

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 2555  
OFFERED BY MR. HARRIS OF NORTH CAROLINA**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Freedom of Associa-  
3 tion in Higher Education Act of 2026”.

**4 SEC. 2. PURPOSES.**

5 (a) PURPOSES.—The purposes of this Act are as fol-  
6 lows:

7 (1) Protect any student in a single-sex social  
8 organization or any single-sex social organization  
9 from any adverse action by an institution of higher  
10 education based on the membership practice of such  
11 organization of limiting membership only to individ-  
12 uals of one sex.

13 (2) Ensure—

14 (A) any student at an institution of higher  
15 education in a single-sex social organization is  
16 treated without bias in comparison to students  
17 who do not participate in single-sex social orga-  
18 nizations; and

1 (B) any single-sex social organization is  
2 treated by an institution of higher education  
3 without bias in comparison to other social orga-  
4 nizations that are not single-sex.

5 (3) Protect the rights of students to freely asso-  
6 ciate with and participate in single-sex social organi-  
7 zations.

8 **SEC. 3. FREEDOM OF ASSOCIATION PROTECTIONS FOR**  
9 **STUDENTS IN SINGLE-SEX SOCIAL ORGANIZA-**  
10 **TIONS.**

11 Part B of title I of the Higher Education Act of 1965  
12 (20 U.S.C. 1011 et seq.) is amended by adding at the end  
13 the following:

14 **“SEC. 124. FREEDOM OF ASSOCIATION PROTECTIONS FOR**  
15 **STUDENTS IN SINGLE-SEX SOCIAL ORGANIZA-**  
16 **TIONS.**

17 “(a) UPHOLDING FREEDOM OF ASSOCIATION PRO-  
18 TECTIONS.—Any student (or group of students) enrolled  
19 in an institution of higher education that receives funds  
20 under this Act, including through an institution’s partici-  
21 pation in any program under title IV, shall—

22 “(1) be able to form, apply to join, join, partici-  
23 pate in, or lead a single-sex social organization of  
24 the student’s sex, whether or not such organization  
25 is officially recognized by the institution; and

1           “(2) if selected for membership by any single-  
2           sex social organization, be able to join, participate  
3           in, or lead such single-sex social organization, sub-  
4           ject to the standards of such organization for regu-  
5           lating its own membership.

6           “(b) NONRETALIATION AGAINST STUDENTS OF SIN-  
7           GLE-SEX SOCIAL ORGANIZATIONS.—An institution of  
8           higher education that receives funds under this Act, in-  
9           cluding through an institution’s participation in any pro-  
10          gram under title IV, shall not—

11           “(1) take any action to require or coerce a stu-  
12          dent or prospective student who is a member or pro-  
13          spective member of a single-sex social organization  
14          to waive the protections provided under subsection  
15          (a), including as a condition of enrolling in the insti-  
16          tution;

17           “(2) take any adverse action against a single-  
18          sex social organization, or a student who is a mem-  
19          ber or a prospective member of a single-sex social  
20          organization, based on the membership practice of  
21          such organization limiting membership only to indi-  
22          viduals of one sex; or

23           “(3) impose a recruitment restriction (including  
24          a recruitment restriction relating to the schedule for  
25          membership recruitment) on a single-sex social orga-

1 nization recognized by the institution, which is not  
2 imposed upon other social organizations by the insti-  
3 tution, unless the single-sex social organization (or a  
4 council of similar organizations) and the institution  
5 have entered into a mutually agreed upon written  
6 agreement that allows the institution to impose such  
7 restriction.

8 “(c) RULES OF CONSTRUCTION.—Nothing in this  
9 section shall be construed to—

10 “(1) require an institution of higher education  
11 to officially recognize a single-sex social organiza-  
12 tion;

13 “(2) prohibit an institution of higher education  
14 from taking an adverse action against a student who  
15 forms, applies to join, joins, participates in, or leads  
16 a single-sex social organization—

17 “(A) due to academic or nonacademic mis-  
18 conduct;

19 “(B) because the stated purpose of such  
20 organization is directed to inciting or producing  
21 imminent lawless action and is likely to incite  
22 or produce such action; or

23 “(C) in the case of private institutions, be-  
24 cause the institution determines that the pur-

1           pose of such organization is incompatible with  
2           the religious mission of the institution,  
3       provided that the adverse action is not based on the  
4       membership practice of the organization of limiting  
5       membership only to individuals of one sex;

6           “(3) prevent a single-sex social organization  
7       from regulating its own membership;

8           “(4) inhibit the ability of the faculty of an insti-  
9       tution of higher education to express an opinion (ei-  
10      ther individually or collectively) about membership in  
11      a single-sex social organization, or otherwise inhibit  
12      the academic freedom of such faculty to research,  
13      write, or publish material about membership in such  
14      an organization; or

15          “(5) create enforceable rights against a single-  
16      sex social organization or against an institution of  
17      higher education due to the decision of such organi-  
18      zation to deny membership to an individual student.

