

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—119th Cong., 2d Sess.

S. 2511

To establish a postsecondary student data system.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “College Transparency
5 Act”.

6 **SEC. 2. POSTSECONDARY STUDENT DATA SYSTEM.**

7 Section 132 of the Higher Education Act of 1965 (20
8 U.S.C. 1015a) is amended—

9 (1) by redesignating subsection (l) as subsection
10 (m); and

11 (2) by inserting after subsection (k) the fol-
12 lowing:

13 “(l) POSTSECONDARY STUDENT DATA SYSTEM.—

1 “(1) IN GENERAL.—

2 “(A) ESTABLISHMENT OF SYSTEM.—Not
3 later than 4 years after the date of enactment
4 of the College Transparency Act, the Commis-
5 sioner of the National Center for Education
6 Statistics (referred to in this subsection as the
7 ‘Commissioner’) shall develop and maintain a
8 secure and privacy-protected postsecondary stu-
9 dent-level data system in order to—

10 “(i) accurately evaluate student en-
11 rollment patterns, progression, completion,
12 and postcollegiate outcomes, and higher
13 education costs and financial aid;

14 “(ii) assist with transparency, institu-
15 tional improvement, and analysis of Fed-
16 eral aid programs;

17 “(iii) provide accurate, complete, and
18 customizable information for students and
19 families making decisions about postsec-
20 ondary education; and

21 “(iv) reduce the reporting burden on
22 institutions of higher education, in accord-
23 ance with section 5 of the College Trans-
24 parency Act.

1 “(B) AVOIDING DUPLICATED REPORT-
2 ING.—Notwithstanding any other provision of
3 this section, to the extent that another provi-
4 sion of this section requires the same reporting
5 or collection of data that is required under this
6 subsection, an institution of higher education,
7 or the Secretary or Commissioner, shall use the
8 reporting or data required for the postsec-
9 ondary student data system under this sub-
10 section to satisfy both requirements.

11 “(C) DEVELOPMENT PROCESS.—In devel-
12 oping the postsecondary student data system
13 described in this subsection, the Commissioner
14 shall—

15 “(i) focus on the needs of—

16 “(I) users of the data system;
17 and

18 “(II) entities, including institu-
19 tions of higher education, reporting to
20 the data system;

21 “(ii) take into consideration, to the
22 extent practicable—

23 “(I) the guidelines outlined in the
24 U.S. Web Design Standards main-
25 tained by the General Services Admin-

1 istration and the Digital Services
2 Playbook and TechFAR Handbook for
3 Procuring Digital Services Using
4 Agile Processes of the U.S. Digital
5 Service; and

6 “(II) the relevant successor docu-
7 ments or recommendations of such
8 guidelines;

9 “(iii) use modern, relevant privacy-
10 and security-enhancing technology, and en-
11 hance and update the data system as nec-
12 essary to carry out the purpose of this sub-
13 section;

14 “(iv) ensure data privacy and security
15 is consistent with any relevant Federal law
16 relating to privacy or data security, includ-
17 ing—

18 “(I) the requirements of sub-
19 chapter II of chapter 35 of title 44,
20 United States Code, specifying secu-
21 rity categorization under the Federal
22 Information Processing Standards or
23 any relevant successor of such stand-
24 ards;

1 “(II) security requirements that
2 are consistent with the Federal agency
3 responsibilities in section 3554 of title
4 44, United States Code, or any rel-
5 evant successor of such responsibil-
6 ities; and

7 “(III) security requirements,
8 guidelines, and controls consistent
9 with cybersecurity standards and best
10 practices developed by the National
11 Institute of Standards and Tech-
12 nology, including frameworks, con-
13 sistent with section 2(c) of the Na-
14 tional Institute of Standards and
15 Technology Act (15 U.S.C. 272(c)), or
16 any relevant successor of such frame-
17 works;

18 “(v) follow Federal data minimization
19 practices to ensure only the minimum
20 amount of data is collected to meet the
21 system’s goals, in accordance with Federal
22 data minimization standards and guide-
23 lines developed by the National Institute of
24 Standards and Technology; and

1 “(vi) provide notice to students out-
2 lining the data included in the system and
3 how the data are used.

