

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1271

To provide protection for family privacy.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 21, 1995

Mr. HORN (for himself, Mr. CLINGER, Mr. BASS, Mr. BLUTE, Mr. DAVIS, Mr. FLANAGAN, Mr. FOX of Pennsylvania, Mr. SCARBOROUGH, and Mr. TATE) introduced the following bill; which was referred to the Committee on Government Reform and Oversight

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## A BILL

To provide protection for family privacy.

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 “Family Privacy Protec-  
5 tion Act of 1995”.

6 **SEC. 2. FAMILY PRIVACY PROTECTION.**

7 (a) RESTRICTION ON SEEKING INFORMATION FROM  
8 MINORS.—Notwithstanding any other provision of law and  
9 subject to section 6, in conducting a program or activity  
10 funded in whole or in part by the Federal Government  
11 a person may not, without the consent of at least one par-

1 ent or guardian of a minor or, in the case of an emanci-  
2 pated minor, the prior consent of the minor, require or  
3 otherwise seek the response of the minor to a survey or  
4 questionnaire intended to elicit information concerning  
5 any of the following:

6 (1) Parental political affiliations or beliefs.

7 (2) Mental or psychological problems.

8 (3) Sexual behavior or attitudes.

9 (4) Illegal, antisocial, or self-incriminating be-  
10 havior.

11 (5) Appraisals of other individuals with whom  
12 the minor has a familial relationship.

13 (6) Relationships that are legally recognized as  
14 privileged, including those with lawyers, physicians,  
15 and members of the clergy.

16 (7) Religious affiliations or beliefs.

17 (b) GENERAL EXCEPTIONS.—Subsection (a) shall not  
18 apply to any of the following:

19 (1) The seeking of information for the purpose  
20 of a criminal investigation or adjudication.

21 (2) Any inquiry made pursuant to a good faith  
22 concern for the health, safety, or welfare of an indi-  
23 vidual minor.

24 (3) Administration of the immigration, internal  
25 revenue, or customs laws of the United States.

1           (4) The seeking of any information required by  
2           law to determine eligibility for participation in a pro-  
3           gram or for receiving financial assistance.

4           (c) EXCLUSION OF ACADEMIC PERFORMANCE TESTS  
5 FROM RESTRICTIONS.—Any restriction under any provi-  
6 sion of Federal law on the seeking of information from  
7 minors through surveys, questionnaires, analyses, or eval-  
8 uations shall not apply to any test intended to measure  
9 academic performance.

10 **SEC. 3. NOTIFICATION PROCEDURES.**

11           The head of any Federal department or agency which  
12 provides funds for any program or activity involving the  
13 seeking of any response from a minor to any survey or  
14 questionnaire shall establish procedures by which the de-  
15 partment, agency, or its grantees shall notify minors and  
16 their parents of protections provided under this Act.

17 **SEC. 4. COMPLIANCE.**

18           The head of each Federal department or agency shall  
19 establish such procedures as are necessary to ensure com-  
20 pliance with this Act by the department or agency and  
21 its grantees. Nothing in this Act shall be construed to  
22 foreclose any individual from obtaining judicial relief if re-  
23 quested monetary damages are not in excess of \$500.

1 **SEC. 5. MINOR DEFINED.**

2 In this Act, the terms “minor” and “emancipated  
3 minor” will be defined under the laws of the State in which  
4 the individual resides.

5 **SEC. 6. APPLICATION.**

6 This Act does not apply to any program or activity  
7 which is subject to the General Education Provisions Act  
8 (20 U.S.C. 1221 et seq.).

9 **SEC. 7. EFFECTIVE DATE.**

10 This Act shall take effect 90 days after the date of  
11 the enactment of this Act.

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