free and open expression while also ensuring a secure environment."

She outlined Penn's new "Action Plan to Combat Antisemitism" and she announced that she had created a new student advisory group on the Jewish student experience.

Magill also noted the:

"rising harassment, intimidation, doxing, and threats toward students, faculty, and staff based on their identity or perceived identity as Muslim, Palestinian, or Arab. Some have lost family members in this war, and many are worried about the safety of their loved ones in the region. Many are also afraid for their own safety, and the horrifying shooting of three Palestinian students in Vermont has only deepened their fears."

She said she was "appalled by and have publicly condemned these acts of harassment, threats, and intimidation. We are investigating all allegations, even when

threats have come from outside our campus. We are providing resources and advice to assist individuals with online doxing, harassment, and threats."

And she has created a Presidential Commission on Countering Hate and Building Community "to empower our campus leaders to address antisemitism, Islamophobia, and hate in all forms, and to lay the groundwork for a stronger, more connected community."

Magill ended her opening statements by reiterating that:

"[h]igher education institutions create knowledge, share it for good, and educate the next generation—missions that have never been more essential," and noting that on Penn's campus today many people are "engaged in serious and respectful conversation—despite disagreement—about difficult topics, including those related to the Israel-Hamas war."

REPRESENTATIVE ELISE STEFANIK: 'DOES CALLING FOR THE GENOCIDE OF JEWS VIOLATE PENN'S RULES OR CODE OF CONDUCT? YES OR NO?'

Most of the attacks on Magill focused on her exchange with Representative Elise Stefanik, Republican of New York. Stefanik noted that "there had been marches where students had chanted support for intifada, an Arabic word that means 'uprising' and that many Jews hear as a call for violence against them."

Stefanik asked Magill, "Does calling for the genocide of Jews violate Penn's rules or code of conduct? Yes or no?"

Magill replied, "If the speech turns into conduct, it can be harassment."

Stefanik pressed the issue: "I am asking, specifically: Calling for the genocide of Jews, does that constitute bullying or harassment?"

Magill, who joined Penn last year with a pledge to promote campus free speech, replied, "If it is directed and severe, pervasive, it is harassment."

Stefanik responded: "So the answer is yes."

Trying to give complete rather than glib answers, Magill said, "It is a context-dependent decision, congresswoman." Stefanik then exclaimed, "That's your testimony today? Calling for the genocide of Jews is depending upon the context?"

After some more back and forth, Magill said, "It can be harassment," to which Stefanik responded, "The answer is yes."

Given the totality of Magill's testimony, it is astonishing and disappointing that Gov. Josh Shapiro of Pennsylvania said he found her statements "unacceptable." According to *The New York Times*, he said:

"It should not be hard to condemn genocide, genocide against Jews, genocide against anyone else," and "I've said many times, leaders have a responsibility to speak and act with moral clarity, and Liz Magill failed to meet that simple test. . . . There should be no nuance to that—she needed to give a one-word answer."

Shapiro, who is a nonvoting member of Penn's board, urged the trustees to meet soon. CNN has reported that the board held an emergency meeting on Wednesday, December 6. No outcome has been announced.

"It's unbelievable that this needs to be said: Calls for genocide are monstrous and antithetical to everything we represent as a country," said White House spokesman Andrew Bates, according to *The New York Times*.

The Times also reported that Senator Bob Casey, Democrat of Pennsylvania, did not mince words. "President Magill's comments yesterday were offensive, but equally offensive was what she didn't say," he said in a statement. "The right to free speech is fun-

damental, but calling for the genocide of Jews is antisemitic and harassment, full stop."

Senator John Fetterman, a Pennsylvania Democrat, described the testimony as "a significant fail. . . . There is no 'both sides-ism' and it isn't 'free speech,' it's simply hate speech," he said in a statement. "It was embarrassing for a venerable Pennsylvania university, and it should be reflexive for leaders to condemn antisemitism and stand up for the Jewish community or any community facing this kind of invective."

DID MAGILL'S CRITICS ACTUALLY LISTEN TO HER TESTIMONY?

