

Anti-Free Speech/Faux “Fighting Anti-Semitism” Bills State & Federal (2017-2020)

At the end of 2016 new legislation was introduced in both the House and Senate entitled, the “*Anti-Semitism Awareness Act of 2016*.” Given the title of this legislation, the public could be forgiven for assuming this must have been a response to rising anti-Semitism in the U.S. linked to emboldened Nazis, white supremacists, and supporters of the “alt-Right.” Sadly, the public would be wrong. This Orwellian-entitled legislation in fact had zero to do with raising awareness about or combating actual anti-Semitism. Rather, **it reflected an effort to try to police criticism of Israel on U.S. campuses by exploiting claims of “anti-Semitism,” in order to delegitimize and quash criticism of and activism related to Israel** (with the main but not sole focus being the BDS movement on campuses).

Since 2016, the effort has continued, with legislation introduced/re-introduced at the federal level, and with legislation introduced (and in some cases passed) in US states. The chart below tracks all of this legislation, in its various forms, at both the Federal and State levels.

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NOTE: On December 11, 2019, President Donald Trump signed an Executive Order making it U.S. policy to use the IHRA definition of antisemitism (including its illustrative examples) as the basis for defining what constitutes antisemitism on U.S. campuses, to be actively enforced in all ways via authorities grounded in Title VI (i.e., authorities that can be used against all institutions that receive federal funding).

FEDERAL	2016	2017	2018	2019	2020
House	HR 6421		HR 5924 - Intro'd 5/23, the “Anti-Semitism Awareness Act of 2018” Press release	HR 4009 - Intro'd 5/23, the Anti-Semitism Awareness Act of 2019 H. Res. 72 - intro'd 1/23, “Rejecting anti-Israel and anti-Semitic hatred in the US & Around the World” (1st whereas clause invokes IHRA definition)	HR 943 , intro'd 1/28, the <i>Never Again Education Act</i> - referees IHRA but invokes a traditional definition of definition (not the IHRA's)
Senate	S.10		S.2940 - Intro'd 5/23, referred to Senate committee Press release	S.852 - Intro'd 3/14/19, Anti-Semitism Awareness Act of 2019	

State	2017	2018	2019	2020
Alabama				
Alaska				
Arizona				<p>SB 1143 [ACLU OPPOSED]: Intro'd 1/19, passed by the Senate 3/12. ADJOURNED SINE DIE to amend the AZ hate crime law to include antisemitism, with term defined to mean the IHRA definition, "including the contemporary examples of anti-semitism identified in the adopted definition." Would make IHRA-defined antisemitism an "aggravating factor" in sentencing crimes (this is effectively a hate crimes statute) 3/10 - agreed to by both majority & minority caucuses ACLU-AZ letter opposing is here</p> <p>HB 2683 [ACLU OPPOSED]- Intro'd 1/29, same as Senate version; passed by the House 2/27, referred to Senate. ADJOURNED SINE DIE</p>
Arkansas				
California				
Colorado				
Connecticut				
Delaware				

Florida			<p>SB 1272, filed 2/21 Last action: 4/29, Placed on the Calendar, 2nd reading; laid on the table</p> <p>HB 741, Passed by the House 4/11, 114-0; passed by the Senate 4/29, 40-0, approved by Governor 5/31</p> <p>H 371, Filed 1/21; 1/30 - Referred to PreK-12 Quality Subcommittee, Judiciary Committee, & Education Committee; 3/5 - introduced; 5/3, Indefinitely postponed and withdrawn from consideration, died in PreK-12 Quality Subcomm</p>	<p>SB 1628, intro'd 1/9; passed by Education committee 2/10, passed by approps subcomm 2/18; passed by approps 2/27; 3/10 Laid on Table, refer to CS/CS/HB 1213. Bill adds teaching of IHRA definition of antisemitism (passed into law in 2019) to required Holocaust studies</p> <p>HB 1213, intro'd 1/9 - adds teaching of IHRA definition of antisemitism (passed into law in 2019) to required Holocaust studies. Passed by House 3/9, passed by Senate 3/11 (amended); passed with admnt in House 3/12</p>
Georgia				
Hawaii				
Idaho				
Illinois				<p>HB 4049, provides that an institution of elementary, secondary, or higher education commits a civil rights violation if it fails to treat anti-Semitism in an identical manner to discrimination motivated by race. Defines the term using IHRA language, incl Israel examples. Filed 1/9; 1/13 referred to Rules Committee.</p>
Indiana				
Iowa				<p>HF 2303 [ACLU OPPOSED], seeks to add IHRA definition to state's Civil Rights Act. Introduced 2/10/20; withdrawn 3/5</p> <p>HB 2504 (formerly HF 2303) [ACLU OPPOSED], intro'd 2/24; 3/5 - passed by House; 3/10, referred to Senate subcommittee (hearing March 17)</p>
Kansas				

