



April 11, 2022

U.S. Senator/U.S. Representative
Member of the America COMPETES Act Conference Committee
Washington, DC

RE: Opposition to “Sec. 90306. College Transparency” in House-Passed America COMPETES Act

Dear Member of the America COMPETES Act Conference Committee:

On behalf of our hundreds of thousands of supporters in all fifty states, ParentalRights.org urges you to reject “Sec. 90306. College Transparency” in the House-Passed America COMPETES Act.¹ This language was not included in the Senate-passed version of the America COMPETES Act. This language has been offered – and rejected – in Congress before as the College Transparency Act.

“Sec. 90306. College Transparency” in the House-passed version of the America COMPETES Act violates the privacy of American children, students at institutions of higher education, graduates of institutions of higher education, workforce participants, and private institutions of higher education themselves. ParentalRights.org opposes “Sec. 90306. College Transparency” in the House-passed version of the America Competes Act for the following reasons:

1. Page 2584 of the House-passed version of the America COMPETES Act repeals Section 134 of the Higher Education Act of 1965 (20 U.S.C. 1015c). This section of federal law has existed since 2008 in order to protect the privacy of Americans by prohibiting

“the development, implementation, or maintenance of a Federal database of personally identifiable information on individuals receiving assistance under this chapter, attending institutions receiving assistance under this chapter, or otherwise involved in any studies or other collections of data under this chapter, including a student unit record system, an education bar code system, or any other system that tracks individual students over time.”

¹ “Sec. 90306. College Transparency” is found on pages 2552 – 2585 of H.R. 4521, as Engrossed by the House of Representatives on February 4, 2022, and available online at <https://www.congress.gov/bill/117th-congress/house-bill/4521/text/eh>

Repealing this long-standing protection shows exactly how invasive this new Amendment will be to the privacy of American students, families, workforce participants, and private institutions of higher education.

2. Paragraph VII, lines 8–12 of page 2559 of the House-passed version of the America COMPETES Act will allow representatives of technology companies to be a part of the newly created “Postsecondary Student Data System Advisory Committee.” The privacy concerns that Americans across the political spectrum have regarding “big tech” and “big data” are well documented. And now, industry leaders in the nation’s biggest technology and data collection companies will be sitting on this committee, advising and influencing bureaucrats in the federal government on federal government data collection of college students and college graduates. And even worse, this committee of unelected bureaucrats and industry representatives has near complete autonomy to add any additional information to track as they see fit.
3. Paragraph (C) beginning on line 1 of page 2560 of the House-passed version of the America COMPETES Act will allow “student-level data elements” to be collected on all students at institutions of higher education in the United States, even if they are minors taking a single class at a local community college, and even if they are not recipients of federal student aid. The amount of information that will be collected under paragraph (C) on students at institutions of higher education is breathtaking, extending from line 1 of page 2560 through line 12 of page 2564. This will include personally identifiable information. Additionally, this section provides wide leeway to unelected federal bureaucrats to determine what information should be collected in the future and under future Presidential Administrations.
4. Paragraph (F) on line 13 of page 2564 of the House-passed version of the America COMPETES Act ostensibly protects student data, but by not protecting students’ names, social security numbers, date of birth, and other personally identifiable information, these purported privacy protections are extraordinarily weak.
5. The “Periodic Matching With Other Federal Data Systems” established in paragraph (3) on line 24 of page 2564 of the House-passed version of the America COMPETES Act creates a *de facto* federal database of every single student enrolled in an institution of higher education in the United States. And by bringing in “The Chief Operating Officer of the Office of Federal Student Aid” in paragraph (III) on line 14 of page 2565, every single piece of data included by students and parents who fill out the FAFSA form will be part of this new federal data collection program.
6. The “Categories of Data” in paragraph (B) on line 13 of page 2566 of the House-passed version of the America COMPETES Act will allow the federal government to

collect, record, store, and track a breathtaking amount of information on college students, college graduates, and workforce participants across the United States, including:

- a. The “[e]nrollment, retention, transfer, and completion outcomes for all postsecondary students.” (lines 19 through 21 of page 2566);
 - b. “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.” (lines 22 through 24 of page 2566 and lines 1 through 2 of page 2567); and
 - c. “Post-completion outcomes for all postsecondary students, including earnings, employment, and further education, by program of study and credential level” (lines 3 through 7 of page 2567).
7. The purported protections included in paragraph (iii) on line 10 of page 2569 of the House-passed version of the America COMPETES Act are meaningless. The federal government has unfortunately shown that it is unable to protect its own data, including the data of federal employees and contractors,² the data of parents and students participating in federal student aid programs,³ and DOD data.⁴ Indeed, the entirety of “Sec. 90306. College Transparency” in the House-Passed America COMPETES Act acknowledges that this new federal data collection will be vulnerable to data breaches by establishing “protocols for managing a breach” in paragraph (E) on line 16 of page 2583.
8. The Rule of Construction (G) on line 13 of page 2580 of the House-passed version of the America COMPETES Act is troubling by allowing “the use of individual categories of aggregate information to be used for accountability purposes.” It is unknown what these “accountability purposes” will be. Will they be used by unelected bureaucrats at the U.S. Department of Education to create undefined “accountability” on certain private institutions of higher education?
9. The Rule of Construction (H) on line 18 of page 2580 of the House-passed version of the America COMPETES Act is deeply troubling by allowing “third party entities” to use “publicly-available information in this data system for commercial use.” This creates an incentive for industry leaders in “big tech” and “big data” companies to push for more publicly available information to be released, thereby further

² <https://www.opm.gov/cybersecurity/cybersecurity-incidents/>

³ <https://www.washingtonpost.com/news/grade-point/wp/2017/04/06/identity-thieves-may-have-hacked-files-of-up-to-100000-financial-aid-applicants/>

⁴ <https://cisomag.eccouncil.org/u-s-dod-reveals-data-breach-against-defense-information-systems-agency/>

weakening student data privacy, and feeding a perception that student data is just another marketable resource for massive companies.

10. While ParentalRights.org does not advocate for private institutions of higher education, we point out that the voluntary submission outlined in paragraph (B) on line 9 of page 2581 of the House-passed version of the America COMPETES Act will likely be used to pressure private institutions of higher education that do not participate in federal student aid programs to surrender student data or be flagged by the federal government as an institution of higher education that has something to hide. No private institution of higher education should ever be asked even voluntarily by the federal government to turn over student data, and this language will be used to do exactly that.

For the reasons outlined above, ParentalRights.org urges that “Sec. 90306. College Transparency” in the House-passed version of the America COMPETES Act be defeated. Let parents and students, not the federal government, make the decisions of what institution of higher education to attend or even whether to attend an institution of higher education. Let parents and students, not the federal government, decide what career paths are best. Let parents and students, not the federal government, protect their personally identifiable information and data, and not be pressured or even required to turn it over to the federal government.

Sincerely,



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President
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