Did these officials actually listen to Magill's testimony or did they just rely on truncated news reports and angry social media posts? In fact, Magill repeatedly and unequivocally condemned antisemitism and the Hamas attacks, and she said that calling for the genocide of Jews could constitute harassment under Penn's policies.

The Times also reported that Marc Rowan, the chief of Apollo Group and the board chair at the Wharton School—Penn's business school—wrote to the university's board of trustees asking them to rescind their support for Magill. "How much damage to our reputation are we willing to accept?" he wrote. "The call for fundamental change at UPenn continues."

Within 24 hours, a petition demanding Magill's resignation had attracted more than 3,000 signatures. Did Rowan and the 3,000 who signed the petition actually listen to all of her testimony before taking the extraordinary step of calling for her resignation?

Now Congress is threatening all three universities with a full-fledged investigation reminiscent of the HUAC and McCarthy hearings of the 1940s and 1950s that looked into communists and their "sympathizers," questioning college professors under oath about their teaching, writing, and politics. Many were fired or forced to sign loyalty oaths.

On Thursday, Rep. Virginia Foxx, chair of the House Committee on Education & the Workforce, told *Fox News*:

"[T]he Committee is opening a formal investigation into the learning environments at Harvard, UPenn, and MIT and their policies and disciplinary procedures. This investigation will include substantial document requests, and the Committee will not hesitate to utilize compulsory measures including subpoenas if a full response is not immediately forthcoming."

Stefanik is quoted as saying that after "this week's pathetic and morally bankrupt testimony by university presidents when answering my questions, the Education and Workforce Committee is launching an official Congressional investigation with the full force of subpoena power into Penn, MIT, and Harvard and others."

Ominously, she did not specify what other colleges and universities would be targeted. "We will use our full Congressional authority to hold these schools accountable for their failure on the global stage," she added.

Facing this barrage of threats and criticism, with her job on the line, Magill relented and apologized for her testimony:

"In that moment, I was focused on our university's longstanding policies aligned with the U.S. Constitution, which say that speech alone is not punishable. . . . I was not focused on, but I should have been, the irrefutable fact that a call for genocide of Jewish people is a call for some of the most terrible violence human beings can perpetrate. It's evil—plain and simple. In my view, it would be harassment or intimidation."

ENTER HARVARD PRESIDENT CLAUDINE GAY

Harvard's president, Claudine Gay, has also come under fire from donors, students

and alumni over her statements about whether calls for genocide of Jews would be a breach of Harvard's code of conduct. Gay testified that this type of speech was "personally abhorrent to me" and "at odds with the values of Harvard." But she added that Harvard gives "a wide berth to free expression, even of views that are objectionable," and takes action "when speech crosses into conduct that violates our policies" governing bullying, harassment or intimidation.

The Times reports that Jacob Miller, the student president of Harvard Hillel, said that "the testimony yesterday was a slap in the face, because there was a very easy clear right answer and she opted not to say that." Bill Ackman, the billionaire hedge fund manager and Harvard alumnus, called on all three presidents to resign, citing the exchanges over genocide. "It depends on the context" and whether the speech turns into conduct, "that is, actually killing Jews," he wrote on X. "This could be the most extraordinary testimony ever elicited in the Congress. They must all resign in disgrace. If a CEO of one of our companies gave a similar answer, he or she would be toast within the hour."

The day after the hearing, Harvard released this statement from Gay:

"There are some who have confused a right to free expression with the idea that Harvard will condone calls for violence against Jewish students. Let me be clear: Calls for violence or genocide against the Jewish community, or any religious or ethnic group are vile, they have no place at Harvard, and those who threaten our Jewish students will be held to account."

Her statement did not say what would constitute a threat, or whether chants of "There is only one solution: intifada, revolution" would meet the definition, as Stefanik argued during the hearing.

ON FIRE

The Times quoted a spokesman for the Foundation for Individual Rights and Expression, a free speech advocacy group, who explained that whether speech rises to the level of harassment "is a complicated and fact-intensive issue" that stems from a pattern of targeted behavior. "For example, it's hard to see how the single utterance Representative Stefanik asked about during the hearing—no matter how offensive—would qualify given this requirement," the spokesman said.