19      “(d) DEFINITIONS.—In this section:

20          “(1) ADVERSE ACTION.—The term ‘adverse ac-  
21      tion’ includes the following actions taken by an insti-  
22      tution of higher education with respect to a single-  
23      sex social organization or a member or prospective  
24      member of a single-sex social organization:

1           “(A) Expulsion, suspension, probation,  
2           censure, condemnation, formal reprimand, or  
3           any other disciplinary action, coercive action, or  
4           sanction taken by an institution of higher edu-  
5           cation or an administrative unit of such institu-  
6           tion.

7           “(B) An oral or written warning with re-  
8           spect to an action described in subparagraph  
9           (A) made by an official of an institution of  
10          higher education acting in their official capac-  
11          ity.

12          “(C) An action to deny participation in  
13          any education program or activity, including the  
14          withholding of any rights, privileges, or oppor-  
15          tunities afforded other students on campus.

16          “(D) An action to withhold, in whole or in  
17          part, any financial assistance (including schol-  
18          arships and on-campus employment), or deny-  
19          ing the opportunity to apply for financial assist-  
20          ance, a scholarship, a graduate fellowship, or  
21          on-campus employment.

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

24          “(F) An action to deny any certification,  
25          endorsement, or letter of recommendation that

1           may be required by a student’s current or fu-  
2           ture employer, a government agency, a licensing  
3           board, an institution of higher education, a  
4           scholarship program, or a graduate fellowship  
5           to which the student applies or seeks to apply.

6           “(G) An action to deny participation in  
7           any sports team, club, or other student organi-  
8           zation, including a denial of any leadership po-  
9           sition in any sports team, club, or other student  
10          organization.

11          “(H) An action to withdraw the institu-  
12          tion’s official recognition of such organization.

13          “(I) An action to require any student to  
14          certify that such student is not a member of a  
15          single-sex social organization or to disclose the  
16          student’s membership in a single-sex social or-  
17          ganization in a manner that is different from  
18          disclosure of a student’s membership in a social  
19          organization that is not a single-sex social orga-  
20          nization.

21          “(J) An action to interject an institution’s  
22          own criteria into the membership practices of  
23          the organization in any manner that conflicts  
24          with the rights of such organization under title

1 IX of the Education Amendments of 1972 (20  
2 U.S.C. 1681 et seq.) or this section.

3 “(K) An action to impose additional re-  
4 quirements on or with respect to advisors serv-  
5 ing a single-sex social organization that are not  
6 imposed on social organizations that are not  
7 single-sex social organizations.

8 “(2) SINGLE-SEX SOCIAL ORGANIZATION.—The  
9 term ‘single-sex social organization’ means—

10 “(A) a social fraternity or sorority de-  
11 scribed in section 501(c) of the Internal Rev-  
12 enue Code of 1986 which is exempt from tax-  
13 ation under section 501(a) of such Code, or a  
14 social organization that has been historically  
15 single-sex, the active membership of which con-  
16 sists primarily of students or alumni of an insti-  
17 tution of higher education; or

18 “(B) a single-sex private social club (in-  
19 cluding an independent organization located off-  
20 campus) that consists primarily of students or  
21 alumni of an institution of higher education.

22 “(3) SEX.—The term ‘sex’ means the biological  
23 sex of an individual, either male or female.

24 “(A) FEMALE.—The term ‘female’ means  
25 an individual who has, had, will have, or would

1           have, but for a congenital anomaly or inten-  
2           tional or unintentional disruption, the reproduc-  
3           tive system that at some point produces, trans-  
4           ports, and utilizes eggs for fertilization.

5           “(B) MALE.—The term ‘male’ means an  
6           individual who has, had, will have, or would  
7           have, but for a congenital anomaly or inten-  
8           tional or unintentional disruption, the reproduc-  
9           tive system that at some point produces, trans-  
10          ports, and utilizes sperm for fertilization.”.

