

116TH CONGRESS
1ST SESSION

S. 800

To establish a postsecondary student data system.

IN THE SENATE OF THE UNITED STATES

MARCH 14, 2019

Mr. CASSIDY (for himself, Ms. WARREN, Mr. SCOTT of South Carolina, Mr. WHITEHOUSE, Ms. ERNST, Mr. KAINE, Mr. TILLIS, Mr. MURPHY, Mr. CORNYN, Mr. JONES, Mr. GARDNER, Ms. HASSAN, Mr. ROBERTS, Ms. BALDWIN, Mr. GRAHAM, Mr. ROMNEY, Mr. BROWN, and Mr. PERDUE) 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.—The
6 Commissioner of the National Center for Edu-
7 cation Statistics (referred to in this subsection
8 as the ‘Commissioner’) shall develop and main-
9 tain a secure, privacy-protected postsecondary
10 student-level data system in order to—

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

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

18 “(iii) provide more accurate, complete,
19 and customizable information for students
20 and families making decisions about post-
21 secondary education; and

22 “(iv) reduce the reporting burden on
23 institutions of higher education, in accord-
24 ance with section 5(b) of the College
25 Transparency 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, a postsecondary institution, or the
7 Secretary or Commissioner, may use the report-
8 ing or data required for the postsecondary stu-
9 dent data system under this subsection to sat-
10 isfy 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 postsec-
19 ondary institutions, reporting to the
20 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 Federal law relating
16 to privacy or data security, including—

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

24 “(II) security requirements that
25 are consistent with the Federal agency

1 responsibilities in section 3554 of title
2 44, United States Code, or any rel-
3 evant successor of such responsibil-
4 ities; and

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

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

23 “(vi) provide notice to students out-
24 lining the data included in the system and
25 how the data are used.

1 “(2) DATA ELEMENTS.—

2 “(A) IN GENERAL.—The Commissioner, in
3 consultation with the Postsecondary Student
4 Data System Advisory Committee described in
5 subparagraph (B), shall determine—

6 “(i) the data elements to be included
7 in the postsecondary student data system,
8 in accordance with subparagraphs (C) and
9 (D); and

10 “(ii) how to include the data elements
11 required under subparagraph (C), and any
12 additional data elements selected under
13 subparagraph (D), in the postsecondary
14 student data system.

15 “(B) POSTSECONDARY STUDENT DATA
16 SYSTEM ADVISORY COMMITTEE.—

17 “(i) ESTABLISHMENT.—The Commis-
18 sioner shall establish a Postsecondary Stu-
19 dent Data System Advisory Committee (re-
20 ferred to in this subsection as the ‘Advi-
21 sory Committee’), whose members shall in-
22 clude—

23 “(I) the Chief Privacy Officer of
24 the Department or an official of the
25 Department delegated the duties of

1 overseeing data privacy at the Depart-
2 ment;

3 “(II) the Chief Security Officer
4 of the Department or an official of
5 the Department delegated the duties
6 of overseeing data security at the De-
7 partment;

8 “(III) representatives of diverse
9 postsecondary institutions, which shall
10 include equal representation between
11 2-year and 4-year institutions of high-
12 er education, and from public, non-
13 profit, and proprietary institutions of
14 higher education, including minority-
15 serving institutions;

16 “(IV) representatives from State
17 higher education agencies, entities,
18 bodies, or boards;

19 “(V) representatives of postsec-
20 ondary students;

21 “(VI) representatives from rel-
22 evant Federal agencies; and

23 “(VII) other stakeholders (in-
24 cluding individuals with expertise in
25 data privacy and security, consumer

1 protection, and postsecondary edu-
2 cation research).

3 “(ii) REQUIREMENTS.—The Commis-
4 sioner shall ensure that the Advisory Com-
5 mittee—

6 “(I) adheres to all requirements
7 under the Federal Advisory Com-
8 mittee Act (5 U.S.C. App.);

9 “(II) establishes operating and
10 meeting procedures and guidelines
11 necessary to execute its advisory du-
12 ties; and

13 “(III) is provided with appro-
14 priate staffing and resources to exe-
15 cute its advisory duties.

