

118TH CONGRESS
1ST SESSION

H. R. 4252

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 21, 2023

Mr. LUETKEMEYER (for himself, Mrs. MILLER-MEEKS, Ms. VAN DUYNÉ, and Mr. EDWARDS) introduced the following bill; which was referred to the Committee on Education and the Workforce

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 authorized
25 representative by an official described in

1 item (i), (ii), or (iii) of subparagraph (A);
2 and

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

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

12 (3) by adding at the end the following new
13 paragraph:

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

20 “(B) In this section, the term ‘commercial
21 products or services’ does not include official school
22 pictures, class rings, yearbooks, or other traditional
23 school-sanctioned commemorative products, events,
24 or activities.”.

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

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5 34, Code of Federal Regulations, are repealed and shall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

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

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