

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

Mr. SENSENBRENNER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

#### EXTENSION OF PROGRAMS UNDER THE HIGHER EDUCATION ACT OF 1965

Mr. GEORGE MILLER of California. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 3180) to temporarily extend the programs under the Higher Education Act of 1965.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 3180

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

#### SECTION 1. EXTENSION OF HIGHER EDUCATION PROGRAMS.

(a) EXTENSION OF PROGRAMS.—Section 2(a) of the Higher Education Extension Act of 2005 (Public Law 109-81; 20 U.S.C. 1001 note) is amended by striking “June 30, 2008” and inserting “July 31, 2008”.

(b) RULE OF CONSTRUCTION.—Nothing in this section, or in the Higher Education Extension Act of 2005 as amended by this Act, shall be construed to limit or otherwise alter the authorizations of appropriations for, or the durations of, programs contained in the amendments made by the Higher Education Reconciliation Act of 2005 (Public Law 109-171), by the College Cost Reduction and Access Act (Public Law 110-84), or by the Ensuring Continued Access to Student Loans Act of 2008 (Public Law 110-227) to the provisions of the Higher Education Act of 1965 and the Taxpayer-Teacher Protection Act of 2004.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. GEORGE MILLER) and the gentleman from California (Mr. McKEON) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Madam Speaker, I rise in support of S.

3180, a bill to temporarily extend programs under the Higher Education Act of 1965.

At the beginning of February, the House took steps to reauthorize the Higher Education Act in passing H.R. 4137, the College Opportunity and Affordability Act. We now find ourselves in the near final phase of completing the reauthorization of the Higher Education Act as we work toward a compromise bill with the Senate to ensure that the doors of college are truly open to all qualified students.

It is our goal to ensure that a final bill encompasses the major issues addressed in H.R. 4137, including skyrocketing college prices, a needlessly complicated student aid application process, and predatory tactics by student lenders.

The bill under consideration today, S. 3180, will extend the programs under the Higher Education Act until July 31, 2008, to allow sufficient time for final deliberations on the two bills reported out of the respective Chambers.

It has been nearly 10 years since the Higher Education Act was last reauthorized, and I believe the Members on both sides of the aisle and in both Chambers are anxious to complete the work on this bill in this Congress. We believe it can happen.

I look forward to joining my colleagues on the committees in both the House and the Senate in completing our work on behalf of this Nation's hardworking families and students.

Madam Speaker, I reserve the balance of my time.

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

I rise in support of S. 3180, a bill to temporarily extend the Higher Education Act of 1965. This bill will provide a clean extension of the Higher Education Act for 1 more month as we continue to work with our Senate colleagues to hammer out a conference agreement.

The underlying reauthorization of the Higher Education Act is long overdue. Since 2003 Congress has passed twelve extensions, two reconciliation bills, an emergency student loan bill, and the House has passed two reauthorization bills. In the reauthorization bill passed by this Congress, we strengthened Pell Grants, improved the Perkins Loan program, and expanded access to college for millions of American students. The reauthorization bills also included important reforms that will provide more transparency to American families on the cost of college. A recent report found that since 1983, the cost of keeping colleges running has outpaced the consumer price index by 48 percent. The average total for tuition fees, room and board, for an in-State student at a public 4-year college is \$13,589. It jumps to \$32,307 for a student attending a private 4-year college. Tuition and fees have increased by an average of 4.4 percent per year over the past decade, and that's after adjusting

for inflation. Students and families need to be able to plan for these increases, and that's exactly what we are proposing, through greater sunshine and transparency. We need to complete the reauthorization process to make those proposals a reality.

Madam Speaker, this is a clean extension bill that will allow the current programs of the Higher Education Act to continue past their current June 30, 2008, expiration date until July 31, 2008. Programs like Pell Grants and Perkins Loans are the passports out of poverty for millions of American students. We must complete our work on the conference agreement prior to the August recess.

I urge my colleagues to vote “yes” on S. 3180.

Madam Speaker, I yield back the balance of my time.

Mr. GEORGE MILLER of California. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. GEORGE MILLER) that the House suspend the rules and pass the Senate bill, S. 3180.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

#### STOP CHILD ABUSE IN RESIDENTIAL PROGRAMS FOR TEENS ACT OF 2008

Mr. GEORGE MILLER of California. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6358) to require certain standards and enforcement provisions to prevent child abuse and neglect in residential programs, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6358

*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 “Stop Child Abuse in Residential Programs for Teens Act of 2008”.

