

I commend the efforts by many Senators and Members of the House to make certain that this legislation arrives here in the Senate before there is a recess for the holidays. It will be a strong statement, but, more importantly, we expect significant results and the improvement of people's lives across the Nation and around the globe.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SCOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASIDY). Without objection, it is so ordered.

ANTI-SEMITISM AWARENESS ACT OF 2016

Mr. SCOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 10, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 10) to provide for the consideration of a definition of anti-Semitism for the enforcement of Federal antidiscrimination laws concerning education programs or activities.

There being no objection, the Senate proceeded to consider the bill.

Mr. CASEY. Mr. President, I rise today, along with my colleague from South Carolina, to talk about a bill we have introduced entitled the "Anti-Semitism Awareness Act of 2016."

Let me say first that I wish we were living in a time where we would not have to introduce legislation like this, but unfortunately what we have seen over a long period of time—and I think a problem that is getting worse—is the rising tide of anti-Semitism in substantial sectors of our society. We have, in fact, a rise in the incidence of religious discrimination and religiously motivated hate crimes. To say that is unacceptable, even un-American, is an understatement.

We have to take action at long last to do what we can in the U.S. Senate, and I hope in the House as well, to not just speak out against anti-Semitism but to take action which will lead to a better strategy to deal with it. What do I mean by that? Well, it is simple. It is about definitions, and it is about making sure that Federal agencies, such as the Department of Education, do their job when it comes to combating anti-Semitism. We know that one piece of legislation is not somehow going to magically eradicate anti-Semitism. We don't have that naive hope. But what we do believe is that if we don't take action, this problem is only going to get worse.

Some of the problem, frankly, is on our college campuses, and I know that

is true, unfortunately and regrettably, in my home State of Pennsylvania. We don't have time to list every incident, every action, every terrible example of this, but I will just provide one for the record.

In September, students at Swarthmore College in Pennsylvania—one of our great institutions of higher education not only in Pennsylvania but across the country—Swarthmore is a great school, but here is what they found. They found swastikas spray-painted in a bathroom in the library. The college leadership did the right thing in swiftly condemning these actions and removing the graffiti, and I am glad they did that.

I can only try to imagine—and I can literally only try to understand because I have never been the victim of this kind of hate—the horror that was experienced by those students and their families. A person comes to a college or a university as a place where they are going to learn and grow and live in a community, and then there are people—for whatever reason, and I will never understand the reason anyone would do that—painting those images and using language and taking other actions that discriminate against people because of who they are. We have to be not just concerned about this, as I said, but we have to figure out a way to take action.

This particular piece of legislation is aimed at a terrible manifestation of this problem. When anti-Semitic views lead to discrimination against students of Jewish faith or Jewish ancestry, that is the result, and they are the victims of this. The intent here is simple and narrowly circumscribed to make sure we are getting at the problem as best we can to define anti-Semitism at long last—this hasn't been done before—to define anti-Semitism so that the Department of Education can effectively investigate allegations of discrimination motivated by anti-Semitism under the Civil Rights Act. The bill does not infringe on the First Amendment. It does not infringe on those rights of free speech. It is intended to help protect students from discrimination on the basis of their faith.

We all agree that religious discrimination has no place on campuses, has no place in our society, and we have to do more than just speak out against it. That is fundamental, but we can do more than just speak out; we can define it and thereby give in this case one Federal Government agency one tool it needs to deal with this issue. This is a bill which is timely not only because of what is happening on college campuses but unfortunately what has happened in too many parts of our society. We want to make sure the Department of Education has at least one of those tools to deal with this problem.

Because of the nature of this problem, we have people on both sides of the aisle here who are very concerned about it. I am particularly grateful

that I am joined by my colleague from South Carolina, Senator SCOTT, who is joining with me. We are a Democrat and a Republican from different parts of the country and a different point of view on a lot of issues. On this issue we are unified, and we have a solidarity about not just the problem, but there is a solidarity and a consensus about one of the things we can do to take action on this issue.

I am grateful to be joined by my colleague from South Carolina.

