

Baldacci	Emerson	Kleczka
Ballenger	Engel	Klink
Barcia	English	Klug
Barr	Ensign	Knollenberg
Barrett (NE)	Eshoo	LaFalce
Barrett (WI)	Evans	LaHood
Bartlett	Everett	Lantos
Barton	Ewing	Largent
Bass	Farr	Latham
Bateman	Fattah	LaTourrette
Becerra	Fawell	Laughlin
Beilenson	Fazio	Lazio
Bentsen	Fields (LA)	Leach
Bereuter	Fields (TX)	Levin
Bevill	Filner	Lewis (CA)
Bilbray	Flake	Lewis (GA)
Bilirakis	Flanagan	Lewis (KY)
Bishop	Foglietta	Lightfoot
Bliley	Foley	Lincoln
Blute	Forbes	Linder
Boehlert	Fowler	Lipinski
Boehner	Fox	Livingston
Bonilla	Frank (MA)	LoBiondo
Bonior	Franks (CT)	Lofgren
Bono	Franks (NJ)	Longley
Borski	Frelinguysen	Lowe
Boucher	Frisa	Lucas
Brewster	Frost	Luther
Brown (CA)	Funderburk	Maloney
Brown (FL)	Furse	Manton
Brown (OH)	Gallegly	Manzullo
Brownback	Ganske	Markey
Bryant (TN)	Gekas	Martinez
Bryant (TX)	Gephardt	Martini
Bunn	Geren	Mascara
Bunning	Gilchrest	Matsui
Burr	Gillmor	McCarthy
Burton	Gilman	McCrery
Buyer	Gonzalez	McDermott
Callahan	Goodlatte	McHale
Calvert	Goodling	McHugh
Camp	Gordon	McInnis
Canady	Goss	McIntosh
Cardin	Graham	McKeon
Castle	Green	McKinney
Chabot	Greenwood	McNulty
Chambliss	Gunderson	Meehan
Chapman	Gutierrez	Meek
Chenoweth	Gutknecht	Menendez
Christensen	Hall (OH)	Metcalf
Chrysler	Hall (TX)	Meyers
Clay	Hamilton	Mfume
Clayton	Hancock	Mica
Clement	Hansen	Miller (CA)
Clinger	Harman	Miller (FL)
Clyburn	Hastert	Mineta
Coble	Hastings (FL)	Mink
Coburn	Hastings (WA)	Moakley
Coleman	Hayes	Molinari
Collins (GA)	Hayworth	Mollohan
Collins (IL)	Hefley	Montgomery
Collins (MI)	Hefner	Moorhead
Combust	Heineman	Moran
Condit	Hergert	Morella
Conyers	Hilleary	Murtha
Cooley	Hilliard	Myers
Costello	Hinchey	Myrick
Cox	Hobson	Nadler
Coyne	Hoekstra	Neal
Crane	Hoke	Nethercutt
Crapo	Holden	Neumann
Cremeans	Horn	Ney
Cubin	Hostettler	Norwood
Cunningham	Houghton	Nussle
Danner	Hoyer	Oberstar
Davis	Hunter	Obey
Deal	Hutchinson	Olver
DeFazio	Hyde	Ortiz
de la Garza	Inglis	Orton
DeLay	Istook	Owens
Dellums	Jackson-Lee	Packard
Deutsch	Jacobs	Pallone
Diaz-Balart	Jefferson	Parker
Dickey	Johnson (CT)	Pastor
Dicks	Johnson, E.B.	Paxon
Dingell	Johnson, Sam	Payne (NJ)
Dixon	Johnson (SD)	Payne (VA)
Doggett	Johnston	Pelosi
Dooley	Jones	Peterson (FL)
Doolittle	Kanjorski	Peterson (MN)
Dornan	Kaptur	Petri
Doyle	Kasich	Pickett
Dreier	Kelly	Pombo
Duncan	Kennedy (MA)	Pomeroy
Dunn	Kennedy (RI)	Porter
Durbin	Kildee	Portman
Edwards	Kim	Poshard
Ehlers	King	Pryce
Ehrlich	Kingston	Quillen

Quinn	Shuster
Radanovich	Sisisky
Rahall	Skaggs
Ramstad	Skeen
Rangel	Skelton
Reed	Slaughter
Regula	Smith (MI)
Richardson	Smith (NJ)
Riggs	Smith (TX)
Rivers	Smith (WA)
Roberts	Solomon
Roemer	Souder
Rogers	Spence
Rohrabacher	Spratt
Ros-Lehtinen	Stark
Roth	Stearns
Roukema	Stenholm
Roybal-Allard	Stockman
Royce	Stokes
Sabo	Studds
Salmon	Stump
Sanders	Stupak
Sanford	Talent
Sawyer	Tanner
Saxton	Tate
Scarborough	Tauzin
Schaefer	Taylor (MS)
Schiff	Taylor (NC)
Schroeder	Tejeda
Schumer	Thomas
Scott	Thompson
Seastrand	Thornberry
Sensenbrenner	Thornton
Serrano	Thurman
Shadegg	Tiahrt
Shaw	Torkildsen
Shays	Torres

Torrice	Towns
Traficant	Tucker
Upton	Velázquez
Vento	Visclosky
Volkmer	Vucanovich
Waldholtz	Walker
Walsh	Wamp
Ward	Waters
Watt (NC)	Watt (OK)
Waxman	Weldon (FL)
Weldon (PA)	Weller
White	Whitfield
Wicker	Williams
Wilson	Wise
Wolf	Wyden
Woolsey	Wynn
Young (AK)	Yates
Young (FL)	Zeliff
Zimmer	

PERSONAL EXPLANATION

Ms. DELAURO. Mr. Speaker, on roll-call No. 282 I was unavoidably detained and could not record my vote. Had I done so, I would have voted "aye."

GENERAL LEAVE

Mr. SCHIFF. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material, on H.R. 1240, the bill just passed, and on H.R. 1380, the bill passed previously.

The SPEAKER pro tempore (Mr. BUNNING of Kentucky). Is there objection to the request of the gentleman from New Mexico?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 310

Mr. SCHIFF. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 310.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

FAMILY PRIVACY PROTECTION ACT OF 1995

Mr. RIGGS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 125 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 125

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1271) to provide protection for family privacy. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Government Reform and Oversight. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Government Reform and Oversight now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions.

NOT VOTING—17

Andrews	Gejdenson
Berman	Gibbons
Browder	Kennelly
Cramer	Kolbe
DeLauro	McCollum
Ford (TN)	McDade

□ 1312

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. ROSE. Mr. Speaker, I ask that the RECORD show that I was unavoidably detained and did not make the last vote on Sexual Crimes Against Children Prevention Act. Had I been here, the vote would have been 418 to nothing.

PERSONAL EXPLANATION

Mr. MINGE. Mr. Speaker, during rollcall vote No. 283 on H.R. 1240, I was at the George Washington University Hospital with my wife who was in surgery. Had I been present I would have voted "aye." I ask unanimous consent that my statement appear in the RECORD immediately following rollcall vote No. 283.

PERSONAL EXPLANATION

Mrs. KENNELLY. Mr. Speaker, I was unavoidably detained during rollcall vote 283 because I was with constituents here for a meeting, and HUD Secretary Cisneros met with us. Had I been here, I would have voted "aye."

□ 1315

The SPEAKER pro tempore (Mr. BUNNING of Kentucky). The gentleman from Colorado [Mr. McINNIS] is recognized for 1 hour.

Mr. McINNIS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. BEILENSEN], pending which I yield myself such time as I may consume. During the consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. McINNIS asked and was given permission to include extraneous material).

Mr. McINNIS. Mr. Speaker, House Resolution 125 is a very simple resolution. It is an open rule providing for 1 hour of general debate. The general debate is to be equally divided between the chairman and the ranking minority member of the Committee on Government Reform and Oversight. After general debate, the bill shall be considered for amendment under the 5-minute rule. Finally, this resolution provides one motion to recommit, with or without instructions. This open rule was reported out of the Committee on Rules by voice vote.

This open rule demonstrates that the new majority intends to honor its commitment to have a more fair and open legislative process. The resolution provides the House with an opportunity to review the bill, debate it, and yes, if necessary, to amend the legislation.

The Contract With America includes a commitment to protect and strengthen the rights of families. H.R. 1271, The Family Privacy Protection Act of 1995, provides for parents' rights to supervise and choose their children's participation in any federally funded survey or questionnaire that involves intrusive questioning on sensitive issues.

This legislation responds to the concerns of many parents and guardians that certain federally funded surveys have inquired into matters that should be left to the families themselves.

The Family Privacy Protection Act, establishes a consent requirement for those conducting a survey or questionnaire funded in whole, or in part, by the Federal Government. Simply put, individuals seeking responses of minors on surveys or questionnaires must obtain parental consent before asking seven types of sensitive questions. The bill also provides five types of commonsense exceptions from this requirement.

I urge my colleagues to support the rule, and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. BEILENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we support this open rule for H.R. 1271, the Family Privacy Protection Act, legislation which, as reported unanimously by the Government Reform and Oversight Committee, appeared to have no opposition. In fact, we were advised that the bill

would be considered on the Suspension Calendar this week along with several other bills that enjoy widespread, bipartisan support.

For that reason, we are concerned about the way this bill happened to end up in the Rules Committee at all. Unlike most of the legislation that came out of the Contract With America, H.R. 1271 was the result of bipartisan deliberation and agreement amongst members of the Government Reform Committee and of its Subcommittee on Government Management, which is chaired by my colleague and good friend, the gentleman from California [Mr. HORN].

The hearing was held, expert witnesses representing a cross-section of organizations interested in the use of surveys testified, as did Senator GRASSLEY and as did representatives of the Census Bureau and of OMB.

In short, the subcommittee and committee consideration of this legislation was the model of the kind of careful and detailed deliberation we should expect on all the legislation we consider.

In fact, the ranking minority member of the committee convinced Democrats to not offer amendments during the consideration of the bill by the full committee. It was her understanding that a bipartisan agreement had been reached, she honored that agreement and refused to support any amendments.

Unfortunately, it appears that the reason we now have a rule for the bill, instead of considering it under suspension of the rules, is a last-minute decision by the Republican leadership not to back the committee product, which was so carefully written.

So, Mr. Speaker, while we do not oppose this open rule, we are concerned about the change in direction it represents and the fact that a good-faith agreement has not been kept. It is particularly worrisome when, as the ranking minority member, Mrs. COLLINS, told the Rules Committee yesterday, the reason for the new strategy is based on the desire to "return to concepts that were rejected by everyone at the committee meeting."

