AMENDMENT TO
RULES COMMITTEE PRINT 117–31
OFFERED BY MR. LEVIN OF MICHIGAN

At the end of title III of division J, add the following:

SEC. 90305. ELIMINATING SHORT-TERM EDUCATION LOAN
PROGRAMS; JOB TRAINING FEDERAL PELL
GRANTS; TECHNICAL CORRECTIONS.

(a) ELIMINATING SHORT-TERM EDUCATION LOAN
PROGRAMS.—Section 481(b) of the Higher Education Act
of 1965 (20 U.S.C. 1088(b)) is amended by adding at the
end the following:

“(5) The Secretary shall eliminate the short-
term education loan program, as authorized under
paragraph (2), on the date that is 120 days after
the date the Secretary establishes the application for
Job Training Federal Pell Grants under section
401(k).”.

(b) TECHNICAL CORRECTIONS.—Section 481(d) of
the Higher Education Act of 1965 (20 U.S.C. 1088(d))
is amended—

(1) in paragraph (4)—
(A) in subparagraph (A), by striking
“under section 12301(a), 12301(g), 12302,
12304, or 12306 of title 10, United States
Code, or any retired member of an Armed
Force ordered to active duty under section 688
of such title,” and inserting “, or any retired
member of an Armed Force ordered to active
duty,”; and

(B) in subparagraph (B), by striking “an
Armed Force” and inserting “a Uniformed
Service”; and

(2) in paragraph (5), by striking “and sup-
ported by Federal funds”.

e) JOB TRAINING FEDERAL PELL GRANT PRO-
GRAM.—

(1) IN GENERAL.—Section 401 of the Higher
Education Act of 1965 (20 U.S.C. 1070a), as
amended by section 703 of the FAFSA Simplifica-
tion Act (title VII of division FF of Public Law
116–260), is amended by adding at the end the fol-
lowing:

“(k) JOB TRAINING FEDERAL PELL GRANT PRO-
GRAM.—

“(1) DEFINITIONS.—In this subsection:
“(A) Career and Technical Education.—The term ‘career and technical education’ has the meaning given the term in section 3 of the Carl D. Perkins Career and Technical Education Act.

“(B) Eligible Job Training Program.—

“(i) In General.—The term ‘eligible job training program’ means a career and technical education program at an eligible institution of higher education that—

“(I) provides not less than 150, and not more than 600, clock hours of instructional time over a period of not less than 8 weeks and not more than 15 weeks;

“(II) provides training aligned with the requirements of high-skill, high-wage, or in-demand industry sectors or occupations in the State or local area in which the job training program is provided, as determined by—

“(aa) a State board or local board;
“(bb) a State plan, as described in section 122(d)(13)(C) of the Carl D. Perkins Career and Technical Education Act of 2006; or

“(cc) a comprehensive local needs assessment, as described in section 134(c) of the Carl D. Perkins Career and Technical Education Act of 2006;

“(III) is a program—

“(aa) provided through an eligible training provider, as described under section 122(d) of the Workforce Innovation and Opportunity Act; and

“(bb) subject to the reporting requirements of section 116(d)(4) of the Workforce Innovation and Opportunity Act, or would be subject to such requirements except for a waiver issued to a State under section 189(i) of the Workforce Innovation and Opportunity Act;
“(IV) provides a student, upon completion of the program, with a recognized postsecondary credential that is stackable and portable across multiple employers and geographical areas;

“(V) not later than 1 year after the date the program has been approved as an eligible job training program under this subsection, has demonstrated that students who complete the program receive a median increase of 20 percent of total earnings as compared to total earnings of such students prior to enrolling in such program, in accordance with paragraph (2);

“(VI) publishes prominently on the website of the institution, and provides a written disclosure to each prospective student prior to entering into an enrollment agreement for such program (which each such student shall confirm receiving through a written affirmation prior to entering such en-
rollment agreement) containing, at a minimum, the following information calculated, as applicable, in accordance with paragraph (8)—

“(aa) the required tuition and fees of the program;

“(bb) the difference between required tuition and fees described in item (aa) and any grant aid (which does not need to be repaid) provided to the student;

“(cc) the completion rate of the program;

“(dd) the employment rates of students who complete the program, measured at approximately 6 months and 1 year, respectively, after completion of the program;

“(ee) total earnings of students who complete the program, calculated based on earnings approximately 6 months after completion of the program;
“(ff) total earnings of students who do not complete the program, calculated based on earnings approximately 6 months after ceasing enrollment in the program;

“(gg) the ratio of the amount that is the difference between required tuition and fees and any grant aid provided to the student described in item (bb) to the total earnings of students described in item (ee);

“(hh) an explanation, in clear and plain language that shall be specified by the Secretary, of the ratio described in item (gg); and

