

117TH CONGRESS  
1ST SESSION

# S. 839

To establish a postsecondary student data system.

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IN THE SENATE OF THE UNITED STATES

MARCH 18, 2021

Mr. CASSIDY (for himself, Ms. WARREN, Mr. SCOTT of South Carolina, and Mr. WHITEHOUSE) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## 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, privacy-protected postsecondary student-  
12                        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(b) of the College  
2           Transparency 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, may 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 Federal law relating  
19                 to privacy or data security, including—

20                 “(I) the requirements of sub-  
21                 chapter II of chapter 35 of title 44,  
22                 United States Code, specifying secu-  
23                 rity categorization under the Federal  
24                 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; and

8 “(VII) other stakeholders (in-  
9 cluding individuals with expertise in  
10 data privacy and security, consumer  
11 protection, and postsecondary edu-  
12 cation research).

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

16 “(I) adheres to all requirements  
17 under the Federal Advisory Com-  
18 mittee Act (5 U.S.C. App.);

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

23 “(III) is provided with appro-  
24 priate staffing and resources to exe-  
25 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 certificate, as-  
23 sociate, baccalaureate, and advanced de-  
24 gree levels), within and across institutions  
25 of higher education (including across all

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

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

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

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

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

18 “(V) Age intervals.

19 “(VI) Gender.

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

22 “(VIII) Military or veteran ben-  
23 efit status (as determined based on  
24 receipt of veteran’s education benefits,  
25 as defined in section 480(c)).

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

5           “(X) Federal Pell Grant recipient  
6           status under section 401 and Federal  
7           loan recipient status under title IV,  
8           provided that the collection of such in-  
9           formation complies with paragraph  
10          (1)(B).

11          “(D) OTHER DATA ELEMENTS.—

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

19                   “(I) are necessary to ensure that  
20                   the postsecondary data system fulfills  
21                   the purposes described in paragraph  
22                   (1)(A); and

23                   “(II) are consistent with data  
24                   minimization principles, including the  
25                   collection of only those additional ele-

1                   ments that are necessary to ensure  
2                   such purposes.

3                   “(ii) DATA ELEMENTS.—The data ele-  
4                   ments described in clause (i) may in-  
5                   clude—

6                   “(I) status as a first generation  
7                   college student, as defined in section  
8                   402A(h);

9                   “(II) economic status;

10                  “(III) participation in postsec-  
11                  ondary remedial coursework or gate-  
12                  way course completion; or

13                  “(IV) other data elements that  
14                  are necessary in accordance with  
15                  clause (i).

16                  “(E) REEVALUATION.—Not less than once  
17                  every 3 years after the implementation of the  
18                  postsecondary student data system described in  
19                  this subsection, the Commissioner, in consulta-  
20                  tion with the Advisory Committee described in  
21                  subparagraph (B), shall review the data ele-  
22                  ments included in the postsecondary student  
23                  data system and may revise the data elements  
24                  to be included in such system.

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

12           “(3) PERIODIC MATCHING WITH OTHER FED-  
13 ERAL DATA SYSTEMS.—

14           “(A) DATA SHARING AGREEMENTS.—

15           “(i) The Commissioner shall ensure  
16 secure, periodic data matches by entering  
17 into data sharing agreements with each of  
18 the following Federal agencies and offices:

19           “(I) The Secretary of the Treas-  
20 ury and the Commissioner of the In-  
21 ternal Revenue Service, in order to  
22 calculate aggregate program- and in-  
23 stitution-level earnings of postsec-  
24 ondary students.

1           “(II) The Secretary of Defense,  
2           in order to assess the use of postsec-  
3           ondary educational benefits and the  
4           outcomes of servicemembers.

5           “(III) The Secretary of Veterans  
6           Affairs, in order to assess the use of  
7           postsecondary educational benefits  
8           and outcomes of veterans.

9           “(IV) The Director of the Bu-  
10          reau of the Census, in order to assess  
11          the earnings outcomes of former post-  
12          secondary education students.

13          “(V) The Chief Operating Officer  
14          of the Office of Federal Student Aid,  
15          in order to analyze the use of postsec-  
16          ondary educational benefits provided  
17          under this Act.

18          “(VI) The Commissioner of the  
19          Social Security Administration, in  
20          order to evaluate labor market out-  
21          comes of former postsecondary edu-  
22          cation students.

23          “(VII) The Commissioner of the  
24          Bureau of Labor Statistics, in order

1 to assess the wages of former postsec-  
2 ondary education students.

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 carrying out  
11 the secure periodic data system matches  
12 under this paragraph, the Commissioner  
13 shall—

14 “(I) ensure that such matches  
15 are not continuous, but occur only pe-  
16 riodically at appropriate intervals, as  
17 determined by the Commissioner to  
18 meet the goals of subparagraph (A);  
19 and

20 “(II) seek to—

21 “(aa) streamline the data  
22 collection and reporting require-  
23 ments for institutions of higher  
24 education;



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

11           “(cc) protect student pri-  
12 vacy; and

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

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

1 higher education and minimizing duplica-  
2 tive reporting within the Department and  
3 across Federal agencies that provide data  
4 for the postsecondary student data system.

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

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

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

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

23 “(IV) discloses to postsecondary  
24 students what data are included in the

1 data system and periodically matched  
2 and how the data are used.

