

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

# H. R. 1271

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IN THE SENATE OF THE UNITED STATES

APRIL 5, 1995

Received; read twice and referred to the Committee on Governmental Affairs

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## AN ACT

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”.

1 **SEC. 2. FAMILY PRIVACY PROTECTION.**

2 (a) RESTRICTION ON SEEKING INFORMATION FROM  
3 MINORS.—Notwithstanding any other provision of law and  
4 subject to section 6, in conducting a program or activity  
5 funded in whole or in part by the Federal Government  
6 a person may not, without the prior written consent of  
7 at least one parent or guardian of a minor or, in the case  
8 of an emancipated minor, the prior consent of the minor,  
9 require or otherwise seek the response of the minor to a  
10 survey or questionnaire which is intended to elicit, or has  
11 the effect of eliciting, information concerning any of the  
12 following:

- 13 (1) Parental political affiliations or beliefs.
- 14 (2) Mental or psychological problems.
- 15 (3) Sexual behavior or attitudes.
- 16 (4) Illegal, antisocial, or self-incriminating be-  
17 havior.
- 18 (5) Appraisals of other individuals with whom  
19 the minor has a familial relationship.
- 20 (6) Relationships that are legally recognized as  
21 privileged, including those with lawyers, physicians,  
22 and members of the clergy.
- 23 (7) Religious affiliations or beliefs.

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

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

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

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

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

11       (c) **ACADEMIC PERFORMANCE TESTS.**—Subsection  
12 (a) shall not apply to tests intended to measure academic  
13 performance except to the extent that questions in such  
14 tests would require a minor to reveal information listed  
15 in a paragraph of subsection (a).

16 **SEC. 3. NOTIFICATION PROCEDURES.**

17       The head of any Federal department or agency which  
18 provides funds for any program or activity involving the  
19 seeking of any response from a minor to any survey or  
20 questionnaire shall establish procedures by which the de-  
21 partment, agency, or its grantees shall notify minors and  
22 their parents of protections provided under this Act. The  
23 procedures shall also provide for advance public availabil-  
24 ity of each questionnaire or survey to which a response  
25 from a minor is sought.

1 **SEC. 4. COMPLIANCE.**

2 The head of each Federal department or agency shall  
3 establish such procedures as are necessary to ensure com-  
4 pliance with this Act and the privacy of information ob-  
5 tained pursuant to this Act by the department or agency  
6 and its grantees. Nothing in this Act shall be construed  
7 to foreclose any individual from obtaining judicial relief.

8 **SEC. 5. MINOR DEFINED.**

9 In this Act, the terms “minor” and “emancipated  
10 minor” will be defined under the laws of the State in which  
11 the individual resides.

12 **SEC. 6. APPLICATION.**

13 This Act does not apply to any program or activity  
14 which is subject to the General Education Provisions Act  
15 (20 U.S.C. 1221 et seq.).

16 **SEC. 7. EFFECTIVE DATE.**

17 This Act shall take effect 90 days after the date of  
18 the enactment of this Act.

Passed the House of Representatives April 4, 1995.

Attest:

ROBIN H. CARLE,

*Clerk.*