

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3724
OFFERED BY MR. OWENS OF UTAH**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Accreditation for Col-
3 lege Excellence Act of 2023”.

**4 SEC. 2. PROHIBITION ON POLITICAL LITMUS TESTS IN AC-
5 CREDITATION OF INSTITUTIONS OF HIGHER
6 EDUCATION.**

7 (a) OPERATING PROCEDURES REQUIRED.—Section
8 496(c) of the Higher Education Act of 1965 (20 U.S.C.
9 1099b(c)) is amended—

10 (1) by striking “and” at the end of paragraph
11 (8);

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

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

15 “(10) confirms that the standards for accredita-
16 tion of the agency or association do not—

17 “(A) except as provided in subparagraph

18 (B)—

1 “(i) require, encourage, or coerce any
2 institution to—

3 “(I) support, oppose, or commit
4 to supporting or opposing—

5 “(aa) a specific partisan, po-
6 litical, or ideological viewpoint or
7 belief or set of such viewpoints or
8 beliefs; or

9 “(bb) a a specific viewpoint
10 or belief or set of viewpoints or
11 beliefs on social, cultural, or po-
12 litical issues; or

13 “(II) support or commit to sup-
14 porting the disparate treatment of any
15 individual or group of individuals on
16 the basis of any protected class under
17 Federal civil rights law, except as re-
18 quired by Federal law or a court
19 order; or

20 “(ii) assess an institution’s or pro-
21 gram of study’s commitment to any ide-
22 ology, belief, or viewpoint;

23 “(B) prohibit an institution—

24 “(i) from having a religious mission,
25 operating as a religious institution, or

1 being controlled by a religious organization
2 (in a manner described in paragraph (1),
3 (2), (3), (4), (5), or (6) of section
4 106.12(c) of title 34, Code of Federal Reg-
5 ulations (as in effect on the date of the en-
6 actment of this paragraph)), or from re-
7 quiring an applicant, student, employee, or
8 independent contractor (such as an adjunct
9 professor) of such an institution to—

10 “(I) provide or adhere to a state-
11 ment of faith; or

12 “(II) adhere to a code of conduct
13 consistent with the stated religious
14 mission of such institution or the reli-
15 gious tenets of such organization; or

16 “(ii) from requiring an applicant, stu-
17 dent, employee, or contractor to take an
18 oath to uphold the Constitution of the
19 United States; or

20 “(C) require, encourage, or coerce an insti-
21 tution of higher education to violate any right
22 protected by the Constitution.”.

23 (b) LIMITATION ON SCOPE OF CRITERIA.—Section
24 496(g) of the Higher Education Act of 1965 (20 U.S.C.
25 1099b(g)) is amended to read as follows:

1 “(g) LIMITATION ON SCOPE OF CRITERIA.—

2 “(1) IN GENERAL.—The Secretary shall not es-
3 tablish criteria for accrediting agencies or associa-
4 tions that are not required by this section.

5 “(2) INSTITUTIONAL ELIGIBILITY.—An institu-
6 tion of higher education shall be eligible for partici-
7 pation in programs under this title if the institution
8 is in compliance with the standards of its accrediting
9 agency or association that assess the institution in
10 accordance with subsection (a)(5), regardless of any
11 additional standards adopted by the agency or asso-
12 ciation for purposes unrelated to participation in
13 programs under this title.”.

