

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To amend the Higher Education Act of 1965 to  
establish a complaint tracking system.

**IN THE SENATE OF THE UNITED STATES—116th Cong., 2d Sess.**

**S.** \_\_\_\_\_

To authorize appropriations for fiscal year 2021 for military  
activities of the Department of Defense, for military  
construction, and for defense activities of the Depart-  
ment of Energy, to prescribe military personnel  
strengths for such fiscal year, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by \_\_\_\_\_

Viz:

1 At the appropriate place, insert the following:

2 **SEC. \_\_\_\_\_. ESTABLISHMENT AND MAINTENANCE OF COM-**  
3 **PLAINT RESOLUTION AND TRACKING SYS-**  
4 **TEM.**

5 Title I of the Higher Education Act of 1965 (20  
6 U.S.C. 1001 et seq.) is amended by adding at the end  
7 the following:

8 **“PART F—COMPLAINT TRACKING SYSTEM**

9 **“SEC. 161. COMPLAINT TRACKING SYSTEM.**

10 **“(a) IN GENERAL.—**

1           “(1) IN GENERAL.—The Secretary shall main-  
2           tain a complaint tracking system that includes a sin-  
3           gle, toll-free telephone number and a website to fa-  
4           cilitate the centralized collection of, monitoring of,  
5           and response to complaints and reports (including  
6           evidence, as available) of suspicious activity (such as  
7           unfair, deceptive, or abusive acts or practices) re-  
8           garding—

9           “(A) Federal student financial aid and the  
10          servicing of postsecondary education loans by  
11          loan servicers;

12          “(B) educational practices and services of  
13          institutions of higher education; and

14          “(C) the recruiting and marketing prac-  
15          tices of institutions of higher education.

16          “(2) DEFINITIONS.—In this section:

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

21          “(B) RECRUITING AND MARKETING AC-  
22          TIVITIES.—

23                 “(i) IN GENERAL.—Except as pro-  
24                 vided in clause (ii), the term ‘recruiting

1 and marketing activities’ shall include the  
2 following:

3 “(I) Advertising and promotion  
4 activities, including paid announce-  
5 ments in newspapers, magazines,  
6 radio, television, billboards, electronic  
7 media, naming rights, or any other  
8 public medium of communication, in-  
9 cluding paying for displays or pro-  
10 motions at job fairs, military installa-  
11 tions, or college recruiting events.

12 “(II) Efforts to identify and at-  
13 tract prospective students, either di-  
14 rectly or through a third party con-  
15 tractor, including contact concerning  
16 a prospective student’s potential en-  
17 rollment or application for grant,  
18 loan, or work assistance under title IV  
19 or participation in preadmission or  
20 advising activities, including—

21 “(aa) paying employees re-  
22 sponsible for overseeing enroll-  
23 ment and for contacting potential  
24 students in-person, by phone, by  
25 email, or by other Internet com-

1                   munications regarding enroll-  
2                   ment; and

3                   “(bb) soliciting an individual  
4                   to provide contact information to  
5                   an institution of higher edu-  
6                   cation, including websites estab-  
7                   lished for such purpose and  
8                   funds paid to third parties for  
9                   such purpose.

10                  “(III) Such other activities as the  
11                  Secretary may prescribe, including  
12                  paying for promotion or sponsorship  
13                  of education or military-related asso-  
14                  ciations.

15                  “(ii) EXCEPTIONS.—Any activity that  
16                  is required as a condition of receipt of  
17                  funds by an institution under title IV, is  
18                  specifically authorized under such title, or  
19                  is otherwise specified by the Secretary,  
20                  shall not be considered to be a covered ac-  
21                  tivity under this subparagraph.

22                  “(b) COMPLAINTS.—Complaints and reports of sus-  
23                  picious activity submitted to the tracking system by stu-  
24                  dents, borrowers of student loans, staff, or the general  
25                  public—

1           “(1) may remain anonymous, if the complain-  
2           ant so chooses; and

3           “(2) may describe problems that are systematic  
4           in nature and not associated with a particular stu-  
5           dent.

