To amend the Higher Education Act of 1965 to prohibit graduate medical schools from receiving Federal financial assistance if such schools adopt certain policies and requirements relating to diversity, equity, and inclusion.

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

To amend the Higher Education Act of 1965 to prohibit graduate medical schools from receiving Federal financial assistance if such schools adopt certain policies and requirements relating to diversity, equity, and inclusion.

Be it enacted by the Senate and House of Representa-

tives of the United States of America in Congress assembled,
SECTION 1. LIMITATION ON AVAILABILITY OF FUNDS FOR CERTAIN GRADUATE MEDICAL SCHOOLS.

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

“SEC. 124. LIMITATION ON AVAILABILITY OF FUNDS FOR CERTAIN GRADUATE MEDICAL SCHOOLS.

“(a) LIMITATION.—Notwithstanding any other provision of law, no graduate medical school at an institution of higher education shall be eligible to receive funds or any other form of financial assistance under any Federal program, including participation in any federally funded or guaranteed student loan program, unless the institution certifies to the Secretary that the institution does not, and will not, do any of the following:

“(1) Direct, compel, or incentivize students, faculty, or staff of the medical school to personally state, pledge, recite, affirm, or otherwise adopt any of the following tenets:

“(A) That any sex, race, ethnicity, religion, color, or national origin makes an individual a member of oppressed or oppressor categories.

“(B) That individuals should be adversely treated on the basis of their sex, race, ethnicity, religion, color, or national origin.
“(C) That individuals, by virtue of sex, race, ethnicity, religion, color, or national origin, are inherently responsible for actions committed in the past by other members of the same sex, race, ethnicity, religion, color, or national origin.

“(D) That America is systemically, structurally, or institutionally racist, or that racism is weaved into the ‘ordinary business of society’, or that America is an oppressive nation.

“(2) Take any action that would deprive or tend to deprive a medical student of educational opportunities or otherwise adversely affect their status as a student, on the basis of race, color, or ethnicity, including—

“(A) making a distinction or classification of medical school students on the basis of race, color, or ethnicity;

“(B) establishing a privilege or benefit for students solely on the basis of race, color, or ethnicity;

“(C) providing a course of instruction for students solely on the basis of race, color, or ethnicity; or
“(D) otherwise distinguishing students by
race, color, or ethnicity.

“(3) Require a course of instruction or unit of
study at the medical school directing or otherwise
compelling students, faculty, or staff to personally
state, pledge, recite, affirm, or otherwise adopt any
of the tenets specified in paragraph (1).

“(4) Establish, maintain, or contract with a di-
versity, equity, and inclusion office, or any other
functional equivalent of such an office, to serve the
medical school.

“(5) Require or incentivize an individual to
complete a diversity statement professing or adher-
ing to diversity, equity, and inclusion as a condition
of, or benefit in, admission or employment at such
school.

“(b) DEFINITIONS.—In this section:

“(1) DIVERSITY, EQUITY, AND INCLUSION OF-
FICE.—The term ‘diversity, equity, and inclusion of-
fice’ means any component of an institution of high-
er education, including any division, unit, or center
of such an institution, that is responsible for compell-
ing individuals to state, pledge, recite, affirm, or
otherwise adopt ideas that are in violation of title IV
or title VI of the Civil Rights Act of 1964 (42
U.S.C. 2000c et seq.; 2000d et seq.), including the following:

“(A) That individuals of any race, sex, ethnicity, color, or national origin are inherently members of an oppressed or oppressor category.

“(B) That individuals should be adversely or advantageously treated on the basis of their race, sex, ethnicity, color, or national origin.

“(C) That individuals, by virtue of race, sex, ethnicity, color, or national origin, bear collective guilt and are inherently responsible for actions committed in the past or present by other members of the same race, ethnicity, color, or national origin.

“(2) DIVERSITY STATEMENT.—The term ‘diversity statement’ means any written or oral statement that—

“(A) discusses the immutable characteristics, including race, sex, color, ethnicity, or country of origin of any applicant for enrollment, admission, employment, or advancement at an institution of higher education;

“(B) affirms that individuals of any race, sex, ethnicity, color, or national origin are inherently superior or inferior;
“(C) affirms that individuals should be adversely or advantageously treated on the basis of their race, sex, ethnicity, color, or national origin; or

“(D) affirms that individuals, by virtue of race, sex, ethnicity, color, or national origin, bear collective guilt and are inherently responsible for actions committed in the past by other members of the same race, ethnicity, color, or national origin.

“(3) Institution of Higher Education.—The term ‘institution of higher education’ has the meaning given that term in section 102.”.

SEC. 2. CONFORMING REQUIREMENTS FOR ACCREDITING AGENCIES AND ASSOCIATIONS.

Section 496(a) of the Higher Education Act of 1965 (20 U.S.C. 1099b(a)) is amended—

(1) in paragraph (7), by striking “and” at the end;

(2) in paragraph (8), by striking the period at the end and inserting “; and”;

(3) by adding at the end the following:

“(9) if such agency or association has or seeks to include within its scope of recognition the evaluation of the quality of institutions or programs offer-
ing graduate medical education, such agency or assoc-
iation shall, in addition to meeting the other re-
quirements of this subpart, demonstrate to the Sec-
retary that the agency or association does not re-
quire an institution or program to adopt any policies
or other requirements in contravention of section
124 as a condition of receiving accreditation from
the agency or association.”.

SEC. 3. RULES OF CONSTRUCTION.

Nothing in this Act or the amendments made by this
Act shall be construed—

(1) to prohibit a graduate medical school at an
institution of higher education from—

(A) providing instruction about unique
medical needs or conditions that may be related
to an individual’s gender, race, or other charac-
teristics; or

(B) collecting and maintaining demo-
graphic data on students solely for informa-
tional purposes;

(2) in the case of an institution with a religious
mission, to require or incentivize the institution to
take any action that is contrary to the tenets of such
religion; or

(3) to restrict or prohibit—
(A) the exercise of First Amendment
rights by anyone lawfully present on the
grounds of an institution of higher education
(as defined in section 102 of the Higher Edu-
cation Act of 1965 (20 U.S.C. 1002));

(B) academic instruction at such an insti-
tution, except to the extent required under
paragraphs (2)(C) and (3) of section 124(a) of
the Higher Education Act of 1965 (as added by
section 2);

(C) research operations at such an institu-
tion;

(D) the operations of student organizations
at such an institution;

(E) the invitation of lecturers and other
guest speakers to such an institution; or

(F) the ability of an institution to comply
with Federal and State anti-discrimination
laws.

SEC. 4. SEVERABILITY.

If any provision of this Act or an amendment made
by this Act is held invalid, the remainder of this Act and
the amendments made by this Act shall not be affected
thereby.