

118TH CONGRESS
1ST SESSION

S. 1349

To establish a postsecondary student data system.

IN THE SENATE OF THE UNITED STATES

APRIL 27, 2023

Mr. CASSIDY (for himself, Ms. WARREN, Mr. MARSHALL, Mr. WHITEHOUSE, Mr. GRASSLEY, Mr. HICKENLOOPER, Mrs. CAPITO, Mr. KAINE, Mr. TILLIS, Mr. MURPHY, Mr. CORNYN, Mr. CASEY, Ms. ERNST, Mr. LUJÁN, Mr. CRAMER, Ms. KLOBUCHAR, Mr. ROMNEY, and Ms. BALDWIN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To establish a postsecondary student data system.

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 “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

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

3 “(l) POSTSECONDARY STUDENT DATA SYSTEM.—

4 “(1) IN GENERAL.—

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

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

17 “(ii) assist with transparency, institu-
 18 tional improvement, and analysis of Fed-
 19 eral aid programs;

20 “(iii) provide accurate, complete, and
 21 customizable information for students and
 22 families making decisions about postsec-
 23 ondary education; and

24 “(iv) reduce the reporting burden on
 25 institutions of higher education, in accord-

1 ance with section 5 of the College Trans-
2 parency Act.

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

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

17 “(i) focus on the needs of—

18 “(I) users of the data system;

19 and

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

23 “(ii) take into consideration, to the
24 extent practicable—

1 “(I) the guidelines outlined in the
2 U.S. Web Design Standards main-
3 tained by the General Services Admin-
4 istration and the Digital Services
5 Playbook and TechFAR Handbook for
6 Procuring Digital Services Using
7 Agile Processes of the U.S. Digital
8 Service; and

9 “(II) the relevant successor docu-
10 ments or recommendations of such
11 guidelines;

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

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

21 “(I) the requirements of sub-
22 chapter II of chapter 35 of title 44,
23 United States Code, specifying secu-
24 rity categorization under the Federal
25 Information Processing Standards or

1 any relevant successor of such stand-
2 ards;

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

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

20 “(v) follow Federal data minimization
21 practices to ensure only the minimum
22 amount of data is collected to meet the
23 system’s goals, in accordance with Federal
24 data minimization standards and guide-

1 lines developed by the National Institute of
 2 Standards and Technology; and

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

6 “(2) DATA ELEMENTS.—

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

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

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

22 “(B) POSTSECONDARY STUDENT DATA
 23 SYSTEM ADVISORY COMMITTEE.—

24 “(i) ESTABLISHMENT.—Not later
 25 than 2 years after the date of enactment

1 of the College Transparency Act, the Com-
2 missioner shall establish a Postsecondary
3 Student Data System Advisory Committee
4 (referred to in this subsection as the ‘Advi-
5 sory Committee’), whose members shall in-
6 clude—

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

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

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

1 “(IV) representatives from State
2 higher education agencies, entities,
3 bodies, or boards;

4 “(V) representatives of postsec-
5 ondary students;

6 “(VI) representatives from rel-
7 evant Federal agencies;

8 “(VII) individuals with expertise
9 in data privacy and security; and

10 “(VIII) other stakeholders (in-
11 cluding individuals with consumer
12 protection and postsecondary edu-
13 cation research).

14 “(ii) REQUIREMENTS.—The Commis-
15 sioner shall ensure that the Advisory Com-
16 mittee—

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

21 “(II) establishes operating and
22 meeting procedures and guidelines
23 necessary to execute its advisory du-
24 ties; and

1 “(III) is provided with appro-
2 priate staffing and resources to exe-
3 cute its advisory duties.

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

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

21 “(ii) Student-level data elements nec-
22 essary to allow for reporting student en-
23 rollment, persistence, retention, transfer,
24 and completion measures for all credential
25 levels separately (including certificate, as-

1 sociate, baccalaureate, and advanced de-
2 gree levels), within and across institutions
3 of higher education (including across all
4 categories of institution level, control, and
5 predominant degree awarded). The data
6 elements shall allow for reporting about all
7 such data disaggregated by the following
8 categories:

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

12 “(II) Attendance intensity,
13 whether full-time or part-time.

14 “(III) Credential-seeking status,
15 by credential level.

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

21 “(V) Age intervals.

22 “(VI) Gender.

23 “(VII) Program of study (as ap-
24 plicable).

1 “(VIII) Military or veteran ben-
2 efit status (as determined based on
3 receipt of veteran’s education benefits,
4 as defined in section 480(c)).

