

118TH CONGRESS
1ST SESSION

H. R. 3505

To amend the Higher Education Act of 1965 to require public institutions of higher education, as a condition of participating in programs under title IV of such Act, to provide a written statement and educational programming to new students on the rights of students under the first amendment to the Constitution.

IN THE HOUSE OF REPRESENTATIVES

MAY 18, 2023

Mr. KILEY (for himself and Mr. OWENS) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the Higher Education Act of 1965 to require public institutions of higher education, as a condition of participating in programs under title IV of such Act, to provide a written statement and educational programming to new students on the rights of students under the first amendment to the Constitution.

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 “Free Speech On Cam-
5 pus Act”.

1 **SEC. 2. PROGRAM PARTICIPATION AGREEMENT ON FREE-**
2 **DOM OF EXPRESSION.**

3 Section 487(a) of the Higher Education Act of 1965
4 (20 U.S.C. 1094(a)) is amended by adding at the end the
5 following:

6 “(30) In the case of a public institution, the in-
7 stitution will carry out each of the following:

8 “(A) At each orientation for new and
9 transfer students, provide students attending
10 the orientation—

11 “(i) a written statement that—

12 “(I) explains the rights of stu-
13 dents under the first amendment to
14 the Constitution;

15 “(II) affirms the importance and
16 the commitment of the institution to
17 freedom of expression; and

18 “(III) includes assurances that
19 students, and individuals invited by
20 students to speak at the institution,
21 will not be treated in a manner that
22 violates the freedom of expression of
23 such students or individuals; and

24 “(ii) educational programming (in-
25 cluding online resources) that include each
26 of the following:

1 “(I) Descriptions of policies, pro-
2 cedures, and protocols of the institu-
3 tion that protect freedom of expres-
4 sion and prohibit exclusionary behav-
5 ior.

6 “(II) Lessons that—

7 “(aa) teach and encourage
8 the expression of a wide range of
9 views in a productive and re-
10 spectful manner; and

11 “(bb) include an under-
12 standing of the first amendment
13 to the Constitution and its role in
14 supporting the commitment of
15 the institution to freedom of ex-
16 pression.

17 “(B) Post on the publicly accessible
18 website of the institution the statement de-
19 scribed in subparagraph (A)(i).”.

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