#### SEC. 2. DEFINITIONS.

In this Act:

(1) ASSISTANT SECRETARY.—The term “Assistant Secretary” means the Assistant Secretary for Children and Families of the Department of Health and Human Services.

(2) CHILD.—The term “child” means an individual who has not attained the age of 18.

(3) CHILD ABUSE AND NEGLECT.—The term “child abuse and neglect” has the meaning given such term in section 111 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106g).

(4) COVERED PROGRAM.—

(A) IN GENERAL.—The term “covered program” means each location of a program operated by a public or private entity that, with respect to one or more children who are unrelated to the owner or operator of the program—

(i) provides a residential environment, such as—

(I) a program with a wilderness or outdoor experience, expedition, or intervention;

(II) a boot camp experience or other experience designed to simulate characteristics of basic military training or correctional regimens;

(III) a therapeutic boarding school; or

(IV) a behavioral modification program; and

(ii) operates with a focus on serving children with—

(I) emotional, behavioral, or mental health problems or disorders; or

(II) problems with alcohol or substance abuse.

(B) EXCLUSION.—The term “covered program” does not include—

(i) a hospital licensed by the State; or

(ii) a foster family home that provides 24-hour substitute care for children placed away from their parents or guardians and for whom the State child welfare services agency has placement and care responsibility and that is licensed and regulated by the State as a foster family home.

(5) PROTECTION AND ADVOCACY SYSTEM.—The term “protection and advocacy system” means a protection and advocacy system established under section 143 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15043).

(6) STATE.—The term “State” has the meaning given such term in section 111 of the Child Abuse Prevention and Treatment Act.

### SEC. 3. STANDARDS AND ENFORCEMENT.

(a) MINIMUM STANDARDS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Assistant Secretary for Children and Families of the Department of Health and Human Services shall require each location of a covered program that individually or together with other locations has an effect on interstate commerce, in order to provide for the basic health and safety of children at such a program, to meet the following minimum standards:

(A) Child abuse and neglect shall be prohibited.

(B) Disciplinary techniques or other practices that involve the withholding of essential food, water, clothing, shelter, or medical care necessary to maintain physical health, mental health, and general safety, shall be prohibited.

(C) The protection and promotion of the right of each child at such a program to be free from physical and mechanical restraints and seclusion (as such terms are defined in section 595 of the Public Health Service Act (42 U.S.C. 290jj)) to the same extent and in the same manner as a non-medical, community-based facility for children and youth is required to protect and promote the right of its residents to be free from such restraints and seclusion under such section 595, including the prohibitions and limitations described in subsection (b)(3) of such section.

(D) Acts of physical or mental abuse designed to humiliate, degrade, or undermine a child's self-respect shall be prohibited.

(E) Each child at such a program shall have reasonable access to a telephone, and be informed of their right to such access, for making and receiving phone calls with as much privacy as possible, and shall have access to the appropriate State or local child abuse reporting hotline number, and the national hotline number referred to in subsection (c)(2).

(F) Each staff member, including volunteers, at such a program shall be required, as a condition of employment, to become familiar with what constitutes child abuse and neglect, as defined by State law.

(G) Each staff member, including volunteers, at such a program shall be required, as

a condition of employment, to become familiar with the requirements, including with State law relating to mandated reporters, and procedures for reporting child abuse and neglect in the State in which such a program is located.

(H) Full disclosure, in writing, of staff qualifications and their roles and responsibilities at such program, including medical, emergency response, and mental health training, to parents or legal guardians of children at such a program, including providing information on any staff changes, including changes to any staff member's qualifications, roles, or responsibilities, not later than 10 days after such changes occur.

(I) Each staff member at a covered program described in subclause (I) or (II) of section 2(4)(A)(i) shall be required, as a condition of employment, to be familiar with the signs, symptoms, and appropriate responses associated with heatstroke, dehydration, and hypothermia.

