

S 1795

Fairness in Higher Education Accreditation Act

Congress: 118 (2023–2025, Ended)

Chamber: Senate

Policy Area: Education

Introduced: Jun 1, 2023

Current Status: Read twice and referred to the Committee on Health, Education, Labor, and Pensions.

Latest Action: Read twice and referred to the Committee on Health, Education, Labor, and Pensions. (Jun 1, 2023)

Official Text: <https://www.congress.gov/bill/118th-congress/senate-bill/1795>

Sponsor

Name: Sen. Rubio, Marco [R-FL]

Party: Republican • State: FL • Chamber: Senate

Cosponsors (3 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Lee, Mike [R-UT]	R · UT		Jun 1, 2023
Sen. Scott, Rick [R-FL]	R · FL		Jun 1, 2023
Sen. Lankford, James [R-OK]	R · OK		Feb 6, 2024

Committee Activity

Committee	Chamber	Activity	Date
Health, Education, Labor, and Pensions Committee	Senate	Referred To	Jun 1, 2023

Subjects & Policy Tags

Policy Area:

Education

Related Bills

Bill	Relationship	Last Action
118 HR 3803	Identical bill	Jun 5, 2023: Referred to the House Committee on Education and the Workforce.

Fairness in Higher Education Accreditation Act

This bill establishes additional requirements for an accrediting agency to be recognized by the Department of Education as a reliable authority on the quality of education being offered at an institution of higher education (IHE).

Specifically, the bill prohibits an accrediting agency from considering (1) the diversity, equity, and inclusion policies of an IHE; and (2) the racial composition of the accepted applicants, students, or the faculty or staff of an IHE. An IHE that is subject to a denial, withdrawal, or termination of accreditation as a result of an accrediting agency's violation of this prohibition may pursue a civil action.

The bill also requires an accrediting agency to assess the IHE's success in ensuring a right of free inquiry (with an exception for religious IHEs).

In the case of a public IHE that is legally required to abide by the First Amendment, the bill defines *free inquiry* as compliance with (1) the First Amendment, including protections for freedom of speech, association, press, religion, assembly, and petition; and (2) the IHE's own written policies regarding academic freedom.

In the case of a private IHE, *free inquiry* refers to adherence to the IHE's written institutional policies concerning freedom of speech, association, press, religion, assembly, petition, and academic freedom.

Actions Timeline

- **Jun 1, 2023:** Introduced in Senate
- **Jun 1, 2023:** Read twice and referred to the Committee on Health, Education, Labor, and Pensions.