

118TH CONGRESS  
1ST SESSION

# H. R. 1626

To amend the Higher Education Act of 1965 to provide for certain freedom of association protections, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 17, 2023

Mr. GALLEGO introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To amend the Higher Education Act of 1965 to provide for certain freedom of association protections, and for other purposes.

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 “Collegiate Freedom  
5 of Association Act”.

6 **SEC. 2. FREEDOM OF ASSOCIATION PROTECTIONS.**

7 Part B of title I of the Higher Education Act of 1965  
8 (20 U.S.C. 1011 et seq.) is amended by adding at the end  
9 the following:

1 **“SEC. 124. FREEDOM OF ASSOCIATION PROTECTIONS.**

2       “(a) **NON-RETALIATION AGAINST STUDENTS OF SIN-**  
3 **GLE-SEX SOCIAL ORGANIZATIONS.**—An institution of  
4 higher education that receives funds under this Act shall  
5 not—

6           “(1) take any action to require or coerce a stu-  
7 dent or prospective student who is a member or pro-  
8 spective member of a single-sex social organization  
9 to waive the requirements of paragraph (2), includ-  
10 ing as a condition of enrolling in the institution; or

11           “(2) take any adverse action against a student  
12 who is a member or a prospective member of a sin-  
13 gle-sex social organization based solely on the mem-  
14 bership practice of such organization limiting mem-  
15 bership to only individuals of one sex.

16       “(b) **RULES OF CONSTRUCTION.**—Nothing in this  
17 section shall—

18           “(1) require an institution of higher education  
19 to officially recognize a single-sex organization;

20           “(2) prohibit an institution of higher education  
21 from taking an adverse action against a student who  
22 joins a single-sex social organization for a reason in-  
23 cluding academic misconduct or nonacademic mis-  
24 conduct, or because the organization’s purpose poses  
25 a clear harm to the students or employees, so long  
26 as that adverse action is not based solely on the

1 membership practice of the organization of limiting  
2 membership to only individuals of one sex; or

3 “(3) inhibit the ability of the faculty of an insti-  
4 tution of higher education to express an opinion (ei-  
5 ther individually or collectively) about membership in  
6 a single-sex social organization, or otherwise inhibit  
7 the academic freedom of such faculty to research,  
8 write, or publish material about membership in such  
9 an organization.

10 “(c) DEFINITIONS.—In this section:

11 “(1) ADVERSE ACTION.—The term ‘adverse ac-  
12 tion’ means any of the following actions taken by an  
13 institution of higher education with respect to a  
14 member or prospective member of a single-sex social  
15 organization:

16 “(A) Expulsion, suspension, probation,  
17 censure, condemnation, formal reprimand, or  
18 any other disciplinary action, coercive action, or  
19 sanction taken by an institution of higher edu-  
20 cation or administrative unit of such institution.

21 “(B) An oral or written warning with re-  
22 spect to an action described in subparagraph  
23 (A).

24 “(C) An action to deny participation in  
25 any education program or activity.

1           “(D) An action to withhold, in whole or in  
2 part, any financial assistance (including schol-  
3 arships and on campus employment), or deny-  
4 ing the opportunity to apply for financial assist-  
5 ance, a scholarship, a graduate fellowship, or  
6 on-campus employment.

7           “(E) An action to deny or restrict access  
8 to on-campus housing.

9           “(F) An act to deny any certification, en-  
10 dorsement, or letter of recommendation that  
11 may be required by a student’s current or fu-  
12 ture employer, a government agency, a licensing  
13 board, an institution of higher education, a  
14 scholarship program, or a graduate fellowship  
15 to which the student seeks to apply.

16           “(G) An action to deny participation in  
17 any sports team, club, or other student organi-  
18 zation, including a denial of any leadership po-  
19 sition in any sports team, club, or other student  
20 organization.

21           “(H) An action to require any student to  
22 certify that such student is not a member of a  
23 single-sex social organization or to disclose the  
24 student’s membership in a single-sex social or-  
25 ganization.

1           “(2) SINGLE-SEX SOCIAL ORGANIZATION.—The  
2           term ‘single-sex social organization’ means a social  
3           fraternity or sorority described in section 501(c) of  
4           the Internal Revenue Code of 1986 which is exempt  
5           from taxation under section 501(a) of such Code, or  
6           an organization that has been historically single-sex,  
7           the active membership of which consists primarily of  
8           students or alumni of an institution of higher edu-  
9           cation.”.

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