16 “(C) REQUIRED DATA ELEMENTS.—The
17 data elements in the postsecondary student
18 data system shall include, at a minimum, the
19 following:

20 “(i) Student-level data elements nec-
21 essary to calculate the information within
22 the surveys designated by the Commis-
23 sioner as ‘student-related surveys’ in the
24 Integrated Postsecondary Education Data
25 System (IPEDS), as such surveys are in

1 effect on the day before the date of enact-
2 ment of the College Transparency Act, ex-
3 cept that in the case that collection of such
4 elements would conflict with subparagraph
5 (F), such elements in conflict with sub-
6 paragraph (F) shall be included in the ag-
7 gregate instead of at the student level.

8 “(ii) Student-level data elements nec-
9 essary to allow for reporting student en-
10 rollment, persistence, retention, transfer,
11 and completion measures for all credential
12 levels separately (including certificate, as-
13 sociate, baccalaureate, and advanced de-
14 gree levels), within and across postsec-
15 ondary institutions (including across all
16 categories of institution level, control, and
17 predominant degree awarded). The data
18 elements shall allow for reporting about all
19 such data disaggregated by the following
20 categories:

21 “(I) Enrollment status as a first-
22 time student, recent transfer student,
23 or other non-first-time student.

24 “(II) Attendance intensity,
25 whether full-time or part-time.

1 “(III) Credential-seeking status,
2 by credential level.

3 “(IV) Race or ethnicity.

4 “(V) Age intervals.

5 “(VI) Gender.

6 “(VII) Program of study (as ap-
7 plicable).

8 “(VIII) Military or veteran ben-
9 efit status (as determined based on
10 receipt of veteran’s education benefits,
11 as defined in section 480(c)).

12 “(IX) Status as a distance edu-
13 cation student, whether exclusively or
14 partially enrolled in distance edu-
15 cation.

16 “(X) Federal Pell Grant and
17 Federal loan recipient status, provided
18 that the collection of such information
19 complies with paragraph (1)(B).

20 “(D) OTHER DATA ELEMENTS.—

21 “(i) IN GENERAL.—The Commissioner
22 may, after consultation with the Advisory
23 Committee and provision of a public com-
24 ment period, include additional data ele-
25 ments in the postsecondary student data

1 system, such as those described in clause
2 (ii), if those data elements—

3 “(I) are necessary to ensure that
4 the postsecondary data system fulfills
5 the purposes described in paragraph
6 (1)(A); and

7 “(II) are consistent with data
8 minimization principles, including the
9 collection of only those additional ele-
10 ments that are necessary to ensure
11 such purposes.

12 “(ii) DATA ELEMENTS.—The data ele-
13 ments described in clause (i) may in-
14 clude—

15 “(I) status as a first generation
16 college student, as defined in section
17 402A(h);

18 “(II) economic status;

19 “(III) participation in postsec-
20 ondary remedial coursework or gate-
21 way course completion; or

22 “(IV) other data elements that
23 are necessary in accordance with
24 clause (i).

1 “(E) REEVALUATION.—Not less than once
2 every 3 years after the implementation of the
3 postsecondary student data system described in
4 this subsection, the Commissioner, in consulta-
5 tion with the Advisory Committee described in
6 subparagraph (B), shall review the data ele-
7 ments included in the postsecondary student
8 data system and may revise the data elements
9 to be included in such system.

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

21 “(3) PERIODIC MATCHING WITH OTHER FED-
22 ERAL DATA SYSTEMS.—

23 “(A) DATA SHARING AGREEMENTS.—

24 “(i) The Commissioner shall ensure
25 secure, periodic data matches by entering

1 into data sharing agreements with each of
2 the following Federal agencies and offices:

3 “(I) The Secretary of the Treas-
4 ury and the Commissioner of the In-
5 ternal Revenue Service, in order to
6 calculate aggregate program- and in-
7 stitution-level earnings of postsec-
8 ondary students.

