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.

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 “Antisemitism Awareness Act of 2023”.

1

2

3

4

5
SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving Federal financial assistance;

(2) while such title does not cover discrimination based solely on religion, individuals who face discrimination based on actual or perceived shared ancestry or ethnic characteristics do not lose protection under such title for also being members of a group that share a common religion;

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

(4) it is the policy of the United States to enforce such title against prohibited forms of discrimination rooted in antisemitism as vigorously as against all other forms of discrimination prohibited by such title; and

(5) as noted in the U.S. National Strategy to Counter Antisemitism issued by the White House on May 25, 2023, it is critical to—
(A) increase awareness and understanding
of antisemitism, including its threat to America;
(B) improve safety and security for Jewish
communities;
(C) reverse the normalization of anti-
semitism and counter antisemitic discrimina-
tion; and
(D) expand communication and collabora-
tion between communities.

SEC. 3. FINDINGS.

Congress finds the following:

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

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

(3) On December 11, 2019, Executive Order
13899 extended protections against discrimination
under the Civil Rights Act of 1964 to individuals
subjected to antisemitism on college and university
campuses and tasked Federal agencies to consider
the IHRA Working Definition of Antisemitism when enforcing title VI of such Act.

(4) Since 2018, the Department of Education has used the IHRA Working Definition of Antisemitism when investigating violations of that title VI.

(5) The use of alternative definitions of antisemitism impairs enforcement efforts by adding multiple standards and may fail to identify many of the modern manifestations of antisemitism.

(6) The White House released the first-ever United States National Strategy to Counter Antisemitism on May 25, 2023, making clear that the fight against this hate is a national, bipartisan priority that must be successfully conducted through a whole-of-government-and-society approach.

SEC. 4. DEFINITIONS.

For purposes of this Act, the term “definition of antisemitism”—

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

(2) includes the “[c]ontemporary examples of antisemitism” identified in the IHRA definition.
SEC. 5. RULE OF CONSTRUCTION FOR TITLE VI OF THE
CIVIL RIGHTS ACT OF 1964.

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

SEC. 6. OTHER RULES OF CONSTRUCTION.

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

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

(2) to alter the standards pursuant to which the Department of Education makes a determination that harassing conduct amounts to actionable discrimination; or

(3) to diminish or infringe upon the rights protected under any other provision of law that is in effect as of the date of enactment of this Act.

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