4 “(2) DATA ELEMENTS.—

5 “(A) IN GENERAL.—Not later than 4 years
6 after the date of enactment of the College
7 Transparency Act, the Commissioner, in con-
8 sultation with the Postsecondary Student Data
9 System Advisory Committee established under
10 subparagraph (B), shall determine—

11 “(i) the data elements to be included
12 in the postsecondary student data system,
13 in accordance with subparagraphs (C) and
14 (D); and

15 “(ii) how to include the data elements
16 required under subparagraph (C), and any
17 additional data elements selected under
18 subparagraph (D), in the postsecondary
19 student data system.

20 “(B) POSTSECONDARY STUDENT DATA
21 SYSTEM ADVISORY COMMITTEE.—

22 “(i) ESTABLISHMENT.—Not later
23 than 2 years after the date of enactment
24 of the College Transparency Act, the Com-
25 missioner shall establish a Postsecondary

1 Student Data System Advisory Committee
2 (referred to in this subsection as the ‘Advi-
3 sory Committee’), whose members shall in-
4 clude—

5 “(I) the Chief Privacy Officer of
6 the Department or an official of the
7 Department delegated the duties of
8 overseeing data privacy at the Depart-
9 ment;

10 “(II) the Chief Security Officer
11 of the Department or an official of
12 the Department delegated the duties
13 of overseeing data security at the De-
14 partment;

15 “(III) representatives of diverse
16 institutions of higher education, which
17 shall include equal representation be-
18 tween 2-year and 4-year institutions
19 of higher education, and from public,
20 nonprofit, and proprietary institutions
21 of higher education, including minor-
22 ity-serving institutions;

23 “(IV) representatives from State
24 higher education agencies, entities,
25 bodies, or boards;

1 “(V) representatives of postsec-
2 ondary students;

3 “(VI) representatives from rel-
4 evant Federal agencies;

5 “(VII) individuals with expertise
6 in data privacy and security; and

7 “(VIII) other stakeholders (in-
8 cluding individuals with consumer
9 protection and postsecondary edu-
10 cation research).

11 “(ii) REQUIREMENTS.—The Commis-
12 sioner shall ensure that the Advisory Com-
13 mittee—

14 “(I) adheres to all requirements
15 under chapter 10 of title 5, United
16 States Code (commonly known as the
17 ‘Federal Advisory Committee Act’);

18 “(II) establishes operating and
19 meeting procedures and guidelines
20 necessary to execute its advisory du-
21 ties; and

22 “(III) is provided with appro-
23 priate staffing and resources to exe-
24 cute its advisory duties.

1 “(C) REQUIRED DATA ELEMENTS.—The
2 data elements in the postsecondary student
3 data system shall include, at a minimum, the
4 following:

5 “(i) Student-level data elements nec-
6 essary to calculate the information within
7 the surveys designated by the Commis-
8 sioner as ‘student-related surveys’ in the
9 Integrated Postsecondary Education Data
10 System (IPEDS), as such surveys are in
11 effect on the day before the date of enact-
12 ment of the College Transparency Act, ex-
13 cept that in the case that collection of such
14 elements would conflict with subparagraph
15 (F), such elements in conflict with sub-
16 paragraph (F) shall be included in the ag-
17 gregate instead of at the student level.

18 “(ii) Student-level data elements nec-
19 essary to allow for reporting student en-
20 rollment, persistence, retention, transfer,
21 and completion measures for all credential
22 levels separately (including eligible work-
23 force programs under section 481(b)(3),
24 certificate, associate, baccalaureate, and
25 advanced degree levels), within and across

1 institutions of higher education (including
2 across all categories of institution level,
3 control, and predominant degree awarded).
4 The data elements shall allow for reporting
5 about all such data disaggregated by the
6 following categories:

7 “(I) Enrollment status as a first-
8 time student, recent transfer student,
9 or other non-first-time student.

10 “(II) Attendance intensity,
11 whether full-time or part-time.

12 “(III) Credential-seeking status,
13 by credential level.

14 “(IV) Race or ethnicity, in a
15 manner that captures all the racial
16 groups specified in the most recent
17 American Community Survey of the
18 Bureau of the Census.

19 “(V) Age intervals.

20 “(VI) Gender.

21 “(VII) Program of study (as ap-
22 plicable).

23 “(VIII) Military or veteran ben-
24 efit status (as determined based on

1 receipt of veteran's education benefits,
2 as defined in section 480(c)).