(J) Each staff member, including volunteers, shall be required, as a condition of employment, to submit to a criminal history check, including a name-based search of the National Sex Offender Registry established pursuant to the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248; 42 U.S.C. 16901 et seq.), a search of the State criminal registry or repository in the State in which the covered program is operating, and a Federal Bureau of Investigation fingerprint check. An individual shall be ineligible to serve in a position with any contact with children at a covered program if any such record check reveals a felony conviction for child abuse or neglect, spousal abuse, a crime against children (including child pornography), or a crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery.

(K) Policies and procedures for the provision of emergency medical care, including policies for staff protocols for implementing emergency responses.

(L) All promotional and informational materials produced by such a program shall include a hyperlink to or the URL address of the website created by the Assistant Secretary pursuant to subsection (c)(1)(A).

(M) Policies to require parents or legal guardians of a child attending such a program—

(i) to notify, in writing, such program of any medication the child is taking;

(ii) to be notified within 24 hours of any changes to the child's medical treatment and the reason for such change; and

(iii) to be notified within 24 hours of any missed dosage of prescribed medication.

(N) Procedures for notifying immediately, to the maximum extent practicable, but not later than within 48 hours, parents or legal guardians with children at such a program of any—

(i) on-site investigation of a report of child abuse and neglect;

(ii) violation of the health and safety standards described in this paragraph; and

(iii) violation of State licensing standards developed pursuant to section 114(b)(1) of the Child Abuse Prevention and Treatment Act, as added by section 7 of this Act.

(O) Other standards the Assistant Secretary determines appropriate to provide for the basic health and safety of children at such a program.

(2) REGULATIONS.—

(A) INTERIM REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Assistant Secretary shall promulgate and enforce interim regulations to carry out paragraph (1).

(B) PUBLIC COMMENT.—The Assistant Secretary shall, for a 90-day period beginning on

the date of the promulgation of interim regulations under subparagraph (A) of this paragraph, solicit and accept public comment concerning such regulations. Such public comment shall be submitted in written form.

(C) FINAL REGULATIONS.—Not later than 90 days after the conclusion of the 90-day period referred to in subparagraph (B) of this paragraph, the Assistant Secretary shall promulgate and enforce final regulations to carry out paragraph (1).

(b) MONITORING AND ENFORCEMENT.—

(1) ON-GOING REVIEW PROCESS.—Not later than 180 days after the date of the enactment of this Act, the Assistant Secretary shall implement an on-going review process for investigating and evaluating reports of child abuse and neglect at covered programs received by the Assistant Secretary from the appropriate State, in accordance with section 114(b)(3) of the Child Abuse Prevention and Treatment Act, as added by section 7 of this Act. Such review process shall—

(A) include an investigation to determine if a violation of the standards required under subsection (a)(1) has occurred;

(B) include an assessment of the State's performance with respect to appropriateness of response to and investigation of reports of child abuse and neglect at covered programs and appropriateness of legal action against responsible parties in such cases;

(C) be completed not later than 60 days after receipt by the Assistant Secretary of such a report;

(D) not interfere with an investigation by the State or a subdivision thereof; and

(E) be implemented in each State in which a covered program operates until such time as each such State has satisfied the requirements under section 114(c) of the Child Abuse Prevention and Treatment Act, as added by section 7 of this Act, as determined by the Assistant Secretary, or two years has elapsed from the date that such review process is implemented, whichever is later.

(2) CIVIL PENALTIES.—Not later than 180 days after the date of the enactment of this Act, the Assistant Secretary shall promulgate regulations establishing civil penalties for violations of the standards required under subsection (a)(1). The regulations establishing such penalties shall incorporate the following:

(A) Any owner or operator of a covered program at which the Assistant Secretary has found a violation of the standards required under subsection (a)(1) may be assessed a civil penalty not to exceed \$50,000 per violation.

(B) All penalties collected under this subsection shall be deposited in the appropriate account of the Treasury of the United States.