We feel confident that the ranking minority member of the subcommittee and of the full committee will be as convincing during floor debate as they were in their committee deliberations on this issue. We hope that the Members of the House will listen carefully and respond as responsibly as did the committee members themselves.

We are all, of course, interested in safeguarding the privacy rights of minors and their families, which is the objective of this bill. All of us should also be appreciative of the great care the members of the committee took to ensure that the bill actually reflects that important objective and that its provisions are in fact practicable.

Mr. Speaker, we support this open rule; we urge its passage so that we may proceed with the consideration of H.R. 1271 today.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Illinois [Mrs. COLLINS], the ranking minority member of the full committee.

Mrs. COLLINS of Illinois. Mr. Speaker, I, too, favor this open rule, but I must say that I believe this bill should have been placed on the suspension calendar, having been reported by our committee, as amended, by a unanimous vote.

However, late last week, I was informed that unless the minority agreed to four changes in the bill proposed by the majority leader's staff, the bill would not be placed on the suspension calendar. Instead, it would go to the floor under a rule. The subcommittee chair, Mrs. MALONEY, and I objected to these last minute demands, so that is why we went to the Committee on Rules yesterday.

Let me briefly describe the history of this bill. Several weeks ago, Chairman CLINGER came to me and indicated that title IV of H.R. 11 was part of the Contract With America, and he wanted to pass it out of committee before the April district work period. He asked me to support the bill.

After carefully examining the bill, I concluded that the language in title IV went well beyond any rational effort to protect the privacy of minors. It appeared to me that title IV would have dangerously limited local police authority to question minors, and risked investigations of child abuse. I was also concerned that the bill could have been interpreted to limit the ability of doctors to get timely patient information on children. Moreover, since I did not know how this language would affect federally-assisted surveys, I suggested that we hold a hearing to examine the implications of the legislation. Chairman CLINGER, of course, agreed to do so.

On March 16, the Subcommittee on Government Management, Information, and Technology, chaired by Mr. HORN, held a hearing on title IV of H.R. 11. In preparation for that hearing, Mr. HORN asked a cross-section of educational, health and related professional associations to comment on the bill. In addition, he assembled two expert panels of witnesses to testify at the hearing.

Two major concerns emerged regarding title IV. First, the bill was drafted in a fashion that was more than broad. It would have hampered law enforcement efforts to protect children. This view was perhaps most clearly articulated by the Department of Justice. In a letter to Chairman HORN dated March 21, Kent Markus, Acting Assistant Attorney General, stated that the bill's proposed restrictions: " * * * will unnecessarily limit disclosure of information developed in criminal investigations of child prostitution, child sexual abuse, and child pornography, and impede the provision of child protective services."

The other major issue concerned the bill's requirement for prior written

consent. Every expert witness who addressed this issue testified that requiring prior written consent would undercut the effectiveness of critical Federal, State, and local surveys.

After the subcommittee hearing, discussion commenced to determine whether a compromise was possible. Shortly after that meeting, we were presented with an amendment in the nature of a substitute by Chairman HORN and Chairman CLINGER. Although we were not involved in drafting the substitute, it did address several issues that we had concerns about, and the concerns of the witnesses.

In the spirit of compromise, Mrs. MALONEY and I accepted the Horn-Clinger bill. The bill passed out of subcommittee with two unanimously agreed upon changes. The bill was reported unanimously by the full committee.

At the full committee markup, several Democratic Members, as has been already suggested, wanted to offer amendments, and I said we have a deal here, and, therefore, I am not going to support any amendments at all.

It was not until late last Wednesday, we were informed by Chairman HORN, that and I quote: "There are four changes the majority leader's staff would like to see changed in the bill reported from the committee in order to reflect the contract language."

No Member contacted me to complain about the bill. There was no explanation offered by Chairman CLINGER to support these changes. No one came up with any new revelations to justify the return to concepts that were rejected by everyone. The only argument was that the majority leader's staff wanted the bill to more closely reflect the contract language.

The last time I looked at the House Rules, staff were prohibited, in fact, from offering amendments. The valuable time of the House will be taken up because leadership staff have decided that they do not want this delicate compromise worked out by Democratic and Republican members of the Committee on Government Reform and Oversight.

Now, after the fact, Members are trying to justify a staff decision, I think, by arguing that written consent is important to conform this bill's language to the Goals 2000: Educate America Act, which requires written consent. Mr. Speaker, H.R. 1271 has nothing to do with Goals 2000. Even with these proposed amendments, the bill will be significantly different from the Goals 2000 language. For example, this bill is limited only to surveys and questionnaires, and does not cover evaluations or analysis.

In addition, it has four major exceptions not included in the Goals 2000 Act: First, criminal investigations; second, inquiries regarding the health, safety, or welfare of a minor; third, administration of immigration, internal revenue or customs laws, and fourth, information required for participation

in a program receiving financial assistance.

These changes reflect the reality that surveys and questionnaires within a school setting are different from surveys in other areas. It may be reasonable to require written consent for school-based surveys as required by Goals 2000. In that setting, it is common practice for children to carry consent forms back and forth on a daily basis. However, in other areas, obtaining written consent will be next to impossible.

As Dr. Lloyd Johnston, program director, Survey Research Center, at the University of Michigan testified:

The representativeness of the national samples will be dramatically poorer than in the past, because many parents fail to respond in writing even though they have no objection to their children's participation.

Similarly, Mr. William Butz, Associate Director for the Bureau of the Census testified:

Written consent would reduce response rates, increase costs, and/or increase survey bias. Requiring written consent would reduce the flexibility of statistical agencies, like the Census bureau, to collect data cost efficiently.

Moreover, as a matter of federalism, why should we dictate to State and local recipients of Federal financial assistance the type of consent they should require? If the States know best how to administer welfare benefits, they should also know best what type of consent should be required.

In conclusion, I would say that the only reason that this bill was not on the suspension calendar is because of shameful backroom politics. It points out that the leadership staff and not the committee members now control legislation in the Government Reform and Oversight Committee. This process, I believe, will destroy the bipartisanship on the committee. It saddens me that we have come to this point today.

Mr. MCINNIS. Mr. Speaker, I yield myself such time as I may consume.

Well, first of all, to the gentlewoman from Illinois, your statement about shameful back-room politics is garbage. I do not know what you are objecting to. We have an open rule. What more do you want?

If I understand the gentlewoman from Illinois, you now want a closed rule? Let me explain, as I understand it, there was no deal broken by bringing this bill to the floor so Members could offer amendments to it.

As I understand it, I know the committee worked in a bipartisan manner. No commitments were made, from what I understand, in the committee about the status of the bill when it got to the floor.

□ 1330

After they had the committee markup I spoke with the chairman of the committee who said members had come up to him, and that was at the testimony yesterday in the Committee

on Rules, that members came up to him and asked him for amendments. So the chairman of the committee then agreed that this should come to the floor instead of on suspension and be offered under an open rule. So I yield to the gentlewoman to explain, is she proposing a closed rule? What is her objection?

Mrs. COLLINS of Illinois. If the gentleman will yield further, my objection is not to the open rule. My objection is to the fact that we worked out a bipartisan piece of legislation that some staffer on the gentleman's side of the aisle did not like, and that the members on both sides of the aisle had worked out in the Government Reform and Oversight Committee has been negated. This does not make any sense to me.

First of all, if there is a deal, there is a deal, if there is going to be bipartisanship on legislation, where there can be, and if not, there is no need for us to even try. I think that is what we are all about. I thought this was a body where on both sides of the aisle we can work together on legislation for the good of the people of the United States of America.

Now if it means we are going to work and hope that we have trust and faith in each other and somebody is going to come behind a back door and create a deal, there is no need to even try to work in a bipartisan manner. I thank the gentleman for yielding.

Mr. MCINNIS. Reclaiming my time, I do not get that understanding at all. I think that when the chairman is there after the markup and members have come up to him—and there was no deal made in the committee markup about this, about coming to the floor. When members came up to the chairman and said "Look, the bill appears to be noncontroversial. We have a few amendments that appear to be noncontroversial that we would like to have on the floor." I still do not understand through all the rhetoric that I have just heard what the gentlewoman's objection is to an open rule.

Mrs. COLLINS of Illinois. As I say for the third time, I have no objection to the open rule. However, I do have objection to the implied understanding that I had that we had fashioned legislation that was acceptable to both sides of the aisle. And I find out now that that is not the case because a staff member on the gentleman's side of the aisle, not an elected Member of Congress but a staff member, has decided that a bill that had been worked out with Mr. HORN, worked out with Mrs. MALONEY, and worked out with Mr. CLINGER and myself, should be in some way changed. It does not seem to me that that is the way we should be operating around here. The staff member is not elected to Congress to represent anybody, and we are. And I think we have a responsibility to our constituents. And I think when a person tells

you that we have worked out an agreement that we negotiated, that is supposed to stand. Now when I was told that there were going to be amendments, nobody showed me any amendment. Nobody said that this has been changed. I mean, I am the ranking member on the committee and I think the least that could have been done would have been if you could have said that, "Look, why don't you look at these and see if you agree with these amendments." That has not yet happened.

Mr. MCINNIS. Reclaiming my time, there was no deal that was broken. There was not any deal made.

Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana [Mr. SOUDER].

Mr. SOUDER. Mr. Speaker, I thank the gentleman from Colorado for yielding this time to me.

Mr. Speaker, I apologize to the gentlewoman from Illinois for not showing her directly my amendments which I have testified about in front of the Committee on Rules and which we have discussed with committee staff. I also want to make it clear as a member of the Government Reform Committee that I am an elected Member of Congress, that I am the person who went to the leadership, to the staff of the committee and requested additional changes in the language, much of which was accommodated. But we felt that going to markup, as we progressed through the markup that it was not appropriate for me to offer any amendment at that time. I am an elected Member of Congress. I do not appreciate that I have been hearing, in "Dear Colleagues," in the Rules Committee and on the floor that it was a staff-directed request. I had a survey problem in my district as I will bring out, with my children, as I stated in the markup in committee. My staff worked hard on this. The majority staff worked hard on this. I am not taking anything away from the fact that staff members were involved. I myself was a Republican staff director in the Children and Family Committee for a while, but I am a Member elected to Congress and I am the one who initiated the process.

Mr. BEILENSEN. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Illinois [Mrs. COLLINS].