3 “(IX) Status as a distance edu-
4 cation student, whether exclusively or
5 partially enrolled in distance edu-
6 cation.

7 “(X) Federal Pell Grant recipient
8 status under section 401 (including
9 status as a recipient of a Workforce
10 Pell Grant under section 401(k)) and
11 Federal loan recipient status under
12 title IV, provided that the collection of
13 such information complies with para-
14 graph (1)(B).

15 “(D) OTHER DATA ELEMENTS.—

16 “(i) IN GENERAL.—The Commissioner
17 may, after consultation with the Advisory
18 Committee and provision of a public com-
19 ment period, include additional data ele-
20 ments in the postsecondary student data
21 system, such as those described in clause
22 (ii), if those data elements—

23 “(I) are necessary to ensure that
24 the postsecondary data system fulfills

1 the purposes described in paragraph
2 (1)(A); and

3 “(II) are consistent with data
4 minimization principles, including the
5 collection of only those additional ele-
6 ments that are necessary to ensure
7 such purposes.

8 “(ii) DATA ELEMENTS.—The data ele-
9 ments described in clause (i) may in-
10 clude—

11 “(I) status as a first generation
12 college student, as defined in section
13 402A(h);

14 “(II) economic status;

15 “(III) participation in postsec-
16 ondary remedial coursework or gate-
17 way course completion; or

18 “(IV) other data elements that
19 are necessary in accordance with
20 clause (i).

21 “(E) REEVALUATION.—Not less than once
22 every 3 years after the implementation of the
23 postsecondary student data system described in
24 this subsection, the Commissioner, in consulta-
25 tion with the Advisory Committee described in

subparagraph (B), shall review the data elements included in the postsecondary student data system and may revise the data elements to be included in such system.

“(F) PROHIBITIONS.—The Commissioner shall not include individual health data (including data relating to physical health or mental health), student discipline records or data, elementary and secondary education data, an exact address, citizenship status, migrant status, or national origin status for students or their families, course grades, postsecondary entrance examination results, political affiliation, or religion in the postsecondary student data system under this subsection.

“(3) PERIODIC MATCHING WITH OTHER FEDERAL DATA SYSTEMS.—

“(A) DATA SHARING AGREEMENTS.—

“(i) The Commissioner shall ensure secure and privacy-protected periodic data matches by entering into data sharing agreements with each of the following Federal agencies and offices:

“(I) The Secretary of the Treasury and the Commissioner of the In-

1 ternal Revenue Service, in order to
2 calculate aggregate program- and in-
3 stitution-level earnings of postsec-
4 ondary students.

5 “(II) The Secretary of Defense,
6 in order to assess the use of postsec-
7 ondary educational benefits and the
8 outcomes of servicemembers.

9 “(III) The Secretary of Veterans
10 Affairs, in order to assess the use of
11 postsecondary educational benefits
12 and outcomes of veterans.

13 “(IV) The Director of the Bu-
14 reau of the Census, in order to assess
15 the earnings outcomes of former post-
16 secondary education students.

17 “(V) The Chief Operating Officer
18 of the Office of Federal Student Aid,
19 in order to analyze the use of postsec-
20 ondary educational benefits provided
21 under this Act.

22 “(VI) The Commissioner of the
23 Social Security Administration, in
24 order to evaluate labor market out-

1 comes of former postsecondary edu-
2 cation students.

3 “(VII) The Commissioner of the
4 Bureau of Labor Statistics, in order
5 to assess the wages of former postsec-
6 ondary education students.

7 “(ii) The heads of Federal agencies
8 and offices described under clause (i) shall
9 enter into data sharing agreements with
10 the Commissioner to ensure secure and
11 privacy-protected periodic data matches as
12 described in this paragraph.

13 “(B) CATEGORIES OF DATA.—The Com-
14 missioner shall, at a minimum, seek to ensure
15 that the secure and privacy-protected periodic
16 data matches described in subparagraph (A)
17 permit consistent reporting of the following cat-
18 egories of data for all postsecondary students:

19 “(i) Enrollment, retention, transfer,
20 and completion outcomes for all postsec-
21 ondary students.

22 “(ii) Financial indicators for postsec-
23 ondary students receiving Federal grants
24 and loans, including grant and loan aid by

1 source, cumulative student debt, loan re-
2 payment status, and repayment plan.