I yield the floor to him.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. SCOTT. Mr. President, I thank Senator CASEY for joining me on the floor.

There is no question that much of our country yearns for a day when Republicans and Democrats come together on issues that impact who we are as a nation. I am thankful that Senator CASEY has joined me in this objective of making sure hate is pushed out of this Nation every single day.

Today I come to speak about an alarming issue—the issue of hate. It truly tears at the very fabric of our great Nation and should inspire all of us to stand up and be counted on the side of justice, on the side of common sense, and on the side of making sure this great American family remains one Nation.

Over the past several years, there has been a sharp rise in religiously motivated hate crimes, particularly on our college and university campuses all over America. According to the FBI, close to 60 percent of these crimes were due to anti-Jewish sentiments. From 2014 to 2015, we saw the number of reported incidents double. Let me say that one more time. In a year, we saw a doubling of the incidence of religious discrimination on college campuses, and the vast majority of those issues and situations focused on the Jewish community. There were 90 anti-Jewish incidents reported at 60 schools last year, compared with 47 incidents on 43 campuses just the year before. These numbers are staggering.

Senator CASEY noted that there have been college campuses and buildings on college campuses where we have seen swastikas. We have heard protests that call for Zionists to leave the school, and we have heard references being made to burning in Auschwitz. I am stunned and saddened by the careless and hateful reminders of such an incredibly dark and daunting time in our world's history, but I also feel empowered and committed to taking a stand against hate. No one, not a single person should ever have to experience being singled out because of who they are or attacked based on the religion they choose to follow. There is simply no place in our country for this kind of intolerance, especially not in our country, the greatest country on Earth.

As citizens of this great Nation, it falls on us to stand up and do more to protect our students from being targeted by any form of hate and bigotry.

It is important that we work together to stamp out anti-Semitism and other forms of religious discrimination. Our students should be able to go to school, to grow, to learn, and to develop without having to worry about being discriminated against. Although the Department of Education's Office of Civil Rights has stated that they will not tolerate incidents such as these, there exists a lack of firm guidance on what constitutes anti-Semitic acts. That is why Senator CASEY and I stand before you today to introduce the bipartisan Anti-Semitism Awareness Act. We have come together to ensure that the U.S. Department of Education has the necessary tools at their disposal to investigate anti-Jewish discrimination.

Our proposed legislation uses the very definition of anti-Semitism adopted by the U.S. State Department's Special Envoy to monitor and combat anti-Semitism. This important clarification will provide necessary direction to assist officials and administrators to understand when anti-Semitic activities are occurring. By clarifying exactly what anti-Semitism is, we will leave no question as to what constitutes an illegal anti-Semitic incident.

As we seek to tackle this concerning issue, it is important to note that this act will in no way infringe on any individual right protected under the First Amendment of the Constitution. I think we have to emphasize that. Our legislation in no way, shape, or form infringes upon any individual rights protected under the First Amendment of the Constitution. It simply and specifically provides clarity on the definition that the Department of Education can and will use for defining anti-Semitic acts.

We must act now. This increase in religiously motivated hate crimes must be addressed. It must be addressed by the entire American family, and it ought to start here. We will come together because we will not allow others to tear us apart. We must hold to the ideals that our Nation was founded on and promote freedom of religion. We must protect that freedom and encourage it. We must—as a Nation, as an American family—call out hate wherever and whenever we see it.

I thank Senator CASEY for his involvement and leadership on such an important issue.

I yield the floor.

Mr. PORTMAN. Mr. President, I would like to thank Senators SCOTT and CASEY for their work on the anti-discrimination legislation, particularly as it relates to anti-Semitism. I support them in that effort and look forward to getting something done in Congress to help address the definition of anti-Semitism for the Department of Education.

Mr. SCOTT. Mr. President, I ask unanimous consent that the bill be read a third time and passed and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 10) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 10

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 “Anti-Semitism Awareness Act of 2016”.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Title VI of the Civil Rights Act of 1964 (referred to in the section as “title VI”) is one of the principal antidiscrimination statutes enforced by the Department of Education's Office for Civil Rights.