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

13 “(4) PUBLICLY AVAILABLE INFORMATION.—

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

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

24 “(ii) allows users to build summary  
25 aggregate reports of information, including

1 reports that allow comparisons across mul-  
2 tiple institutions and programs, subject to  
3 subparagraph (B);

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

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

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

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

24 “(i) Measures of student access, in-  
25 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.—Not later than 4  
11 years after the date of enactment of the  
12 College Transparency Act, the Commis-  
13 sioner shall develop and implement a se-  
14 cure process for making student-level, non-  
15 personally identifiable information, with di-  
16 rect identifiers removed, from the postsec-  
17 ondary student data system available for  
18 vetted research and evaluation purposes  
19 approved by the Commissioner in a man-  
20 ner compatible with practices for disclosing  
21 National Center for Education Statistics  
22 restricted-use survey data as in effect on  
23 the day before the date of enactment of the  
24 College Transparency Act, or by applying  
25 other research and disclosure restrictions



1 to ensure data privacy and security. Such  
2 process shall be approved by the National  
3 Center for Education Statistics' Disclosure  
4 Review Board (or successor body).

5 “(ii) PROVIDING DATA REPORTS AND  
6 QUERIES TO INSTITUTIONS AND STATES.—

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

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

1           dent mobility and workforce outcomes,  
2           provided that the feedback aggregate  
3           summary reports protect the privacy  
4           of individuals.

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

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

1                   “(iv) REGULATIONS.—The Commis-  
2                   sioner shall promulgate regulations to en-  
3                   sure fair, secure, and equitable access to  
4                   data reports and queries under this para-  
5                   graph.

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

14                  “(C) SALE OF DATA PROHIBITED.—Data  
15                  collected under this subsection, including the  
16                  public-use data set and data comprising the  
17                  summary aggregate information available under  
18                  paragraph (4), shall not be sold to any third  
19                  party by the Commissioner, including any insti-  
20                  tution of higher education or any other entity.

21                  “(D) LIMITATION ON USE BY OTHER FED-  
22                  ERAL AGENCIES.—

23                  “(i) IN GENERAL.—The Commissioner  
24                  shall not allow any other Federal agency to

1 use data collected under this subsection for  
2 any purpose except—

3 “(I) for vetted research and eval-  
4 uation conducted by the other Federal  
5 agency, as described in subparagraph  
6 (A)(i); or

7 “(II) for a purpose explicitly au-  
8 thorized by this Act.

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

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

22 “(F) LIMITATION OF USE FOR FEDERAL  
23 RANKINGS OR SUMMATIVE RATING SYSTEM.—  
24 The comprehensive data collection and analysis  
25 necessary for the postsecondary student data

1 system under this subsection shall not be used  
2 by the Secretary or any Federal entity to estab-  
3 lish any Federal ranking system of institutions  
4 of higher education or a system that results in  
5 a summative Federal rating of institutions of  
6 higher education.

7 “(G) RULE OF CONSTRUCTION.—Nothing  
8 in this paragraph shall be construed to prevent  
9 the use of individual categories of aggregate in-  
10 formation to be used for accountability pur-  
11 poses.

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

18 “(6) SUBMISSION OF DATA.—

19 “(A) REQUIRED SUBMISSION.—Each insti-  
20 tution of higher education participating in a  
21 program under title IV, or the assigned agent  
22 of such institution, shall, for each eligible pro-  
23 gram, in accordance with section 487(a)(17),  
24 collect, and submit to the Commissioner, the

1 data requested by the Commissioner to carry  
2 out this subsection.

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

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

18 “(7) UNLAWFUL WILLFUL DISCLOSURE.—

19 “(A) IN GENERAL.—It shall be unlawful  
20 for any person who obtains or has access to  
21 personally identifiable information in connection  
22 with the postsecondary student data system de-  
23 scribed in this subsection to willfully disclose to  
24 any person (except as authorized in this Act or

1 by any Federal law) such personally identifiable  
2 information.

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

9 “(C) EMPLOYEE OR OFFICER OF THE  
10 UNITED STATES.—If a violation of subpara-  
11 graph (A) is committed by any officer or em-  
12 ployee of the United States, the officer or em-  
13 ployee shall be dismissed from office or dis-  
14 charged from employment upon conviction for  
15 the violation.

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

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

1           “(B) access controls;

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

4           “(D) confidentiality protection in accord-  
5 ance with the applicable provisions of sub-  
6 chapter III of chapter 35 of title 44, United  
7 States Code;

8           “(E) appropriate and applicable privacy  
9 and security protection, including data retention  
10 and destruction protocols and data minimiza-  
11 tion, in accordance with the most recent Fed-  
12 eral standards developed by the National Insti-  
13 tute of Standards and Technology; and

14           “(F) protocols for managing a breach, in-  
15 cluding breach notifications, in accordance with  
16 the standards of National Center for Education  
17 Statistics.

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

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

23           “(A) INSTITUTION OF HIGHER EDU-  
24 CATION.—The term ‘institution of higher edu-



1 cation' has the meaning given the term in sec-  
2 tion 102.

3 “(B) MINORITY-SERVING INSTITUTION.—  
4 The term ‘minority-serving institution’ means  
5 an institution of higher education listed in sec-  
6 tion 371(a).

7 “(C) PERSONALLY IDENTIFIABLE INFOR-  
8 MATION.—The term ‘personally identifiable in-  
9 formation’ means personally identifiable infor-  
10 mation within the meaning of section 444 of the  
11 General Education Provisions Act.”.

12 **SEC. 3. REPEAL OF PROHIBITION ON STUDENT DATA SYS-**  
13 **TEM.**

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

16 **SEC. 4. INSTITUTIONAL REQUIREMENTS.**

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

20 “(17) The institution or the assigned agent of  
21 the institution will collect and submit data to the  
22 Commissioner for Education Statistics in accordance  
23 with section 132(l), the nonstudent related surveys  
24 within the Integrated Postsecondary Education Data  
25 System (IPEDS), or any other Federal institution of

1 higher education data collection effort (as designated  
2 by the Secretary), in a timely manner and to the  
3 satisfaction of the Secretary.”.

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

7 **SEC. 5. TRANSITION PROVISIONS.**

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

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