

118TH CONGRESS
1ST SESSION

S. 3141

To provide for the consideration of a definition of antisemitism set forth by the International Holocaust Remembrance Alliance for the enforcement of Federal antidiscrimination laws concerning education programs or activities, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 26, 2023

Mrs. BRITT (for Mr. SCOTT of South Carolina (for himself, Mr. RICKETTS, Mrs. BRITT, Mr. HAWLEY, Mr. SCOTT of Florida, and Mr. BOOZMAN)) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To provide for the consideration of a definition of antisemitism set forth by the International Holocaust Remembrance Alliance for the enforcement of Federal antidiscrimination 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,*

3 **SECTION 1. SHORT TITLE.**

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

1 **SEC. 2. SENSE OF CONGRESS.**

2 It is the sense of Congress that—

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

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

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

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

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

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

3 (B) improve safety and security for Jewish
4 communities;

5 (C) reverse the normalization of anti-
6 semitism and counter antisemitic discrimina-
7 tion; and

8 (D) expand communication and collabora-
9 tion between communities.

10 **SEC. 3. FINDINGS.**

11 Congress finds the following:

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

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

20 (3) On December 11, 2019, Executive Order
21 13899 extended protections against discrimination
22 under the Civil Rights Act of 1964 to individuals
23 subjected to antisemitism on college and university
24 campuses and tasked Federal agencies to consider

1 the IHRA Working Definition of Antisemitism when
2 enforcing title VI of such Act.

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

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

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

17 **SEC. 4. DEFINITIONS.**

18 For purposes of this Act, the term “definition of anti-
19 semitism”—

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

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

1 **SEC. 5. RULE OF CONSTRUCTION FOR TITLE VI OF THE**
 2 **CIVIL RIGHTS ACT OF 1964.**

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

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

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

15 (1) to expand the authority of the Secretary of
 16 Education;

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

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

24 (b) CONSTITUTIONAL PROTECTIONS.—Nothing in
 25 this Act shall be construed to diminish or infringe upon

- 1 any right protected under the First Amendment to the
- 2 Constitution of the United States.

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