9 “(II) The Secretary of Defense,
10 in order to assess the use of postsec-
11 ondary educational benefits and the
12 outcomes of servicemembers.

13 “(III) The Secretary of Veterans
14 Affairs, in order to assess the use of
15 postsecondary educational benefits
16 and outcomes of veterans.

17 “(IV) The Director of the Census
18 Bureau, in order to assess the occupa-
19 tional and earnings outcomes of
20 former postsecondary education stu-
21 dents.

22 “(V) The Chief Operating Officer
23 of the Office of Federal Student Aid,
24 in order to analyze the use of postsec-

1 ondary educational benefits provided
2 under this Act.

3 “(ii) The heads of Federal agencies
4 and offices described under clause (i) shall
5 enter into data sharing agreements with
6 the Commissioner to ensure secure, peri-
7 odic data matches as described in this
8 paragraph.

9 “(B) CATEGORIES OF DATA.—The Com-
10 missioner shall, at a minimum, seek to ensure
11 that the secure periodic data system matches
12 described in subparagraph (A) permit con-
13 sistent reporting of the following categories of
14 data for all postsecondary students:

15 “(i) Enrollment, retention, transfer,
16 and completion outcomes for all postsec-
17 ondary students.

18 “(ii) Financial indicators for postsec-
19 ondary students receiving Federal grants
20 and loans, including grant and loan aid by
21 source, cumulative student debt, loan re-
22 payment status, and repayment plan.

23 “(iii) Post-completion outcomes for all
24 postsecondary students, including earnings,
25 employment, and further education, by

1 program of study and credential level and
2 as measured—

3 “(I) immediately after leaving
4 postsecondary education; and

5 “(II) at time intervals appro-
6 priate to the credential sought and
7 earned.

8 “(C) PERIODIC DATA MATCH STREAM-
9 LINING AND CONFIDENTIALITY.—

10 “(i) STREAMLINING.—In creating the
11 secure periodic data system matches de-
12 scribed in this paragraph, the Commis-
13 sioner shall—

14 “(I) ensure that such matches
15 are not continuous, but occur at ap-
16 propriate intervals, as determined by
17 the Commissioner; and

18 “(II) seek to—

19 “(aa) streamline the data
20 collection and reporting require-
21 ments for postsecondary institu-
22 tions;

23 “(bb) minimize duplicative
24 reporting across or within Fed-
25 eral agencies or departments, in-

1 including reporting requirements
2 applicable to postsecondary insti-
3 tutions under the Workforce In-
4 novation and Opportunity Act
5 (29 U.S.C. 3101 et seq.) and the
6 Carl D. Perkins Career and
7 Technical Education Act of 2006;

8 “(cc) protect student pri-
9 vacy; and

10 “(dd) streamline the applica-
11 tion process for student loan ben-
12 efit programs available to bor-
13 rowers based on data available
14 from different Federal data sys-
15 tems.

16 “(ii) REVIEW.—Not less often than
17 once every 3 years after the establishment
18 of the postsecondary student data system
19 under this subsection, the Commissioner,
20 in consultation with the Advisory Com-
21 mittee, shall review methods for stream-
22 lining data collection from postsecondary
23 institutions and minimizing duplicative re-
24 porting within the Department and across

1 Federal agencies that provide data for the
2 postsecondary student data system.

3 “(iii) CONFIDENTIALITY.—The Com-
4 missioner shall ensure that any periodic
5 matching or sharing of data through peri-
6 odic data system matches established in
7 accordance with this paragraph—

8 “(I) complies with the security
9 and privacy protections described in
10 paragraph (1)(C)(iv) and other Fed-
11 eral data protection protocols;

12 “(II) follows industry best prac-
13 tices commensurate with the sensi-
14 tivity of specific data elements or
15 metrics;

16 “(III) does not result in the cre-
17 ation of a single standing, linked Fed-
18 eral database at the Department that
19 maintains the information reported
20 across other Federal agencies; and

21 “(IV) discloses to postsecondary
22 students what data are included in the
23 data system and periodically matched
24 and how the data are used.

