H. R. _____

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

Mr. Owens introduced the following bill; which was referred to the Committee on

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,
SECTION 1. SHORT TITLE.

This Act may be cited as the “Accreditation for College Excellence Act of 2023”.

SEC. 2. PROHIBITION ON POLITICAL LITMUS TESTS IN ACCREDITATION OF INSTITUTIONS OF HIGHER EDUCATION.

(a) OPERATING PROCEDURES REQUIRED.—Section 496(c) of the Higher Education Act of 1965 (20 U.S.C. 1092b(c)) is amended—

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

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

(3) by adding at the end the following:

“(10) confirms that—

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

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

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

“(aa) support, oppose, or commit to supporting or opposing—

“(AA) a specific partisan or political belief or set of beliefs; or
“(BB) a particular viewpoint on a social or political issue; or

“(bb) support or commit to supporting the disparate treatment of any individual or group of individuals on the basis of sex, race, or ethnicity, except as required by Federal law; or

“(II) assess an institution’s commitment to any ideology, belief, or viewpoint;

“(ii) prohibit an institution—

“(I) from having a religious mission, operating as a religious institution, or being controlled by a religious organization (in a manner described in paragraph (1), (2), (3), (4), (5), or (6) of section 106.12(c) of title 34, Code of Federal Regulations (as in effect on the date of the enactment of this paragraph)), or from requiring an applicant, student, or employee of such an institution to—
“(aa) provide or adhere to a statement of faith; or

“(bb) adhere to a code of conduct consistent with the stated religious mission of such institution or the religious tenets of such organization; or

“(II) from requiring an applicant, student, or employee to take an oath to uphold the Constitution of the United States; or

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

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

“(i) be required, encouraged, or coerced by the agency or association to—

“(I) support, oppose, or make a commitment to supporting or opposing any belief or viewpoint described in subparagraph (A)(i)(I)(aa); or
“(II) support or commit to supporting the treatment described in subparagraph (A)(i)(I)(bb);”

“(ii) be assessed by the agency or association in the manner described in subparagraph (A)(i)(II);”

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

“(I) having a religious mission, operating as a religious institution, or being controlled by a religious organization as described in subparagraph (A)(ii)(I); or

“(II) requiring an applicant, student, or employee to take an action, as described in subparagraph (A)(ii)(II); or

“(iv) be required, encouraged, or coerced to commit a violation described in subparagraph (A)(iii).”.

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

(1) in the first sentence, by striking “Nothing in” and inserting the following:
“(1) Rules of Construction.—Nothing in”;

(2) by striking the second sentence; and

(3) by adding at the end the following:

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