

(9) Students from a range of diverse backgrounds, including Jewish, Arab Muslim, and Sikh 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 manifestations 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 subsection (c) 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.

(c) DEFINITIONS.—For purposes of this section, 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; 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.

(d) 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 practice was motivated by anti-Semitic intent.

(e) ADMINISTRATION.—The Assistant Secretary for Civil Rights shall administer and enforce title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) in a manner that is consistent with the manner of administration and enforcement described in the Dear Colleague letter issued on September 13, 2004, by the Deputy Assistant Secretary for Enforcement of the Department of Education, entitled "Title VI and Title IX Religious Discrimination in Schools and Colleges".

(f) OTHER RULES OF CONSTRUCTION.—

(1) GENERAL RULE OF CONSTRUCTION.—Nothing in this section shall be construed—

(A) to expand the authority of the Secretary of Education;

(B) to alter the standards pursuant to which the Department of Education makes a determination that harassing conduct amounts to actionable discrimination; or

(C) to diminish or infringe upon the rights protected under any other provision of law that is in effect as of the date of enactment of this Act.

(2) CONSTITUTIONAL PROTECTIONS.—Nothing in this section shall be construed to diminish

or infringe upon any right protected under the First Amendment to the Constitution of the United States.

---

ORDERS FOR TUESDAY, JANUARY 29, 2019

Mr. BOOZMAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Tuesday, January 29; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; further, I ask that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly conference meetings; finally, I ask that all time during adjournment, recess, morning business, and leader remarks count postcloture on the motion to proceed to S. 1.

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

---

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BOOZMAN. If there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:52 p.m., adjourned until Tuesday, January 29, 2019, at 10 a.m.