3 “(iii) Post-completion outcomes for all
4 postsecondary students, including earnings,
5 employment, and further education, by
6 program of study and credential level and
7 as measured—

8 “(I) immediately after leaving
9 postsecondary education; and

10 “(II) at time intervals appro-
11 priate to the credential sought and
12 earned.

13 “(C) PERIODIC DATA MATCH STREAM-
14 LINING AND CONFIDENTIALITY.—

15 “(i) STREAMLINING.—In carrying out
16 the secure and privacy-protected periodic
17 data matches under this paragraph, the
18 Commissioner shall—

19 “(I) ensure that such matches
20 are not continuous, but occur only pe-
21 riodically at appropriate intervals, as
22 determined by the Commissioner to
23 meet the goals of subparagraph (A);
24 and

25 “(II) seek to—

1 “(aa) streamline the data
2 collection and reporting require-
3 ments for institutions of higher
4 education;

5 “(bb) minimize duplicative
6 reporting across or within Fed-
7 eral agencies or departments, in-
8 cluding reporting requirements
9 applicable to institutions of high-
10 er education under the Workforce
11 Innovation and Opportunity Act
12 (29 U.S.C. 3101 et seq.) and the
13 Carl D. Perkins Career and
14 Technical Education Act of 2006;

15 “(cc) protect student pri-
16 vacy; and

17 “(dd) streamline the applica-
18 tion process for student loan ben-
19 efit programs available to bor-
20 rowers based on data available
21 from different Federal data sys-
22 tems.

23 “(ii) REVIEW.—Not less often than
24 once every 3 years after the establishment
25 of the postsecondary student data system

1 under this subsection, the Commissioner,
2 in consultation with the Advisory Com-
3 mittee, shall review methods for stream-
4 lining data collection from institutions of
5 higher education and minimizing duplica-
6 tive reporting within the Department and
7 across Federal agencies that provide data
8 for the postsecondary student data system.

9 “(iii) CONFIDENTIALITY.—The Com-
10 missioner shall ensure that any periodic
11 matching or sharing of data through peri-
12 odic data system matches established in
13 accordance with this paragraph—

14 “(I) complies with the security
15 and privacy protections described in
16 paragraph (1)(C)(iv) and other Fed-
17 eral data protection protocols;

18 “(II) follows industry best prac-
19 tices commensurate with the sensi-
20 tivity of specific data elements or
21 metrics;

22 “(III) does not result in the cre-
23 ation of a single standing, linked Fed-
24 eral database at the Department that

1 maintains the information reported
2 across other Federal agencies; and

3 “(IV) discloses to postsecondary
4 students what data are included in the
5 data system and periodically matched
6 and how the data are used.

7 “(iv) CORRECTION.—The Commis-
8 sioner, in consultation with the Advisory
9 Committee and in a manner that protects
10 each student’s personally identifiable infor-
11 mation, shall—

12 “(I) provide dedicated and ade-
13 quate staffing to field and respond to
14 inquiries from students who—

15 “(aa) request access to their
16 personal information for inspec-
17 tion; and

18 “(bb) request corrections to
19 inaccuracies; and

20 “(II) respond in writing to every
21 request for a correction from a stu-
22 dent.

23 “(4) PUBLICLY AVAILABLE INFORMATION.—

24 “(A) IN GENERAL.—The Commissioner
25 shall make the summary aggregate information

1 described in subparagraph (C), at a minimum,
2 publicly available through a user-friendly con-
3 sumer information website and analytic tool
4 that—

5 “(i) provides appropriate mechanisms
6 for users to customize and filter informa-
7 tion by institutional and student character-
8 istics;

9 “(ii) allows users to build summary
10 aggregate reports of information, including
11 reports that allow comparisons across mul-
12 tiple institutions and programs, subject to
13 subparagraph (B);

14 “(iii) uses appropriate statistical dis-
15 closure limitation techniques necessary to
16 ensure that the data released to the public
17 cannot be used to identify specific individ-
18 uals; and

19 “(iv) provides users with appropriate
20 contextual factors to make comparisons,
21 which may include national median figures
22 of the summary aggregate information de-
23 scribed in subparagraph (C).