Mrs. COLLINS of Illinois. Mr. Speaker, for point of clarity, I have here, and I will bring it over and show it to the gentleman, a note that is dated March 29, 1995:

For Representative Maloney (Fax 54709). Carolyn: There are 4 changes the majority leader's staff would like to see changed in the bill reported from the committee in order to reflect the "Contract" language. I am assured that there will be no more, and if there are, the Senate will worry about them.

And there is Mr. HORN'S signature on here.

I will bring it over right now.

Mr. BEILENSEN. Mr. Speaker, we have no further requests for time on this side, and I yield back the balance of our time.

We urge support for the rule.

Mr. MCINNIS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BUNNING of Kentucky). Without objection, the previous question is ordered on the resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCINNIS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent members.

The vote was taken by electronic device, and there were—yeas 423, nays 1, not voting 10, as follows:

[Roll No. 284]

YEAS—423

Ackerman	Chapman	Ensign
Allard	Chenoweth	Eshoo
Andrews	Christensen	Evans
Archer	Chryster	Everett
Armey	Clay	Ewing
Bachus	Clayton	Farr
Baessler	Clement	Fattah
Baker (CA)	Clinger	Fawell
Baker (LA)	Clyburn	Fazio
Baldacci	Coble	Fields (LA)
Ballenger	Coburn	Fields (TX)
Barcia	Coleman	Filner
Barr	Collins (GA)	Flake
Barrett (NE)	Collins (IL)	Flanagan
Barrett (WI)	Collins (MI)	Foglietta
Bartlett	Combest	Foley
Barton	Condit	Forbes
Bass	Conyers	Fowler
Bateman	Cooley	Fox
Becerra	Costello	Frank (MA)
Beilenson	Cox	Franks (CT)
Bentsen	Coyne	Franks (NJ)
Bereuter	Cramer	Frelinghuysen
Bevill	Crane	Frisa
Bilbray	Crapo	Frost
Bilirakis	Creameans	Funderburk
Bishop	Cubin	Furse
Bliley	Cunningham	Galleghy
Blute	Danner	Ganske
Boehlert	Davis	Gejdenson
Boehner	Deal	Gekas
Bonilla	DeFazio	Gephardt
Bonior	de la Garza	Geren
Bono	DeLauro	Gibbons
Borski	DeLay	Gilchrest
Boucher	Dellums	Gillmor
Brewster	Deutsch	Gilman
Browder	Diaz-Balart	Gonzalez
Brown (CA)	Dickey	Goodlatte
Brown (FL)	Dicks	Goodling
Brown (OH)	Dingell	Gordon
Brownback	Dixon	Goss
Bryant (TN)	Doggett	Graham
Bryant (TX)	Dooley	Green
Bunn	Doolittle	Greenwood
Bunning	Dornan	Gunderson
Burr	Doyle	Gutierrez
Burton	Dreier	Gutknecht
Buyer	Duncan	Hall (TX)
Callahan	Dunn	Hall (OH)
Calvert	Durbin	Hamilton
Camp	Edwards	Hancock
Canady	Ehlers	Hansen
Cardin	Ehrlich	Harman
Castle	Emerson	Hastert
Chabot	Engel	Hastings (FL)
Chambliss	English	Hastings (WA)

Hayes	McInnis	Sawyer
Hayworth	McIntosh	Scarborough
Hefley	McKeon	Schaefer
Hefner	McKinney	Schiff
Heineman	McNulty	Schroeder
Herger	Meehan	Schumer
Hilleary	Meek	Scott
Hilliard	Menendez	Seastrand
Hinchey	Metcalf	Sensenbrenner
Hobson	Meyers	Serrano
Hoekstra	Mfume	Shadegg
Hoke	Mica	Shaw
Holden	Miller (CA)	Shays
Horn	Miller (FL)	Shuster
Hostettler	Mineta	Sisisky
Houghton	Minge	Skaggs
Hoyer	Mink	Skeen
Hunter	Moakley	Skelton
Hutchinson	Molinari	Slaughter
Hyde	Mollohan	Smith (MI)
Inglis	Montgomery	Smith (NJ)
Istook	Moorhead	Smith (TX)
Jackson-Lee	Moran	Smith (WA)
Jacobs	Morella	Solomon
Jefferson	Murtha	Souder
Johnson (CT)	Myers	Spence
Johnson (SD)	Myrick	Spratt
Johnson, E.B.	Nadler	Stark
Johnson, Sam	Neal	Stearns
Johnston	Nethercutt	Stenholm
Jones	Neumann	Stockman
Kanjorski	Ney	Stokes
Kaptur	Norwood	Studds
Kasich	Nussle	Stump
Kelly	Oberstar	Stupak
Kennedy (MA)	Obey	Talent
Kennedy (RI)	Olver	Tanner
Kennelly	Ortiz	Tate
Kildee	Orton	Tauzin
Kim	Owens	Taylor (MS)
King	Oxley	Taylor (NC)
Kingston	Packard	Tejeda
Klecza	Pallone	Thomas
Klink	Parker	Thompson
Klug	Pastor	Thornberry
Knollenberg	Paxon	Thornton
Kolbe	Payne (NJ)	Thurman
LaFalce	Payne (VA)	Tiahrt
LaHood	Pelosi	Torkildsen
Lantos	Peterson (FL)	Towns
Largent	Peterson (MN)	Traffant
Latham	Petri	Tucker
LaTourette	Pickett	Upton
Laughlin	Pombo	Velázquez
Lazio	Pomeroy	Vento
Leach	Porter	Visclosky
Levin	Portman	Volkmer
Lewis (CA)	Poshard	Vucanovich
Lewis (GA)	Pryce	Waldholtz
Lewis (KY)	Quillen	Walker
Lightfoot	Quinn	Walsh
Lincoln	Radanovich	Wamp
Linder	Rahall	Ward
Lipinski	Ramstad	Waters
Livingston	Watt (NC)	Rangel
LoBiondo	Reed	Watts (OK)
Lofgren	Regula	Waxman
Longley	Richardson	Weldon (FL)
Lowey	Riggs	Weldon (PA)
Lucas	Rivers	Weller
Luther	Roberts	White
Maloney	Roemer	Whitfield
Manton	Rogers	Wicker
Manzullo	Rohrabacher	Williams
Markey	Ros-Lehtinen	Wilson
Martinez	Rose	Wise
Martini	Roth	Wolf
Mascara	Roukema	Woolsey
Matsui	Roybal-Allard	Wyden
McCarthy	Royce	Wynn
McCrery	Sabo	Yates
McDermott	Salmon	Young (AK)
McHale	Sanders	Zeliff
McHugh	Sanford	Zimmer

NAYS—1

Abercrombie
NOT VOTING—10

Berman	Reynolds	Torricelli
Ford	Rush	Young (FL)
McCollum	Saxton	
McDade	Torres	

□ 1355

Mrs. THURMAN, Mr. BROWN of California, and Mr. MOAKLEY changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 125 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union or the consideration of the bill, H.R. 1271.

□ 1356

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1271) to provide protection for family privacy, with Mr. KNOLLENBERG in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 30 minutes, and the gentleman from Illinois [Mrs. COLLINS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. CLINGER].

Mr. CLINGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in very strong support of H.R. 1271 which was recently reported out of the Committee on Government Reform and Oversight. This is a small, but very important, bill, I believe, that will protect and help strengthen family values. The original provision was incorporated as part of H.R. 11, the Contract With America, and very simply provides that parental consent is required for surveys or questionnaires of minors containing highly sensitive or potentially objectionable questions.

This legislation cuts to the core of our value system, Mr. Chairman, for it is the American family which is the basis of our civilization. Parents have a right to know what their children are taught and certainly have a right to know what questions may be asked of them and for what purposes those questions are asked.

Should minors be subjected to questions about their religious beliefs or sexual attitudes without parental consent? We have all heard about situations that contain what many would view as inappropriate questions for minors, but it should be left up to the parents to decide what is and is not appropriate for their own child. In some cases questions have been phrased in a manner which suggests neutrality or even tacit approval for behavior or attitudes which might contradict what the child is being taught in the home. Currently, Mr. Chairman, there are several large-scale surveys being conducted by the Department of Health and Human Services and the Bureau of Census that cover sensitive issues and for which parental consent for minors is not required.

This legislation, Mr. Chairman, is not without precedent. Similar legislation was enacted into law just last year for the Department of Education with an amendment provided by Senator GRASSLEY. H.R. 1271 simply broadens this provision to include all other Federal departments and agencies that are funding surveys or questionnaires given to minors. There are questions on these surveys that parents may and have in the past found to be objectionable. By strengthening the rights of parents, minors and their families will be protected from having to answer embarrassing or offensive questions.

□ 1400

This legislation provides that parental consent is required prior to a minor responding to such sensitive questions as parents' political beliefs, religious affiliations, sexual behaviors or attitudes, and mental or psychological problems.

In addition, a few very commonsense and, I think, needed exceptions are included. For example, exceptions are provided for protection of children's health and safety, inquiries related to criminal investigations, questions related to the administration of immigration, Internal Revenue, and customs laws and the seeking of information to determine eligibility for participation in a program. The legislation also provides that families will have the opportunity for advance availability of each survey or questionnaire for review prior to making the consent determination.

Our country has long recognized the rights of parents with respect to the education of their children. There is very strong feeling in this country that government intervention has undermined that right, that very fundamental right. This legislation provides another step toward reinforcing support for the rights of families, again, the fundamental building block of our society.

So I would urge strong support of my colleagues for this legislation, and would reserve the balance of my time.

Mrs. COLLINS of Illinois. Mr. Chairman, I yield myself such time as I may consume.

(Mrs. COLLINS of Illinois asked and was given permission to revise and extend her remarks.)

Mrs. COLLINS of Illinois. Mr. Chairman, H.R. 1271 as it now stands unamended, is a good bill that is intended to protect the privacy of families, by requiring parental consent for certain types of information asked of minors in federally funded surveys. Similar language was passed last year by the Goals 2000: Educate America Act for most programs administered by the Department of Education.

I believe we can all agree that parents have a vital role to play in research involving children. Standard practice for most social science research today requires some form of parental consent before interviewing mi-

nors. This bill would standardize that practice for the Federal Government.

Several technical issues were raised during the subcommittee hearing on the bill. These drafting problems could have created the unintended consequences of hampering legitimate inquiry into child abuse, and jeopardizing important areas of Federal research. I am pleased that we were able to clarify these drafting issues to everyone's satisfaction.