“(ii) in the case of a job training program that prepares students for a professional license or certification exam, the share of such students who pass such exams;
“(VII) has been determined by the eligible institution of higher education (after validation of that determination by an industry or sector partnership or State board or local board) to provide academic content, an amount of instructional time, competencies, and a recognized postsecondary credential that are sufficient to—

“(aa) meet the hiring requirements of potential employers in the sectors or occupations described in subclause (II); and

“(bb) satisfy any applicable educational prerequisite requirement for professional licensure or certification, so that a student who completes the program and seeks employment is qualified to take any relevant licensure or certifications examinations that are needed to practice or find employment in such sectors or
occupations that the program
prepares students to enter;

“(VIII) has been in operation for
not less than 1 year prior to becoming
an eligible job training program under
this subsection;

“(IX) does not exceed by more
than 50 percent the minimum number
of clock hours required by a State to
receive a professional license or cer-
tification in the State, if the State has
established such a requirement;

“(X) prepares students to pursue
one or more related certificate or de-
gree programs at an institution of
higher education (as defined in section
101) or a postsecondary vocational in-
stitution (as defined in section
102(c)), including—

“(aa) by ensuring the ac-
ceptability of the credits received
under the job training program
toward meeting such certificate
or degree program requirements
(such as through an articulation
agreement as defined in section 486A); and

“(bb) by ensuring that a student who completes noncredit coursework in the job training program, upon completion of the job training program and enrollment in such a related certificate or degree program, will receive academic credit for such non-credit coursework that will be accepted toward meeting such certificate or degree program requirements;

“(XI) is not offered exclusively through distance education or a correspondence course, except as determined by the Secretary to be necessary, on a temporary basis, in connection with a—

“(aa) major disaster or emergency declared by the President under section 401 or 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance
Act (42 U.S.C. 5170 and 5191); or

“(bb) national emergency declared by the President under section 201 of the National Emergencies Act (50 U.S.C. 1601 et seq.);

“(XII) is provided not less than 50 percent directly by the eligible institution of higher education;

“(XIII) includes counseling for students to—

“(aa) support each such student in achieving the student’s education and career goals; and

“(bb) ensure that each such student receives information on—

“(AA) the sectors or occupations described in subclause (II) for which the job training program provides training (including the total earnings of students who have completed the program and are employed in such
sectors or occupations, calculated based on earnings approximately 6 months after completion of the program));

“(BB) the related certificate or degree programs described in subclause (X) for which the job training program provides preparation; and

“(CC) other sources of financial aid or other assistance for any component of the student’s cost of attendance (as defined in section 472);

“(XIV) meets requirements that are applicable to a program of training to prepare students for gainful employment in a recognized occupation;

“(XV) may include integrated education and training; and
“(XVI) may be offered as part of a program that—

“(aa) meets the requirements of section 484(d)(2);

“(bb) is part of a career pathway, as defined in section 3 of the Workforce Innovation and Opportunity Act; and

“(cc) is aligned to a program of study, as defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006.

“(ii) APPROVAL BY THE SECRETARY.—In the case of a program that is seeking to establish initial eligibility as an eligible job training program under this subparagraph, the Secretary shall make a determination whether the program meets the requirements of this subparagraph not more than 120 days after the date on which such program is submitted for consideration as an eligible job training program. If the Secretary determines the program meets the requirements of this para-
graph, the Secretary shall grant an initial period of approval of 2 years.

“(iii) RENEWAL OF APPROVAL BY THE SECRETARY.—An eligible job training program that desires to continue eligibility as an eligible job training program after the period of initial approval described in clause (ii), or the subsequent period described in this clause, shall submit a renewal application to the Secretary (with such information as the Secretary may require), not more than 270 days and not less than 180 days before the end of the previous approval period. If the Secretary determines the program meets such requirements, the Secretary shall grant another period of approval for 3 years.

“(iv) PERIODIC REVIEW BY THE SECRETARY.—The Secretary shall periodically review a program previously approved under clause (ii) or (iii) to determine whether such program is meeting the requirements of an eligible job training program described in this subsection.
“(v) Revocation of Approval by the Secretary.—If at any time the Secretary determines that a program previously approved under clause (ii) or (iii) is no longer meeting any of the requirements of an eligible job training program described in this subsection, the Secretary—

“(I) shall deny a subsequent renewal of approval in accordance with clause (iii) for such program after the expiration of the approval period;

“(II) may withdraw approval for such program before the expiration of the approval period;

“(III) shall ensure students who enrolled in such programs have access to transcripts for completed coursework without a fee or monetary charge and without regard to any balance owed to the institution; and

“(IV) shall prohibit such program and any substantially similar program, from being considered an eligible job training described in this
subsection for a period of not less than 5 years.

