

117TH CONGRESS
1ST SESSION

S. 839

To establish a postsecondary student data system.

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

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

(2) by inserting after subsection (k) the following:

“(l) POSTSECONDARY STUDENT DATA SYSTEM.—

“(1) IN GENERAL.—

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

“(i) accurately evaluate student enrollment patterns, progression, completion, and postcollegiate outcomes, and higher education costs and financial aid;

“(ii) assist with transparency, institutional improvement, and analysis of Federal aid programs;

“(iii) provide accurate, complete, and customizable information for students and families making decisions about postsecondary education; and

“(iv) reduce the reporting burden on 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-

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

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

“(2) DATA ELEMENTS.—

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

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

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

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

“(i) ESTABLISHMENT.—Not later
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.

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

“(i) Student-level data elements necessary to calculate the information within the surveys designated by the Commissioner as ‘student-related surveys’ in the Integrated Postsecondary Education Data System (IPEDS), as such surveys are in effect on the day before the date of enactment of the College Transparency Act, except that in the case that collection of such elements would conflict with subparagraph (F), such elements in conflict with subparagraph (F) shall be included in the aggregate instead of at the student level.

“(ii) Student-level data elements necessary to allow for reporting student enrollment, persistence, retention, transfer, and completion measures for all credential levels separately (including certificate, associate, baccalaureate, and advanced degree levels), within and across institutions 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

reports that allow comparisons across multiple institutions and programs, subject to subparagraph (B);

“(iii) uses appropriate statistical disclosure limitation techniques necessary to ensure that the data released to the public cannot be used to identify specific individuals; and

“(iv) provides users with appropriate contextual factors to make comparisons, which may include national median figures of the summary aggregate information described in subparagraph (C).

“(B) NO PERSONALLY IDENTIFIABLE INFORMATION AVAILABLE.—The summary aggregate information described in this paragraph shall not include personally identifiable information.

“(C) SUMMARY AGGREGATE INFORMATION AVAILABLE.—The summary aggregate information described in this paragraph shall, at a minimum, include each of the following for each institution of higher education:

“(i) Measures of student access, including—

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 disclo-
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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