

118TH CONGRESS
1ST SESSION

H. R. 3724

To amend the Higher Education Act of 1965 to prohibit recognized accrediting agencies and associations from requiring, encouraging, or coercing institutions of higher education to meet any political litmus test or violate any right protected by the Constitution as a condition of accreditation.

IN THE HOUSE OF REPRESENTATIVES

MAY 25, 2023

Mr. OWENS 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 recognized accrediting agencies and associations from requiring, encouraging, or coercing institutions of higher education to meet any political litmus test or violate any right protected by the Constitution as a condition of accreditation.

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 “Accreditation for Col-
5 lege Excellence Act of 2023”.

1 **SEC. 2. PROHIBITION ON POLITICAL LITMUS TESTS IN AC-**
2 **CREDITATION OF INSTITUTIONS OF HIGHER**
3 **EDUCATION.**

4 (a) OPERATING PROCEDURES REQUIRED.—Section
5 496(c) of the Higher Education Act of 1965 (20 U.S.C.
6 1099b(c)) is amended—

7 (1) by striking “and” at the end of paragraph
8 (8);

9 (2) in paragraph (9), by striking the period at
10 the end and inserting “; and”; and

11 (3) by adding at the end the following:

12 “(10) confirms that—

13 “(A) the standards for accreditation of the
14 agency or association do not—

15 “(i) except as provided in clause (ii)—

16 “(I) require, encourage, or coerce
17 any institution to—

18 “(aa) support, oppose, or
19 commit to supporting or oppos-
20 ing—

21 “(AA) a specific par-
22 tisan or political belief or set
23 of beliefs; or

24 “(BB) a particular
25 viewpoint on a social or po-
26 litical issue; or

1 “(bb) support or commit to
2 supporting the disparate treat-
3 ment of any individual or group
4 of individuals on the basis of sex,
5 race, or ethnicity, except as re-
6 quired by Federal law; or

7 “(II) assess an institution’s com-
8 mitment to any ideology, belief, or
9 viewpoint;

10 “(ii) prohibit an institution—

11 “(I) from having a religious mis-
12 sion, operating as a religious institu-
13 tion, or being controlled by a religious
14 organization (in a manner described
15 in paragraph (1), (2), (3), (4), (5), or
16 (6) of section 106.12(c) of title 34,
17 Code of Federal Regulations (as in ef-
18 fect on the date of the enactment of
19 this paragraph)), or from requiring an
20 applicant, student, or employee of
21 such an institution to—

22 “(aa) provide or adhere to a
23 statement of faith; or

24 “(bb) adhere to a code of
25 conduct consistent with the stat-

1 ed religious mission of such insti-
2 tution or the religious tenets of
3 such organization; or

4 “(II) from requiring an appli-
5 cant, student, or employee to take an
6 oath to uphold the Constitution of the
7 United States; or

8 “(iii) require, encourage, or coerce an
9 institution of higher education to violate
10 any right protected by the Constitution;
11 and

12 “(B) no institution of higher education
13 subject to its jurisdiction will—

14 “(i) be required, encouraged, or co-
15 erced by the agency or association to—

16 “(I) support, oppose, or make a
17 commitment to supporting or oppos-
18 ing any belief or viewpoint described
19 in subparagraph (A)(i)(I)(aa); or

20 “(II) support or commit to sup-
21 porting the treatment described in
22 subparagraph (A)(i)(I)(bb);

23 “(ii) be assessed by the agency or as-
24 sociation in the manner described in sub-
25 paragraph (A)(i)(II);

1 “(iii) be prohibited by the agency or
2 association from—

3 “(I) having a religious mission,
4 operating as a religious institution, or
5 being controlled by a religious organi-
6 zation as described in subparagraph
7 (A)(ii)(I); or

8 “(II) requiring an applicant, stu-
9 dent, or employee to take an action,
10 as described in subparagraph
11 (A)(ii)(II); or

12 “(iv) be required, encouraged, or co-
13 erced to commit a violation described in
14 subparagraph (A)(iii).”.

15 (b) LIMITATION ON SCOPE OF CRITERIA.—Section
16 496(g) of the Higher Education Act of 1965 (20 U.S.C.
17 1099b(g)) is amended—

18 (1) in the first sentence, by striking “Nothing
19 in” and inserting the following:

20 “(1) RULES OF CONSTRUCTION.—Nothing in”;

21 (2) by striking the second sentence; and

22 (3) by adding at the end the following:

1 “(2) PROHIBITION.—No accrediting agency or
2 association may adopt standards for accreditation
3 not provided for in this section.”.

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