

BILL ANALYSIS

Senate Research Center

S.B. 1517
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Education
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Holocaust, Genocide, and Antisemitism Advisory Commission's 2022 "Study on Antisemitism in Texas" included a recommendation to consider prohibiting a state-funded college or university from implementing boycotts that would deprive students or faculty members of the ability to study or conduct research in or about a foreign country or to interact with its scholars or representatives.

This recommendation came from interviews and conversations with students and college faculty who saw the Boycott, Divestments, and Sanctions (BDS) movement gaining momentum among students, departments, and academic units. The campaigns have sometimes led to antisemitic acts against Jewish students.

The BDS campaign is a global movement that calls for economic, cultural, and academic sanctions against Israel—and only Israel. Since 2017 Texas has prohibited state agencies from contracting with companies that boycott Israel. The prohibition is one of the strongest anti-BDS laws in the nation—and this bill would extend that same concept to college campuses.

S.B. 1517 would require an institution of higher education to adopt rules to prohibit academic boycotts. The bill would, however, allow for academic boycotts if the target of the boycott is a state sponsor of terrorism, as defined by the United States Department of State.

Currently there are four countries designated under the U.S. Department of State list: Cuba, the Democratic People's Republic of Korea (North Korea), Iran, and Syria.

The filed bill added a new section to Section 61.09093, Education Code, requiring the Texas Higher Education Coordinating Board to make rules regarding academic boycotts.

The committee substitute, drafted by the Legislative Council, places the new provision in Chapter 51 of the Education Code, in General Provisions applicable to institutions of higher education.

The intent and spirit of the bill remain the same.

S.B. 1517 amends current law relating to prohibiting certain academic boycotts of foreign countries by public institutions of higher education.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Higher Education Coordinating Board in SECTION 1 (Section 51.987, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter Z, Chapter 51, Education Code, by adding Section 51.987, as follows:

Sec. 51.987. CERTAIN ACADEMIC BOYCOTTS OF FOREIGN COUNTRIES PROHIBITED. (a) Defines "institution of higher education."

(b) Prohibits an institution of higher education, subject to Subsection (c), from implementing an academic boycott of a foreign country that would prevent a student or faculty member of the institution from:

(1) studying or conducting research in or about the country; or

(2) interacting with the country's scholars or representatives.

(c) Authorizes an institution of higher education to implement an academic boycott described by Subsection (b) of a foreign country included by the United States Department of State on a list of state sponsors of terrorism. Provides that the boycott is prohibited from preventing a student enrolled at the institution from studying or being educated about the country.

(d) Requires the Texas Higher Education Coordinating Board to adopt rules as necessary to implement this section.

SECTION 2. Effective date: September 1, 2023.