

THE ANTISEMITISM AWARENESS ACT OF 2023 (H.R. 6090/S. 4127)

Background

On October 26, 2023, Rep. Michael Lawler (R-NY) introduced the Antisemitism Awareness Act of 2023 ([H.R. 6090](#)). The bill has more than 60 cosponsors, including 15 Democrats. On April 16, 2024, a bipartisan Senate companion bill ([S. 4127](#)) was introduced by Tim Scott (R-SC) and Bob Casey (D-PA), along with a bipartisan group of cosponsors.

On May 1, 2024, H.R. 6090 [passed the House](#) by a vote of 320-91, with 187 Republicans and 133 Democrats voting in favor.

The Antisemitism Awareness Act would codify in federal statute a reference to the [International Holocaust Remembrance Alliance's](#) (IHRA) working definition of antisemitism including its contemporary examples and would require the Department of Education to take it “into consideration” when “reviewing, investigating, or deciding whether there has been a violation of Title VI” of the Civil Rights Act.

Summary

Sec. 2 Sense of Congress

The Act states that individuals who face discrimination based on actual or perceived shared ancestry or ethnic characteristics related or tied to religion, do not lose protection under Title VI of the Civil Rights Act of 1964.

Sec. 3 Findings

The Act finds that antisemitism is on the rise in the United States and is impacting Jewish students in K-12 schools, colleges, and universities. In response, the Act would utilize the definition of antisemitism set by the IHRA, including its contemporary examples, and states that this working definition “helps individuals understand the various manifestations of antisemitism.”

Sec. 4 Definitions

This bill would incorporate a reference to the IHRA definition of antisemitism, including its contemporary examples, in federal law but it does not include its actual text.

As a reminder, the IHRA working definition states:

“Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.”

The IHRA contemporary examples include, among others:

- “Applying double standards by requiring of [Israel] a behavior not expected or demanded of any other democratic nation”;
- “Holding Jews collectively responsible for actions of the state of Israel”;
- “Using the symbols and images associated with classic antisemitism (e.g., claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis”;
- “Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavor”; and
- “Drawing comparisons of contemporary Israeli policy to that of the Nazis.”

Sec. 5. Rule of Construction for Title VI of the Civil Rights Act of 1964

In reviewing or deciding whether there has been a violation of Title VI of the Civil Rights Act of 1964 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 IHRA definition of antisemitism and its contemporary examples when "reviewing, investigating, or deciding whether there has been a violation of Title VI."

Sec. 6. Other Rules of Construction

This section clarifies that nothing in the bill shall be construed to

- expand the authority of the Secretary of Education;
- alter ED's standards for determining that harassing conduct amounts to actionable discrimination; or
- diminish or infringe upon rights protected under other provisions of law.

It further clarifies that nothing in the bill shall be construed to "diminish or infringe upon any right protected under the First Amendment."