“(vi) ADDITIONAL ASSURANCE BY STATE BOARD.—The Secretary shall not determine that a program is an eligible job training program in accordance with clause (ii) unless the Secretary receives a certification from the State board representing the State in which the eligible job training program is provided, containing an assurance that the program meets the requirements of subclauses (II), (III), and (IX) of clause (i).

“(C) TOTAL EARNINGS.—For the purposes of this subsection, the term ‘total earnings’ means the median annualized earnings, calculated using earnings for a pay period, month, quarter, or other time period deemed appropriate by the Secretary.

“(D) ELIGIBLE INSTITUTION OF HIGHER EDUCATION.—For the purposes of this subsection, the term ‘eligible institution of higher education’ means an institution of higher education (as defined in section 101) or a postsec-
ondary vocational institution (as defined in section 102(e)) that—

“(i) is approved by an accrediting agency or association that meets the requirements of section 496(a)(4)(C);

“(ii) has not been a proprietary institution of higher education, as defined in section 102(b), within the previous 3 years; and

“(iii) has not been subject, during any of the preceding 5 years, to—

“(I) any suspension, emergency action, or termination of programs under this title;

“(II) any adverse action by the institution’s accrediting agency or association; or

“(III) any action by the State to revoke a license or other authority to operate.

“(F) WIOA DEFINITIONS.—The terms ‘industry or sector partnership’, ‘in-demand industry sector or occupation’, ‘recognized postsecondary credential’, ‘local board’, and ‘State board’ have the meanings given such terms in
section 3 of the Workforce Innovation and Opportunity Act.

“(2) TOTAL EARNINGS INCREASE REQUIREMENT.—

“(A) IN GENERAL.—Subject to subparagraph (B), as a condition of participation under this subsection, the Secretary shall, using the data collected under paragraph (8) and such other information as the Secretary may require, determine whether such job training program meets the requirements of paragraph (1)(B)(i)(V) with respect to whether the students who complete the program receive a median increase of 20 percent of such students’ total earnings. For the purposes of this paragraph, the Secretary shall determine such percentage increase by calculating the difference between—

“(i) the total earnings of students who enroll in such program, calculated based on earnings approximately 6 months prior to enrollment; and

“(ii) the total earnings of students who complete such program, calculated
based on earnings approximately 6 months after completing such program.

“(B) DATE OF EFFECT.—The requirement under this paragraph shall take effect beginning on the date that is 1 year after the date the program has been approved as an eligible job training program under this subsection.

“(3) APPEAL OF EARNINGS INFORMATION.—The Secretary’s determination under paragraph (2) may include an appeals process to permit job training programs to submit alternate earnings data (which may include discretionary earnings data or total earnings data), provided that such data are statistically rigorous, accurate, comparable, and representative of students who enroll in or complete the program, or both, as applicable.

“(4) AUTHORIZATION OF AWARDS.—For the award year beginning on July 1, 2024, and each subsequent award year, the Secretary shall award Federal Pell Grants to students in eligible job training programs (referred to as a ‘job training Federal Pell Grant’). Each eligible job training Federal Pell Grant awarded under this subsection shall have the same terms and conditions, and be awarded in the same manner, as other Federal Pell Grants awarded
under subsection (b), except a student who is eligible
to receive a job training Federal Pell Grant under
this subsection is a student who—

“(A) has not yet attained a
postbaccalaureate degree;

“(B) is enrolled, or accepted for enroll-
ment, in an eligible job training program at an
eligible institution of higher education; and

“(C) meets all other eligibility require-
ments for a Federal Pell Grant (except with re-
spect to the type of program of study, as pro-
vided in subparagraph (B)).

“(5) AMOUNT OF AWARD.—The amount of a
job training Federal Pell Grant for an eligible stu-
dent shall be determined under subsection (b), ex-
cept that a student who is eligible for less than the
minimum Federal Pell Grant because the eligible job
training program is less than an academic year (in
clock-hours and weeks of instructional time) may
still be eligible for a Federal Pell Grant.

“(6) INCLUSION IN TOTAL ELIGIBILITY PE-
RIOD.—Any period during which a student receives
a job training Federal Pell Grant under this sub-
section shall be included in calculating the student’s
period of eligibility for Federal Pell Grants under
subsection (d), and the eligibility requirements re-
garding students who are enrolled in an under-
graduate program on less than a full-time basis shall
similarly apply to students who are enrolled in an el-
igible job training program at an eligible institution
of higher education on less than a full-time basis.

“(7) SAME PAYMENT PERIOD.—No student may
for the same payment period receive both a job
training Federal Pell Grant under this subsection
and a Federal Pell Grant under this section.