24 “(B) NO PERSONALLY IDENTIFIABLE IN-
25 FORMATION AVAILABLE.—The summary aggre-

1 gate information described in this paragraph
2 shall not include personally identifiable informa-
3 tion.

4 “(C) SUMMARY AGGREGATE INFORMATION
5 AVAILABLE.—The summary aggregate informa-
6 tion described in this paragraph shall, at a min-
7 imum, include each of the following for each in-
8 stitution of higher education:

9 “(i) Measures of student access, in-
10 cluding—

11 “(I) admissions selectivity and
12 yield; and

13 “(II) enrollment, disaggregated
14 by each category described in para-
15 graph (2)(C)(ii).

16 “(ii) Measures of student progression,
17 including retention rates and persistence
18 rates, disaggregated by each category de-
19 scribed in paragraph (2)(C)(ii).

20 “(iii) Measures of student completion,
21 including—

22 “(I) transfer rates and comple-
23 tion rates, disaggregated by each cat-
24 egory described in paragraph
25 (2)(C)(ii); and

1 “(II) number of completions,
2 disaggregated by each category de-
3 scribed in paragraph (2)(C)(ii).

4 “(iv) Measures of student costs, in-
5 cluding—

6 “(I) tuition, required fees, total
7 cost of attendance, and net price after
8 total grant aid, disaggregated by in-
9 State tuition or in-district tuition sta-
10 tus (if applicable), program of study
11 (if applicable), and credential level;
12 and

13 “(II) typical grant amounts and
14 loan amounts received by students re-
15 ported separately from Federal, State,
16 local, and institutional sources, and
17 cumulative debt, disaggregated by
18 each category described in paragraph
19 (2)(C)(ii) and completion status.

20 “(v) Measures of postcollegiate stu-
21 dent outcomes, including employment
22 rates, mean and median earnings, loan re-
23 payment and default rates, and further
24 education rates. These measures shall—

1 “(I) be disaggregated by each
2 category described in paragraph
3 (2)(C)(ii) and completion status; and

4 “(II) be measured immediately
5 after leaving postsecondary education
6 and at time intervals appropriate to
7 the credential sought or earned.

8 “(D) DEVELOPMENT CRITERIA.—In devel-
9 oping the method and format of making the in-
10 formation described in this paragraph publicly
11 available, the Commissioner shall—

12 “(i) focus on the needs of the users of
13 the information, which will include stu-
14 dents, families of students, potential stu-
15 dents, researchers, and other consumers of
16 education data;

17 “(ii) take into consideration, to the
18 extent practicable, the guidelines described
19 in paragraph (1)(C)(ii)(I), and relevant
20 successor documents or recommendations
21 of such guidelines;

22 “(iii) use modern, relevant technology
23 and enhance and update the postsecondary
24 student data system with information, as

1 necessary to carry out the purpose of this
2 paragraph;

3 “(iv) ensure data privacy and security
4 in accordance with standards and guide-
5 lines developed by the National Institute of
6 Standards and Technology, and in accord-
7 ance with any other Federal law relating to
8 privacy or security, including complying
9 with the requirements of subchapter II of
10 chapter 35 of title 44, United States Code,
11 specifying security categorization under the
12 Federal Information Processing Standards,
13 and security requirements, and setting of
14 National Institute of Standards and Tech-
15 nology security baseline controls at the ap-
16 propriate level;

17 “(v) conduct bianmual consumer test-
18 ing to determine how to make the informa-
19 tion as meaningful to users as possible,
20 and conduct consumer testing with pro-
21 spective first-generation college students,
22 representatives of students (including low-
23 income students, English learners, first-
24 generation college students, adult students,
25 veterans, servicemembers, and prospective

1 students), students' families (including
2 low-income families, families with English
3 learners, families with first-generation col-
4 lege students, and families with prospective
5 students), institutions of higher education,
6 secondary school and postsecondary coun-
7 selors, and nonprofit consumer groups; and

8 “(vi) ensure the information is avail-
9 able in formats accessible to individuals
10 with disabilities and compliant with the
11 most recent Web Content Accessibility
12 Guidelines, or successor guidelines.