6           “(c) ESTABLISHMENT OF COMPLAINT TRACKING OF-  
7   FICE.—The Secretary shall establish within the Depart-  
8   ment an office whose functions shall include establishing  
9   and administering the complaint tracking system, and  
10   widely disseminating information about the complaint  
11   tracking system, established under this subsection. The  
12   Secretary shall—

13           “(1) to the extent necessary, combine and con-  
14           solidate the other offices and functions of the De-  
15           partment to ensure that the office established under  
16           this subsection is the single point of contact for stu-  
17           dents and borrowers with complaints or reports of  
18           suspicious activity regarding Federal student finan-  
19           cial aid, student loan servicers, educational practices  
20           and services of institutions of higher education, and  
21           recruiting and marketing activities of institutions of  
22           higher education; and

23           “(2) to the extent practicable, ensure that the  
24           office established under this subsection will work  
25           with the Student Loan Ombudsman appointed in ac-

1 cordance with section 141(f) and the Student Loan  
2 Ombudsman of the Bureau of Consumer Financial  
3 Protection to assist borrowers of Federal student  
4 loans that submit complaints or reports of suspicious  
5 activity to the complaint tracking system.

6 “(d) HANDLING OF COMPLAINTS.—

7 “(1) TIMELY RESPONSE TO COMPLAINTS.—The  
8 Secretary shall establish, in consultation with the  
9 heads of appropriate agencies (including the Direc-  
10 tor of the Bureau of Consumer Financial Protec-  
11 tion), reasonable procedures to provide a response to  
12 complainants not more than 90 days after receiving  
13 a complaint in the complaint tracking system, in  
14 writing where appropriate. Each response shall in-  
15 clude a description of—

16 “(A) the steps that have been taken by the  
17 Secretary in response to the complaint or report  
18 of suspicious activity;

19 “(B) any responses received by the Sec-  
20 retary from the institution of higher education  
21 or from a servicer; and

22 “(C) any additional actions that the Sec-  
23 retary has taken, or plans to take, in response  
24 to the complaint or report of suspicious activity.

1           “(2) TIMELY RESPONSE TO SECRETARY BY IN-  
2           STITUTION OF HIGHER EDUCATION OR LOAN  
3           SERVICER.—If the Secretary determines that it is  
4           necessary, the Secretary shall notify an institution of  
5           higher education or loan servicer that is the subject  
6           of a complaint or report of suspicious activity  
7           through the complaint tracking system under this  
8           subsection regarding the complaint or report and di-  
9           rectly address and resolve the complaint or report in  
10          the system. Not later than 60 days after receiving  
11          such notice, such institution or loan servicer shall  
12          provide a response to the Secretary concerning the  
13          complaint or report, including—

14                 “(A) the steps that have been taken by the  
15                 institution or loan servicer to respond to the  
16                 complaint or report;

17                 “(B) all responses received by the institu-  
18                 tion or loan servicer from the complainant; and

19                 “(C) any additional actions that the insti-  
20                 tution or loan servicer has taken, or plans to  
21                 take, in response to the complaint or report.

22          “(3) FURTHER INVESTIGATION.—The Secretary  
23          may, in the event that the complaint is not ade-  
24          quately resolved or addressed by the responses of the  
25          institution of higher education or loan servicer under

1 paragraph (2), ask additional questions of such in-  
2 stitution or loan servicer or seek additional informa-  
3 tion from or action by the institution or loan  
4 servicer.

5 “(4) PROVISION OF INFORMATION.—

6 “(A) IN GENERAL.—An institution of high-  
7 er education or loan servicer shall, in a timely  
8 manner, comply with a request by the Secretary  
9 for information in the control or possession of  
10 such institution or loan servicer concerning a  
11 complaint or report of suspicious activity re-  
12 ceived by the Secretary under this subsection,  
13 including supporting written documentation,  
14 subject to subparagraph (B).