1 “(iv) CORRECTION.—The Commis-
2 sioner, in consultation with the Advisory
3 Committee, shall establish a process for
4 students to request access to only their
5 personal information for inspection and re-
6 quest corrections to inaccuracies in a man-
7 ner that protects the student’s personally
8 identifiable information. The Commissioner
9 shall respond in writing to every request
10 for a correction from a student.

11 “(4) PUBLICLY AVAILABLE INFORMATION.—

12 “(A) IN GENERAL.—The Commissioner
13 shall make the summary aggregate information
14 described in subparagraph (C), at a minimum,
15 publicly available through a user-friendly con-
16 sumer information website and analytic tool
17 that—

18 “(i) provides appropriate mechanisms
19 for users to customize and filter informa-
20 tion by institutional and student character-
21 istics;

22 “(ii) allows users to build summary
23 aggregate reports of information, including
24 reports that allow comparisons across mul-

1 multiple institutions and programs, subject to
2 subparagraph (B);

3 “(iii) uses appropriate statistical dis-
4 closure limitation techniques necessary to
5 ensure that the data released to the public
6 cannot be used to identify specific individ-
7 uals; and

8 “(iv) provides users with appropriate
9 contextual factors to make comparisons,
10 which may include national median figures
11 of the summary aggregate information de-
12 scribed in subparagraph (C).

13 “(B) NO PERSONALLY IDENTIFIABLE IN-
14 FORMATION AVAILABLE.—The summary aggre-
15 gate information described in this paragraph
16 shall not include personally identifiable informa-
17 tion.

18 “(C) SUMMARY AGGREGATE INFORMATION
19 AVAILABLE.—The summary aggregate informa-
20 tion described in this paragraph shall, at a min-
21 imum, include each of the following for each
22 postsecondary institution:

23 “(i) Measures of student access, in-
24 cluding—

1 “(I) admissions selectivity and
2 yield; and

3 “(II) enrollment, disaggregated
4 by each category described in para-
5 graph (2)(C)(ii).

6 “(ii) Measures of student progression,
7 including retention rates and persistence
8 rates, disaggregated by each category de-
9 scribed in paragraph (2)(C)(ii).

10 “(iii) Measures of student completion,
11 including—

12 “(I) transfer rates and comple-
13 tion rates, disaggregated by each cat-
14 egory described in paragraph
15 (2)(C)(ii); and

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

19 “(iv) Measures of student costs, in-
20 cluding—

21 “(I) tuition, required fees, total
22 cost of attendance, and net price after
23 total grant aid, disaggregated by in-
24 State tuition or in-district tuition sta-
25 tus (if applicable), program of study

1 (if applicable), and credential level;
2 and

3 “(II) typical grant amounts and
4 loan amounts received by students re-
5 ported separately from Federal, State,
6 local, and institutional sources, and
7 cumulative debt, disaggregated by
8 each category described in paragraph
9 (2)(C)(ii) and completion status.

10 “(v) Measures of postcollegiate stu-
11 dent outcomes, including employment
12 rates, mean and median earnings, loan re-
13 payment and default rates, and further
14 education rates. These measures shall—

15 “(I) be disaggregated by each
16 category described in paragraph
17 (2)(C)(ii) and completion status; and

18 “(II) be measured immediately
19 after leaving postsecondary education
20 and at time intervals appropriate to
21 the credential sought or earned.

