

7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
Foxx OF North Carolina,
OR her DESIGNEE, DEBATABLE FOR 10 MINUTES.

**AMENDMENT TO H.R. 3221, AS REPORTED
OFFERED BY MS. FOXX OF NORTH CAROLINA**

Title V

Page 27, beginning on line 20, strike “has the meaning given” and all that follows through “2009” and insert “refers to a State public employment service established under the Wagner-Peyser Act (29 U.S.C. 49 et seq.)”.

Page 27, line 25, strike “have the meanings given” and all that follows through page 28, line 2, and insert “refer to a State workforce investment board established under section 111 of the Workforce Investment Act (29 U.S.C. 2821) and a local workforce investment board established under section 117 of such Act (29 U.S.C. 2832), respectively.”

Amend title V of the Bill to read as follows:

1 **TITLE V—PRIVACY AND ACCESS**
2 **TO DATA**

3 **SEC. 501. PRIVACY AND ACCESS TO DATA.**

4 (a) **IN GENERAL.**—Each State or consortia that re-
5 ceives a grant under any provision of this Act shall imple-
6 ment measures to—

1 (1) ensure that the statewide longitudinal data
2 system under this subsection and any other data
3 system the State or consortia is operating for the
4 purposes of this Act meet the requirements of sec-
5 tion 444 of the General Education Provisions Act
6 (20 U.S.C. 1232g) (commonly known as the “Fam-
7 ily Educational Rights and Privacy Act of 1974”);

8 (2) limit the use of information in any such
9 data system by governmental agencies in the State,
10 including State agencies, State educational authori-
11 ties, local educational agencies, community colleges,
12 and institutions of higher education, to education
13 and workforce related activities under this Act or
14 education and workforce related activities otherwise
15 permitted by Federal or State law;

16 (3) prohibit the disclosure of personally identifi-
17 able information except as permitted under section
18 444 of the General Education Provisions Act and
19 any additional limitations set forth in State law;

20 (4) keep an accurate accounting of the date,
21 nature, and purpose of each disclosure of personally
22 identifiable information in any such data system, a
23 description of the information disclosed, and the
24 name and address of the person, agency, institution,
25 or entity to whom the disclosure is made, which ac-

1 counting shall be made available on request to par-
2 ents of any student whose information has been dis-
3 closed;

4 (5) notwithstanding section 444 of the General
5 Education Provisions Act, require any non-govern-
6 mental party obtaining personally identifiable infor-
7 mation to sign a data use agreement prior to disclo-
8 sure that—

9 (A) prohibits the party from further dis-
10 closing the information;

11 (B) prohibits the party from using the in-
12 formation for any purpose other than the pur-
13 pose specified in the agreement; and

14 (C) requires the party to destroy the infor-
15 mation when the purpose for which the disclo-
16 sure was made is accomplished;

17 (6) maintain adequate security measures to en-
18 sure the confidentiality and integrity of any such
19 data system, such as protecting a student record
20 from identification by a unique identifier;

21 (7) where rights are provided to parents under
22 this clause, provide those rights to the student in-
23 stead of the parent if the student has reached the
24 age of 18 or is enrolled in a postsecondary edu-
25 cational institution; and

1 (8) ensure adequate enforcement of the require-
2 ments of this paragraph.

3 (b) USE OF UNIQUE IDENTIFIERS.—It shall be un-
4 lawful for any Federal, State, or local governmental agen-
5 cy to—

6 (1) use the unique identifiers employed in such
7 data systems for any purpose other than as author-
8 ized by Federal or State law; or

9 (2) deny any individual any right, benefit, or
10 privilege provided by law because of such individual's
11 refusal to disclose the individual's unique identifier.

Conform the table of contents accordingly.