“(8) INTERAGENCY DATA SHARING AND DATA
COLLECTION.—

“(A) INTERAGENCY DATA SHARING.—The
Secretary shall coordinate and enter into a data
sharing agreement with the Secretary of Labor
to ensure access to data necessary to implement
this paragraph that is not otherwise available to
the Secretary under section 132(l), as amended
by section 90306 of the America COMPETES
Act of 2022, including such data related to in-
dicators of performance collected under section
116 of the Workforce Innovation and Oppor-

“(B) DATA ON ELIGIBLE JOB TRAINING
PROGRAMS.—Except as provided under sub-
paragraph (C), using the postsecondary student data system established under section 132(l) or a successor system (whichever includes the most recent data) to the greatest extent practicable to streamline reporting requirements and minimize reporting burdens, an in coordination with the National Center for Education Statistics, the Secretary of Labor, and each institution of higher education offering an eligible job training program for which the Secretary awards job training Federal Pell Grants under this subsection, the Secretary shall, on at least an annual basis, collect and publish data with respect to each such eligible job training program, including, at a minimum, the following:

“(i) The number and demographics of students who enroll in the program, disaggregated by—

“(I) gender;

“(II) race and ethnicity;

“(III) classification as a student with a disability;

“(IV) income quintile, as defined by the Secretary;
“(V) military or veteran benefit status;

“(VI) status as a first-time student or transfer student from another institution;

“(VII) status as a first generation college student;

“(VIII) status as parent or guardian of 1 or more dependent children; and

“(IX) status as a confined or incarcerated individual, as defined under section 484(t)(1)(A).

“(ii) The number and demographics, disaggregated by the categories listed in clause (i), of students who—

“(I) complete the program; and

“(II) do not complete the program.

“(iii) The required tuition and fees of the program.

“(iv) The total earnings of students, disaggregated by the categories listed in clause (i), who—
“(I) complete the program, calculated based on earnings approximately 6 months after completing such program; and

“(II) do not complete the program, calculated based on earnings approximately 6 months after ceasing enrollment in such program.

“(v) Outcomes of the students who complete the program, disaggregated by the categories listed in clause (i), with respect to—

“(I) the median time to completion among such students;

“(II) the employment rates of such students, measured at approximately 6 months and 1 year, respectively, after completion of the eligible job training program;

“(III) in the case of a job training program that prepares students for a professional license or certification exam, the share of such students who pass such exams;
“(IV) the share of such students who enroll in a certificate or degree program at the institution of higher education offering the eligible job training program within 1 year of completing such eligible job training program;

“(V) the share of such students who transfer to another institution of higher education within 1 year of completing the eligible job training program; and

“(VI) the share of such students who complete a subsequent certificate or degree program at any institution of higher education within 6 years of completing the eligible job training program.

“(C) EXCEPTIONS.—Notwithstanding any other provision of this paragraph—

“(i) if disclosure of disaggregated data under subparagraph (B) is prohibited from disclosure due to applicable privacy restrictions, the Secretary may take such steps as the Secretary determines nee-
necessary to provide meaningful disaggregated student demographic or outcome information, including by combining categories; and

“(ii) an institution may submit, and the Secretary may publish, data required to be collected under subparagraph (B) that is obtained through a State Unemployment Insurance Agency or through other supplemental means, in lieu of any additional data collection, provided that such data are statistically rigorous, accurate, comparable, and representative.

“(D) REPORT.—Not later than July 1, 2025, the Secretary shall—

“(i) submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives a report on the impact of eligible job training programs for which the Secretary awards job training Federal Pell Grants under this subsection, based on the most recent data collected under subparagraph (B); and
“(ii) make the report described in clause (i) available publicly on the website of the Department.”.

(2) PUBLICATION OF APPLICATION.—Not later than 1 year after date of enactment of this Act, the Secretary shall publish the application for job training programs to submit for approval as eligible job training programs, as defined in subsection (k)(1)(B) of section 401 of the Higher Education Act of 1965 (20 U.S.C. 1070a), as added by paragraph (1). The information required to determine eligibility in such application shall be consistent with the requirements described in such subsection (k)(1)(B).

(3) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if included in section 703 of the FAFSA Simplification Act (title VII of division FF of Public Law 116–260).

(d) WORKFORCE INNOVATION AND OPPORTUNITY ACT AMENDMENT.—Section 116(i) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3141(i)) is amended by adding at the end the following:

“(4) INTERAGENCY DATA SHARING FOR JOB TRAINING FEDERAL PELL GRANT PROGRAM.—The Secretary of Labor shall coordinate and enter into a
data sharing agreement with the Secretary of Education to ensure access to data necessary to implement section 401(k) of the Higher Education Act of 1965 (20 U.S.C. 1070a(k)), as added by section 90305 of the America COMPETES Act of 2022, that is not otherwise available to the Secretary of Education under section 132(l) of the Higher Education Act of 1965 (20 U.S.C. 1015(l)), as amended by section 90306 of the America COMPETES Act of 2022, which may include data related to unemployment insurance, wage information, employment-related outcomes, and indicators of performance collected under this section.’’.