Mr. Chairman, H.R. 1271 was reported by our committee, as amended, by a unanimous vote. It is a good bill as it now stands, and should be supported without amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. CLINGER. Mr. Chairman, I am very pleased to yield 5 minutes to the gentleman from California [Mr. HORN], the chairman of the subcommittee that reported this bill, who has worked very long to bring us this bill today.

Mr. HORN. Mr. Chairman, I rise on behalf of H.R. 1271, the Family Privacy Protection Act of 1995. Safeguarding the privacy rights of minors and their families is an essential part of the Contract With America. Both our Subcommittee on Government Management, Information, and Technology and the Committee on Government Reform and Oversight have taken great care to ensure that the bill's language reflects that important objective.

Let me briefly summarize the bill's provision. H.R. 1271 establishes a consent requirement for those conducting a survey or questionnaire funded in whole or in part by the Federal Government. Those seeking responses of minors on surveys or questionnaires must obtain the consent of parents or guardians before asking seven types of invasive questions.

The areas of concern for which parental or guardian consent is required for minors are questions related to:

First, parental political affiliation or beliefs; second, mental or psychological problems; third, sexual behavior or attitudes; fourth, illegal, anti-social, or self-incriminating behavior; fifth, appraisals of other individuals with whom the minor has a familial relationship; sixth, relationships that are legally recognized as privileged, including those with lawyers, physicians, and members of the clergy; and seventh, religious affiliations and beliefs.

The bill also provides five types of commonsense exceptions from this requirement. They are: The seeking of information for the purpose of a criminal investigation or adjudication; any inquiry made pursuant to a good faith concern for the health, safety, or welfare of an individual minor; administration of the immigration, internal revenue or customs laws of the United States; the seeking of any information required by law to determine eligibility for participation in a program or for receiving financial assistance; and seeking information to conduct tests

intended to measure academic performance.

The legislation requires that Federal agencies provide implementation procedures and ensure full compliance with the legislation. The procedures shall provide for advance availability of each survey or questionnaire for which a response from a minor is sought. The Family Privacy Protection Act does not apply to the Department of Education, because a similar provision is already contained in the General Education Provisions Act pertaining to that department. The act would become effective 90 days after enactment.

On March 16, 1995, the subcommittee held hearings on the legislation. Senator GRASSLEY was our lead witness. Other testimony came from representatives of the Office of Management and Budget and the Bureau of the Census. We also heard from an experienced litigator on behalf of families which have suffered harm due to invasive questions posed to their children. We solicited and received written comments from a cross-section of interested professional, educational, and family groups. Both the Departments of Justice and Health and Human Services also submitted statements.

We found that a strong mandatory parental consent standard was essential for federally funded surveys and questionnaires given to minors that contained privacy-intrusive questions. In both the statutory and the committee report language we made certain that parents and guardians would be able to consent to their children's participation in these surveys or questionnaires. We wanted to be especially vigilant against situations in which parents would only be notified of surveys and would not be given a simple, straightforward way to consent or decline before that survey was provided to their minor children.

H.R. 1271 was marked up by the subcommittee on March 22 and by the full committee on March 23. At its subcommittee markup, two amendments were proposed, briefly, debated, and approved by voice vote. The full Committee on Government Reform and Oversight favorably reported the bill by unanimous voice vote.

Mr. Chairman, H.R. 1271 will advance the protection of our children's and our families' privacy beyond the 1994 Grassley safeguards, to protection from all surveys or questionnaires administered with any degree of Federal funding support. We have crafted this bill in a way which will do that without unduly hamstringing legitimate public interest activities.

Mr. CLINGER. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. FOX], a member of the committee.

Mr. FOX of Pennsylvania. Mr. Chairman, I rise to speak in favor of the Family Privacy Protection Act of 1995.

Mr. Chairman, this bill in fact establishes a parental consent requirement

for federally funded surveys or questionnaires that ask sensitive questions of minors. Concerns have been raised that minors may be asked to participate in surveys asking personal or private questions. Included as part of the Contract With America (H.R. 11).

Areas of concern in surveys which would require parental consent include questions related to, first, parental political affiliations or beliefs; second, mental or psychological problems; third, sexual behavior or attitudes; fourth, illegal, anti-social, or self-incriminating behavior; fifth, appraisals of other individuals with whom the minor has a familial relationship; sixth, relationships that are legally recognized as privileged, including lawyers, physicians, etc. and seventh, religious affiliations and beliefs.

There are some commonsense exceptions to the parental consent requirements for; first, seeking information related for criminal investigations or adjudications; second, inquiries related to a good faith concern for the health, safety or welfare of an individual minor; third, administration of immigration, internal revenue or customs laws of the United States and; fourth, seeking of information required by law to determine eligibility for participation in a program or receiving financial assistance.

Legislation covers all Federal agencies with the exception of the Department of Education. A very similar provision is already contained in the General Education Provisions Act which is specific to that department.

Mr. Chairman, we believe this is important legislation. I believe that this is the type of legislation that has bipartisan support, and I appreciate the time to speak on behalf of it. I would urge my colleagues to vote in favor of it.

Mr. GILMAN. Mr. Chairman, I rise today in support of H.R. 1271, the Family Privacy Protection Act of 1995. I commend the gentleman from California [Mr. HORN] and the gentleman from Pennsylvania [Mr. CLINGER], who serves as chairman of our Committee on Government Reform and Oversight, for his efforts in bringing this important measure to the floor.

I support this proposal which establishes a parental consent requirement for federally funded surveys that seek responses of a sensitive nature from minors. This legislation requires parental consent for questions relating to such sensitive areas as: Parental political affiliation, mental or psychological problems, sexual attitudes and behaviors, and religious beliefs. Similar provisions have already been enacted for the Department of Education under the General Education Provisions Act.

Accordingly, Mr. Chairman, I urge our colleagues to support this measure which will protect the privacy right of American families by extending to all Departments of the Federal Government the commonsense parental consent provisions which we have previously included in legislation pertaining to the Department of Education.

Mrs. COLLINS of Illinois. Mr. Chairman, I have no further requests for

time, and I yield back the balance of my time.

Mr. CLINGER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment, and each section is considered as having been read.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Family Privacy Protection Act of 1995".

The CHAIRMAN. Are there any amendments to section 1?

If not, the Clerk will designate section 2. The text of section 2 is as follows:

SEC. 2. FAMILY PRIVACY PROTECTION.

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

- (1) Parental political affiliations or beliefs.
- (2) Mental or psychological problems.
- (3) Sexual behavior or attitudes.
- (4) Illegal, antisocial, or self-incriminating behavior.

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

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

(7) Religious affiliations or beliefs.

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

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

(2) Any inquiry made pursuant to a good faith concern for the health, safety, or welfare of an individual minor.

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

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

(c) EXCLUSION OF ACADEMIC PERFORMANCE TESTS FROM RESTRICTIONS.—Any restriction under any provision of Federal law on the seeking of information from minors through surveys, questionnaires, analyses, or evaluations shall not apply to any test intended to measure academic performance.

The CHAIRMAN. Are there any amendments to section 2?

AMENDMENTS OFFERED BY MR. SOUDER

Mr. SOUDER. Mr. Chairman, I offer amendments for sections 2 and 4, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. SOUDER: Page 2, line 9, strike "without the consent" and insert "without the prior written consent".

Page 2, line 13, strike "intended to elicit" and insert "which is intended to elicit, or has the effect of eliciting."

Page 3, strike lines 13 through 18 and insert the following:

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

Page 4, beginning in line 10, strike "if requested monetary damages are not in excess of \$500".

Mr. SOUDER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The CHAIRMAN. Is there objection to the original request of the gentleman from Indiana [Mr. SOUDER] that the amendments be considered en bloc?

There was no objection.

The CHAIRMAN. The gentleman from Indiana [Mr. SOUDER] is recognized for 5 minutes.

Mr. SOUDER. Mr. Chairman, I stand in support of H.R. 1271, but I believe it must be strengthened to accomplish our objective of protecting family privacy. This amendment is in response to concerns of parents around the country about federally funded questionnaires and surveys, in general much of what is going on with our children. This will finally give parents and children the legal cover that has been theirs from the beginning. It will safeguard family privacy unless and until the government has legitimate reason to intrude upon it. Written consent is essential, not burdensome. The individual dignity of a child and the privacy of a family are paramount to saving an agency time or money.

Opponents to this amendment in academia, the Clinton administration, and the Census Bureau find it troublesome that we are seeking prior written consent because data for their surveys might not be as accurate as possible. They are really saying science and data are now more important than the family. Is this what we call family values?

This amendment will not protect parents who abuse their children or affect legitimate criminal investigations. This amendment will not interfere with academic tests that are truly academic. This amendment will not impose any additional requirements on schools. Schools already assist the U.S. Department of Education with obtaining written consent and administering surveys through the standards of the General Education Provisions Act which covers only Department of Education surveys. In other words, we already have this type of protection in the education bill.

I have a particular concern in that I am on the Committee on Government Reform. I supported this bill. We worked together with the committee chairman and subcommittee chairman

and ranking members in the report language, but I had some additional concerns because of some things I have seen going on around the country, not directly related to in some cases a Federal survey such as in my district, but some are directly related to Federal surveys.

I would first like to read a survey that was given in my district that caught my attention and prompted me to go one step further for written consent. One problem we have in schools is that you get consent forms, and sometimes mass forms, which we separate, and often you do not know whether you have given consent or not given consent. To some degree this protects schools. This protects people, whether it be religious or political or other types of things such as sexual behavior.

But the particular survey that upset me in my district was asked in a high school and had such questions as:

Are you a virgin?

What age were you when you lost your virginity?

Do you use any form of contraceptives?

Do your parents provide your contraceptives?

Do you pay for your contraceptives?

Do you get contraceptives from your friends?

Have you had sex with more than one person?

Have you had sex with more than five people?

Do you have sex more than three times a week?

Are you going to wait to have sex until you are married?

Do you know what gonorrhea, genital warts, herpes or syphilis are?

Do you know if your partner(s) have a sexually transmitted disease?

Have you ever had an HIV test?

Have you ever performed or received oral sex?

Have you ever performed or received anal sex?

Have you ever had an orgasm?

Have you ever had a homosexual experience?

Do your parents know that you have sex?

□ 1415

This type of questionnaire is reprehensible. I find it particularly reprehensible because it was given to my two children, one of whom is a junior and one of whom is a freshman.