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

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

(4) A September 8, 2010 letter from Assistant Attorney General Thomas E. Perez to Assistant Secretary for Civil Rights Russlynn H. Ali stated that “[a]lthough Title VI does not prohibit discrimination on the basis of religion, discrimination against Jews, Muslims, Sikhs, and members of other groups violates Title VI when that discrimination is based on the group's actual or perceived shared ancestry or ethnic characteristics”.

(5) To assist State and local educational agencies and schools in their efforts to comply with Federal law, the Department of Education periodically issues Dear Colleague letters. On a number of occasions, these letters set forth the Department of Education's interpretation of the statutory and regulatory obligations of schools under title VI.

(6) On September 13, 2004, the Department of Education issued a Dear Colleague letter regarding the obligations of schools (including colleges) under title VI to address incidents involving religious discrimination. The 2004 letter specifically notes that “since the attacks of September 11, 2001, OCR has received complaints of race or national origin harassment commingled with aspects of religious discrimination against Arab Muslim, Sikh, and Jewish students.”

(7) An October 26, 2010 Dear Colleague letter issued by the Department of Education stated, “While Title VI does not cover discrimination based solely on religion, groups that face discrimination on the basis of actual or perceived shared ancestry or ethnic characteristics may not be denied protection under Title VI on the ground that they also share a common faith. These principles apply not just to Jewish students, but also to students from any discrete religious group that shares, or is perceived to share, ancestry or ethnic characteristics (e.g., Muslims or Sikhs).”

(8) Anti-Semitism remains a persistent, disturbing problem in elementary and secondary schools and on college campuses.

(9) Jewish students are being threatened, harassed, or intimidated in their schools (including on their campuses) on the basis of their shared ancestry or ethnic characteristics including through harassing conduct that creates a hostile environment so severe, pervasive, or persistent so as to interfere

with or limit some students' ability to participate in or benefit from the services, activities, or opportunities offered by schools.

(10) The 2010 Dear Colleague letter cautioned schools that they “must take prompt and effective steps reasonably calculated to end the harassment, eliminate any hostile environment, and its effects, and prevent the harassment from recurring,” but did not provide guidance on current manifestation of anti-Semitism, including discriminatory anti-Semitic conduct that is couched as anti-Israel or anti-Zionist.

(11) The definition and examples referred to in paragraphs (1) and (2) of section 3 have been valuable tools to help identify contemporary manifestations of anti-Semitism, and include useful examples of discriminatory anti-Israel conduct that crosses the line into anti-Semitism.

(12) Awareness of this definition of anti-Semitism will increase understanding of the parameters of contemporary anti-Jewish conduct and will assist the Department of Education in determining whether an investigation of anti-Semitism under title VI is warranted.

SEC. 3. DEFINITIONS.

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

(1) includes the definition of anti-Semitism set forth by the Special Envoy to Monitor and Combat Anti-Semitism of the Department of State in the Fact Sheet issued on June 8, 2010, as adapted from the Working Definition of Anti-Semitism of the European Monitoring Center on Racism and Xenophobia (now known as the European Union Agency for Fundamental Rights); and

(2) includes the examples set forth under the headings “Contemporary Examples of Anti-Semitism” and “What is Anti-Semitism Relative to Israel?” of the Fact Sheet.

SEC. 4. 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 anti-Semitism as part of the Department's assessment of whether the alleged practice was motivated by anti-Semitic intent.

SEC. 5. CONSTITUTIONAL PROTECTIONS.

Nothing in this Act, or an amendment made by this Act, shall be construed to diminish or infringe upon any right protected under the First Amendment to the Constitution of the United States.

Mr. SCOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TESTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TSUNAMI WARNING, EDUCATION, AND RESEARCH ACT OF 2015—
Continued

TRIBUTE TO TRECIA BICKFORD MCEVOY

Mr. TESTER. Mr. President, I rise today, not a minute too late, not a minute too early but at the exact time I am scheduled to speak. That is because of a remarkable woman, my