FIRE is correct. Take, for example, Harvard's "University-Wide Statement on Rights and Responsibilities." It begins by declaring that the "central functions of an academic community are learning, teaching, research and scholarship" and that by "accepting membership in the University, an individual joins a community ideally characterized by free expression, free inquiry, intellectual honesty, respect for the dignity of others, and openness to constructive change. The rights and responsibilities exercised within the community must be compatible with these qualities."

THE HARVARD POLICY

The Harvard policy explains that the "rights of members of the University are not fundamentally different from those of other members of society," suggesting that First Amendment norms apply, while adding that the University "has a special autonomy and reasoned dissent plays a particularly vital part in its existence." All members of the University "have the right to press for action on matters of concern by any appropriate means" and the University "must affirm, assure and protect the rights of its members to organize and join political associations, convene and conduct public meetings, publicly demonstrate and picket in or-

derly fashion, advocate and publicize opinion by print, sign, and voice."

Furthermore, the University:

places special emphasis, as well, upon certain values which are essential to its nature as an academic community. Among these are freedom of speech and academic freedom, freedom from personal force and violence, and freedom of movement. Interference with any of these freedoms must be regarded as a serious violation of the personal rights upon which the community is based.

Finally, the policy makes clear "that intense personal harassment of such a character as to amount to grave disrespect for the dignity of others be regarded as an unacceptable violation of the personal rights on which the University is based."

It is immediately apparent—and should have been apparent to the White House, members of Congress, Governor Shapiro, and the rest of the critics—that Magill and Gay were accurately reflecting the complex analysis required to determine when free speech crosses the line into prohibited harassment, threats, or violence.

Magill was indeed correct that "if the speech turns into conduct, it can be harassment," that "if it is directed and severe, pervasive, it is harassment," and therefore, calling for the genocide of Jews "can be harassment."

She had the audacity to explain that it would depend on all the facts and circumstances.

Gay was indeed correct that calls for the genocide of Jews are "personally abhorrent" and "at odds with the values of Harvard." And she was also correct that Harvard gives "a wide berth to free expression, even of views that are objectionable," and takes action "when speech crosses into conduct that violates our policies" governing bullying, harassment or intimidation.

Apparently, her sin was trying to explain freedom of speech to Congress and the American people.

The Supreme Court and federal law make clear that for speech in the educational setting to constitute "harassment" sufficient to result in expulsion or other discipline, it must be "so severe, pervasive, and objectively offensive that it effectively bars the victim's access . . . to an educational opportunity or benefit."

Had Stefanik and her colleagues taken the time to familiarize themselves with the current law on free speech and framed their questions in terms of the legal definition of "harassment," they would have found common agreement with all three presidents. Had all the critics done their homework instead of spreading misunderstanding about free speech on campus, they would have embraced and applauded how these university presidents skillfully condemned what they called the "pernicious, viral evil" of anti-semitism and the "abhorrent" calls for genocide of Jews, while upholding "academic freedom and the free exchange of ideas" which ensure "a wide berth to free expression, even of views that are objectionable."

ENTER THE AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS

The American Association of University Professors' policy, On Freedom of Expression and Campus Speech Codes, adopted almost thirty years ago, reminds us that "[f]reedom of thought and expression is essential to any institution of higher learning" in order to inspire "vigorous debate on those social, economic, and political issues that arouse the strongest passions. In the process, views will be expressed that may seem to many wrong, distasteful, or offensive. Such is the nature of freedom to sift and winnow ideas."

On a campus "that is free and open, no idea can be banned or forbidden. No viewpoint or

message may be deemed so hateful or disturbing that it may not be expressed. Hostility or intolerance to persons who differ from the majority (especially if seemingly condoned by the institution) may undermine the confidence of new members of the community." The AAUP notes:

In response to verbal assaults and use of hateful language, some campuses have felt it necessary to forbid the expression of racist, sexist, homophobic, or ethnically demeaning speech, along with conduct or behavior that harasses. Several reasons are offered in support of banning such expression. Individuals and groups that have been victims of such expression feel an understandable outrage. They claim that the academic progress of minority and majority alike may suffer if fears, tensions, and conflicts spawned by slurs and insults create an environment inimical to learning.

