

## Union Calendar No. 386

118TH CONGRESS  
2D SESSION

# H. R. 3724

[Report No. 118-467]

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.

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### 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

APRIL 23, 2024

Additional sponsors: Mr. WILLIAMS of New York, Mr. DONALDS, and Mrs. HOUCHIN

APRIL 23, 2024

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on May 25, 2023]

# **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 College*  
5 *Excellence Act of 2023”.*

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

9        (a) *OPERATING PROCEDURES REQUIRED.*—Section  
10 *496(c) of the Higher Education Act of 1965 (20 U.S.C.*  
11 *1099b(c)) is amended—*

12            (1) *by striking “and” at the end of paragraph*  
13 *(8);*

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

16            (3) *by adding at the end the following:*

17            *“(10) confirms that the standards for accredita-*  
18 *tion of the agency or association do not—*

19            *“(A) except as provided in subparagraph*  
20 *(B)—*

21            *“(i) require, encourage, or coerce any*  
22 *institution to—*

23            *“(I) support, oppose, or commit to*  
24 *supporting or opposing—*

1                   “(aa) a specific partisan, po-  
2                   litical, or ideological viewpoint or  
3                   belief or set of such viewpoints or  
4                   beliefs; or

5                   “(bb) a a specific viewpoint  
6                   or belief or set of viewpoints or be-  
7                   liefs on social, cultural, or polit-  
8                   ical issues; or

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

16                  “(ii) assess an institution’s or program  
17                  of study’s commitment to any ideology, be-  
18                  lief, or viewpoint;

19                  “(B) prohibit an institution—

20                  “(i) from having a religious mission,  
21                  operating as a religious institution, or  
22                  being controlled by a religious organization  
23                  (in a manner described in paragraph (1),  
24                  (2), (3), (4), (5), or (6) of section 106.12(c)  
25                  of title 34, Code of Federal Regulations (as

1           *in effect on the date of the enactment of this*  
2           *paragraph)), or from requiring an appli-*  
3           *cant, student, employee, or independent con-*  
4           *tractor (such as an adjunct professor) of*  
5           *such an institution to—*

6                     *“(I) provide or adhere to a state-*  
7                     *ment of faith; or*

8                     *“(II) adhere to a code of conduct*  
9                     *consistent with the stated religious*  
10                    *mission of such institution or the reli-*  
11                    *gious tenets of such organization; or*

12                    *“(ii) from requiring an applicant, stu-*  
13                    *dent, employee, or contractor to take an*  
14                    *oath to uphold the Constitution of the*  
15                    *United States; or*

16                    *“(C) require, encourage, or coerce an insti-*  
17                    *tution of higher education to violate any right*  
18                    *protected by the Constitution.”.*

19            ***(b) LIMITATION ON SCOPE OF CRITERIA.—Section***  
20            ***496(g) of the Higher Education Act of 1965 (20 U.S.C.***  
21            ***1099b(g)) is amended to read as follows:***

22                    ***“(g) LIMITATION ON SCOPE OF CRITERIA.—***

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

1           “(2) *INSTITUTIONAL ELIGIBILITY.*—*An institu-*  
2           *tion of higher education shall be eligible for participa-*  
3           *tion in programs under this title if the institution is*  
4           *in compliance with the standards of its accrediting*  
5           *agency or association that assess the institution in ac-*  
6           *cordance with subsection (a)(5), regardless of any ad-*  
7           *ditional standards adopted by the agency or associa-*  
8           *tion for purposes unrelated to participation in pro-*  
9           *grams under this title.*”.



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