(c) DISSEMINATION OF INFORMATION.—The Assistant Secretary shall establish, maintain, and disseminate information about the following:

(1) Websites made available to the public that contain, at a minimum, the following:

(A) The name and each location of each covered program, and the name of each owner and operator of each such program, operating in each State, and information regarding—

(i) each such program's history of violations of—

(I) regulations promulgated pursuant to subsection (a); and

(II) section 114(b)(1) of the Child Abuse Prevention and Treatment Act, as added by section 7 of this Act;

(ii) each such program's current status with the State licensing requirements under section 114(b)(1) of the Child Abuse Prevention and Treatment Act, as added by section 7 of this Act;

(iii) any deaths that occurred to a child while under the care of such a program, including any such deaths that occurred in the five year period immediately preceding the date of the enactment of this Act, and including the cause of each such death;

(iv) owners or operators of a covered program that was found to be in violation of the standards required under subsection (a)(1), or a violation of the licensing standards developed pursuant to section 114(b)(1) of the Child Abuse Prevention and Treatment Act, as added by section 7 of this Act, and who subsequently own or operate another covered program; and

(v) any penalties levied under subsection (b)(2) and any other penalties levied by the State, against each such program.

(B) Information on best practices for helping adolescents with mental health disorders, conditions, behavioral challenges, or alcohol or substance abuse, including information to help families access effective resources in their communities.

(2) A national toll-free telephone hotline to receive complaints of child abuse and neglect at covered programs and violations of the standards required under subsection (a)(1).

(d) ACTION.—The Assistant Secretary shall establish a process to—

(1) ensure complaints of child abuse and neglect received by the hotline established pursuant to subsection (c)(2) are promptly reviewed by persons with expertise in evaluating such types of complaints;

(2) immediately notify the State, appropriate local law enforcement, and the appropriate protection and advocacy system of any credible complaint of child abuse and neglect at a covered program received by the hotline;

(3) investigate any such credible complaint not later than 30 days after receiving such complaint to determine if a violation of the standards required under subsection (a)(1) has occurred; and

(4) ensure the collaboration and cooperation of the hotline established pursuant to subsection (c)(2) with other appropriate National, State, and regional hotlines, and, as appropriate and practicable, with other hotlines that might receive calls about child abuse and neglect at covered programs.

#### SEC. 4. ENFORCEMENT BY THE ATTORNEY GENERAL.

If the Assistant Secretary determines that a violation of subsection (a)(1) of section 3 has not been remedied through the enforcement process described in subsection (b)(2) of such section, the Assistant Secretary shall refer such violation to the Attorney General for appropriate action. Regardless of whether such a referral has been made, the Attorney General may, *sua sponte*, file a complaint in any court of competent jurisdiction seeking equitable relief or any other relief authorized by this Act for such violation.

#### SEC. 5. REPORT.

Not later than one year after the date of the enactment of this Act and annually thereafter, the Secretary of Health and Human Services, in coordination with the Attorney General shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, a report on the activities carried out by the Assistant Secretary and the Attorney General under this Act, including—

(1) a summary of findings from on-going reviews conducted by the Assistant Secretary pursuant to section 3(b)(1), including a description of the number and types of covered programs investigated by the Assistant Secretary pursuant to such section;

(2) a description of types of violations of health and safety standards found by the Assistant Secretary and any penalties assessed;

(3) a summary of State progress in meeting the requirements of this Act, including the requirements under section 114 of the Child Abuse Prevention and Treatment Act, as added by section 7 of this Act;

(4) a summary of the Secretary's oversight activities and findings conducted pursuant to subsection (d) of such section 114; and

(5) a description of the activities undertaken by the national toll-free telephone hotline established pursuant to section 3(c)(2).

#### SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary of Health and Human Services \$15,000,000 for each of fiscal years 2009 through 2013 to carry out this Act (excluding the amendment made by section 7 of this Act and section 8 of this Act).

#### SEC. 7. ADDITIONAL ELIGIBILITY REQUIREMENTS FOR GRANTS TO STATES TO PREVENT CHILD ABUSE AND NEGLECT AT RESIDENTIAL PROGRAMS.

(a) IN GENERAL.—Title I of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.) is amended by adding at the end the following new section:

##### “SEC. 114. ADDITIONAL ELIGIBILITY REQUIREMENTS FOR GRANTS TO STATES TO PREVENT CHILD ABUSE AND NEGLECT AT RESIDENTIAL PROGRAMS.

“(a) DEFINITIONS.—In this section:

“(1) CHILD.—The term ‘child’ means an individual who has not attained the age of 18.

