

118TH CONGRESS
1ST SESSION

S. 2974

To require public institutions of higher education to disseminate information on the rights of, and accommodations and resources for, pregnant students, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 28 (legislative day, SEPTEMBER 22), 2023

Mr. RUBIO (for himself, Mr. LANKFORD, Mrs. HYDE-SMITH, Mr. SCOTT of Florida, Mr. WICKER, and Mr. BRAUN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To require public institutions of higher education to disseminate information on the rights of, and accommodations and resources for, pregnant students, and for other purposes.

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 “Pregnant Students’
5 Rights Act of 2023”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) Female students who are enrolled at institu-
2 tions of higher education and experiencing un-
3 planned pregnancies may face pressure that their
4 only option is to receive an abortion or risk academic
5 failure.

6 (2) 27.6 percent of all abortions in the United
7 States are performed on women of college age, be-
8 tween the ages of 20 and 24, according to a 2019
9 report by the Centers for Disease Control and Pre-
10 vention.

11 (3) A significant proportion of abortions in the
12 United States are performed on women of college
13 age who may be unaware of their rights under title
14 IX of the Education Amendments of 1972 (20
15 U.S.C. 1681 et seq.) or deprived of an alternative to
16 receiving an abortion.

17 (4) Additionally, women on college campuses
18 may fear institutional reprisal, loss of athletic schol-
19 arship, and possible negative impact on academic op-
20 portunities.

21 (5) An academic disparity exists because of the
22 lack of resources, support, and notifications available
23 for female college students who do not wish to re-
24 ceive an abortion or who carry their unborn babies
25 to term.

1 **SEC. 3. NOTICE OF PREGNANT STUDENT RIGHTS, ACCOM-**
 2 **MODATIONS, AND RESOURCES.**

3 Section 485 of the Higher Education Act of 1965 (20
 4 U.S.C. 1092) is amended by adding at the end the fol-
 5 lowing:

6 “(n) PREGNANT STUDENTS’ RIGHTS, ACCOMMODA-
 7 TIONS, AND RESOURCES.—

8 “(1) INFORMATION DISSEMINATION ACTIVITIES;
 9 ESTABLISHMENT OF PROTOCOL.—

10 “(A) IN GENERAL.—Each public institu-
 11 tion of higher education participating in any
 12 program under this title shall—

13 “(i) in a manner consistent with title
 14 IX of the Education Amendments of 1972
 15 (20 U.S.C. 1681 et seq.), carry out the in-
 16 formation dissemination activities de-
 17 scribed in subparagraph (B) for admitted
 18 but not enrolled and enrolled students (in-
 19 cluding those attending or planning to at-
 20 tend less than full time) on the rights and
 21 resources (including protections and ac-
 22 commodations) for pregnant students (or
 23 students who may become pregnant) while
 24 enrolled at such institution of higher edu-
 25 cation that—

26 “(I) exclude abortion services;

1 “(II) may help such a student
2 carry their unborn babies to term; and

3 “(III) include information on how
4 to file a complaint with the Depart-
5 ment if such a student believes there
6 was a violation of title IX of the Edu-
7 cation Amendments of 1972 (20
8 U.S.C. 1681 et seq.) by the institution
9 on account of such student’s preg-
10 nancy; and

11 “(ii) establish a protocol to meet with
12 a student described in clause (i)(III),
13 which shall include a meeting with relevant
14 leadership at the institution of higher edu-
15 cation, and other relevant parties.

16 “(B) DESCRIPTION OF INFORMATION DIS-
17 SEMINATION REQUIREMENTS.—The information
18 dissemination activities described in this sub-
19 paragraph shall include—

20 “(i) annual campus-wide emails; or

21 “(ii) the provision of information in
22 student handbooks, at each orientation for
23 enrolled students, or on the publicly avail-
24 able website of the institution of higher
25 education.

1 “(2) ANNUAL REPORT TO CONGRESS.—

2 “(A) IN GENERAL.—Each public institu-
3 tion of higher education participating in any
4 program under this title shall—

5 “(i) on an annual basis, compile and
6 submit to the Secretary—

7 “(I) responses to the questions
8 described in subparagraph (B) from
9 students enrolled at such institution
10 of higher education who voluntarily
11 provided such responses; and

12 “(II) a description of any actions
13 taken by the institution of higher edu-
14 cation to address each complaint by a
15 student that there was a violation of
16 title IX of the Education Amendments
17 of 1972 (20 U.S.C. 1681 et seq.) by
18 the institution on account of such stu-
19 dent’s pregnancy, including any ac-
20 tions taken in accordance with the
21 protocol established under paragraph
22 (1)(A)(ii); and

23 “(ii) ensure that any such responses
24 remain confidential and do not reveal any

1 personally identifiable information with re-
2 spect to a student.

3 “(B) QUESTIONS FOR ENROLLED STU-
4 DENTS.—The questions described in this sub-
5 paragraph shall include—

6 “(i) if such student experienced an
7 unexpected pregnancy while enrolled at the
8 institution of higher education;

9 “(ii) if such student felt there were
10 adequate resources on campus relating to
11 protections, accommodations, and other re-
12 sources for pregnant students besides abor-
13 tion-related services;

14 “(iii) if such a student believes there
15 was a violation of title IX of the Education
16 Amendments of 1972 (20 U.S.C. 1681 et
17 seq.) by the institution on account of such
18 student’s pregnancy; and

19 “(iv) if such student considered drop-
20 ping out or withdrawing from classes be-
21 cause of pregnancy, new motherhood, still-
22 birth, or miscarriage.

23 “(C) REPORT.—The Secretary shall, on an
24 annual basis—

1 “(i) prepare a report that compiles
2 the responses received under subparagraph
3 (A) from each public institution of higher
4 education participating in any program
5 under this title; and

6 “(ii) submit such report to the author-
7 izing committees, and the Committees on
8 Appropriations of the House of Represent-
9 atives and the Senate.”.

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