

113TH CONGRESS
2D SESSION

H. R. 4009

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

FEBRUARY 6, 2014

Mr. ROSKAM (for himself and Mr. LIPINSKI) introduced the following bill;
which was referred to the Committee on Education and the Workforce

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protect Academic
5 Freedom Act”.

1 **SEC. 2. INELIGIBILITY OF INSTITUTIONS OF HIGHER EDU-**
2 **CATION PARTICIPATING IN A BOYCOTT OF**
3 **ISRAELI ACADEMIC INSTITUTIONS OR**
4 **SCHOLARS.**

5 (a) FINDINGS.—Congress finds the following:

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

8 (2) Attempts to single out Israel for discrimina-
9 tory boycotts violates the principle of academic free-
10 dom guaranteed by the United States.

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

14 **“SEC. 124. INELIGIBILITY OF INSTITUTIONS PARTICI-**
15 **PATING IN A BOYCOTT OF ISRAELI ACA-**
16 **DEMIC INSTITUTIONS OR SCHOLARS.**

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

23 “(b) DETERMINATION OF INELIGIBLE INSTITU-
24 TIONS.—

25 “(1) CRITERIA.—For purposes of this section,
26 the Secretary shall consider an institution of higher

1 education to be participating in a boycott of Israeli
2 academic institutions or scholars if the institution,
3 any significant part of the institution, or any organi-
4 zation significantly funded by the institution adopts
5 a policy or resolution, issues a statement, or other-
6 wise formally establishes the restriction of discourse,
7 cooperation, exchange, or any other involvement with
8 academic institutions or scholars on the basis of the
9 connection of such institutions or such scholars to
10 the State of Israel.

11 “(2) PUBLIC AVAILABILITY OF LIST; NOTIFICA-
12 TION.—Not later than May 1 of each year, the Sec-
13 retary shall—

14 “(A) identify and make publicly available a
15 list of all institutions of higher education par-
16 ticipating in a boycott of Israeli academic insti-
17 tutions or scholars, as described in paragraph
18 (1); and

19 “(B) notify each institution of higher edu-
20 cation identified in accordance with subpara-
21 graph (A) of the identification of such institu-
22 tion as an institution participating in a boycott
23 of Israeli academic institutions or scholars.

24 “(c) WAIVER.—Not later than 30 days after receiving
25 a notification under subsection (b)(2) that an institution

1 of higher education has been identified as an institution
2 participating in a boycott of Israeli academic institutions
3 or scholars, such institution may request the Secretary to
4 waive the restriction applicable to such institution under
5 subsection (a). The Secretary may waive the restriction
6 for such institution if the Secretary considers a waiver ap-
7 propriate.

8 “(d) INAPPLICABILITY TO STUDENT FINANCIAL AID
9 FUNDS.—The prohibition under subsection (a) shall not
10 apply to any funds available under this Act for student
11 financial aid, as determined by the Secretary.

12 “(e) RESTORATION OF ELIGIBILITY FOR CEASING OF
13 BOYCOTT.—The prohibition under subsection (a) shall
14 cease to apply to any institution of higher education that
15 the Secretary determines has ceased participating in a
16 boycott of Israeli academic institutions or scholars.”.

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