22 “(D) DEVELOPMENT CRITERIA.—In devel-
23 oping the method and format of making the in-
24 formation described in this paragraph publicly
25 available, the Commissioner shall—

1 “(i) focus on the needs of the users of
2 the information, which will include stu-
3 dents, families of students, potential stu-
4 dents, researchers, and other consumers of
5 education data;

6 “(ii) take into consideration, to the
7 extent practicable, the guidelines described
8 in paragraph (1)(C)(ii)(I), and relevant
9 successor documents or recommendations
10 of such guidelines;

11 “(iii) use modern, relevant technology
12 and enhance and update the postsecondary
13 student data system with information, as
14 necessary to carry out the purpose of this
15 paragraph;

16 “(iv) ensure data privacy and security
17 in accordance with standards and guide-
18 lines developed by the National Institute of
19 Standards and Technology, and in accord-
20 ance with any other Federal law relating to
21 privacy or security, including complying
22 with the requirements of subchapter II of
23 chapter 35 of title 44, United States Code,
24 specifying security categorization under the
25 Federal Information Processing Standards,

1 and security requirements, and setting of
2 National Institute of Standards and Tech-
3 nology security baseline controls at the ap-
4 propriate level; and

5 “(v) conduct consumer testing to de-
6 termine how to make the information as
7 meaningful to users as possible.

8 “(5) PERMISSIBLE DISCLOSURES OF DATA.—

9 “(A) DATA REPORTS AND QUERIES.—

10 “(i) IN GENERAL.—The Commissioner
11 shall develop and implement a secure proc-
12 ess for making student-level, non-person-
13 ally identifiable information, with direct
14 identifiers removed, from the postsec-
15 ondary student data system available for
16 vetted research and evaluation purposes
17 approved by the Commissioner in a man-
18 ner compatible with practices for disclosing
19 National Center for Education Statistics
20 restricted-use survey data as in effect on
21 the day before the date of enactment of the
22 College Transparency Act, or by applying
23 other research and disclosure restrictions
24 to ensure data privacy and security. Such
25 process shall be approved by the National

1 Center for Education Statistics' Disclosure
2 Review Board or its successor body.

3 “(ii) PROVIDING DATA REPORTS AND
4 QUERIES TO INSTITUTIONS AND STATES.—

5 “(I) IN GENERAL.—The Commis-
6 sioner shall provide feedback reports,
7 at least annually, to each postsec-
8 ondary institution, each postsecondary
9 education system that fully partici-
10 pates in the postsecondary student
11 data system, and each State higher
12 education body as designated by the
13 governor.

14 “(II) FEEDBACK REPORTS.—The
15 feedback reports provided under this
16 clause shall include program-level and
17 institution-level information from the
18 postsecondary student data system re-
19 garding students who are associated
20 with the institution or, for State rep-
21 resentatives, the institutions within
22 that State, on or before the date of
23 the report, on measures including stu-
24 dent mobility and workforce outcomes,
25 provided that the feedback aggregate

1 summary reports protect the privacy
2 of individuals.

3 “(III) DETERMINATION OF CON-
4 TENT.—The content of the feedback
5 reports shall be determined by the
6 Commissioner in consultation with the
7 Advisory Committee.

8 “(iii) PERMITTING STATE DATA QUE-
9 RIES.—The Commissioner shall, in con-
10 sultation with the Advisory Committee and
11 as soon as practicable, create a process
12 through which States may submit lists of
13 secondary school graduates within the
14 State to receive summary aggregate out-
15 comes for those students who enrolled at a
16 postsecondary institution, including post-
17 secondary enrollment and college comple-
18 tion, provided that those data protect the
19 privacy of individuals and that the State
20 data submitted to the Commissioner are
21 not stored in the postsecondary education
22 system.

23 “(iv) REGULATIONS.—The Commis-
24 sioner shall promulgate regulations to en-
25 sure fair, secure, and equitable access to

1 data reports and queries outlined in this
2 paragraph.

3 “(B) DISCLOSURE LIMITATIONS.—In car-
4 rying out the public reporting and disclosure re-
5 quirements of this Act, the Commissioner shall
6 use appropriate statistical disclosure limitation
7 techniques necessary to ensure that the data re-
8 leased to the public cannot include personally
9 identifiable information or be used to identify
10 specific individuals.