(e) ACCREDITING AGENCY RECOGNITION OF ELIGIBLE JOB TRAINING PROGRAMS.—Section 496(a)(4) of the Higher Education Act of 1965 (20 U.S.C. 1099b(a)(4)) is amended—

(1) in subparagraph (A), by striking “and” after the semicolon;

(2) in subparagraph (B)(ii), by inserting “and” after the semicolon; and

(3) by adding at the end the following:

“(C) if such agency or association has or seeks to include within its scope of recognition the evaluation of the quality of institutions of
higher education participating in the job training Federal Pell Grant program under section 401(k), as added by the section 90305 of the America COMPETES Act of 2022, such agency or association shall, in addition to meeting the other requirements of this subpart, demonstrate to the Secretary that, with respect to such eligible job training programs (as defined in that subsection)—

“(i) the agency or association’s standards include a process for determining if the institution has the capability to effectively offer an eligible job training program; and

“(ii) the agency or association requires a demonstration that the program—

“(I) has identified each recognized postsecondary credential offered in the relevant industry in the State or local area where the industry is located; and

“(II) provides academic content, an amount of instructional time, and competencies to satisfy any applicable educational requirement for profes-
sional licensure or certification, so
that a student who completes the pro-
gram and seeks employment is quali-
fied to take any licensure or certifi-
cation examination needed to practice
or find employment in the sectors or
occupations that the program pre-
pares students to enter.”.

9 SEC. 90306. COLLEGE TRANSPARENCY.

(a) Postsecondary Student Data System.—Sec-
1015a) is amended—

(1) by redesignating subsection (l) as subsection

(m); and

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

“(l) Postsecondary Student Data System.—

“(1) In General.—

“(A) Establishment of System.—Not
later than 4 years after the date of enactment
of the America COMPETES Act of 2022, the
Commissioner of the National Center for Edu-
cation Statistics (referred to in this subsection
as the ‘Commissioner’) shall develop and main-
tain 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 accordance with section 90306(d) of America COMPETES Act of 2022.

“(B) AVOIDING DUPLICATED REPORTING.—Notwithstanding any other provision of this section, to the extent that another provision of this section requires the same reporting or collection of data that is required under this subsection, an institution of higher education, or the Secretary or Commissioner, may use the reporting or data required for the postsec-
ondary student data system under this sub-
section to satisfy both requirements.

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

“(i) focus on the needs of—

“(I) users of the data system;

and

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

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

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

“(II) the relevant successor docu-
ments or recommendations of such
guidelines;
“(iii) use modern, relevant privacy-and security-enhancing technology, and en-
hance and update the data system as nec-
essary to carry out the purpose of this sub-
section;

“(iv) ensure data privacy and security is consistent with any Federal law relating to privacy or data security, including—

“(I) the requirements of sub-
chapter II of chapter 35 of title 44, United States Code, specifying secu-
ry categorization under the Federal Information Processing Standards or any relevant successor of such stand-
ards;

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

“(III) security requirements, guidelines, and controls consistent with cybersecurity standards and best practices developed by the National
Institute of Standards and Technology, including frameworks, consistent with section 2(c) of the National Institute of Standards and Technology Act (15 U.S.C. 272(c)), or any relevant successor of such frameworks;

“(v) follow Federal data minimization practices to ensure only the minimum amount of data is collected to meet the system’s goals, in accordance with Federal data minimization standards and guidelines developed by the National Institute of Standards and Technology; and

“(vi) provide notice to students outlining 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 America COMPETES Act of 2022, the Commissioner, in consultation 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
of the America COMPETES Act of 2022,
the Commissioner shall establish a Postsec-
ondary Student Data System Advisory
Committee (referred to in this subsection
as the ‘Advisory Committee’), whose mem-
bers shall include—

“(I) the Chief Privacy Officer of
the Department or an official of the
Department delegated the duties of
overseeing data privacy at the Depart-
ment;
“(II) the Chief Security Officer of the Department or an official of the Department delegated the duties of overseeing data security at the Department;

“(III) representatives of diverse institutions of higher education, which shall include equal representation between 2-year and 4-year institutions of higher education, and from public, nonprofit, and proprietary institutions of higher education, including minority-serving institutions;

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

“(V) representatives of postsecondary students;

“(VI) representatives from relevant Federal agencies; and

“(VII) other stakeholders (including individuals with expertise in data privacy and security, consumer protection, and postsecondary education research).
“(ii) REQUIREMENTS.—The Commissioner shall ensure that the Advisory Committee—

“(I) adheres to all requirements under the Federal Advisory Committee Act (5 U.S.C. App.);

“(II) establishes operating and meeting procedures and guidelines necessary to execute its advisory duties; and

“(III) is provided with appropriate staffing and resources to execute 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 America COMPETES Act of
2022, 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 categories of institution level, control, and predominant degree awarded). The data elements shall allow for reporting about all such data disaggregated by the following categories:

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

“(II) Attendance intensity, whether full-time or part-time.
“(III) Credential-seeking status, by credential level.

