

113TH CONGRESS  
1ST SESSION

# H. R. 3604

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

NOVEMBER 21, 2013

Mr. LUETKEMEYER (for himself, Mr. BISHOP of Utah, and Mr. HARRIS) introduced the following bill; which was referred to the Committee on Education and the Workforce

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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 by 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 educational records or  
8                   personally identifiable information collected  
9                   while serving as an authorized representa-  
10                  tive to any individual, agency, or organiza-  
11                  tion, other than the official under whom  
12                  the authorized representative is under the  
13                  direct control.”; and

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

16                 “(8) Nothing in this section may be construed  
17                 to authorize the educational records or the person-  
18                 ally identifiable information of students to be  
19                 shared, without the written consent of their parents,  
20                 for the development of commercial products or serv-  
21                 ices.”.

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

23                 (a) **REPEALS.**—The definitions of the terms “author-  
24                 ized representative”, “early childhood education pro-  
25                 gram”, and “education program” in section 99.3 of title

1 34, Code of Federal Regulations, are repealed and shall  
2 have no legal effect.

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

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