11 “(C) SALE OF DATA PROHIBITED.—Data
12 collected under this subsection, including the
13 public-use data set and data comprising the
14 summary aggregate information available under
15 paragraph (4), shall not be sold to any third
16 party by the Commissioner, including any post-
17 secondary institution or any other entity.

18 “(D) LIMITATION ON USE BY OTHER FED-
19 ERAL AGENCIES.—

20 “(i) IN GENERAL.—The Commissioner
21 shall not allow any other Federal agency to
22 use data collected under this subsection for
23 any purpose except—

24 “(I) for vetted research and eval-
25 uation conducted by the other Federal

1 agency, as described in subparagraph
2 (A)(i); or

3 “(II) for a purpose explicitly au-
4 thorized by this Act.

5 “(ii) PROHIBITION ON LIMITATION OF
6 SERVICES.—The Secretary, or the head of
7 any other Federal agency, shall not use
8 data collected under this subsection to
9 limit services to students.

10 “(E) LAW ENFORCEMENT.—Personally
11 identifiable information collected under this
12 subsection shall not be used for any Federal,
13 State, or local law enforcement activity or any
14 other activity that would result in adverse ac-
15 tion against any student or a student’s family,
16 including debt collection activity or enforcement
17 of immigration laws.

18 “(F) LIMITATION OF USE FOR FEDERAL
19 RANKINGS OR SUMMATIVE RATING SYSTEM.—
20 The comprehensive data collection and analysis
21 necessary for the postsecondary student data
22 system under this subsection shall not be used
23 by the Secretary or any Federal entity to estab-
24 lish any Federal ranking system of postsec-
25 ondary institutions or a system that results in

1 a summative Federal rating of postsecondary
2 institutions.

3 “(G) RULE OF CONSTRUCTION.—Nothing
4 in this paragraph shall be construed to prevent
5 the use of individual categories of aggregate in-
6 formation to be used for accountability pur-
7 poses, such as for the calculation of the cohort
8 default rate under section 435(m).

9 “(H) RULE OF CONSTRUCTION REGARDING
10 COMMERCIAL USE OF DATA.—Nothing in this
11 paragraph shall be construed to prohibit third-
12 party entities from using publicly-available in-
13 formation in this data system for commercial
14 use.

15 “(6) SUBMISSION OF DATA.—

16 “(A) REQUIRED SUBMISSION.—Each insti-
17 tution of higher education participating in a
18 program under title IV, or the assigned agent
19 of such institution, shall, in accordance with
20 section 487(a)(17), collect, and submit to the
21 Commissioner, the data requested by the Com-
22 missioner to carry out this subsection.

23 “(B) VOLUNTARY SUBMISSION.—Any post-
24 secondary institution not participating in a pro-
25 gram under title IV may voluntarily participate

1 in the postsecondary student data system under
2 this subsection by collecting and submitting
3 data to the Commissioner, as the Commissioner
4 may request to carry out this subsection.

5 “(C) PERSONALLY IDENTIFIABLE INFOR-
6 MATION.—In accordance with paragraph
7 (2)(C)(i), if the submission of an element of
8 student-level data is prohibited under para-
9 graph (2)(F) (or otherwise prohibited by law),
10 the institution of higher education shall submit
11 that data to the Commissioner in the aggregate.

12 “(7) UNLAWFUL WILLFUL DISCLOSURE.—

13 “(A) IN GENERAL.—It shall be unlawful
14 for any person who obtains or has access to
15 personally identifiable information in connection
16 with the postsecondary student data system de-
17 scribed in this subsection to willfully disclose to
18 any person (except as authorized in this Act or
19 any Federal law) such personally identifiable in-
20 formation.