I believe it is extremely inappropriate for this type of thing to be passed out in English classes, to be distributed by the Federal Government in other cases.

I have a survey here that was distributed under the auspices of HHS, where they asked similar questions on religious activity and sexual behavior of children.

There are others. I have one that was sent to me from San Antonio where they start to come into religious activity, asking whether the parents ever scream at each other, whether the parents take a prescription for stress, whether the parents have ever been drunk. Do either of your parents get drunk?

Another question is, do you or your parents, they are asking whether they attend school functions. They want to know what the parents know about who they are dating. Have you done things in a relationship that you would not tell your parents about? Another, do your parents approve of your older friend, if you have a friend who is at least five years older than you?

This type of questioning of young people about the parents' behavior, about the relationship with their parents is outrageous. We need protection for the children of America, for the parents of America so that you have to have written consent before you can probe into private matters.

I am sorry for any impact it has on cost. I am sorry for any impact it has on future research, if some people do not get their response questionnaires back. We have gone past the point of protecting individuals, and we need to reinstate the protection for individuals so we do not go on witch-hunts for religious behavior, for deviant sexual behavior, for normal sexual behavior.

Many things in these surveys imply that it is normal to have as a freshman in high school multiple sexual partners. I think we need to stand up, put this in this law.

My amendment also lifts the \$500 cap which, if we leave it at \$500, means that in effect the parents are going to probably have to pay more in attorney costs to challenge a questionnaire than they could recover.

I believe these amendments are essential. They are in our original contract. I hope my colleagues will support them.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. SOUDER] has expired.

(At the request of Mr. HORN and by unanimous consent, Mr. SOUDER was allowed to proceed for 2 additional minutes.)

Mr. SOUDER. I yield to the gentleman from California [Mr. HORN].

Mr. HORN. Mr. Chairman, I ask the gentleman, which one of the questionnaires were federally funded?

Mr. SOUDER. Mr. Chairman, as I said, the question that was in my district that was asked my children was not. It is unclear to me whether the one in San Antonio where I read some of the questions is. The HHS questionnaire, which I did not get into detail, had similar questions on how many people did you have sexual intercourse with? This is a middle school survey. During your life how many people have you had sexual intercourse with? At what age did you first have sexual intercourse? Did you drink alcohol or drugs? That was an HHS survey.

Mr. HORN. Mr. Chairman, if the gentleman will continue to yield, I wanted to clarify that this legislation only applies to federally funded in whole or in part surveys, questionnaires, interview instruments. Most of those were not that. It is possible that the Federal

might fund something like that. I cannot quite believe it. But that still leaves the local State, the local school district, as I think the gentleman would agree, to have such surveys.

Mrs. COLLINS of Illinois. Mr. Chairman, I move to strike the last word.

Mr. Chairman, while I intend to vote against the gentleman's amendment, I understand his outrage. Mr. SOUDER distributed a copy of a questionnaire which was used at his children's school during the full committee markup of H.R. 1271. That questionnaire is absolutely revolting to me, and should never have been distributed to school kids without the consent of their parents.

However, that questionnaire would not have been affected by this legislation. It was distributed by students from the school who worked on the school newspaper. That is a matter internal to the local school board, not to the U.S. Congress.

Local policies on parental notification of surveys and questionnaires are rightfully a matter of local law. The Federal Government should not dictate to State and local governments how to handle issues of parental notification on surveys.

H.R. 1271, unanimously approved by the Committee on Government Reform and Oversight, involves only Federal and federally-assisted surveys. The administration tells us that all Federal agencies already receive the consent of parents prior to sending surveys to minors. The Administrator of the Office of Information and Regulatory Affairs testified during a subcommittee hearing that it is currently standard practice for the Federal Government to require some form of parental consent before interviewing minors. H.R. 1271 would merely standardize the current administration practice of requiring prior parental consent.

Supporters of written consent point to the Goals 2000: Educate America Act as a precedent. However, surveys and questionnaires within a school setting are different from surveys in other areas. It may be reasonable to require written consent for school-based surveys as required by Goals 2000. In that setting, it is common practice for children to carry consent forms back and forth on a daily basis. That is why school-based surveys receiving Federal funds from the Department of Education require written consent. That policy is specifically kept in place by H.R. 1271. However, in other areas, obtaining written consent will be next to impossible.

At a hearing held by the Subcommittee on Government Management, Information, and Technology, chaired by Mr. HORN, every expert witness who addressed this issue testified that requiring prior written consent would undercut the effectiveness of critical Federal surveys.

Dr. Lloyd Johnston, program director of the Survey Research Center at

the University of Michigan, made a number of points:

First, the national samples will be dramatically less representative because many parents will not respond in writing even though they have no objection to their children's participation.

Second, schools, not the researchers, will be required to contact parents to encourage their written response, since most schools are precluded from giving information about parents, their addresses or phone numbers to outside people.

Third, the required followup will substantially increase the costs of the surveys.

Fourth, many parents will have to be repeatedly contacted to return the written consent forms, and they will see that as a further intrusion.

Mr. William Butz, Associate Director for the Bureau of the Census, which conducts the National Crime Victimization Survey, the Youth Behavior Survey and the Teenage Attitudes and Practices Survey, testified that prior written consent would reduce response rates, increase costs, and/or increase survey bias. Requiring written consent would reduce the flexibility of statistical agencies, like the Census Bureau, to collect data efficiently.

Let me quote from a letter from Kevin P. Dwyer, assistant executive director for the National Association of School Psychologists to Chairman HORN:

It would be functionally more effective to permit "passive" consent, where parents are made aware of the information to be surveyed and the purpose of the information gathering. This is more cost effective and less burdensome upon both schools and families.

Sally Katzen, Administrator for the Office of Information and Regulatory Affairs, testified that with few exceptions, surveys are conducted anonymously. She states:

In other words, no personal identifier information is collected and the identity of the minor and the family cannot be ascertained. In this circumstance, it is unclear whether written consent is really necessary to protect the privacy of the respondent or the family.

The CHAIRMAN. The time of the gentlewoman from Illinois [Mrs. COLLINS] has expired.

(By unanimous consent, Mrs. COLLINS of Illinois was allowed to proceed for 3 additional minutes.)

Mrs. COLLINS of Illinois. Mr. Chairman, we should not second-guess the unanimous position of every expert who testified on this issue. We should not second guess the unanimous decision of the subcommittee and full committee against requiring prior written consent. In the absence of any new evidence, we should support the unanimous committee position against requiring written consent.

The existing prior consent requirement in H.R. 1271 will give all parents the ability to prevent their children's participation in Federal surveys. As

the committee report makes clear, H.R. 1271 requires active consent from a parent or guardian. The consent can be handled in various ways, including in writing. Moreover, mere notice of a survey is not enough to satisfy the consent requirement. Consent must involve both disclosure and the opportunity to decline.

The amendment also lifts the \$500.00 cap on monetary damages for violations of this bill. Lifting this cap would be an open invitation for frivolous litigation. Lawyers would have a field day with this bill. For example, H.R. 1271 covers surveys involving "antisocial behavior." Yet, the bill has no definition of what constitutes "antisocial behavior." It is not hard to imagine multimillion dollar cases for psychological injury because a particular survey covered antisocial behavior."

Mr. SOUDER's attempt to lift the cap on monetary damages is even more disturbing in view of his other amendment to further broaden H.R. 1271. Mr. SOUDER proposes to cover any survey which has the effect of eliciting certain types of prohibited information. This amendment would give people the opportunity to bring lawsuits for unforeseeable mistakes made by minors in responding to surveys.

In conclusion, Mr. Chairman, I would say that at some point this mindless marching in lockstep must end. The only reason we are here is because a member of the majority leader's staff did not like the bill we unanimously reported out of committee. We must stand up for what is right, not what some staff thinks is politically correct. If committee members lose confidence in the value of talking to one another to reach compromises, this House will lose its ability to move forward constructively. Unfortunately, it is clear that the bipartisan agreement in our committee was not worth the paper it was written on.

The CHAIRMAN. The time of the gentlewoman from Illinois [Mrs. COLLINS] has again expired.

(By unanimous consent, Mrs. COLLINS of Illinois was allowed to proceed for 1 additional minute.)

Mrs. COLLINS of Illinois. Mr. Chairman, these amendments, while well intentioned, simply just do not work. As Chairman HORN said during full committee approval of this bill, and I quote: "We have attempted to strike the right balance between Government power and individual rights." The unanimous subcommittee and full committee votes on H.R. 1271 strongly suggests that we did strike the correct balance. I urge defeat of the amendments.

Mr. CLINGER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Souder amendment which does provide for strengthening and clarifying some issues which are contained in the bill. First, as has been discussed, it does provide the consent must be in writing.

I would just emphasize that this is consistent with a provision that we have included in the GEPA, that is the Department of Education bill, which we passed last year, which did require that the consent be in writing. So it falls in line with that statute for the Department of Education.

It extends a similar type of consent request, that is written request, written consent to all other agencies which are involved in conducting these kinds of surveys. So it is not unique. It is not a new provision. It is basically just tracking what we had already provided for in GEPA.

I think the written consent also has the effect of strengthening, obviously, the parental consent requirement and ensures that parents understand what the survey is about before providing consent, which might not be the case without a formal requirement for written consent, I think that it would create less confusion.

I think it might also result in less litigation, because we would have proof positive that the consent was in fact given, whereas on an oral consent thing, that would always be subject to question.

Second, the Souder amendment provides for judicial review without a cap. The other pieces of the amendment just provide clarifications, including the issue that academic tests should not include any of the prohibitive issues without parental consent.

□ 1430

Let me just say, Mr. Chairman, there was no deal broken, and I listened to the debate on the rule with regard to this. I would suggest that no deal was broken by bringing this bill to the floor under an open rule. We worked on the bill, as has been indicated, in a very bipartisan manner. I think we worked very constructively with the Republicans and Democrats to fashion this bill.

I would also say no commitments were made. It was the intention, indeed, to bring this bill to the floor under suspension. It was my sense, however, that there were a number of Members who felt very strongly that the provision did not go far enough. I really suspected perhaps that the measure would not prevail if brought to the floor under suspension, and that all Members should be given an opportunity to offer amendments, that being the case.

After the committee markup we started to hear not from staff members but from members, the gentleman from Indiana [Mr. SOUDER] among them, that they wanted to offer amendments to the bill. We do have an open rule. That does not preclude any Member both on the majority and minority side from offering an amendment to what I think is fundamentally a very strong bill as it is.