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

9 “(X) Federal Pell Grant recipient
10 status under section 401 and Federal
11 loan recipient status under title IV,
12 provided that the collection of such in-
13 formation complies with paragraph
14 (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

1 subparagraph (B), shall review the data ele-
2 ments included in the postsecondary student
3 data system and may revise the data elements
4 to be included in such system.

5 “(F) PROHIBITIONS.—The Commissioner
6 shall not include individual health data (includ-
7 ing data relating to physical health or mental
8 health), student discipline records or data, ele-
9 mentary and secondary education data, an
10 exact address, citizenship status, migrant sta-
11 tus, or national origin status for students or
12 their families, course grades, postsecondary en-
13 trance examination results, political affiliation,
14 or religion in the postsecondary student data
15 system under this subsection.

16 “(3) PERIODIC MATCHING WITH OTHER FED-
17 ERAL DATA SYSTEMS.—

18 “(A) DATA SHARING AGREEMENTS.—

19 “(i) The Commissioner shall ensure
20 secure and privacy-protected periodic data
21 matches by entering into data sharing
22 agreements with each of the following Fed-
23 eral agencies and offices:

24 “(I) The Secretary of the Treas-
25 ury 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, shall establish a process for
10 students to request access to only their
11 personal information for inspection and re-
12 quest corrections to inaccuracies in a man-
13 ner that protects the student’s personally
14 identifiable information. The Commissioner
15 shall respond in writing to every request
16 for a correction from a student.

17 “(4) PUBLICLY AVAILABLE INFORMATION.—

18 “(A) IN GENERAL.—The Commissioner
19 shall make the summary aggregate information
20 described in subparagraph (C), at a minimum,
21 publicly available through a user-friendly con-
22 sumer information website and analytic tool
23 that—

24 “(i) provides appropriate mechanisms
25 for users to customize and filter informa-

1 tion by institutional and student character-
2 istics;

3 “(ii) allows users to build summary
4 aggregate reports of information, including
5 reports that allow comparisons across mul-
6 tiple institutions and programs, subject to
7 subparagraph (B);

8 “(iii) uses appropriate statistical dis-
9 closure limitation techniques necessary to
10 ensure that the data released to the public
11 cannot be used to identify specific individ-
12 uals; and

13 “(iv) provides users with appropriate
14 contextual factors to make comparisons,
15 which may include national median figures
16 of the summary aggregate information de-
17 scribed in subparagraph (C).

18 “(B) NO PERSONALLY IDENTIFIABLE IN-
19 FORMATION AVAILABLE.—The summary aggre-
20 gate information described in this paragraph
21 shall not include personally identifiable informa-
22 tion.

23 “(C) SUMMARY AGGREGATE INFORMATION
24 AVAILABLE.—The summary aggregate informa-
25 tion described in this paragraph shall, at a min-

1 imum, include each of the following for each in-
2 stitution of higher education:

3 “(i) Measures of student access, in-
4 cluding—

5 “(I) admissions selectivity and
6 yield; and

7 “(II) enrollment, disaggregated
8 by each category described in para-
9 graph (2)(C)(ii).

10 “(ii) Measures of student progression,
11 including retention rates and persistence
12 rates, disaggregated by each category de-
13 scribed in paragraph (2)(C)(ii).

14 “(iii) Measures of student completion,
15 including—

16 “(I) transfer rates and comple-
17 tion rates, disaggregated by each cat-
18 egory described in paragraph
19 (2)(C)(ii); and

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

23 “(iv) Measures of student costs, in-
24 cluding—

1 “(I) tuition, required fees, total
2 cost of attendance, and net price after
3 total grant aid, disaggregated by in-
4 State tuition or in-district tuition sta-
5 tus (if applicable), program of study
6 (if applicable), and credential level;
7 and

8 “(II) typical grant amounts and
9 loan amounts received by students re-
10 ported separately from Federal, State,
11 local, and institutional sources, and
12 cumulative debt, disaggregated by
13 each category described in paragraph
14 (2)(C)(ii) and completion status.

15 “(v) Measures of postcollegiate stu-
16 dent outcomes, including employment
17 rates, mean and median earnings, loan re-
18 payment and default rates, and further
19 education rates. These measures shall—

20 “(I) be disaggregated by each
21 category described in paragraph
22 (2)(C)(ii) and completion status; and

23 “(II) be measured immediately
24 after leaving postsecondary education

1 and at time intervals appropriate to
2 the credential sought or earned.