“(2) COVERED PROGRAM.—

“(A) IN GENERAL.—The term ‘covered program’ means each location of a program operated by a public or private entity that, with respect to one or more children who are unrelated to the owner or operator of the program—

“(i) provides a residential environment, such as—

“(I) a program with a wilderness or outdoor experience, expedition, or intervention;

“(II) a boot camp experience or other experience designed to simulate characteristics of basic military training or correctional regimes;

“(III) a therapeutic boarding school; or

“(IV) a behavioral modification program; and

“(ii) operates with a focus on serving children with—

“(I) emotional, behavioral, or mental health problems or disorders; or

“(II) problems with alcohol or substance abuse.

“(B) EXCLUSION.—The term ‘covered program’ does not include—

“(i) a hospital licensed by the State; or

“(ii) a foster family home that provides 24-hour substitute care for children placed away from their parents or guardians and for whom the State child welfare services agency has placement and care responsibility and that is licensed and regulated by the State as a foster family home.

“(3) PROTECTION AND ADVOCACY SYSTEM.—The term ‘protection and advocacy system’ means a protection and advocacy system established under section 143 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15043).

“(b) ELIGIBILITY REQUIREMENTS.—To be eligible to receive a grant under section 106, a State shall—

“(1) not later than three years after the date of the enactment of this section, develop policies and procedures to prevent child abuse and neglect at covered programs operating in such State, including having in effect health and safety licensing requirements applicable to and necessary for the operation of each location of such covered programs that include, at a minimum—

“(A) standards that meet or exceed the standards required under section 3(a)(1) of

the Stop Child Abuse in Residential Programs for Teens Act of 2008;

“(B) the provision of essential food, water, clothing, shelter, and medical care necessary to maintain physical health, mental health, and general safety of children at such programs;

“(C) policies for emergency medical care preparedness and response, including minimum staff training and qualifications for such responses; and

“(D) notification to appropriate staff at covered programs if their position of employment meets the definition of mandated reporter, as defined by the State;

“(2) develop policies and procedures to monitor and enforce compliance with the licensing requirements developed in accordance with paragraph (1), including—

“(A) designating an agency to be responsible, in collaboration and consultation with State agencies providing human services (including child protective services, and services to children with emotional, psychological, developmental, or behavioral dysfunctions, impairments, disorders, or alcohol or substance abuse), State law enforcement officials, the appropriate protection and advocacy system, and courts of competent jurisdiction, for monitoring and enforcing such compliance;

“(B) establishing a State licensing application process through which any individual seeking to operate a covered program would be required to disclose all previous substantiated reports of child abuse and neglect and all child deaths at any businesses previously or currently owned or operated by such individual, except that substantiated reports of child abuse and neglect may remain confidential and all reports shall not contain any personally identifiable information relating to the identity of individuals who were the victims of such child abuse and neglect;

“(C) conducting unannounced site inspections not less often than once every two years at each location of a covered program;

“(D) creating a non-public database, to be integrated with the annual State data reports required under section 106(d), of reports of child abuse and neglect at covered programs operating in the State, except that such reports shall not contain any personally identifiable information relating to the identity of individuals who were the victims of such child abuse and neglect; and

“(E) implementing a policy of graduated sanctions, including fines and suspension and revocation of licences, against covered programs operating in the State that are out of compliance with such health and safety licensing requirements;

“(3) if the State is not yet satisfying the requirements of this subsection, in accordance with a determination made pursuant to subsection (c), develop policies and procedures for notifying the Secretary and the appropriate protection and advocacy system of any report of child abuse and neglect at a covered program operating in the State not later than 30 days after the appropriate State entity, or subdivision thereof, determines such report should be investigated and not later than 48 hours in the event of a fatality;

“(4) if the Secretary determines that the State is satisfying the requirements of this subsection, in accordance with a determination made pursuant to subsection (c), develop policies and procedures for notifying the Secretary if—

“(A) the State determines there is evidence of a pattern of violations of the standards required under paragraph (1) at a covered program operating in the State or by an owner or operator of such a program; or

“(B) there is a child fatality at a covered program operating in the State;

“(5) develop policies and procedures for establishing and maintaining a publicly available database of all covered programs operating in the State, including the name and each location of each such program and the name of the owner and operator of each such program, information on reports of substantiated child abuse and neglect at such programs (except that such reports shall not contain any personally identifiable information relating to the identity of individuals who were the victims of such child abuse and neglect and that such database shall include and provide the definition of ‘substantiated’ used in compiling the data in cases that have not been finally adjudicated), violations of standards required under paragraph (1), and all penalties levied against such programs;

