

118TH CONGRESS
2D SESSION

S. 4127

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

APRIL 16, 2024

Mr. SCOTT of South Carolina (for himself, Mr. CASEY, Mr. LANKFORD, Ms. ROSEN, Mr. SCOTT of Florida, Mr. WYDEN, Mr. MORAN, Mr. BENNET, Mr. BOOZMAN, Ms. CORTEZ MASTO, Ms. COLLINS, Mr. COONS, Mr. CRAPO, Ms. SINEMA, Mr. GRASSLEY, Mrs. GILLIBRAND, Mr. HAWLEY, Mr. HICKENLOOPER, Mrs. BRITT, Mr. BLUMENTHAL, Mr. RICKETTS, Mr. FETTERMAN, Mr. BARRASSO, Mr. CARDIN, Mr. COTTON, Mr. MANCHIN, Mr. CORNYN, Ms. HASSAN, Mrs. CAPITO, and Ms. CANTWELL) 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Antisemitism Aware-
3 ness Act of 2024”.

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

5 It is the sense of Congress that—

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

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

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

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

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

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

6 (B) improve safety and security for Jewish
7 communities;

8 (C) reverse the normalization of anti-
9 semitism and counter antisemitic discrimina-
10 tion; and

11 (D) expand communication and collabora-
12 tion between communities.

13 **SEC. 3. FINDINGS.**

14 Congress finds the following:

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

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

23 (3) On December 11, 2019, Executive Order
24 13899 extended protections against discrimination
25 under the Civil Rights Act of 1964 to individuals

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

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

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

15 **SEC. 4. DEFINITIONS.**

16 For purposes of this Act, the term “definition of anti-
17 semitism”—

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

22 (2) includes the “[c]ontemporary examples of
23 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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