And while these "arguments, grounded in the need to foster an atmosphere respectful of and welcoming to all persons, strike a deeply responsive chord in the academy," the AAUP acknowledges "both the weight of these concerns and the thoughtfulness of those persuaded of the need for regulation, rules that ban or punish speech based upon its content cannot be justified."

The AAUP continues, "An institution of higher learning fails to fulfill its mission if it asserts the power to proscribe ideas—and racial or ethnic slurs, sexist epithets, or homophobic insults almost always express ideas, however repugnant. Indeed, by proscribing any ideas, a university sets an example that profoundly disserves its academic mission."

The AAUP cites what the Supreme Court stated when it rejected criminal sanctions for offensive words:

[W]ords are often chosen as much for their emotive as their cognitive force. We cannot sanction the view that the Constitution, while solicitous of the cognitive content of individual speech, has little or no regard for that emotive function which, practically speaking, may often be the more important element of the overall message sought to be communicated.

The AAUP further warns that a college or university:

sets a perilous course if it seeks to differentiate between high-value and low-value speech, or to choose which groups are to be protected by curbing the speech of others. A speech code unavoidably implies an institutional competence to distinguish permissible expression of hateful thought from what is proscribed as thoughtless hate.

Moreover, the AAUP says, "banning speech often avoids consideration of means more compatible with the mission of an academic institution by which to deal with incivility, intolerance, offensive speech, and harassing behavior," such as adopting and invoking "a range of measures that penalize conduct and behavior, rather than speech—such as rules against defacing property, physical intimidation or harassment, or disruption of campus activities," the development of "courses and other curricular and co-curricular experiences designed to increase student understanding and to deter offensive or intolerant speech or conduct," and condemning "manifestations of intolerance and discrimination, whether physical or verbal."

The AAUP concluded by noting that:

[t]o some persons who support speech codes, measures like these—relying as they do on suasion rather than sanctions—may seem inadequate. But freedom of expression requires toleration of "ideas we hate," as Justice Holmes put it. The underlying principle does not change because the demand is to silence a hateful speaker, or because it comes from within the academy. Free speech

is not simply an aspect of the educational enterprise to be weighed against other desirable ends. It is the very precondition of the academic enterprise itself.

THE FREE SPEECH GOLDEN RULE

Aryeh Neier, former executive director of Human Rights Watch, was born in Nazi Germany and became a refugee at two years old when his family fled in 1939. He was national director of the ACLU at the time of the Skokie controversy when the ACLU defended the right of American Nazis to conduct a march in that predominantly Jewish community.

In his book "Defending My Enemy: American Nazis, the Skokie Case, and the Risks of Freedom," he explained why a Jew would defend the Nazis:

Because we Jews are uniquely vulnerable, I believe we can win only brief respite from persecution in a society in which encounters are settled by power. As a Jew, therefore, concerned with my own survival and the survival of the Jews—the two being inextricably linked—I want restraints placed on power. The restraints that matter most to me are those that ensure that I cannot be squashed by power, unnoticed by the rest of the world. If I am in danger, I want to cry out to my fellow Jews and to all those I may be able to enlist as my allies. I want to appeal to the world's sense of justice. I want restraints that prohibit those in power from interfering with my right to speak, my right to publish, or my right to gather with others who also feel threatened. Those in power must not be allowed to prevent us from assembling and joining our voices together so we can speak louder and make sure that we are heard. To defend myself, I must restrain power with freedom, even if the temporary beneficiaries are the enemies of freedom.

It is high time elected officials and other critics of free speech begin to embrace and defend the Free Speech Golden Rule: Protect the free speech of others as you would have them protect your free speech.

We are going down a very dangerous path if we set a precedent and empower government officials or college administrators to silence, expel, discipline, or criminally punish students for uttering hateful speech that most of us find vile and shameful but that falls short of legally proscribable incitement, true threats, or harassment. Armed with such awesome powers of censorship, there is no telling when different government officials or different college administrators with different political agendas will find what the rest of us say to be vile and shameful and silence and punish us.

To defend ourselves, we must restrain power with freedom, even if the temporary beneficiaries are the enemies of freedom.