“(6) annually submit to the Secretary a report that includes—

“(A) the name and each location of all covered programs, including the names of the owners and operators of such programs, operating in the State, and any violations of State licensing requirements developed pursuant to subsection (b)(1); and

“(B) a description of State activities to monitor and enforce such State licensing requirements, including the names of owners and operators of each covered program that underwent a site inspection by the State, and a summary of the results and any actions taken; and

“(7) if the Secretary determines that the State is satisfying the requirements of this subsection, in accordance with a determination made pursuant to subsection (c), develop policies and procedures to report to the appropriate protection and advocacy system any case of the death of an individual under the control or supervision of a covered program not later than 48 hours after the State is informed of such death.

“(c) SECRETARIAL DETERMINATION.—The Secretary shall not determine that a State’s licensing requirements, monitoring, and enforcement of covered programs operating in the State satisfy the requirements of this subsection (b) unless—

“(1) the State implements licensing requirements for such covered programs that meet or exceed the standards required under subsection (b)(1);

“(2) the State designates an agency to be responsible for monitoring and enforcing compliance with such licensing requirements;

“(3) the State conducts unannounced site inspections of each location of such covered programs not less often than once every two years;

“(4) the State creates a non-public database of such covered programs, to include information on reports of child abuse and neglect at such programs (except that such reports shall not contain any personally identifiable information relating to the identity of individuals who were the victims of such child abuse and neglect);

“(5) the State implements a policy of graduated sanctions, including fines and suspension and revocation of licenses against such covered programs that are out of compliance with the health and safety licensing requirements under subsection (b)(1); and

“(6) after a review of assessments conducted under section 3(b)(2)(B) of the Stop Child Abuse in Residential Programs for Teens Act of 2008, the Secretary determines the State is appropriately investigating and responding to allegations of child abuse and neglect at such covered programs.

“(d) OVERSIGHT.—

“(1) IN GENERAL.—Beginning two years after the date of the enactment of the Stop Child Abuse in Residential Programs for

Teens Act of 2008, the Secretary shall implement a process for continued monitoring of each State that is determined to be satisfying the licensing, monitoring, and enforcement requirements of subsection (b), in accordance with a determination made pursuant to subsection (c), with respect to the performance of each such State regarding—

“(A) preventing child abuse and neglect at covered programs operating in each such State; and

“(B) enforcing the licensing standards described in subsection (b)(1).

“(2) EVALUATIONS.—The process required under paragraph (1) shall include in each State, at a minimum—

“(A) an investigation not later than 60 days after receipt by the Secretary of a report from a State, or a subdivision thereof, of child abuse and neglect at a covered program operating in the State, and submission of findings to appropriate law enforcement or other local entity where necessary, if the report indicates—

“(i) a child fatality at such program; or

“(ii) there is evidence of a pattern of violations of the standards required under subsection (b)(1) at such program or by an owner or operator of such program;

“(B) an annual review by the Secretary of cases of reports of child abuse and neglect investigated at covered programs operating in the State to assess the State’s performance with respect to the appropriateness of response to and investigation of reports of child abuse and neglect at covered programs and the appropriateness of legal actions taken against responsible parties in such cases; and

“(C) unannounced site inspections of covered programs operating in the State to monitor compliance with the standards required under section 3(a) of the Stop Child Abuse in Residential Programs for Teens Act of 2008.

“(3) ENFORCEMENT.—If the Secretary determines, pursuant to an evaluation under this subsection, that a State is not adequately implementing, monitoring, and enforcing the licensing requirements of subsection (b)(1), the Secretary shall require, for a period of not less than one year, that—

“(A) the State shall inform the Secretary of each instance there is a report to be investigated of child abuse and neglect at a covered program operating in the State; and

“(B) the Secretary and the appropriate local agency shall jointly investigate such report.”

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 112(a)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106h(a)(1)) is amended by inserting before the period at the end the following: “, and \$235,000,000 for each of fiscal years 2009 through 2013”.

(c) CONFORMING AMENDMENTS.—

(1) COORDINATION WITH AVAILABLE RESOURCES.—Section 103(c)(1)(D) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5104(c)(1)(D)) is amended by inserting after “specific” the following: “(including reports of child abuse and neglect occurring at covered programs (except that such reports shall not contain any personally identifiable information relating to the identity of individuals who were the victims of such child abuse and neglect), as such term is defined in section 114)”.

