EXECUTIVE ORDER
13899
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COMBATING ANTI-SEMITISM

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. Policy. My Administration is committed to combating the rise of anti-Semitism and anti-Semitic incidents in the United States and around the world. Anti-Semitic incidents have increased since 2013, and students, in particular, continue to face anti-Semitic harassment in schools and on university and college campuses.

Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. 2000d et seq., prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving Federal financial assistance. While Title VI does not cover discrimination based on religion, individuals who face discrimination on the basis of race, color, or national origin do not lose protection under Title VI for also being a member of a group that shares common religious practices. Discrimination against Jews may give rise to a Title VI violation when the discrimination is based on an individual's race, color, or national origin.

It shall be the policy of the executive branch to enforce Title VI against prohibited forms of discrimination rooted in anti-Semitism as vigorously as against all other forms of discrimination prohibited by Title VI.

Sec. 2. Ensuring Robust Enforcement of Title VI. (a) In enforcing Title VI, and identifying evidence of discrimination based on race, color, or national origin, all executive
departments and agencies (agencies) charged with enforcing
Title VI shall consider the following:

(i) the non-legally binding working definition
of anti-Semitism adopted on May 26, 2016, by the
International Holocaust Remembrance Alliance (IHRA),
which 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"; and
(ii) the "Contemporary Examples of Anti-Semitism"
identified by the IHRA, to the extent that any
examples might be useful as evidence of discriminatory
intent.

(b) In considering the materials described in subsections
(a)(i) and (a)(ii) of this section, agencies shall not diminish
or infringe upon any right protected under Federal law or under
the First Amendment. As with all other Title VI complaints, the
inquiry into whether a particular act constitutes discrimination
prohibited by Title VI will require a detailed analysis of
the allegations.

Sec. 3. Additional Authorities Prohibiting Anti-Semitic
Discrimination. Within 120 days of the date of this order, the
head of each agency charged with enforcing Title VI shall submit
a report to the President, through the Assistant to the
President for Domestic Policy, identifying additional
nondiscrimination authorities within its enforcement authority
with respect to which the IHRA definition of anti-Semitism could
be considered.
Sec. 4. Rule of Construction. Nothing in this order shall be construed to alter the evidentiary requirements pursuant to which an agency makes a determination that conduct, including harassment, amounts to actionable discrimination, or to diminish or infringe upon the rights protected under any other provision of law.

Sec. 5. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or
(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

THE WHITE HOUSE,

December 11, 2019.

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