Mr. SCOTT of Virginia. Mr. Speaker, the statement says that Gay was indeed correct on calls for genocide of Jews were personally abhorrent and at odds with the values at Harvard. She was also correct that Harvard gives wide berth to free expression, even to views that are objectionable and takes action when free speech crosses into conduct that violates our policies. Apparently, her sin was trying to explain freedom of speech to Congress and the American people.

The Supreme Court and Federal law makes clear that speech in educational settings constitutes harassment sufficient to result in expulsion or other discipline must be so severe, pervasive, and objectively offensive that it effectively bars the victim's access to the educational opportunity.

Had STEFANIK and her colleagues taken time to familiarize themselves with the current law on free speech and frame their questions in terms of the legal definition of harassment, they would have found common agreement with all three presidents.

Mr. Speaker, I condemn anti-Semitism. I condemn calls for genocide of Jewish people. I guess in this context, that has to be repeated over and over again. I am also concerned about the polarization of college campuses and the disturbing rise of discrimination and incidents on college campuses.

As I have noted, I am skeptical of the majority's newfound concerns about anti-Semitism on college campuses because, as I said in 2017, after white supremacists marched through the University of Virginia grounds shouting, "Jews will not replace us," I do not recall the same level of outrage. In fact, I note the endorsement of the one who declared that there were good people on both sides. I wrote a letter to the majority requesting a congressional hearing at that time, and our calls went unanswered.

Mr. Speaker, I concede that the university presidents' testimony last week, when taken out of context, fell under the First Amendment trap that when you suggest that speech is protected, therefore, you must agree with it. No, you can believe that speech is protected but also believe that it is reprehensible. Calling for genocide of Jews is reprehensible in all contexts, but it could also be protected.

Mr. Speaker, they answered the question the way Professor Fried said that he would have been professionally obligated to respond, but answering the question as posed should not warrant calls for his resignation.

We need to do everything we can do under the law to address anti-Semitism, Islamophobia, racism, homophobia, and other forms of discrimination. This resolution fails to do anything to establish standards that can address reprehensible divisions in our society and on college campuses.

Mr. Speaker, I include in the RECORD an article titled, "President Gay Was Right: Context Matters."

PRESIDENT GAY WAS RIGHT: CONTEXT MATTERS

(By Charles Fried)

Since their appearances before the House Committee on Education and the Workforce, the presidents of Harvard, the University of Pennsylvania, and MIT have been subject to a barrage of hostile criticism in the media, including from constitutional scholars known for their advocacy for free speech.

When asked whether they would discipline students (or, I suppose, faculty) if they called for the genocide of Jews, each president responded that the answer depends on the context of the utterances.

I have taught at Harvard Law School since 1961 and began practicing before the Supreme Court in 1985—for four years as Solicitor General of the United States—and I would have felt professionally obligated to answer as the presidents did. It does depend on the context.

In the 1969 case *Brandenburg v. Ohio*, the Supreme Court ruled unanimously that

"constitutional guarantees of free speech and free press do not permit a State to forbid or prescribe advocacy of the use of force or of law violation except where such advocacy is directed to inciting or producing imminent lawless action and is likely to incite or produce such action."

Now, many—perhaps most—constitutional democracies do not go this far, and courts in some nations, including Canada, France, Germany, and South Africa, have allowed criminal prosecution for what may compendiously be called hate speech. But our Supreme Court has never deviated from its principle of incitement.

Even in the case that strayed the furthest from this standard—the 2010 decision in *Holder v. Humanitarian Law Project*, which upheld the statute that makes it a federal crime to knowingly provide "material support or resources to a foreign terrorist organization"—Chief Justice John Roberts '76 was careful to carve out free speech from the ruling.

In that decision, he wrote that, under the statute, Americans "may say anything they wish on any topic" so long as they do not speak or write "to, under the direction of, or in coordination with foreign groups that the speaker knows to be terrorist organizations." The three dissenters would have gone further in protecting the organizations' speech.

To be clear, governments may withhold benefits from American members of foreign terrorist organizations under certain circumstances, and certainly governments may declare official positions condemning such organizations and their principles. But none of this includes criminal sanctions.

Speech itself is, indeed, well-protected.