13 “(5) PERMISSIBLE DISCLOSURES OF DATA.—

14 “(A) DATA REPORTS AND QUERIES.—

15 “(i) IN GENERAL.—

16 “(I) STUDENT-LEVEL DATA.—

17 Not later than 5 years after the date
18 of enactment of the College Trans-
19 parency Act, the Commissioner shall
20 develop and implement a secure and
21 privacy-protected process for making
22 student-level data, provided only in
23 accordance with subclause (II), from
24 the postsecondary student data sys-
25 tem available for vetted research and

1 evaluation purposes approved by the
2 Commissioner in a manner compatible
3 with practices for disclosing National
4 Center for Education Statistics re-
5 stricted-use survey data, as in effect
6 on the day before the date of enact-
7 ment of the College Transparency
8 Act, or by applying other research and
9 disclosure restrictions to ensure data
10 privacy and security. Such process
11 shall be approved by the National
12 Center for Education Statistics' Dis-
13 closure Review Board (or successor
14 body).

15 “(II) RESTRICTIONS.—The stu-
16 dent-level data described in subclause
17 (I)—

18 “(aa) shall be non-personally
19 identifiable information with di-
20 rect identifiers removed; and

21 “(bb) shall not include—

22 “(AA) individual health
23 data (including data relating
24 to physical health or mental
25 health);

1 “(BB) student dis-
2 cipline records or data;

3 “(CC) elementary or
4 secondary education data;

5 “(DD) an exact ad-
6 dress;

7 “(EE) citizenship sta-
8 tus, migrant status, or na-
9 tional origin status for stu-
10 dents or their families; or

11 “(FF) course grades,
12 postsecondary entrance ex-
13 amination results, political
14 affiliation, or religion.

15 “(ii) PROVIDING DATA REPORTS AND
16 QUERIES TO INSTITUTIONS AND STATES.—

17 “(I) IN GENERAL.—The Commis-
18 sioner shall provide feedback reports,
19 at least annually, to each institution
20 of higher education, each postsec-
21 ondary education system that fully
22 participates in the postsecondary stu-
23 dent data system, and each State
24 higher education body as designated
25 by the governor.

1 “(II) FEEDBACK REPORTS.—The
2 feedback reports provided under this
3 clause shall include program-level and
4 institution-level information from the
5 postsecondary student data system re-
6 garding students who are associated
7 with the institution or, for State rep-
8 resentatives, the institutions within
9 that State, on or before the date of
10 the report, on measures including stu-
11 dent mobility and workforce outcomes,
12 provided that the feedback aggregate
13 summary reports protect the privacy
14 of individuals.

15 “(III) DETERMINATION OF CON-
16 TENT.—The content of the feedback
17 reports shall be determined by the
18 Commissioner in consultation with the
19 Advisory Committee.

20 “(iii) PERMITTING STATE DATA QUE-
21 RIES.—The Commissioner shall, in con-
22 sultation with the Advisory Committee and
23 as soon as practicable, create a process
24 through which States may submit lists of
25 secondary school graduates within the

1 State to receive summary aggregate out-
2 comes for those students who enrolled at
3 an institution of higher education, includ-
4 ing postsecondary enrollment and college
5 completion, provided that those data pro-
6 tect the privacy of individuals and that the
7 State data submitted to the Commissioner
8 are not stored in the postsecondary edu-
9 cation system.

10 “(iv) REGULATIONS.—The Commis-
11 sioner shall promulgate regulations to en-
12 sure fair, secure and privacy-protected, and
13 equitable access to data reports and que-
14 ries under this paragraph.

15 “(B) DISCLOSURE LIMITATIONS.—In car-
16 rying out the public reporting and disclosure re-
17 quirements of this subsection, the Commis-
18 sioner shall use appropriate statistical disclo-
19 sure limitation techniques necessary to ensure
20 that the data released to the public cannot in-
21 clude personally identifiable information or be
22 used to identify specific individuals.

23 “(C) SALE OF DATA PROHIBITED.—Data
24 collected under this subsection, including the
25 public-use data set and data comprising the

1 summary aggregate information available under
2 paragraph (4), shall not be sold to any third
3 party by the Commissioner, including any insti-
4 tution of higher education or any other entity.

5 “(D) LIMITATION ON USE BY OTHER FED-
6 ERAL AGENCIES.—

7 “(i) IN GENERAL.—The Commissioner
8 shall not allow any other Federal agency to
9 use data collected under this subsection for
10 any purpose except—

11 “(I) for vetted research and eval-
12 uation conducted by the other Federal
13 agency, as described in subparagraph
14 (A)(i); or

15 “(II) for a purpose explicitly au-
16 thorized by this Act.

