

Calendar No. 565

104TH CONGRESS
2^D SESSION**H. R. 1271****[Report No. 104-351]**

IN THE SENATE OF THE UNITED STATES

APRIL 5, 1995

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

AUGUST 2, 1996

Reported by Mr. STEVENS, without amendment

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”.

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

1 funded in whole or in part by the Federal Government
2 a person may not, without the prior written consent of
3 at least one parent or guardian of a minor or, in the case
4 of an emancipated minor, the prior consent of the minor,
5 require or otherwise seek the response of the minor to a
6 survey or questionnaire which is intended to elicit, or has
7 the effect of eliciting, information concerning any of the
8 following:

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

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

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

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

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

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

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

14 **SEC. 3. NOTIFICATION PROCEDURES.**

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

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