The three university presidents head private institutions that are not bound in every respect by federal constitutional constraints. But each institution in various ways has declared itself committed to protecting First Amendment values over the years. So it is not surprising that their presidents would have answered that whether they would discipline or expel students for advocating genocide depends on the context.

If one seeks to follow constitutional principles, answering this question certainly does depend on the context.

In 1991, prompted by an incident in which Harvard students hung Confederate flags outside their dorm windows, University President Derek C. Bok penned an essay defending the rights of the students to display offensive messages.

He directly linked Harvard's free speech guidelines to First Amendment principles, writing that he had "difficulty understanding why a university such as Harvard should have less free speech than the surrounding society—or than a public university."

I must admit that I have never seen such flags in recent times. Yet, even today, under the circumstances Bok faced, if I were a university president pressed to answer yes or no whether the student speech in question would subject the students to discipline, I would have to reply that, yes, it depends on the context.

The lead questioner, Representative Elise M. Stefanik '06, sought to lay a rhetorical trap for the three university presidents. But I doubt Stefanik is as principled as she purports to be.

Were the facts of the event before President Bok 30 years ago to recur and the administration to fail to discipline the display of Confederate flags, would Representative Stefanik have had the same reaction? I doubt it.

Mr. SCOTT of Virginia. Mr. Speaker, I oppose this resolution. I urge my colleagues to vote “no,” and I yield back the balance of my time.

Ms. FOXX. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I am disappointed that our colleagues on the other side of the aisle think that Republicans need a lecture on free speech or freedom of religion. We do not need such a lecture on that. We understand those concepts. Those are our first freedoms, and we are very keenly aware of those.

Mr. Speaker, there are massive problems in postsecondary education in our country, and our committee is doing its best to address some of those problems and to do something about them.

What we knew before the hearing, and what we know even more strongly after the hearing that we held last week, is that Jewish students are facing a massive rise in violence on our college and university campuses.

According to the Anti-Defamation League and Hillel International, 73 percent of Jewish students surveyed said they experienced anti-Semitism on campus this year. That number is up from 32 percent in 2021. Yet, college administrators, like the ones who testified before the committee last week, are not acting to protect students.

Now is not the time for campus leaders to sit on their hands. The only way to salvage American academia and restore a safe learning environment for its students is by rooting out anti-Semitism and standing up against hate.

I thank God that the Committee on Education and the Workforce is up to the task.

Mr. Speaker, I yield back the balance of my time.

Mr. GREEN of Texas. Mr. Speaker, and still I rise to oppose antisemitism as well as all forms of hate on college campuses and wherever else it may exist.

Today I address the Congress to associate myself with the comments made during debate on H. Res. 927 by the Honorable JAMIE RASKIN and the Honorable KATHY MANNING. Both of these esteemed leaders highlight the nuance necessary when discussing issues of campus speech and antisemitism. Representative RASKIN's and Representative MANNING's remarks are insightful, and I, generally speaking, endorse their sentiments as sufficient explanations for my vote against the resolution.

Mr. NADLER. Mr. Speaker, I once again rise in strong support of any and all serious and meaningful efforts to combat antisemitism. Unfortunately, it's clear that the resolution on the floor today was drafted with the sole intention of scoring political points, not protecting Jewish students from antisemitism.

Last month, the House passed a resolution condemning antisemitism on college campuses and calling for campus administrators to ensure Jewish students and faculty are protected. Since then, I have urged the Majority to move past mere lip service and instead make meaningful contributions to the fight against antisemitism on college campuses.

If the Republican Majority truly cared about protecting Jewish students and faculty, they

would have spent the last month implementing the Biden Administration's National Strategy to Counter Antisemitism and providing robust funding for the federal office working to protect Jewish students—the Department of Education's Office of Civil Rights. Instead, they put a spending bill on the floor that cuts the Department of Education's Office of Civil Rights' budget by 25 percent.

If the Majority truly cared about protecting Jewish students and faculty, they would pass a bill increasing funding for the Nonprofit Security Grant Program, which provides critical funding to safeguard our nation's synagogues and Jewish centers.