Kentucky				<u>S Con Res 86</u> : intro'd 1/27, condemning antisemitism and reaffirming that certain acts of antisemitism are hate crimes under Kentucky law. The resolution's 1st whereas clause invoked the IHRA definition of antisemitism.
Louisiana				
Maine				
Maryland				
Massachusetts				
Michigan				
Minnesota				
Mississippi				
Missouri				
Montana				
Nebraska				
Nevada				
New Hampshire				
New Jersey			<p><u>S. 4001</u>: Introduced 6/24, referred to the Education Committee</p> <p><u>A 5755</u>: intro'd 8/23/19, referred to committee (identical to S. 4001)</p> <p><u>S. 4169</u>: intro'd 11/7/19, establishes state definition based on IHRA definition.</p> <p><u>A 5938</u>: intro'd 11/18/19, establishes state definition based on IHRA definition.</p>	
New Mexico				

New York			<p><u>SB 4932</u> - Introduced 3/29/19, referred to Investigations & Govt Ops; amended & recommitted to IGO committee on 5/6 [note: intro'd version left out the most problematic Israel-related examples in the IHRA language; amendment added them back in]</p> <p><u>S 5825</u> - Introduced 5/15/19, referred to Higher education committee [bars funding to student groups that boycott Israel or settlements]</p>	<p><u>SB 4932</u> - <i>Hate crimes amendment (as of Jan 2020, doesn't include IHRA)</i>. Carried over from 2019.</p> <p><u>S 5825</u> - <i>Prohibits certain student organizations which participate in discrimination or intolerance from receiving funding from SUNY, CUNY or community colleges</i>. Introduced 5/15/19, referred to Higher education committee [bars funding to student groups that boycott Israel or settlements] CARRIED OVER TO 2020</p> <p><u>S 4932</u> - <i>Hate crimes amendment (as of Jan 2020, doesn't include IHRA)</i></p> <p><u>AB 9707</u>, intro'd 2/6 - requiring Title VI training for certain colleges or universities in New York state which includes the definition of antisemitism adopted by the international holocaust remembrance alliance.</p>
North Carolina				<p>2/4/20: <u>The State's Human Relations Commission Might Redefine Anti-Semitism</u></p>
North Dakota				
Ohio				
Oklahoma				
Oregon				
Pennsylvania				
Rhode Island				
South Carolina	<p><u>HB 3643</u>; intro'd 2/2/17, passed House 3/9, considered in Senate 5/9 & 5/11</p>	<p>On 4/13, the text of <u>HB 3643</u> was inserted into the SC state budget (<u>HR 4950</u>), which was into law. Media: <u>The Post & Courier</u>; <u>the JTA</u></p> <p>On 7/5, signed into law by Governor. Relevant text is <u>here</u>.</p>		<p><u>H 5287</u>, introduced 2/25 & referred to Committee, to legislate the IHRA definition of antisemitism “ “For The State Human Affairs Commission To Use While Investigating And Working To Resolve Complaints Of Discrimination.” NOTE: Lead sponsor is Clemmons (R), who happens to be on the board of ALEC.</p>
South Dakota				

Tennessee	<p><u>SB 0581</u>: intro'd 2/7/17; 4/5 Deferred to Summer Study</p> <p><u>HB 0855</u>: intro'd 2/8/17, 3/1, Deferred to Summer Study</p>	<p><u>SB 2389</u>: 2/5 assigned to Senate Education Committee*</p> <p><u>HB 2357</u>: 2/7 assigned to Education committee's subcommittee on Admin & planning*</p> <p><u>SB 2139</u>: 2/5 assigned to Senate Education Committee</p>	<p><u>HB 600</u> - Introduced 2/4/19; Assigned to Education Administration Subcommittee 2/11/19</p> <p><u>SB 1250</u> - Introduced 2/7/19; Passed on 2nd Consideration, refer to Senate Education Committee 2/11/19</p>	<p><u>HB 600</u> - Rolled over from 2019, 1/14/20; 3/11 Placed on s/c cal K-12 Subcommittee for 3/17/2020; mtg canceled (COVID) - Requires LEAs and state institutions of higher education to use the IHRA definitions and examples "when reviewing, investigating, or determining whether there has been a violation of certain education policies prohibiting discrimination based on Jewish ancestry or ethnic characteristics."</p> <p><u>SB 1250</u> - Rolled over from 2019, 3/4/20; 3/11 Placed on Senate Education Committee calendar for 3/16/2020, action deferred (COVID). As introduced, requires LEAs and state institutions of higher education to use the IHRA definition/examples of anti-Semitism when reviewing, investigating, or determining whether there has been a violation of certain education policies prohibiting discrimination based on Jewish ancestry or ethnic characteristics. - Amends TCA Title 49.</p>
Texas				
Utah				
Vermont				
Virginia	<p><u>HB 2261</u>: Introduced 1/11/17 (Jewish groups' letter of support)</p>			
Washington				
West Virginia				
Wisconsin				
Wyoming				