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

“(V) Age intervals.

“(VI) Gender.

“(VII) Program of study (as applicable).

“(VIII) Military or veteran benefit status (as determined based on receipt of veteran’s education benefits, as defined in section 480(c)).

“(IX) Status as a distance education student, whether exclusively or partially enrolled in distance education.

“(X) Federal Pell Grant recipient status under section 401 and Federal loan recipient status under title IV, provided that the collection of such information complies with paragraph (1)(B).
“(D) OTHER DATA ELEMENTS.—

“(i) IN GENERAL.—The Commissioner may, after consultation with the Advisory Committee and provision of a public comment period, include additional data elements in the postsecondary student data system, such as those described in clause (ii), if those data elements—

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

“(II) are consistent with data minimization principles, including the collection of only those additional elements that are necessary to ensure such purposes.

“(ii) DATA ELEMENTS.—The data elements described in clause (i) may include—

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

“(II) economic status;
“(III) participation in postsecondary remedial coursework or gateway course completion;

“(IV) classification as a student with a disability;

“(V) status as parent or guardian of 1 or more dependent children;

“(VI) status as a confined or incarcerated individual, as defined under section 484(t)(1)(A), as amended by section 702 of the FAFSA Simplification Act FAFSA (title VII of division FF of Public Law 116–260); or

“(VII) other data elements that are necessary in accordance with clause (i).

“(E) REEVALUATION.—Not less than once every 3 years after the implementation of the postsecondary student data system described in this subsection, the Commissioner, in consultation with the Advisory Committee described in subparagraph (B), shall review the data elements included in the postsecondary student data system and may revise the data elements to be included in such system.
“(F) PROHIBITIONS.—The Commissioner shall not include individual health data (including data relating to physical health or mental health), student discipline records or data, elementary and secondary education data, an exact address, citizenship status, migrant status, or national origin status for students or their families, course grades, postsecondary entrance examination results, political affiliation, or religion in the postsecondary student data system under this subsection.

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

“(A) DATA SHARING AGREEMENTS.—

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

“(I) The Secretary of Defense, in order to assess the use of postsecondary educational benefits and the outcomes of servicemembers.

“(II) The Director of the Bureau of the Census, in order to assess the
earnings outcomes of former postsecondary education students.

“(III) The Chief Operating Officer of the Office of Federal Student Aid, in order to analyze the use of postsecondary educational benefits provided under this Act.

“(IV) The Commissioner of the Social Security Administration, in order to evaluate labor market outcomes of former postsecondary education students.


“(ii) The Commissioner may ensure secure, periodic data matches by entering into data sharing agreements with the Secretary of Veterans Affairs.

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

“(B) CATEGORIES OF DATA.—The Commissioner shall, at a minimum, seek to ensure that the secure periodic data system matches described in subparagraph (A) permit consistent reporting of the following categories of data for all postsecondary students:

“(i) Enrollment, retention, transfer, and completion outcomes for all postsecondary students.

“(ii) Financial indicators for postsecondary students receiving Federal grants and loans, including grant and loan aid by source, cumulative student debt, loan repayment status, and repayment plan.

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

“(I) immediately after leaving postsecondary education; and
“(II) at time intervals appropriate to the credential sought and earned.

“(C) Periodic Data Match Streamlining and Confidentiality.—

“(i) Streamlining.—In carrying out the secure periodic data system matches under this paragraph, the Commissioner shall—

“(I) ensure that such matches are not continuous, but occur only periodically at appropriate intervals, as determined by the Commissioner to meet the goals of subparagraph (A); and

“(II) seek to—

“(aa) streamline the data collection and reporting requirements for institutions of higher education;

“(bb) minimize duplicative reporting across or within Federal agencies or departments, including reporting requirements applicable to institutions of high-
er education under the Workforce
Innovation and Opportunity Act
(29 U.S.C. 3101 et seq.) and the
Carl D. Perkins Career and
Technical Education Act of 2006
(20 U.S.C. 2301 et seq.);

“(ee) protect student pri-

vacy; and

“(dd) streamline the applica-

tion process for student loan ben-

efit programs available to bor-

rowers based on data available

from different Federal data sys-

tems.