Mr. Chairman, I would say I was very pleased with how we worked within the committee on a bipartisan basis on this

legislation. I believe that the Souder amendment strengthens the legislation, and the Members will have a chance to vote their will on this amendment. I would rise in support of the amendment and urge all Members to support it.

Mrs. MALONEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to oppose the amendment offered by the gentleman from Indiana [Mr. SOUDER]. This amendment undermines the bipartisan spirit of the compromise which was worked out by myself, the gentlewoman from Illinois [Mrs. COLLINS], the gentleman from California [Mr. HORN], and the gentleman from Pennsylvania [Mr. CLINGER], the chairman. This amendment would require prior written consent for surveys or questionnaires with Federal funding.

This issue was carefully considered in our subcommittee and rejected. Several professionals testified that prior written consent would do one of two things: Block these surveys from ever being performed, or render their conclusions useless, because of skewed data. This rejection was confirmed at the full committee, where this issue was raised.

I think the committee's unanimous, bipartisan decision should stand. This amendment addresses no real problem that anyone can identify. It would also considerably increase the cost of conducting surveys. Requiring parental consent may make some sense for surveys conducted through the school system, but expanding it to all federally funded surveys makes no sense at all.

Some who argue in favor of these changes will talk about what goes on in schools. Let me make it clear right now, Mr. Chairman, this bill does not apply to schools. We already have legislation that does that. Our bill as reported requires that any survey or questionnaire using Federal funds must get parental consent before interviewing minors.

We asked OMB for a list of Federal surveys that did not get consent. There are not any. Our bill protects minors to the full extent possible, but does not destroy information vital to solving some of the most important problems facing our country today.

We are told that this amendment is to bring this bill back into line with the contract, but that is just a smoke-screen. I believe the changes offered in this amendment are designed to block surveys from ever being performed, specifically, surveys of teenage behavior, including the causes of rising teen pregnancy, drug abuse, and suicide.

Members of both parties are sincere in their desire to solve these problems, but pretending a problem does not exist will not make it nonexistent. By rendering these surveys worthless or eliminating them altogether, that is what some Members hope to do, that will not work. It has never worked. It is naive.

In order to solve a problem, we first have to research it. We cannot cure a sick patient without asking the patient what is wrong. This amendment will not cure anything. It will only make it more difficult for researchers to study the problem and gain information, and information is the most important commodity to any social scientist or legislator.

This amendment would also undo the thoughtful solution the committee reached on judicial review. As a result of the hearings, the chairman, the gentleman from California [Mr. HORN], added to the bill a private right of action with a limit to \$500 of damages in cases where parental consent was not obtained.

The amendment of the gentleman from Indiana [Mr. SOUDER] would remove that limit. That seems particularly ironic to me. Just a few weeks ago the Republicans fought very hard for tort reform to limit damages.

Mr. Speaker, I believe that the underlying bill is the best compromise attainable. In that bipartisan spirit, I urge my colleagues to vote against the Souder amendment, and support the Republicans and Democrats who have carefully considered the issues raised by this bill and addressed them responsibly in H.R. 1271.

Mr. MCINTOSH. Mr. Chairman, I move to strike the requisite number of words.

(Mr. MCINTOSH asked and was given permission to revise and extend his remarks.)

Mr. MCINTOSH. Mr. Chairman, let me first say I want to commend the committee and the gentleman from Pennsylvania [Mr. CLINGER], the chairman, the gentlewoman from Illinois [Mrs. COLLINS], the gentleman from California [Mr. HORN], and the gentlewoman from California [Ms. PELOSI], for their hard work on this bill. I think it is a tremendously important piece of legislation for us to move forward. Although we may disagree on this particular amendment, I think all are to be commended for their hard work on something that will definitely benefit families in this country.

Let me rise in favor of the Souder amendment. I think it is a reasonable addition to this bill. It is an area where Federal leadership can set the tone of the type of questions that are asked in our schools.

When I go home and talk with parents in my district, time and time again, in Anderson, in Yorktown, in Richmond, parents have come up to me and said they are very concerned that they do not know what is happening in their schools. They do not feel that the moral values that they think are important to teach their young children are necessarily being conveyed in the school setting.

When they hear about surveys such as the one that the gentleman from Indiana [Mr. SOUDER] read to us earlier,

their concern is reinforced among parents and the family. I think the Federal Government is introducing into the personal lives of the families, and especially with impressionable young schoolchildren, so that I think it is very important that we do have this amendment to restrict the options that the Federal Government has when it conducts surveys of young people, so their parents know in advance what the questions are, and have indeed agreed to those questions being asked to their children.

The Souder amendment will enhance family privacy protection. It is not protective of abusive parents. It is well crafted to not affect academic testing. I believe it is very important to protect family privacy in areas where the Federal Government, quite frankly, has no legitimate interest.

Mr. Chairman, I rise in favor of the Souder amendment, and want to commend him and the other committee members for their work.

Mrs. COLLINS of Illinois. Mr. Chairman, will the gentleman yield?

Mr. MCINTOSH. I am delighted to yield to the gentlewoman from Illinois.

Mrs. COLLINS of Illinois. Mr. Chairman, I believe when the gentleman said the Federal Government is asking certain questions, the Federal Government is not asking the kinds of questions that the gentleman from Indiana [Mr. SOUDER] read, and also that we have copies of from the full committee hearing. The Federal Government is not asking those kinds of questions.

What we are trying to do is to make it so that the Federal Government would say that local school boards, et cetera, could ask those questions if they had written consent. I do not know if I misinterpreted the gentleman or not.

Mr. MCINTOSH. Mr. Chairman, I understand that is the case with the particular survey that the gentleman from Indiana [Mr. SOUDER] raised. I do think it is, nonetheless, important to limit the Federal Government in the types of surveys it can do without parental consent. I hope that will be a model for States and school boards locally to also seek that consent, although I agree, in his amendment we would not be extending that requirement.

Mr. SOUDER. Mr. Chairman, will the gentleman yield?

Mr. MCINTOSH. I yield to the gentleman from Indiana.

Mr. SOUDER. Mr. Chairman, I also read, in response to the gentleman from California [Mr. HORN], some questions that were in a Federal HHS survey that asked "Have you ever had sexual intercourse? How old were you when you had sexual intercourse for the first time? During your life how many people have you had sexual intercourse with? During the past 3 months with how many people did you have sexual intercourse? Did you drink alcohol or use drugs before you had sexual intercourse the last time?" This is an

HHS Youth Risk Behavior Survey that was in middle schools.

Mrs. COLLINS of Illinois. Mr. Chairman, if the gentleman will yield further, did the Federal Government ask for written consent or any consent before asking those questions?

Mr. SOUDER. I would hope they asked for written consent. My amendment would make sure they ask for written consent.

Mrs. COLLINS of Illinois. We can find out. I think they did. I think it was implied in this legislation. Whenever the Federal Government has asked for the consent, they have protected the right of written consent on matters of that nature, I believe.

Mr. MCINTOSH. Mr. Chairman, let me just mention that the survey that the gentleman from Indiana just read indicates that there are these concerns out there. If in the past the Federal Government has asked for consent, his amendment will just make that an absolute requirement in the law, so therefore I think it is a valuable addition to this legislation.

Mr. SAWYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the Souder amendment, although I have to join with the gentlewoman from Illinois [Mrs. COLLINS] and previous speakers in associating myself with the concerns that the gentleman raises in this particular amendment. Those concerns are legitimate and shared by every parent across this Nation.

Frankly, however, my concern is that this amendment is so broad and so unnecessarily restrictive that the fundamental underpinnings of a wide range, if perhaps not all, of Federal data collection efforts could be in jeopardy.

Some of the Members know that I spent a number of years, perhaps more years than any existing Member of Congress, in overseeing the conduct of the census and the broader Federal statistical systems of this country. That was an enlightening experience. The 1990 census demonstrated how difficult it is to get Americans to participate in Federal surveys, for that matter, in virtually any kind of survey even those that are mandatory, as the 10-year census has been for the entire existence of this Nation.

The response rate for the 1990 census was far lower than the census before it. It was also worse than the Bureau had anticipated in planning for this enormous and complex undertaking. That low response rate not only jeopardized the consistency of the data derived from it, but it drove up costs, requiring a \$100 million supplemental appropriation right in the middle of the census. It affected the very accuracy of the census. In fact, the 1990 census was the first in modern history that was less accurate than the one before it.

Mr. Chairman, the gentleman from New York, former Under Secretary of

HEW, Mr. MOYNIHAN, suggested 30 years ago that if you cannot measure a problem, you cannot solve it. What we are trying to do is come to grips with some problems of our Nation. I am bringing this troubling information about the census to the attention of my colleagues because I am afraid that the Souder amendment unintentionally would make data collection efforts even more difficult than they already are.

Policymakers at all levels of government, including the Congress, rely on accurate information to develop sound policies and to ensure the sound implementation of programs, but the accuracy of those numbers directly depends on the willingness of Americans to respond to surveys and questionnaires.

The question here is one of privacy. We need to bear in mind that Federal agencies already obtain direct personal permission from parents before asking questions of minor children, but requiring prior written permission to obtain information from minors almost certainly would result in the loss of many valuable responses, and that diminished participation would skew the results and make the resulting data unreliable and potentially useless.

Moreover, a requirement for prior written consent would raise the cost of Federal research and data collection in much the same way as it did for the 1990 census, a hard-learned lesson, adding millions of dollars to surveys conducted with taxpayers' funds.

Mr. Chairman, the bill that was reported unanimously from the Government Reform and Oversight Committee strikes an appropriate balance between the need to protect families against unnecessary invasions of privacy and the need to collect accurate information for important policy purposes.

The work that the committee did last year under the gentleman from Wyoming, Mr. THOMAS, now in the other body, and the gentleman from California, Mr. CONDIT, really created sound underpinnings for, perhaps, the single most volatile and sensitive area of information, health care information.

The work on that needs to go forward. It needs to go forward in the same way as we have protected information gathered by the Department of Education, as the chairman of the committee suggested earlier in his commentary, but our ability to collect information about homeless youth, about street kids, about kids whom this kind of permission is virtually impossible, much less the added cost of dealing directly with the problems of gathering information in a way that is being done responsibly today, is going to be unnecessarily upset by the overbroad language of the Souder amendment.

It is with great sympathy but grave concern that I rise in opposition to this amendment and ask my colleagues to join me.

Mr. COBURN. Mr. Chairman, I move to strike the requisite number of words.

(Mr. COBURN asked and was given permission to revise and extend his remarks.)

