



A New Policy, Inc. 1101 Vermont Ave NW, Washington, D.C. 20005 Phone: (202) 770-0055

A New Policy Legislative Analysis and Vote Recommendation

H.R.4795 - Protect Economic and Academic Freedom Act of 2025

Date last updated: September 29, 2025

[H.R. 4795](#) was introduced on 29 July, 2025 by Representative Virginia Foxx (R-NC-5). It is currently pending before the House Education and Workforce Committee.

Cosponsors	1	bipartisan
------------	---	------------

Related legislation:

Bill Summary: H.R. 4795, titled “Protect Economic and Academic Freedom Act of 2025,” does the exact opposite of what it purports to do, by undermining, rather than protecting economic and academic freedom. The Bill amends the Higher Education Act of 1965 to create new conditions and restrictions for universities in order to continue receiving federal funds. The bill requires the Secretary of Education to provide an annual certification of institutional eligibility for all Title IV federal student aid programs, which must state that the institution will not engage in a “nonexpressive commercial boycott” of a major strategic partner, a term the bill defines in a way that specifically and only refers to Israel. A prohibited boycott is defined as a “commercial action intended to limit business relations with Israel that is not based on a ‘valid business reason.’ Failure to certify results in complete ineligibility for Title IV funds for the next fiscal year.

The bill also establishes a separate, parallel requirement for institutions participating in Title VI international education and language study programs, that the institution must certify annually that it will permit its own students and faculty to participate in academic programs in Israel under the same terms and conditions as they do in other countries. Institutions must also allow students and faculty from Israeli institutions to participate in their own programs on the same terms as those from other foreign institutions. Any institution that fails to provide these certifications becomes ineligible for all Title VI funding, which includes a claw back provision to any multi-year grants awarded in previous years.

Context: From a legal perspective, H.R. 4795 undermines critical protections under the U.S. Constitution. As upheld by the Supreme Court of the United States in 1982 in NAACP v. Claiborne Hardware Co., economic boycotts are a constitutionally protected form of political speech under the First Amendment. This was a landmark decision that ensured that individuals could engage in nonviolent, politically motivated boycotts to express their views and exert pressure for social or political change.

Historically, boycotts have served as powerful, constitutionally protected tools for students and activists to protest injustice, from the Montgomery Bus Boycott during the Civil Rights Movement to the boycott campaign against apartheid South Africa. [In 1977](#) Colombia students began urging the University to divest from companies doing business with South Africa. This student-led action facilitated deliberations within Colombia's administration, culminating in a 1978 decision where the university decided to strategically disinvest from the apartheid regime to pursue ethical investments. In 1985, under pressure from student-led protests, Columbia University agreed to fully disinvest in companies doing business in South Africa. By 1988, 155 academic institutions had fully or partially divested from South Africa resulting in \$3 billion being withheld from the country. In 1994, apartheid in South Africa ended. Supporting the effect of the student boycott movement, Nelson Mandela pointed to the [UC Berkeley](#) protests, and the University's subsequent divestment, as a catalyst that ultimately helped end whites-only minority rule in his country. If a similar effort to H.R.4795 were established in law in 1977, student-led protests would not have facilitated the necessary change to university policies and apartheid might have dragged on past 1994.

H.R.4795 is designed to repress free speech and compromise institutional independence and academic freedom by applying political pressure on universities to prevent any consideration of any potential boycotts of the state of Israel. Further, this Bill would allow for the economic boycotts of American products and companies, while creating an exception for a foreign state.

Lastly, the administrative burdens and costs of H.R. 4795 are extreme for the Department of Education. To date, the Department of Education relies on Federal Student Aid to administer the certification processes for institutions of higher education, and to ensure compliance with the rules and regulations of Title IV of the Higher Education Act. Currently the certification processes for institutions of higher education are already extensive, and allows for schools that are approved for certification to retain that status for multiple years (often as long as 5 years). These processes occur continuously on a multi-year basis, however H.R. 4795 requires all institutions to seek annual

recertification, creating a substantial administrative barrier for the government agency that is already significantly under capacity.

American Values Analysis: In 1982 the Supreme Court ruled that boycotts are a protected form of free speech in NAACP v. Claiborne Hardware Co. In fact, boycotting is a long-standing form of protest used by Americans to speak out against injustice. From the boycotts of British goods that helped spark the American Revolution to the Montgomery Bus Boycott during the civil rights movement, Americans have long used economic pressure as a tool to demand justice, accountability, and political change. H.R.4795 is designed to pressure universities against participating in any form of boycott against the state of Israel. It indirectly targets the free speech of students and universities to economically invest in states or businesses that they believe are in line with their ethical values.

American Interest Analysis: H.R.4795 mirrors the compelled political orthodoxy more characteristic of authoritarian regimes than democratic societies. It echoes a Soviet-style approach to loyalty, where economic opportunity is contingent on compliance. It undermines American values by conditioning federal funding for universities based on political alignment with foreign policy stance and represses the values of academic freedom that has led to the United States being a beacon of independent thought and new ideas.

A New Policy's Recommendation: OPPOSE

A New Policy opposes H.R. 4795 as it seeks to chill free speech by penalizing universities for engaging in constitutionally protected political expression in support of Palestinian human rights. It establishes a prerequisite political alignment for universities to receive federal funding and incentivises them to dismiss the voices of students who are concerned with the ethics of the investments of the universities they attend,

For more information please contact: Tariq Habash, (202) 770-0055, info@anewpolicy.org