“(ii) REVIEW.—Not less often than

once every 3 years after the establishment

of the postsecondary student data system

under this subsection, the Commissioner,
in consultation with the Advisory Com-

mittee, shall review methods for stream-

lining data collection from institutions of

higher education and minimizing duplica-

tive reporting within the Department and

across Federal agencies that provide data

for the postsecondary student data system.
“(iii) CONFIDENTIALITY.—The Commissioner shall ensure that any periodic matching or sharing of data through periodic data system matches established in accordance with this paragraph—

“(I) complies with the security and privacy protections described in paragraph (1)(C)(iv) and other Federal data protection protocols;

“(II) follows industry best practices commensurate with the sensitivity of specific data elements or metrics;

“(III) does not result in the creation of a single standing, linked Federal database at the Department that maintains the information reported across other Federal agencies; and

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

“(iv) CORRECTION.—The Commissioner, in consultation with the Advisory Committee, shall establish a process for
students to request access to only their personal information for inspection and request corrections to inaccuracies in a manner that protects the student’s personally identifiable information. The Commissioner shall respond in writing to every request for a correction from a student.

“(4) PUBLICLY AVAILABLE INFORMATION.—

“(A) IN GENERAL.—The Commissioner shall make the summary aggregate information described in subparagraph (C), at a minimum, publicly available through a user-friendly consumer information website and analytic tool that—

“(i) provides appropriate mechanisms for users to customize and filter information by institutional and student characteristics;

“(ii) allows users to build summary 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 individ-
uals; and

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

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

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

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

“(I) admissions selectivity and
yield; and

“(II) enrollment, disaggregated
by each category described in para-
graph (2)(C)(ii).
“(ii) Measures of student progression, including retention rates and persistence rates, disaggregated by each category described in paragraph (2)(C)(ii).

“(iii) Measures of student completion, including—

“(I) transfer rates and completion rates, disaggregated by each category described in paragraph (2)(C)(ii); and

“(II) number of completions, disaggregated by each category described in paragraph (2)(C)(ii).

“(iv) Measures of student costs, including—

“(I) tuition, required fees, total cost of attendance, and net price after total grant aid, disaggregated by in-State tuition or in-district tuition status (if applicable), program of study (if applicable), and credential level; and

“(II) typical grant amounts and loan amounts received by students reported separately from Federal, State,
local, and institutional sources, and
cumulative debt, disaggregated by
each category described in paragraph
(2)(C)(ii) and completion status.

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

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

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

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

“(i) focus on the needs of the users of
the information, which will include stu-
dents, families of students, potential stu-
dents, researchers, and other consumers of
education data;
“(ii) take into consideration, to the extent practicable, the guidelines described in paragraph (1)(C)(ii)(I), and relevant successor documents or recommendations of such guidelines;

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

“(iv) ensure data privacy and security in accordance with standards and guidelines developed by the National Institute of Standards and Technology, and in accordance with any other Federal law relating to privacy or security, including complying with the requirements of subchapter II of chapter 35 of title 44, United States Code, specifying security categorization under the Federal Information Processing Standards, and security requirements, and setting of National Institute of Standards and Technology security baseline controls at the appropriate level; and
“(v) conduct consumer testing to determine how to make the information as meaningful to users as possible.

“(5) PERMISSIBLE DISCLOSURES OF DATA.—

“(A) DATA REPORTS AND QUERIES.—

“(i) IN GENERAL.—Not later than 4 years after the date of enactment of the America COMPETES Act of 2022, the Commissioner shall develop and implement a secure process for making student-level, non-personally identifiable information, with direct identifiers removed, from the postsecondary student data system available for vetted research and evaluation purposes approved by the Commissioner in a manner compatible with practices for disclosing National Center for Education Statistics restricted-use survey data as in effect on the day before the date of enactment of the America COMPETES Act of 2022, or by applying other research and disclosure restrictions to ensure data privacy and security. Such process shall be approved by the National Center for Edu-
(or successor body).

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

“(I) IN GENERAL.—The Commissioner shall provide feedback reports, at least annually, to each institution of higher education, each postsecondary education system that fully participates in the postsecondary student data system, and each State higher education body as designated by the governor.

“(II) FEEDBACK REPORTS.—The feedback reports provided under this clause shall include program-level and institution-level information from the postsecondary student data system regarding students who are associated with the institution or, for State representatives, the institutions within that State, on or before the date of the report, on measures including student mobility and workforce outcomes, provided that the feedback aggregate
summary reports protect the privacy of individuals.

“(III) DETERMINATION OF CONTENT.—The content of the feedback reports shall be determined by the Commissioner in consultation with the Advisory Committee.