(2) FURTHER REQUIREMENT.—Section 106(b)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(b)(1)) is amended by adding at the end the following new subparagraph:

“(C) FURTHER REQUIREMENT.—To be eligible to receive a grant under this section, a State shall comply with the requirements under section 114(b) and shall include in the State

plan submitted pursuant to subparagraph (A) a description of the activities the State will carry out to comply with the requirements under such section 114(b).”.

(3) ANNUAL STATE DATA REPORTS.—Section 106(d) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(d)) is amended—

(A) in paragraph (1), by inserting before the period at the end the following: “(including reports of child abuse and neglect occurring at covered programs (except that such reports shall not contain any personally identifiable information relating to the identity of individuals who were the victims of such child abuse and neglect), as such term is defined in section 114)”;

(B) in paragraph (6), by inserting before the period at the end the following: “or who were in the care of a covered program, as such term is defined in section 114”.

(d) CLERICAL AMENDMENT.—Section 1(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 note) is amended by inserting after the item relating to section 113 the following new item:

“Sec. 114. Additional eligibility requirements for grants to States to prevent child abuse and neglect at residential programs.”.

## SEC. 8. STUDY AND REPORT ON OUTCOMES IN COVERED PROGRAMS.

(a) STUDY.—The Secretary of Health and Human Services shall conduct a study, in consultation with relevant agencies and experts, to examine the outcomes for children in both private and public covered programs under this Act encompassing a broad representation of treatment facilities and geographic regions.

(b) REPORT.—The Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report that contains the results of the study conducted under subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. GEORGE MILLER) and the gentleman from Pennsylvania (Mr. PLATTS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. GEORGE MILLER of California. Madam Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 6358, the Stop Child Abuse in Residential Programs for Teens Act of 2008.

This legislation incorporates the bipartisan compromise amendment to H.R. 5876 that this House debated yesterday and supported by a vote of 422 in a recorded vote that was taken on the substitute amendments.

The ranking member, Mr. McKEON, and I worked together to develop this compromise legislation because we both agree that children’s health and safety should never be a partisan issue.

The Government Accountability Office has found thousands of cases and allegations of child abuse and neglect, stretching back decades, to teen residential programs, including boot camps, wilderness camps, and therapeutic boarding schools.

The Education and Labor Committee has closely reviewed dozens of serious neglect and abuse cases, including cases that resulted in the death of a child. We have heard from parents of

children who died of preventable causes at the hands of untrained, uncaring staff members. We have heard from adults who attended these programs as teens. They too were the victims of physical and emotional abuse and witnessed other children being abused. These abuses have been allowed to go on because of the weak State and Federal rules governing teen residential programs.

An 18-month study by the Government Accountability Office showed that State licensing may exclude certain types of teen residential programs and thus place children at higher risk of abuse and neglect. In some States inconsistent licensing enables programs to define themselves out of the licensing altogether. According to GAO, in Texas a program that calls itself a residential treatment center would be required to obtain a license, but if that same program simply called itself a boarding school, it would not be required to have that license, and that's why this legislation is terribly important.

□ 1730

Parents send their children to these programs because they feel they have exhausted their alternatives. Their children may be abusing drugs or alcohol, attempting to run away or physically harm themselves, or otherwise acting out. They turn to these programs because the promise of staff members that will help their children straighten out their lives. And surely there are many cases in which programs do provide families the help they need. These parents are desperate and their children are in deep trouble.

But in far too many cases, when parents turn to those programs, they find they are getting conflicted information by people who have conflicts of interest in recommending the care for their children, financial conflicts of interest, ownership issues, and relationship issues that conflict that kind of advice.

We also know that we see programs that violate the trust that must be established between the parent and these programs and the programs and the children. It's very difficult for these parents to find good programs and to find accurate information, since the reporting requirements are so thin or nonexistent in so many States.

This legislation requires the Department of Health and Human Services to establish minimum standards for residential programs, and to enforce them. Ultimately, however, the States will have primary responsibility for carrying out the work of this bill.

The legislation calls upon the States within 3 years to take up the role of setting standards and enforcing them at all programs, public and private. The Health and Human Services and the State standards would include prohibitions on physical, sexual, and mental abuse of children. The standards would require the programs to provide children with adequate food, water, and medical care.