17 “(ii) PROHIBITION ON LIMITATION OF
18 SERVICES.—The Secretary, or the head of
19 any other Federal agency, shall not use
20 data collected under this subsection to
21 limit services to students.

22 “(E) LAW ENFORCEMENT.—Personally
23 identifiable information collected under this
24 subsection shall not be used for any Federal,
25 State, or local law enforcement activity or any

1 other activity that would result in adverse ac-
2 tion against any student or a student's family,
3 including debt collection activity or enforcement
4 of immigration laws.

5 “(F) LIMITATION OF USE FOR FEDERAL
6 RANKINGS OR SUMMATIVE RATING SYSTEM.—
7 The comprehensive data collection and analysis
8 necessary for the postsecondary student data
9 system under this subsection shall not be used
10 by the Secretary or any Federal entity to estab-
11 lish any Federal ranking system of institutions
12 of higher education or a system that results in
13 a summative Federal rating of institutions of
14 higher education.

15 “(G) RULE OF CONSTRUCTION.—Nothing
16 in this paragraph shall be construed to prevent
17 the use of individual categories of aggregate in-
18 formation to be used for accountability pur-
19 poses.

20 “(H) RULE OF CONSTRUCTION REGARDING
21 COMMERCIAL USE OF DATA.—Nothing in this
22 paragraph shall be construed to prohibit third-
23 party entities from using publicly available in-
24 formation in this data system for commercial
25 use.

1 “(6) SUBMISSION OF DATA.—

2 “(A) REQUIRED SUBMISSION.—Each insti-
3 tution of higher education participating in a
4 program under title IV, or the assigned agent
5 of such institution, shall, for each eligible pro-
6 gram, in accordance with section 487(a)(17),
7 collect, and submit to the Commissioner, the
8 data requested by the Commissioner to carry
9 out this subsection.

10 “(B) VOLUNTARY SUBMISSION.—Any insti-
11 tution of higher education not participating in
12 a program under title IV may voluntarily par-
13 ticipate in the postsecondary student data sys-
14 tem under this subsection by collecting and sub-
15 mitting data to the Commissioner, as the Com-
16 missioner may request to carry out this sub-
17 section.

18 “(C) PERSONALLY IDENTIFIABLE INFOR-
19 MATION.—In accordance with paragraph
20 (2)(C)(i), if the submission of an element of
21 student-level data is prohibited under para-
22 graph (2)(F) (or otherwise prohibited by law),
23 the institution of higher education shall submit
24 that data to the Commissioner in the aggregate.

25 “(7) UNLAWFUL WILLFUL DISCLOSURE.—

1 “(A) IN GENERAL.—It shall be unlawful
2 for any person who obtains or has access to
3 personally identifiable information in connection
4 with the postsecondary student data system de-
5 scribed in this subsection to willfully disclose to
6 any person (except as authorized in this Act or
7 by any Federal law) such personally identifiable
8 information.

9 “(B) PENALTY.—Any person who violates
10 subparagraph (A) shall be subject to a penalty
11 described under section 3572(f) of title 44,
12 United States Code, and section 183(d)(6) of
13 the Education Sciences Reform Act of 2002 (20
14 U.S.C. 9573(d)(6)).

15 “(C) EMPLOYEE OR OFFICER OF THE
16 UNITED STATES.—If a violation of subpara-
17 graph (A) is committed by any officer or em-
18 ployee of the United States, the officer or em-
19 ployee shall be dismissed from office or dis-
20 charged from employment upon conviction for
21 the violation.

22 “(8) DATA SECURITY.—The Commissioner shall
23 produce and update as needed guidance and regula-
24 tions relating to privacy, security, and access which
25 shall govern the use and disclosure of data collected

1 in connection with the activities authorized in this
2 subsection. The guidance and regulations developed
3 and reviewed shall protect data from unauthorized
4 access, use, and disclosure, and shall include—

5 “(A) an audit capability, including manda-
6 tory and regularly conducted audits;

7 “(B) access controls;

8 “(C) requirements to ensure sufficient data
9 security, quality, validity, and reliability;

10 “(D) confidentiality protection in accord-
11 ance with the applicable provisions of sub-
12 chapter III of chapter 35 of title 44, United
13 States Code;

14 “(E) appropriate and applicable privacy
15 and security protection, including data retention
16 and destruction protocols and data minimiza-
17 tion, in accordance with the most recent Fed-
18 eral standards developed by the National Insti-
19 tute of Standards and Technology; and

20 “(F) protocols for managing a breach, in-
21 cluding breach notifications, in accordance with
22 the standards of National Center for Education
23 Statistics.