Mr. COBURN. Mr. Chairman, I find myself in a peculiar position as a physician, and also as a scientist. I am very much interested in accurate data collection, and I think it is imperative that we have that. I also am very much concerned about the lack of parenting in our country, and what has come about through that lack of parenting.

My worry, and I rise to support the Souder amendment, because I think, No. 1, it does put some burden back on parents which we have been trying, through many of the bills that we have passed in the last weeks, to force more direction on parenting, and I think we should do that.

□ 1445

But I also have a greater problem with the arguments that are used against this.

I guess, No. 1, is scientifically I do not buy the fact that if we have a parent's permission we are going to, No. 1, make the cost too great or, No. 2, make the scientific data to where it is not accurate. That is spurious logic. Because we do that all the time in the medical field in terms of informed consent on testing, on data and on information. So I find that.

I think the other thing is that even though this was not a federally funded questionnaire I think it shows significantly what the opportunity for abuse is in terms of what can happen.

Again, I would not necessarily say that some of the questions to this survey would not be good information as a physician and one who treats adolescents and has delivered over 2,000 teenage mothers, very much interested in the results of information from that. But I am not more interested in that information if it means I violate a parent's right to parent. I think that is the real issue.

I do not think that we will have spurious data. I think the Government has an obligation to go beyond a reasonable doubt to make sure that parents are informed about what their children are asked.

I would just urge those that oppose this amendment to ask what questions they would like their children asked. And is there any extent to which they might go that you would find a point in time when you thought that you might want to give permission before those questions are asked? I think that is the real issue.

I do not find fault with your desire to limit. I do not want to limit the Government's ability to collect data, but I think the Government can already collect data and still fulfill the rights of informing the parents about what questions we are going to ask.

Finally, I think that we certainly would not want the questions as out-

lined in this survey given to 12-year-olds throughout this country without their parents' permission. I am not saying that the Federal Government has done that, but there is not anything wrong with saying that parents ought to have the right to say yes or no to that kind of questioning.

Mrs. COLLINS of Illinois. Mr. Chairman, will the gentleman yield?

Mr. COBURN. I yield to the gentleman from Illinois.

Mrs. COLLINS of Illinois. I thank the gentleman for yielding.

Mr. Chairman, this bill does not say parents do not have to give consent. It only says it does not have to be written consent. In fact, it says there has to be parental consent. That is what this bill says already. H.R. 1271 says that.

Mr. COBURN. Reclaiming my time, I have a great deal of difficulty in my own experience in surveys similar to this in this very delicate area of teenage sexuality in ascertaining whether or not we have parents' consent without written parents' consent. Because in my experience the majority of the time we do not have parents' consent, even though we have a recognition that we did.

I think this is a very definable addition to this bill, and I think written consent is the least that we can do if we are going to ask these types of questions of children.

Mrs. COLLINS of Illinois. If the gentleman would not mind yielding for a second, I hope that we do not ask children these type of questions. But perhaps as a physician, perhaps you find that there is a need to do so. I think you have so stated. But these are the kind of questions I would not want anyone to ask my child. But if there is consent requested already, then I would certainly give my consent to do that, in a nonwritten.

Mr. COBURN. There should be written consent, but we have already seen that the Department of Health and Human Services has already asked questions similar to this in one of their own surveys. So all we are saying with the Souder amendment is that they should have written consent to ask this of adolescents.

Mr. WILLIAMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, if the gentleman from California [Mr. HORN], the good chairman of the subcommittee, would respond to a couple of questions.

On page 2, I am interested in lines 6 through 9. This says that this would affect any program or activity funded in whole or in part by the Federal Government.

Let me ask this, because I truthfully do not know the answer to this: Does this mean that if some local agency, some school, receives Federal money anywhere in its agency's school or system that this bill would then attach to any inquiry or survey that that agency or school is conducting?

Mr. HORN. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from California.

Mr. HORN. The gentleman is drawing an analogy with some of the civil rights laws, and my interpretation would be that this bill does not work that way. If the question is who funded the questionnaire, if the Federal Government funded the questionnaire in whole or in part, this law would apply.

One point I will need to clarify, because there has been a little confusion in the debate, is that the Grassley law that was referred to earlier and that you know so well, the General Education Provisions Act, that applies only to programs under that particular act, most of which occur in a school context.

This applies to all Federal agencies except those covered by the Grassley act who would have questionnaires that are triggered and this act is triggered, that discuss areas in the bill that have already been noted by many speakers.

Mr. WILLIAMS. I thank the gentleman.

Let me ask the gentleman further, the bill would affect the seeking of certain information, among those pieces of information on line 17 of page 2, and that is any survey, for example, that would seek information about sexual behavior or attitudes.

Mr. Chairman, on page 3 there are exceptions. And one of the exceptions is on line 6 which said any inquiry made for the purpose of concern about health or safety.

It seems to me there is a dichotomy there. One of the great attacks on the safety and health of young people has to do with certain of their sexual behavior. So my question is, which is it? If we wanted to ask questions about young people's sexual behavior in an effort to determine whether or not they are practicing safe sex in order to avoid the possibility of various difficulties, including, of course, this epidemic called AIDS, could we do it under this bill?

Mr. HORN. Let me refer the distinguished gentleman to the report on page 11 where it notes about halfway down the page that each of the four exceptions, and the second one, there is the same one the gentleman has stated that is in the proposed law, each of these four exceptions involves specific individual circumstances in order to be triggered.

The criminal investigation or adjudication requires a specific investigation or adjudication. An inquiry can be made pursuant to a reasonable concern for the health, safety, and welfare of an individual. The essential requirement is a reasonable belief that an individual minor is at risk and evidence to show that such an inquiry is appropriate.

Using the health, safety, or welfare exception to circumvent parental concern or prohibited topics is not acceptable. In other words, it says here, a survey on sexual behavior or attitudes would not be covered by this exception.

Obviously, the questions can be asked if the parent gives consent.

Mr. WILLIAMS. I appreciate the gentleman's response.

I will not ask the gentleman, the subcommittee chairman, any further questions, but I do want to say that I think he is attempting to arrive at moderate and reasonable legislation here.

We ought to know, though, speaking of moderation and reasonableness, that we have already passed similar legislation with regard to education in this country. We have taken care of that. I know that we took care of it before some of the Members who got elected last November were here, so they may not have known it, but we have taken care of this very problem.

The CHAIRMAN. The time of the gentleman from Montana [Mr. WILLIAMS] has expired.

(By unanimous consent, Mr. WILLIAMS was allowed to proceed for 2 additional minutes.)

Mr. WILLIAMS. Mr. Chairman, in fact, the Federal Government has for the past 20 years vigorously promoted the protection of people in its research. An institutional review board has been created a couple of decades ago for the very purpose of scrutinizing these surveys, and it has established procedures for protecting people when we are doing a study.

That can include written consent from the parents. It includes follow-up phone calls. It includes notification of parents about a study. It includes a variety of other methods.

We ought not to go off thinking that there has been no thought about this whatsoever in the Congress until this moment because that is demonstrably not true. The Federal Government actively pursues trying to protect people.

Let me read into the record the following groups that are opposed to the amendment, as I am, that is now on the floor: The Society of Behavioral Medicine, the National AIDS Fund, the Institute for the Advancement of Social Work Research, the Federation of Behavioral, Psychological and Cognitive Sciences, the Consortium of Social Science Associations, the American Sociological Association, the American Psychological Association, the American Educational Research Association, the American Anthropological Association and, finally, the AIDS Action Council.

Some of these groups are groups, as the chair knows, that are vitally interested in this legislation and, in fact, have been somewhat supportive of it and have worked with those on the committee to try to write appropriate legislation. But those groups believe, as many of us do, that this amendment destroys the basis for cooperation that the legislation has reached.

I urge my colleagues to oppose this particular amendment.

Mr. FOX of Pennsylvania. Mr. Chairman, I move to strike the requisite number of words.

(Mr. FOX of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. FOX of Pennsylvania. Mr. Speaker, I rise in support of H.R. 1271. This legislation strengthens the family and has received bipartisan support by this Congress.

I am concerned about protecting the rights of parents in knowing about the activities in which their children are involved, and it particularly applies to surveys which ask children about their most sensitive and private activities.

We need to bolster family ties. Thus, we need to protect our children from answering questions their parents would not have approved of and could possibly invade privacy.

Through H.R. 1271 and the Souder amendment, we would provide written consent for parents to protect minors who may or may not want to participate in any funded surveys that are designed to obtain information on sensitive subjects.

Mr. Speaker, passage of H.R. 1271 with the Souder amendment is imperative in reaffirming a commitment to privacy and a commitment to our Nation's families. I urge my colleagues to support this pro-privacy and pro-family legislation.

The rights of parents, it seems to me, in regard to the welfare and privacy of their children is paramount to the Government's need or others to collect sensitive data. With written approval, informed consent would be a reality achieved. It is a matter of fundamental fairness.

