To amend the Higher Education Act of 1965 to prohibit an institution that participates in a boycott of Israeli academic institutions or scholars from being eligible for certain funds under that Act.

IN THE HOUSE OF REPRESENTATIVES

Mr. Roskam introduced the following bill; which was referred to the Committee on ____________________________

A BILL

To amend the Higher Education Act of 1965 to prohibit an institution that participates in a boycott of Israeli academic institutions or scholars from being eligible for certain funds under that Act.

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 “Protect Academic Freedom Act”.

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SEC. 2. INELIGIBILITY OF INSTITUTIONS OF HIGHER EDUCATION PARTICIPATING IN A BOYCOTT OF ISRAELI ACADEMIC INSTITUTIONS OR SCHOLARS.

(a) FINDINGS.—Congress finds the following:

(1) Israel is a vital American ally and a fellow democracy that fosters free speech.

(2) Attempts to single out Israel for discriminatory boycotts violates the principle of academic freedom guaranteed by the United States.

(b) INELIGIBILITY.—Subtitle B of title I of the Higher Education Act of 1965 (20 U.S.C. 1011 et seq.) is amended by adding at the end the following new section:

"SEC. 124. INELIGIBILITY OF INSTITUTIONS PARTICIPATING IN A BOYCOTT OF ISRAELI ACADEMIC INSTITUTIONS OR SCHOLARS.

“(a) INELIGIBILITY.—Notwithstanding any other provision of law, an institution of higher education shall not be eligible to receive funds or any other form of financial assistance under this Act if the Secretary determines that such institution is participating in a boycott of Israeli academic institutions or scholars.

“(b) DETERMINATION OF INELIGIBLE INSTITUTIONS.—

“(1) CRITERIA.—For purposes of this section, the Secretary shall consider an institution of higher
education to be participating in a boycott of Israeli academic institutions or scholars if the institution, any significant part of the institution, or any organization significantly funded by the institution adopts a policy or resolution, issues a statement, or otherwise formally establishes the restriction of discourse, cooperation, exchange, or any other involvement with academic institutions or scholars on the basis of the connection of such institutions or such scholars to the State of Israel.

“(2) **Public Availability of List; Notification.**—Not later than May 1 of each year, the Secretary shall—

“(A) identify and make publicly available a list of all institutions of higher education participating in a boycott of Israeli academic institutions or scholars, as described in paragraph (1); and

“(B) notify each institution of higher education identified in accordance with subparagraph (A) of the identification of such institution as an institution participating in a boycott of Israeli academic institutions or scholars.

“(c) **Waiver.**—Not later than 30 days after receiving a notification under subsection (b)(2) that an institution
of higher education has been identified as an institution participating in a boycott of Israeli academic institutions or scholars, such institution may request the Secretary to waive the restriction applicable to such institution under subsection (a). The Secretary may waive the restriction for such institution if the Secretary considers a waiver appropriate.

“(d) Inapplicability to Student Financial Aid Funds.—The prohibition under subsection (a) shall not apply to any funds available under this Act for student financial aid, as determined by the Secretary.

“(e) Restoration of Eligibility for Ceasing of Boycott.—The prohibition under subsection (a) shall cease to apply to any institution of higher education that the Secretary determines has ceased participating in a boycott of Israeli academic institutions or scholars.”.