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(Original Signature of Member)

115TH CONGRESS  
2D SESSION

**H. R.**

To provide for the consideration of a definition of anti-Semitism for the enforcement of Federal antidiscrimination laws concerning education programs or activities.

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IN THE HOUSE OF REPRESENTATIVES

Mr. ROSKAM (for himself and Mr. COLLINS of Georgia) introduced the following bill; which was referred to the Committee on

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**A BILL**

To provide for the consideration of a definition of anti-Semitism for the enforcement of Federal antidiscrimination laws concerning education programs or activities.

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 “Anti-Semitism Aware-  
5 ness Act of 2018”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1           (1) Title VI of the Civil Rights Act of 1964 (re-  
2           ferred to in the section as “title VI”) is one of the  
3           principal antidiscrimination statutes enforced by the  
4           Department of Education’s Office for Civil Rights.

5           (2) Title VI prohibits discrimination on the  
6           basis of race, color, or national origin.

7           (3) Both the Department of Justice and the  
8           Department of Education have properly concluded  
9           that title VI prohibits discrimination against Jews,  
10          Muslims, Sikhs, and members of other religious  
11          groups when the discrimination is based on the  
12          group’s actual or perceived shared ancestry or ethnic  
13          characteristics or when the discrimination is based  
14          on actual or perceived citizenship or residence in a  
15          country whose residents share a dominant religion or  
16          a distinct religious identity.

17          (4) A September 8, 2010, letter from Assistant  
18          Attorney General Thomas E. Perez to Assistant Sec-  
19          retary for Civil Rights Russlynn H. Ali stated that  
20          “[a]lthough Title VI does not prohibit discrimination  
21          on the basis of religion, discrimination against Jews,  
22          Muslims, Sikhs, and members of other groups vio-  
23          lates Title VI when that discrimination is based on  
24          the group’s actual or perceived shared ancestry or  
25          ethnic characteristics”.

1           (5) To assist State and local educational agen-  
2           cies and schools in their efforts to comply with Fed-  
3           eral law, the Department of Education periodically  
4           issues Dear Colleague letters. On a number of occa-  
5           sions, these letters set forth the Department of Edu-  
6           cation’s interpretation of the statutory and regu-  
7           latory obligations of schools under title VI.

8           (6) On September 13, 2004, the Department of  
9           Education issued a Dear Colleague letter regarding  
10          the obligations of schools (including colleges) under  
11          title VI to address incidents involving religious dis-  
12          crimination. The 2004 letter specifically notes that  
13          “since the attacks of September 11, 2001, OCR has  
14          received complaints of race or national origin harass-  
15          ment commingled with aspects of religious discrimi-  
16          nation against Arab Muslim, Sikh, and Jewish stu-  
17          dents.”.

18          (7) An October 26, 2010, Dear Colleague letter  
19          issued by the Department of Education stated,  
20          “While Title VI does not cover discrimination based  
21          solely on religion, groups that face discrimination on  
22          the basis of actual or perceived shared ancestry or  
23          ethnic characteristics may not be denied protection  
24          under Title VI on the ground that they also share  
25          a common faith. These principles apply not just to

1 Jewish students, but also to students from any dis-  
2 crete religious group that shares, or is perceived to  
3 share, ancestry or ethnic characteristics (e.g., Mus-  
4 lims or Sikhs).”.

5 (8) Anti-Semitism, and harassment on the basis  
6 of actual or perceived shared ancestry or ethnic  
7 characteristics with a religious group, remains a per-  
8 sistent, disturbing problem in elementary and sec-  
9 ondary schools and on college campuses.

10 (9) Students from a range of diverse back-  
11 grounds, including Jewish, Arab Muslim, and Sikh  
12 students, are being threatened, harassed, or intimi-  
13 dated in their schools (including on their campuses)  
14 on the basis of their shared ancestry or ethnic char-  
15 acteristics including through harassing conduct that  
16 creates a hostile environment so severe, pervasive, or  
17 persistent so as to interfere with or limit some stu-  
18 dents’ ability to participate in or benefit from the  
19 services, activities, or opportunities offered by  
20 schools.

21 (10) The 2010 Dear Colleague letter cautioned  
22 schools that they “must take prompt and effective  
23 steps reasonably calculated to end the harassment,  
24 eliminate any hostile environment, and its effects,  
25 and prevent the harassment from recurring,” but

1 did not provide guidance on current manifestations  
2 of anti-Semitism, including discriminatory anti-Se-  
3 mitic conduct that is couched as anti-Israel or anti-  
4 Zionist.

5 (11) The definition and examples referred to in  
6 paragraphs (1) and (2) of section 3 have been valu-  
7 able tools to help identify contemporary manifesta-  
8 tions of anti-Semitism, and include useful examples  
9 of discriminatory anti-Israel conduct that crosses the  
10 line into anti-Semitism.

11 (12) Awareness of this definition of anti-Semi-  
12 tism will increase understanding of the parameters  
13 of contemporary anti-Jewish conduct and will assist  
14 the Department of Education in determining wheth-  
15 er an investigation of anti-Semitism under title VI  
16 is warranted.

17 **SEC. 3. DEFINITIONS.**

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

20 (1) includes the definition of anti-Semitism set  
21 forth by the Special Envoy to Monitor and Combat  
22 Anti-Semitism of the Department of State in the  
23 Fact Sheet issued on June 8, 2010; and

24 (2) includes the examples set forth under the  
25 headings “Contemporary Examples of Anti-Semi-

1 tism” and “What is Anti-Semitism Relative to  
2 Israel?” of the Fact Sheet.

3 **SEC. 4. RULE OF CONSTRUCTION FOR TITLE VI OF THE**  
4 **CIVIL RIGHTS ACT OF 1964.**

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

14 **SEC. 5. ADMINISTRATION.**

15 The Assistant Secretary for Civil Rights shall admin-  
16 ister and enforce title VI of the Civil Rights Act of 1964  
17 (42 U.S.C. 2000d et seq.) and title IX of the Education  
18 Amendments of 1972 (20 U.S.C. 1681 et seq.) in a man-  
19 ner that is consistent with the manner of administration  
20 and enforcement described in the Dear Colleague letter  
21 issued on September 13, 2004, by the Deputy Assistant  
22 Secretary for Enforcement of the Department of Edu-  
23 cation, entitled “Title VI and Title IX Religious Discrimi-  
24 nation in Schools and Colleges”.

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

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

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

6 (2) to alter the standards pursuant to which the  
7 Department of Education makes a determination  
8 that harassing conduct amounts to actionable dis-  
9 crimination; or

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

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