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(Original Signature of Member)

116TH CONGRESS  
1ST SESSION

# H. R.

To clarify the requirements of authorized representatives under the Family Educational Rights and Privacy Act of 1974, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

Mr. LUETKEMEYER introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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# A BILL

To clarify the requirements of authorized representatives under the Family Educational Rights and Privacy Act of 1974, and for other purposes.

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 “Protecting Education  
5 Privacy Act”.

6 **SEC. 2. AMENDMENTS TO FERPA.**

7 Section 444(b) of the General Education Provisions  
8 Act (20 U.S.C. 1232g(b)) (commonly known as the “Fam-

1 ily Educational Rights and Privacy Act of 1974”) is  
2 amended—

3 (1) in paragraph (1)(C)(i)(III), by inserting “or  
4 local” after “State”;

5 (2) in paragraph (3)—

6 (A) by striking “(A)” and inserting “(i)”;

7 (B) by striking “(B)” and inserting “(ii)”;

8 (C) by striking “(C)” and inserting “(iii)”;

9 (D) by striking “(3) Nothing” and insert-  
10 ing the following: “(3)(A) Nothing”;

11 (E) by inserting “or local” after “State”;

12 (F) by striking “programs:” and inserting  
13 “programs.”;

14 (G) by striking “*Provided, That* except”  
15 and inserting the following:

16 “(B) Except”;

17 (H) by striking “such officials” and insert-  
18 ing “the officials described in items (i) through  
19 (iii) of subparagraph (A)”;

20 (I) by adding at the end the following:

21 “(C)(i) For purposes of this section, the  
22 term ‘authorized representative’ means an indi-  
23 vidual who—

24 “(I) is designated as an author-  
25 ized representative by an official de-

1                   scribed in item (i), (ii), or (iii) of sub-  
2                   paragraph (A); and

3                               “(II) is under the direct control,  
4                   as a contractor or employee, of such  
5                   official.

6                               “(ii) An authorized representative  
7                   shall not release any personally identifiable  
8                   information contained in education records  
9                   collected while serving as an authorized  
10                  representative to any individual, agency, or  
11                  organization, other than the official under  
12                  whom the authorized representative is  
13                  under the direct control.”; and

14                  (3) by adding at the end the following new  
15                  paragraph:

16                               “(8)(A) Nothing in this section may be con-  
17                  strued to authorize the personally identifiable infor-  
18                  mation contained in education records of students to  
19                  be shared, without the written consent of their par-  
20                  ents, for the development of commercial products or  
21                  services.

22                               “(B) In this section, the term ‘commercial  
23                  products or services’ does not include official school  
24                  pictures, class rings, yearbooks, or other traditional

1 school-sanctioned commemorative products, events,  
2 or activities.”.

3 **SEC. 3. FERPA REGULATIONS.**

4 (a) REPEALS.—The definitions of the terms “author-  
5 ized representative”, “early childhood education pro-  
6 gram”, and “education program” in section 99.3 of title  
7 34, Code of Federal Regulations, are repealed and shall  
8 have no legal effect.

9 (b) CERTAIN REGULATIONS PROHIBITED.—The Sec-  
10 retary of Education shall not promulgate or enforce any  
11 regulation or rule that defines “early childhood education  
12 program” or “education program” for any purpose under  
13 section 444 of the General Education Provisions Act (20  
14 U.S.C. 1232g) (commonly known as the “Family Edu-  
15 cational Rights and Privacy Act of 1974”) on or after the  
16 date of enactment of this Act.