

Union Calendar No. 45

104TH CONGRESS
1ST SESSION

H. R. 1271

[Report No. 104-94]

A BILL

To provide protection for family privacy.

MARCH 29, 1995

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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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

MARCH 29, 1995

Additional sponsors: Mr. GILMAN, Mr. BURTON of Indiana, Mr. SHAYS, Mr. ZELIFF, Mr. SHADEGG, and Mr. MARTINI

MARCH 29, 1995

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on March 21, 1995]

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,*

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Family Privacy Protec-*
3 *tion Act of 1995”.*

4 **SEC. 2. FAMILY PRIVACY PROTECTION.**

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

15 (1) *Parental political affiliations or beliefs.*

16 (2) *Mental or psychological problems.*

17 (3) *Sexual behavior or attitudes.*

18 (4) *Illegal, antisocial, or self-incriminating be-*
19 *havior.*

20 (5) *Appraisals of other individuals with whom*
21 *the minor has a familial relationship.*

22 (6) *Relationships that are legally recognized as*
23 *privileged, including those with lawyers, physicians,*
24 *and members of the clergy.*

25 (7) *Religious affiliations or beliefs.*

1 (b) *GENERAL EXCEPTIONS.*—Subsection (a) shall not
2 apply to any of the following:

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

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

8 (3) *Administration of the immigration, internal*
9 *revenue, or customs laws of the United States.*

10 (4) *The seeking of any information required by*
11 *law to determine eligibility for participation in a*
12 *program or for receiving financial assistance.*

13 (c) *EXCLUSION OF ACADEMIC PERFORMANCE TESTS*
14 *FROM RESTRICTIONS.*—Any restriction under any provi-
15 sion of Federal law on the seeking of information from mi-
16 nors through surveys, questionnaires, analyses, or evalua-
17 tions shall not apply to any test intended to measure aca-
18 demic performance.

19 **SEC. 3. NOTIFICATION PROCEDURES.**

20 The head of any Federal department or agency which
21 provides funds for any program or activity involving the
22 seeking of any response from a minor to any survey or ques-
23 tionnaire shall establish procedures by which the depart-
24 ment, agency, or its grantees shall notify minors and their
25 parents of protections provided under this Act. The proce-

1 *dures shall also provide for advance public availability of*
2 *each questionnaire or survey to which a response from a*
3 *minor is sought.*

4 **SEC. 4. COMPLIANCE.**

5 *The head of each Federal department or agency shall*
6 *establish such procedures as are necessary to ensure compli-*
7 *ance with this Act and the privacy of information obtained*
8 *pursuant to this Act by the department or agency and its*
9 *grantees. Nothing in this Act shall be construed to foreclose*
10 *any individual from obtaining judicial relief if requested*
11 *monetary damages are not in excess of \$500.*

12 **SEC. 5. MINOR DEFINED.**

13 *In this Act, the terms “minor” and “emancipated*
14 *minor” will be defined under the laws of the State in which*
15 *the individual resides.*

16 **SEC. 6. APPLICATION.**

17 *This Act does not apply to any program or activity*
18 *which is subject to the General Education Provisions Act*
19 *(20 U.S.C. 1221 et seq.).*

20 **SEC. 7. EFFECTIVE DATE.**

21 *This Act shall take effect 90 days after the date of the*
22 *enactment of this Act.*