

## **Frequently Asked Questions: The Antisemitism Awareness Act (H.R. 6090)**

### **What does H.R. 6090 do?**

H.R. 6090 defines antisemitism under Title VI of the Civil Rights Act,<sup>1</sup> codifying existing guidance contained in the Trump administration's 2019 executive order on "Combating Anti-Semitism."<sup>2</sup>

Title VI, which has been federal law since 1964, prevents federal aid from going to any entity that discriminates on the basis of race, color, or national origin. For almost four decades, the U.S. Department of Education held that Jewish students are not protected under Title VI because it does not cover religion. Beginning with President George W. Bush, successive presidents have provided guidance stipulating that Jewish students are protected under Title VI if they are discriminated against on the basis of their Jewish ethnicity or origins.

Because of this guidance, discrimination against Israeli nationals or Jews can already be addressed under Title VI. All H.R. 6090 does is apply the well-established International Holocaust Remembrance Alliance (IHRA) definition of antisemitism to Title VI, bringing clarity and specificity.<sup>3</sup>

The IHRA's definition already exists in federal policy. It was included in the Trump administration's executive order (which applied not only to the U.S. Department of Education but to every federal agency) and was adopted by the U.S. State Department in 2016.<sup>4</sup> The executive order, which has been in effect since 2019, is virtually identical to H.R. 6090 and has remained in place under the Biden administration. By approving H.R. 6090, Congress would merely be codifying this part of the executive order.

### **What is the International Holocaust Remembrance Alliance (IHRA) working definition of antisemitism?**

The 2016 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.<sup>5</sup>

In addition to this definition, the IHRA also provides 11 examples of antisemitism that can serve as illustrations. H.R. 6090 includes both the definition and the examples by reference.

The IHRA definition has had broad historical agreement. Forty-three countries—including the United States in 2016—have adopted the IHRA definition of antisemitism.<sup>6</sup> Thirty-one U.S. states, the District of Columbia, and 69 municipalities have also adopted it.<sup>7</sup>

An important component of the IHRA approach is that it does not decouple antisemitism from anti-Zionism; that is, antisemitic speech or behavior does not cease to be antisemitic when directed toward the modern state of Israel, the Israeli government, or Israelis. This is important because much of the hostility toward Jews is couched as being directed toward the state of Israel when it is, in fact, targeted toward ordinary people who are Jewish.

### **Does H.R. 6090 violate the First Amendment or “criminalize” the gospel?**

No. H.R. 6090 makes no change to the U.S. criminal code. It outlaws no aspect of speech whatsoever. Rather, it uses congressional authority to instruct the U.S. Department of Education to use a specific definition of antisemitism—the IHRA working definition (including the examples, which include speech)—as part of the process for determining whether discriminatory actions have occurred by an entity currently receiving Title VI funds. Although that entity’s federal funding may be at issue, neither criminal law nor free speech are being implicated here.

Further, none of the allegations that this will restrict speech have come to pass since the U.S. State Department first adopted the definition in 2016 or the Trump administration adopted it in 2019. Furthermore, there was no public outcry against the 2016 or 2019 policies when they were

announced. If H.R. 6090 were as harmful to free speech as many claim it is, we would have already seen cases of such speech being restricted in the past eight years.

### **Does the IHRA working definition of antisemitism restrict Christians' ability to proclaim the gospel?**

Some commentators have suggested that codifying the IHRA working definition will “criminalize the gospel.” When making this accusation, they point to the ninth contemporary example of antisemitism that accompanies the IHRA definition: “Using the symbols and images associated with classic antisemitism (*e.g.*, claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis.”<sup>8</sup>

However, no biblical Christian today claims that the modern state of Israel killed Jesus, nor do biblical Christians believe that the gospel tells us “to characterize Israel or Israelis” as Christ-killers. By reading this entire example, and not just a single phrase, it is clear that the IHRA definition will not impinge upon Christians' ability to proclaim the gospel.

Regarding responsibility for Jesus' death, the Bible teaches two complementary truths. First, Jesus willingly laid down his life according to God's eternal plan. As Jesus explained, “No one takes [my life] from me, but I lay it down of my own accord. I have authority to lay it down, and I have authority to take it up again (John 10:18 ESV). Second, the Bible teaches that “lawless men”—including both Gentile and Jewish leaders—were the human agents responsible for Jesus' death (Acts 2:23). Significantly, although these leaders were morally responsible for their sinful decisions, the apostles taught that leaders such as Pilate, Herod, and the chief priests were ultimately affiliated actors in God's overarching salvific plan that culminated in Jesus' death and resurrection (Acts 4:27-28). Thus, humankind's sin—the sin of *all* men and women, Jew and Gentile alike—resulted in Jesus going to the cross. Thus, in a way, we all “killed him.” No Christian can say that “the Jews” killed Jesus and be consistent with Scripture.

## Why is this important now?

H.R. 6090 is particularly timely as protests continue to rage on university campuses across the country. These pro-Palestinian protests have often included the use of antisemitic chants and imagery. The blatant and aggressive hostility on campus is directed not only against the government of Israel but also against Jewish students as they walk the grounds of their own campuses. H.R. 6090 makes clear that the U.S. Department of Education must take this behavior seriously when it evaluates alleged violations of students' civil rights.

At this critical time in world history, when Israel and the Jewish people are facing increasing global hostility, and individual Jewish people are being targeted for being Jewish in ways not seen since 1930s Germany, H.R. 6090 proudly takes a stand in defense of Israel and the Jewish people. This stand is a right—and biblical—one to take.

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<sup>1</sup> U.S. Congress, House, *Antisemitism Awareness Act of 2023*, HR 6090, 118th Cong., 1st sess., introduced in House October 26, 2023, <https://www.congress.gov/bill/118th-congress/house-bill/6090/text>; Pub. L. 88–352, title VI, § 601, July 2, 1964, 78 Stat. 252.

<sup>2</sup> U.S. President, Executive Order, “Combating Anti-Semitism, Executive Order 13899 of December 11, 2019,” *Federal Register* 84, no. 241 (December 16, 2019): 68779–80, <https://www.federalregister.gov/documents/2019/12/16/2019-27217/combating-anti-semitism>.

<sup>3</sup> “Working definition of antisemitism,” International Holocaust Remembrance Alliance, accessed May 6, 2024, <https://holocaustremembrance.com/resources/working-definition-antisemitism>.

<sup>4</sup> “Defining Antisemitism,” U.S. Department of State, accessed May 6, 2024, <https://www.state.gov/defining-antisemitism/>.

<sup>5</sup> “Working definition of antisemitism,” International Holocaust Remembrance Alliance.

<sup>6</sup> “Defining Antisemitism,” U.S. Department of State.

<sup>7</sup> “Use of the Working Definition in the U.S.,” American Jewish Committee, accessed May 6, 2024, <https://www.ajc.org/use-of-the-working-definition-in-the-us>.

<sup>8</sup> “Working definition of antisemitism,” International Holocaust Remembrance Alliance.