24 “(9) DATA COLLECTION.—The Commissioner
25 shall ensure that data collection, maintenance, and

1 use under this subsection complies with section 552a
2 of title 5, United States Code.

3 “(10) DEFINITIONS.—In this subsection:

4 “(A) INSTITUTION OF HIGHER EDU-
5 CATION.—The term ‘institution of higher edu-
6 cation’ has the meaning given the term in sec-
7 tion 102.

8 “(B) MINORITY-SERVING INSTITUTION.—
9 The term ‘minority-serving institution’ means
10 an institution of higher education listed in sec-
11 tion 371(a).

12 “(C) PERSONALLY IDENTIFIABLE INFOR-
13 MATION.—The term ‘personally identifiable in-
14 formation’ means personally identifiable infor-
15 mation within the meaning of section 444 of the
16 General Education Provisions Act.”.

17 **SEC. 3. REPEAL OF PROHIBITION ON STUDENT DATA SYS-**
18 **TEM.**

19 Section 134 of the Higher Education Act of 1965 (20
20 U.S.C. 1015e) is repealed.

21 **SEC. 4. INSTITUTIONAL REQUIREMENTS.**

22 (a) IN GENERAL.—Paragraph (17) of section 487(a)
23 of the Higher Education Act of 1965 (20 U.S.C. 1094(a))
24 is amended to read as follows:

1 “(17) The institution or the assigned agent of
2 the institution will collect and submit data to the
3 Commissioner for Education Statistics in accordance
4 with section 132(l), the nonstudent related surveys
5 within the Integrated Postsecondary Education Data
6 System (IPEDS), or any other Federal institution of
7 higher education data collection effort (as designated
8 by the Secretary), in a timely manner and to the
9 satisfaction of the Secretary.”.

10 (b) EFFECTIVE DATE.—The amendment made by
11 subsection (a) shall take effect on the date that is 4 years
12 after the date of enactment of this Act.

13 **SEC. 5. TRANSITION PROVISIONS.**

14 The Secretary of Education and the Commissioner
15 for Education Statistics shall take such steps as are nec-
16 essary to ensure that the development and maintenance
17 of the postsecondary student data system required under
18 section 132(l) of the Higher Education Act of 1965, as
19 added by section 2 of this Act, occurs in a manner that
20 reduces the reporting burden for entities that reported
21 into the Integrated Postsecondary Education Data System
22 (IPEDS).

23 **SEC. 6. IMPLEMENTATION PROVISIONS.**

24 The Secretary of Education and the Commissioner
25 for Education Statistics shall—

1 (1) provide dedicated and adequate staffing at
2 the Department of Education to implement the re-
3 quirements of this Act and the amendments made by
4 this Act; and

5 (2) report to the Committee on Health, Edu-
6 cation, Labor, and Pensions and the Committee on
7 Appropriations of the Senate and the Committee on
8 Education and Workforce and the Committee on Ap-
9 propriations of the House of Representatives, on a
10 quarterly basis, on the progress of implementing the
11 requirements of this Act and the amendments made
12 by this Act, which shall include—

13 (A) information on the staffing described
14 in paragraph (1), the development of privacy
15 protection procedures as required by this Act
16 and the amendments made by this Act, the es-
17 tablishment of the Postsecondary Student Data
18 System Advisory Committee, the development of
19 publicly available information under section
20 132(l)(4) of the Higher Education Act of 1965
21 (20 U.S.C. 1015a(l)(4) (as added by this Act)),
22 and communications to institutions of higher
23 education (as defined in section 102 of the
24 Higher Education Act of 1965 (20 U.S.C.
25 1002)) regarding data collection; and

1 (B) other such information relating to the
2 implementation of requirements under this Act
3 and the amendments made by this Act.