21 “(B) PENALTY.—Any person who violates
22 subparagraph (A) shall be subject to a penalty
23 described under section 513 of the Confidential
24 Information Protection and Statistical Effi-
25 ciency Act of 2002 (44 U.S.C. 3501 note) and

1 section 183(d)(6) of the Education Sciences Re-
2 form Act of 2002 (20 U.S.C. 9573(d)(6)).

3 “(C) EMPLOYEE OF OFFICER OF THE
4 UNITED STATES.—If a violation of subpara-
5 graph (A) is committed by any officer or em-
6 ployee of the United States, the officer or em-
7 ployee shall be dismissed from office or dis-
8 charged from employment upon conviction for
9 the violation.

10 “(8) DATA SECURITY.—The Commissioner shall
11 produce and update as needed guidance and regula-
12 tions relating to privacy, security, and access which
13 shall govern the use and disclosure of data collected
14 in connection with the activities authorized in this
15 subsection. The guidance and regulations developed
16 and reviewed shall protect data from unauthorized
17 access, use, and disclosure, and shall include—

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

20 “(B) access controls;

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

23 “(D) student confidentiality protection in
24 accordance with the Confidential Information
25 Protection and Statistical Efficiency Act;

1 “(E) appropriate and applicable privacy
2 and security protection, including data retention
3 and destruction protocols and data minimiza-
4 tion, in accordance with the most recent Fed-
5 eral standards developed by the National Insti-
6 tute of Standards and Technology; and

7 “(F) protocols for managing a breach, in-
8 cluding breach notifications, in accordance with
9 the standards of National Center for Education
10 Statistics.

11 “(9) DATA COLLECTION.—The Commissioner
12 shall ensure that data collection, maintenance, and
13 use under this subsection complies with section 552a
14 of title 5, United States Code.

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

16 “(A) INSTITUTION OF HIGHER EDU-
17 CATION.—The term ‘institution of higher edu-
18 cation’ has the meaning given the term in sec-
19 tion 102.

20 “(B) PERSONALLY IDENTIFIABLE INFOR-
21 MATION.—The term ‘personally identifiable in-
22 formation’ has the meaning given the term in
23 section 444 of the General Education Provi-
24 sions Act (20 U.S.C. 1232g).

1 “(C) POSTSECONDARY INSTITUTION.—The
2 term ‘postsecondary institution’ includes an in-
3 stitution of higher education.”.

4 **SEC. 3. REPEAL OF PROHIBITION ON STUDENT DATA SYS-**
5 **TEM.**

6 Section 134 of the Higher Education Act of 1965 (20
7 U.S.C. 1015c) is repealed.

8 **SEC. 4. INSTITUTIONAL REQUIREMENTS.**

9 Paragraph (17) of section 487(a) of the Higher Edu-
10 cation Act of 1965 (20 U.S.C. 1094(a)) is amended to
11 read as follows:

12 “(17) The institution or the assigned agent of
13 the institution will collect and submit data to the
14 Commissioner for Education Statistics in accordance
15 with section 132(l), the nonstudent related surveys
16 within the Integrated Postsecondary Education Data
17 System (IPEDS), or any other Federal postsec-
18 ondary institution data collection effort (as des-
19 ignated by the Secretary), in a timely manner and
20 to the satisfaction of the Secretary.”.

21 **SEC. 5. EFFECTIVE DATE; TRANSITION PROVISIONS.**

22 (a) EFFECTIVE DATE.—Sections 1, 2, and 4 of this
23 Act, and the amendments made by such sections, shall
24 take effect on the date that is 4 years after the date of
25 enactment of this Act.

1 (b) IN GENERAL.—The Secretary of Education and
2 the Commissioner for Education Statistics shall take such
3 steps as are necessary to ensure that the transition to,
4 and implementation of, the postsecondary student data
5 system required under section 132(l) of the Higher Edu-
6 cation Act of 1965, as added by section 2 of this Act, hap-
7 pens in a manner that reduces the reporting burden for
8 postsecondary institutions that reported into the Inte-
9 grated Postsecondary Education Data System (IPEDS).

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