“(iii) PERMITTING STATE DATA QUERIES.—The Commissioner shall, in consultation with the Advisory Committee and as soon as practicable, create a process through which States may submit lists of secondary school graduates within the State to receive summary aggregate outcomes for those students who enrolled at an institution of higher education, including postsecondary enrollment and college completion, provided that those data protect the privacy of individuals and that the State data submitted to the Commissioner are not stored in the postsecondary education system.

“(iv) REGULATIONS.—The Commissioner shall promulgate regulations to ensure fair, secure, and equitable access to
data reports and queries under this para-
graph.

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

“(C) Sale of data prohibited.—Data
collected under this subsection, including the
public-use data set and data comprising the
summary aggregate information available under
paragraph (4), shall not be sold to any third
party by the Commissioner, including any insti-
tution of higher education or any other entity.

“(D) Limitation on use by other fed-
eral agencies.—

“(i) In general.—The Commissioner
shall not allow any other Federal agency to
use data collected under this subsection for
any purpose except—

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

“(II) for a purpose explicitly authorized by this Act.

“(ii) Prohibition on limitation of services.—The Secretary, or the head of any other Federal agency, shall not use data collected under this subsection to limit services to students.

“(E) Law enforcement.—Personally identifiable information collected under this subsection shall not be used for any Federal, State, or local law enforcement activity or any other activity that would result in adverse action against any student or a student’s family, including debt collection activity or enforcement of immigration laws.

“(F) Limitation of use for federal rankings or summative rating system.—The comprehensive data collection and analysis necessary for the postsecondary student data system under this subsection shall not be used by the Secretary or any Federal entity to establish any Federal ranking system of institutions of higher education or a system that results in
a summative Federal rating of institutions of higher education.

“(G) Rule of Construction.—Nothing in this paragraph shall be construed to prevent the use of individual categories of aggregate information to be used for accountability purposes.

“(H) Rule of Construction Regarding Commercial Use of Data.—Nothing in this paragraph shall be construed to prohibit third-party entities from using publicly-available information in this data system for commercial use.

“(6) Submission of Data.—

“(A) Required Submission.—Each institution of higher education participating in a program under title IV, or the assigned agent of such institution, shall, for each eligible program, in accordance with section 487(a)(17), collect, and submit to the Commissioner, the data requested by the Commissioner to carry out this subsection.

“(B) Voluntary Submission.—Any institution of higher education not participating in a program under title IV may voluntarily par-
anticipate in the postsecondary student data system under this subsection by collecting and submitting data to the Commissioner, as the Commissioner may request to carry out this subsection.

“(C) PERSONALLY IDENTIFIABLE INFORMATION.—In accordance with paragraph (2)(C)(i), if the submission of an element of student-level data is prohibited under paragraph (2)(F) (or otherwise prohibited by law), the institution of higher education shall submit that data to the Commissioner in the aggregate.

“(7) UNLAWFUL WILLFUL DISCLOSURE.—

“(A) IN GENERAL.—It shall be unlawful for any person who obtains or has access to personally identifiable information in connection with the postsecondary student data system described in this subsection to willfully disclose to any person (except as authorized by any Federal law) such personally identifiable information.

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

“(C) EMPLOYEE OF OFFICER OF THE UNITED STATES.—If a violation of subparagraph (A) is committed by any officer or employee of the United States, the officer or employee shall be dismissed from office or discharged from employment upon conviction for the violation.

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

“(A) an audit capability, including mandatory and regularly conducted audits;

“(B) access controls;

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

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

“(E) protocols for managing a breach, in-
cluding breach notifications, in accordance with
the standards of National Center for Education
Statistics.

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

“(10) DEFINITIONS.—In this subsection:

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

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

“(C) PERSONALLY IDENTIFIABLE INFOR-
mation.—The term ‘personally identifiable in-
formation’ is used under this subsection as such
term is used under section 444 of the General
Education Provisions Act (20 U.S.C. 1232g).”.
(b) **Repeal of Prohibition on Student Data System.**—Section 134 of the Higher Education Act of 1965 (20 U.S.C. 1015e) is repealed.

(c) **Institutional Requirements.**—

(1) **In General.**—Paragraph (17) of section 487(a) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)) is amended to read as follows:

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

(2) **Effective Date.**—The amendment made by subsection (a) shall take effect on the date that is 4 years after the date of enactment of this Act.

(d) **Transition Provisions.**—The Secretary of Education and the Commissioner for Education Statistics shall take such steps as are necessary to ensure that the development and maintenance of the postsecondary student data system required under section 132(l) of the Higher Education Act of 1965, as added by subsection
(a), occurs in a manner that reduces the reporting burden for entities that reported into the Integrated Postsecondary Education Data System (IPEDS).