I ask my fellow colleagues to support the Souder amendment.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Indiana [Mr. SOUDER].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. VOLKMER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 379, noes 46, not voting 9, as follows:

[Roll No. 285]
AYES—379

Ackerman	Bateman	Browder
Allard	Bentsen	Brown (FL)
Andrews	Bereuter	Brown (OH)
Archer	Bevill	Brownback
Armey	Bilbray	Bryant (TN)
Bachus	Billrakis	Bryant (TX)
Baesler	Bishop	Bunn
Baker (CA)	Bliley	Bunning
Baker (LA)	Blute	Burr
Baldacci	Boehkert	Burton
Ballenger	Boehner	Buyer
Barcia	Bonilla	Callahan
Barr	Bonior	Calvert
Barrett (WI)	Bono	Camp
Bartlett	Borski	Canady
Barton	Boucher	Cardin
Bass	Brewster	Castle

Chabot	Hastert	Morella
Chambliss	Hastings (WA)	Murtha
Chapman	Hayes	Myers
Chenoweth	Hayworth	Myrick
Christensen	Hefley	Neal
Chrysler	Hefner	Nethercutt
Clayton	Heineman	Neumann
Clement	Herger	Ney
Clinger	Hilleary	Norwood
Coble	Hinchee	Nussle
Coburn	Hobson	Oberstar
Coleman	Hoekstra	Obey
Collins (GA)	Hoke	Olver
Combest	Holden	Ortiz
Condit	Horn	Orton
Cooley	Hostettler	Owens
Costello	Houghton	Oxley
Cox	Hoyer	Packard
Cramer	Hunter	Pallone
Crane	Hutchinson	Parker
Crapo	Hyde	Pastor
Creameans	Inglis	Paxon
Cubin	Istook	Payne (VA)
Cunningham	Jackson-Lee	Peterson (FL)
Danner	Jacobs	Peterson (MN)
Davis	Jefferson	Petri
de la Garza	Johnson (CT)	Pickett
Deal	Johnson (SD)	Pombo
DeFazio	Johnson, Sam	Pomeroy
DeLauro	Jones	Porter
DeLay	Kanjorski	Portman
Deutsch	Kaptur	Poshard
Diaz-Balart	Kasich	Pryce
Dickey	Kelly	Quillen
Dicks	Kennedy (MA)	Quinn
Dixon	Kennedy (RI)	Radanovich
Doggett	Kennelly	Rahall
Dooley	Kildee	Ramstad
Doolittle	Kim	Reed
Dornan	King	Regula
Doyle	Kingston	Richardson
Dreier	Kleczka	Riggs
Duncan	Klink	Rivers
Dunn	Klug	Roberts
Durbin	Knollenberg	Roemer
Edwards	Kolbe	Rogers
Ehlers	LaFalce	Rohrabacher
Ehrlich	LaHood	Ros-Lehtinen
Emerson	Largent	Rose
Engel	Latham	Roth
English	LaTourette	Roukema
Ensign	Laughlin	Roybal-Allard
Eshoo	Lazio	Royce
Evans	Leach	Salmon
Everett	Levin	Sanford
Ewing	Lewis (CA)	Saxton
Farr	Lewis (GA)	Scarborough
Fawell	Lewis (KY)	Schaefer
Fazio	Lightfoot	Schiff
Fields (LA)	Lincoln	Schroeder
Fields (TX)	Linder	Schumer
Flake	Lipinski	Seastrand
Flanagan	Livingston	Sensenbrenner
Foley	LoBiondo	Serrano
Forbes	Lofgren	Shadegg
Fowler	Longley	Shaw
Fox	Lowe	Shays
Franks (CT)	Lucas	Shuster
Franks (NJ)	Luther	Sisisky
Frelinghuysen	Manton	Skaggs
Frisa	Manzullo	Skeen
Frost	Markey	Skelton
Funderburk	Martinez	Smith (MI)
Furse	Martini	Smith (NJ)
Galleghy	Mascara	Smith (TX)
Ganske	Matsui	Smith (WA)
Gejdenson	McCarthy	Solomon
Gekas	McCrary	Souder
Gephardt	McHale	Spence
Geren	McHugh	Spratt
Gilchrest	McInnis	Stearns
Gillmor	McIntosh	Stenholm
Gilman	McKeon	Stockman
Goodlatte	McNulty	Stump
Goodling	Meehan	Stupak
Gordon	Menendez	Talent
Goss	Metcalfe	Tanner
Graham	Meyers	Tate
Green	Mfume	Tauzin
Greenwood	Mica	Taylor (MS)
Gunderson	Miller (FL)	Taylor (NC)
Green	Mineta	Tejeda
Gutknecht	Minge	Thomas
Hall (OH)	Mink	Thornberry
Hall (TX)	Moakley	Thornton
Hamilton	Molinari	Thurman
Hancock	Mollohan	Tiahrt
Hansen	Montgomery	Torkildsen
Harman	Moorhead	Torrice

Towns	Wamp	Wolf
Trafficant	Ward	Woolsey
Tucker	Watts (OK)	Wyden
Upton	Weldon (FL)	Wynn
Vento	Weldon (PA)	Yates
Visclosky	Weller	Young (AK)
Volkmer	White	Young (FL)
Vucanovich	Whitfield	Zeliff
Waldholtz	Wicker	Zimmer
Walker	Wilson	
Walsh	Wise	

NOES—46

Abercrombie	Frank (MA)	Rangel
Becerra	Gibbons	Sabo
Beilenson	Gonzalez	Sanders
Berman	Hastings (FL)	Sawyer
Brown (CA)	Hilliard	Scott
Clay	Johnson, E. B.	Stark
Clyburn	Johnston	Stokes
Collins (IL)	Lantos	Studds
Collins (MI)	Maloney	Thompson
Conyers	McDermott	Velazquez
Coyne	McKinney	Waters
Dellums	Meek	Watt (NC)
Dingell	Miller (CA)	Waxman
Fattah	Moran	Williams
Filner	Nadler	
Foglietta	Payne (NJ)	

NOT VOTING—9

Barrett (NE)	McDade	Rush
Ford	Pelosi	Slaughter
McCollum	Reynolds	Torres

□ 1519

Messrs. FOGLIETTA, COYNE, BECERRA, and GONZALEZ, changed their vote from "aye" to "no."

Ms. ESHOO, Ms. WOOLSEY, Mr. SERRANO, Ms. HARMAN, Mrs. CLAYTON, and Messrs. MEEHAN, FAZIO of California, TOWNS, and MINETA changed their vote from "no" to "aye."

So the amendments were agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Chairman, I was unavoidably detained and was unable to be present for rollcall vote No. 285. Had I been present, I would have voted "nay."

AMENDMENTS OFFERED BY MR. DORNAN

Mr. DORNAN. Mr. Chairman, I offer several amendments.

The CHAIRMAN. Are they amendments to section 2 of the bill?

Mr. DORNAN. They are to section 2, Mr. Chairman

The Clerk read as follows:

Amendments offered by Mr. DORNAN:

Page 2, line 7, strike "section 6" and insert "section 4".

Page 2, strike line 9 through line 12 and insert "person may not require or otherwise seek the response of a minor to a survey or questionnaire".

Page 3, line 5, strike "Any inquiry" and insert "Any individual inquiry".

Page 3, beginning at line 19, strike sections 3 and 4 (and redesignate the subsequent sections accordingly.)

The CHAIRMAN. Does the gentleman from California request unanimous consent that his amendments be considered en bloc?

Mr. DORNAN. Mr. Chairman, I do, and this is merely timesaving.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mrs. COLLINS of Illinois. Mr. Chairman, reserving the right to object, Mr.

Chairman, we do not have a copy of the amendments here.

We do now, Mr. Chairman, and I thank the gentleman.

The CHAIRMAN. The gentlewoman has a copy of the amendment at this time?

Mrs. COLLINS of Illinois. That is correct, Mr. Chairman. Yes.

Mr. DORNAN. Mr. Chairman, may I explain the amendment?

The CHAIRMAN. Is there objection to consideration of the amendments en bloc?

Mrs. COLLINS of Illinois. Mr. Chairman, reserving the right to object, I have not yet had an opportunity to read the amendments.

Mr. DORNAN. Mr. Chairman, would the gentlewoman like to engage in a colloquy to explain the unanimous part of my request?

Mrs. COLLINS of Illinois. Mr. Chairman if the gentleman will yield, I am still reading this amendment, because it has just been given to us. We are just trying to see what it does here. I will be ready in just a second.

The CHAIRMAN. The gentlewoman from Illinois has reserved the right to object, and the Chair wishes to wait.

Mr. DORNAN. Mr. Chairman, I am at the gentlewoman's service for a colloquy. I will be glad to explain why I have asked unanimous consent to have all three of them together.

Mrs. COLLINS of Illinois. Yes; Mr. Chairman, if the gentleman would do that, I would appreciate it.

Mr. DORNAN. I thank my good friend. Mr. Chairman, will the gentlewoman yield?

Mrs. COLLINS of Illinois. Further reserving the right to object, Mr. Chairman, I yield to the gentleman from California.

Mr. DORNAN. Mr. Chairman, to the gentlewoman, the unanimous aspect here is a timesaver. I have this broken down into three separate parts. They are all at the desk, and we can take it one step at a time, but I, from my viewpoint, do not believe that would make sense, because although there will be a good, healthy discussion on this, if we take this unanimously en bloc, it is just all geared toward one objective, and that is to end these surveys completely. So the unanimous aspect merely means we get further into the issue and start off right away taking what I am trying to do all at once.

Mrs. COLLINS of Illinois. Further reserving the right to object, Mr. Chairman, we have now had the time to look at this.

I withdraw my reservation of objection to the request that the amendments be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DORNAN. Mr. Chairman, having fenced briefly in my youth, and it is an elegant sport, the one thing I do remember is the gentlemanly or ladylike challenge at the beginning, "En

garde," I would say to my friends in this House who want these surveys. This is simply an attempt to end the surveys at the Federal level totally. So I am saying, En garde, and I do want to get a vote on this and will proceed, I hope, to a good discussion under this open rule.

Mr. Chairman, H.R. 1271 just strengthened somewhat by two simple words, "Written consent," is still, I believe, not the way this newly constituted Congress as of November 8 wants go. Even with the written consent, it requires that Federal funds be spent on surveys aimed at several unique categories. We have strengthened parental consent somewhat. Parental political affiliations or beliefs, I do not believe that is what they are really after. Mental or psychological problems, not much drive to get these facts down. Sexual behavior or attitudes; that is the main impetus behind almost all of these surveys. Illegal, antisocial, or self-incriminating behavior, that really turns off an overwhelming majority of the Members on both sides of the aisle.

But that is not really what they are after.

Appraisals of other individuals with whom the minor has familial relationships, an uncle, aunt, siblings, brothers, sisters, all Members of extended families; that is offensive to be asking questions about those folks, but that only comes in as an ancillary to the sexual underpinnings of all of these surveys.

Another point, relationships that are legally recognized as privileged, including relationships with lawyers or physicians or members of the clergy. With four or five medial doctors now serving in the Congress and almost a halfway point with lawyers, I do not think that is really what a lot of these surveys want to get in the face of the U.S. Congress about.

Now, what my Dornan amendment would do, the three lines are really all dovetailed together, it would prohibit the funding of all of these type surveys, period, end of report. The language specifically strikes this entire paragraph that we have just slightly made tougher, the parental-consent provision, and it leaves the remaining text which prohibits these surveys, period.

And I only have three simple points, and we will get on with the debate. Point No. 1, the Federal Government has no business subsidizing government social engineers or people who want this detailed information. What is the overwhelming evidence mandating that these types of surveys take place? Who is it really that wants children to answer questions within these very sensitive subject areas?

H.R. 1271, as now drafted, would indemnify in law a whole new industry of busybodies feeding on familial dysfunction and divisiveness.

No. 2, is this bill really aimed at surveys of sexual attitudes and behaviors? I have just made the point it is. Very