If the Majority truly cared about protecting Jewish students and faculty, they would stop echoing racist ‘great replacement theories’ and ignoring antisemitism emanating from the right—including antisemitic comments coming directly from the leader of their party. It's telling that the sponsor of this resolution has chosen to remain silent about former President Trump—whom she has endorsed—dining with a man who is calling for the genocide of “perfidious Jews” and other non-Christians.

Finally, if the Republican majority truly cared about protecting Jewish students and faculty, they would work with Democrats on this issue in a good-faith, bipartisan fashion instead of blatantly plagiarizing the work of a Jewish Democrat.

Mr. Speaker, the rise of antisemitism in the United States and across the world—particularly on college campuses—is a real and growing problem. I hope that someday, the Majority will use its power to actually do something about it instead of playing partisan political games. I continue to stand ready to work with the Majority if they are ever ready to address this issue in a serious, bipartisan fashion. However, I can not support this attempt to score political points masquerading as a resolution to protect Jewish students and faculty.

I urge my colleagues to oppose the resolution.

□ 1600

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from North Carolina (Ms. FOXX) that the House suspend the rules and agree to the resolution, H. Res. 927.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. FOXX. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

DR. EMMANUEL BILIRAKIS AND HONORABLE JENNIFER WEXTON NATIONAL PLAN TO END PARKINSON'S ACT

Mr. BILIRAKIS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2365) to direct the Secretary of Health and Human Services to carry out a national project to prevent and cure Parkinson's, to be known as the National Parkinson's Project, and for other purposes, as amended.

The Clerk read the title of the bill. The text of the bill is as follows:

H.R. 2365

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Dr. Emman- uel Bilirakis and Honorable Jennifer Wexton National Plan to End Parkinson's Act”.

SEC. 2. NATIONAL PARKINSON'S PROJECT.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end:

“PART W—PARKINSON'S AND RELATED DISORDERS

“SEC. 3990O. NATIONAL PARKINSON'S PROJECT.

“(a) DEFINITION OF PARKINSON'S.—In this section, the term ‘Parkinson's’ means—

“(1) Parkinson's disease; and

“(2) all other neurodegenerative Parkinsonisms, including multiple system atrophy, corticobasal degeneration, progressive supranuclear palsy, and Parkinson's-related dementia.

“(b) ESTABLISHMENT.—The Secretary shall carry out a national project, to be known as the National Parkinson's Project (referred to in this section as the ‘Project’), to prevent, diagnose, treat, and cure Parkinson's.

“(c) ACTIVITIES CARRIED OUT THROUGH PROJECT.—In carrying out the Project, the Secretary shall—

“(1) create, maintain, and periodically update an integrated national plan to prevent, diagnose, treat, and cure Parkinson's, ameliorate symptoms, and slow or stop progression;

“(2) carry out the annual assessment under subsection (d);

“(3) provide information, including—

“(A) an estimate of the level of current Federal investment in preventing, diagnosing, treating, and curing Parkinson's, ameliorating symptoms, and slowing or stopping progression; and

“(B) if applicable, an estimate of the investment necessary to prevent, diagnose, treat, and cure Parkinson's, ameliorate symptoms, and slow or stop progression;

“(4) coordinate research and services across all Federal agencies related to Parkinson's;

“(5) encourage the development of safe and effective treatments, strategies, and other approaches to prevent, diagnose, treat, and cure Parkinson's, ameliorate symptoms, and slow or stop progression;

“(6) improve the—

“(A) early diagnosis of Parkinson's; and

“(B) coordination of the care and treatment of individuals with Parkinson's;

“(7) review the impact of Parkinson's on the physical, mental, and social health of individuals living with Parkinson's and their caregivers and families;

“(8) coordinate with international bodies, to the extent possible, to integrate and inform the mission to prevent, diagnose, treat, and cure Parkinson's, ameliorate symptoms, and slow or stop progression globally; and

“(9) to the extent practicable, collaborate with other entities to prevent duplication of existing research activities for related disorders.

“(d) ANNUAL ASSESSMENT.—Not later than 24 months after the date of enactment of this section, and annually thereafter, the Secretary shall carry out an assessment of the Nation's progress in preparing for, and responding to, the escalating burden of Parkinson's, including—

“(1) recommendations for priority actions based on the assessment;

“(2) a description of any steps that are planned or have already been taken to implement such recommendations, including