15 “(B) EXCEPTIONS.—An institution of  
16 higher education or loan servicer shall not be  
17 required to make available under this sub-  
18 section—

19 “(i) any nonpublic or confidential in-  
20 formation, including any confidential com-  
21 mercial information;

22 “(ii) any information collected by the  
23 institution for the purpose of preventing  
24 fraud or detecting or making any report



1                   regarding other unlawful or potentially un-  
2                   lawful conduct; or

3                   “(iii) any information required to be  
4                   kept confidential by any other provision of  
5                   law.

6                   “(5) COMPLIANCE.—An institution of higher  
7                   education or loan servicer shall comply with the re-  
8                   quirements to provide responses and information, in  
9                   accordance with this subsection, as a condition of re-  
10                  ceiving funds under title IV or as a condition of the  
11                  contract with the Department, as applicable.

12                  “(e) TRANSPARENCY.—

13                  “(1) COLLECTING AND SHARING INFORMATION  
14                  WITH FEDERAL, STATE, AND NATIONALLY RECOG-  
15                  NIZED ACCREDITING AGENCIES.—In accordance with  
16                  section 444 of the General Education Provisions Act  
17                  (20 U.S.C. 1232g) (commonly referred to as the  
18                  ‘Family Educational Rights and Privacy Act of  
19                  1974’) and other laws, the Secretary shall coordinate  
20                  with the heads of relevant Federal or State agencies  
21                  or entities, and nationally recognized accrediting  
22                  agencies or associations recognized by the Secretary  
23                  pursuant to section 496 to—

24                  “(A) collect any complaints and reports of  
25                  suspicious activity described in subsection

1 (a)(1) from such agencies, entities, or associa-  
2 tions; and

3 “(B) route complaints and reports received  
4 by the complaint tracking system under this  
5 section and complaints and reports collected in  
6 accordance with subparagraph (A) to the De-  
7 partment, the Department of Justice, the De-  
8 partment of Defense, the Department of Vet-  
9 erans Affairs, the Federal Trade Commission  
10 Consumer Sentinel Network, the Bureau of  
11 Consumer Financial Protection, any equivalent  
12 State agency, or the relevant nationally recog-  
13 nized accrediting agency or association.

14 “(2) INTERACTION WITH EXISTING COMPLAINT  
15 SYSTEMS.—To the extent practicable, all procedures  
16 established under this section, and all coordination  
17 carried out under paragraph (1), shall be established  
18 and carried out in accordance with the complaint  
19 tracking systems established under Executive Order  
20 13607 (77 Fed. Reg. 25861; relating to establishing  
21 principles of excellence for educational institutions  
22 serving servicemembers, veterans, spouses, and other  
23 family members).

24 “(3) PUBLIC INFORMATION.—

1           “(A) IN GENERAL.—The Secretary shall,  
2           on an annual basis, publish on the website of  
3           the Department information on the complaints  
4           and reports of suspicious activity received for  
5           each institution of higher education or loan  
6           servicer under this subsection, including—

7                   “(i) the number of complaints and re-  
8                   ports received;

9                   “(ii) the types of complaints and re-  
10                  ports received; and

11                  “(iii) where applicable, information  
12                  about the resolution of the complaints and  
13                  reports.

14           “(B) DATA PRIVACY.—In carrying out sub-  
15           paragraph (A), the Secretary shall—

16                   “(i) comply with applicable data pri-  
17                   vacy laws and regulations; and

18                   “(ii) ensure that personally identifi-  
19                   able information is not shared.

20           “(4) REPORTS.—Each year, the Secretary shall  
21           prepare and submit to Congress a report describ-  
22           ing—

23                   “(A) the types and nature of complaints or  
24                   reports the Secretary has received under this  
25                   section;

1           “(B) the extent to which complainants are  
2           receiving adequate resolution pursuant to this  
3           section;

4           “(C) whether particular types of com-  
5           plaints or reports are more common in a given  
6           sector of institutions of higher education or  
7           with particular loan servicers;

8           “(D) any legislative recommendations that  
9           the Secretary determines are necessary to bet-  
10          ter assist students and families regarding the  
11          activities described in subsection (a)(1); and

12          “(E) the institutions of higher education  
13          and loan servicers with the highest volume of  
14          complaints and reports, as determined by the  
15          Secretary.”.