3 “(D) DEVELOPMENT CRITERIA.—In devel-
4 oping the method and format of making the in-
5 formation described in this paragraph publicly
6 available, the Commissioner shall—

7 “(i) focus on the needs of the users of
8 the information, which will include stu-
9 dents, families of students, potential stu-
10 dents, researchers, and other consumers of
11 education data;

12 “(ii) take into consideration, to the
13 extent practicable, the guidelines described
14 in paragraph (1)(C)(ii)(I), and relevant
15 successor documents or recommendations
16 of such guidelines;

17 “(iii) use modern, relevant technology
18 and enhance and update the postsecondary
19 student data system with information, as
20 necessary to carry out the purpose of this
21 paragraph;

22 “(iv) ensure data privacy and security
23 in accordance with standards and guide-
24 lines developed by the National Institute of
25 Standards and Technology, and in accord-

1 ance with any other Federal law relating to
2 privacy or security, including complying
3 with the requirements of subchapter II of
4 chapter 35 of title 44, United States Code,
5 specifying security categorization under the
6 Federal Information Processing Standards,
7 and security requirements, and setting of
8 National Institute of Standards and Tech-
9 nology security baseline controls at the ap-
10 propriate level; and

11 “(v) conduct consumer testing to de-
12 termine how to make the information as
13 meaningful to users as possible.

14 “(5) PERMISSIBLE DISCLOSURES OF DATA.—

15 “(A) DATA REPORTS AND QUERIES.—

16 “(i) IN GENERAL.—Not later than 4
17 years after the date of enactment of the
18 College Transparency Act, the Commis-
19 sioner shall develop and implement a se-
20 cure and privacy-protected process for
21 making student-level, non-personally iden-
22 tifiable information, with direct identifiers
23 removed, from the postsecondary student
24 data system available for vetted research
25 and evaluation purposes approved by the

1 Commissioner in a manner compatible with
2 practices for disclosing National Center for
3 Education Statistics restricted-use survey
4 data as in effect on the day before the date
5 of enactment of the College Transparency
6 Act, or by applying other research and dis-
7 closure restrictions to ensure data privacy
8 and security. Such process shall be ap-
9 proved by the National Center for Edu-
10 cation Statistics' Disclosure Review Board
11 (or successor body).

12 “(ii) PROVIDING DATA REPORTS AND
13 QUERIES TO INSTITUTIONS AND STATES.—

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

23 “(II) FEEDBACK REPORTS.—The
24 feedback reports provided under this
25 clause shall include program-level and

1 institution-level information from the
2 postsecondary student data system re-
3 garding students who are associated
4 with the institution or, for State rep-
5 resentatives, the institutions within
6 that State, on or before the date of
7 the report, on measures including stu-
8 dent mobility and workforce outcomes,
9 provided that the feedback aggregate
10 summary reports protect the privacy
11 of individuals.

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

17 “(iii) PERMITTING STATE DATA QUE-
18 RIES.—The Commissioner shall, in con-
19 sultation with the Advisory Committee and
20 as soon as practicable, create a process
21 through which States may submit lists of
22 secondary school graduates within the
23 State to receive summary aggregate out-
24 comes for those students who enrolled at
25 an institution of higher education, includ-

1 ing postsecondary enrollment and college
2 completion, provided that those data pro-
3 tect the privacy of individuals and that the
4 State data submitted to the Commissioner
5 are not stored in the postsecondary edu-
6 cation system.

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

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

20 “(C) SALE OF DATA PROHIBITED.—Data
21 collected under this subsection, including the
22 public-use data set and data comprising the
23 summary aggregate information available under
24 paragraph (4), shall not be sold to any third

1 party by the Commissioner, including any insti-
2 tution of higher education or any other entity.

3 “(D) LIMITATION ON USE BY OTHER FED-
4 ERAL AGENCIES.—

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

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

13 “(II) for a purpose explicitly au-
14 thorized by this Act.

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

20 “(E) LAW ENFORCEMENT.—Personally
21 identifiable information collected under this
22 subsection shall not be used for any Federal,
23 State, or local law enforcement activity or any
24 other activity that would result in adverse ac-
25 tion against any student or a student’s family,

1 including debt collection activity or enforcement
2 of immigration laws.

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

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

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

24 “(6) SUBMISSION OF DATA.—

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

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

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

24 “(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 OF 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. 1015c) 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).

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