They would require that programs have plans in place to handle medical emergencies. They would also include new training requirements for program staff, including the training on how to identify and report child abuse.

The legislation requires Health and Human Services to set up a toll-free hotline for people to call to report abuse in these programs. It also requires Health and Human Services to create a Web site for information about each program so that parents can look and see if substantiated cases of child abuse or a child fatality has occurred at the program that they are considering for their children.

Finally, the legislation requires programs to disclose to parents the qualifications, roles, and responsibilities of all current staff members, and requires programs to notify parents of substantiated child abuse or violations of health and safety laws.

Madam Speaker, we have the responsibility to keep children safe, no matter what setting they are in. Today, we are taking an important step to finally ending the horrific abuses that have gone on in these residential programs for teens.

I want to thank again Congresswoman MCCARTHY of New York for all of her help and work on this legislation, and Congressman MCKEON for all of his work on this legislation. His suggestions as the bill left the committee made this a better piece of legislation, and I encourage my colleagues to support the bipartisan legislation.

I reserve the balance of my time.

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

I rise today in support of H.R. 6358, the Stop Child Abuse in Residential Programs for Teens Act. H.R. 6358 puts protections in place to guard against abuse, neglect, and death at residential treatment programs. These residential treatment programs help seriously troubled teens with drug addiction or behavioral or emotional problems. For many parents, they are a last resort when no other treatments or interventions have worked.

Members on both sides of the aisle share a commitment to protect young people enrolled in residential treatment programs. Even one instance of abuse, neglect, or death is one too many.

The bill we are considering today has been developed in an effort to reach a bipartisan consensus. It's important to note that the provisions in the version of this bill that the Education and Labor Committee reported in May have been revised or edited, including the requirement for the Department of Health and Human Services to establish a new bureaucracy to inspect every private residential treatment program in every State, and the requirement creating a new private right of action for lawsuits.

This legislation ensures that the standards required in the bill apply to

both public and private residential treatment programs. The language also contains strong background check requirements that ensure that before coming into contact with children, potential employees are thoroughly scrutinized with tools, including the National Sex Offender Registry and an FBI fingerprint check.

Stopping child abuse is a necessary and essential function of State and local government. It is clear to me that the most effective and appropriate way to protect those enrolled in these programs is to require States to establish a system of standards, licensure, and regulation to ensure that States are working to stop instances of abuse and neglect at residential treatment programs. The Federal role is to ensure that States live up to their vital responsibilities in stopping abuse in these facilities.

In this bill, the responsibility for licensing and inspecting these programs rests with the States and is tied to their receipt of funds under the Child Abuse Prevention and Treatment Act. The role of the Federal Government relates to establishing minimum standards and investigating instances of abuse and neglect upon a referral from a State.

I think Members on both sides of the aisle can agree that there's still more work to be done. Just yesterday, Congresswoman BACHMANN offered a proposal to strengthen parental notification and consent requirements regarding prescription medications given to teens at residential treatment facilities. Hopefully, this important issue will be further addressed as this legislation moves through the legislative process.

In closing, it's important to acknowledge the great progress that has already been made to strike a bipartisan consensus. I especially want to commend Chairman MILLER, Subcommittee Chairwoman MCCARTHY and Ranking Member MCKEON, along with their staffs, for working together to strengthen this important effort to protect our nation's teens against abuse and neglect in residential treatment facilities. I stand in strong support of this important legislation and encourage my colleagues to also support it.

I yield back the balance of my time.

Mr. GEORGE MILLER of California. I want to thank Congressman PLATTS for his support of this legislation.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in strong support of H.R. 6358, "Stop the Child Abuse in Residential Programs for Teens". I would like to thank my colleagues on the Committee on Education and Labor for bringing this very important legislation to the floor.

On Capitol Hill we often debate matters that can address varying viewpoints. I believe that this legislation can only be looked at from two angles—right and wrong. I do believe that this bill must restore the spot check visits by HHS which have been deleted—the agencies in Texas are guilty of many abuses and these visits can save children's lives.



They are everybody's children, and nobody's children. They are the forgotten children in the Texas foster care and residential care system. Black, White, Hispanic, and Asian—they all need the love of a mother, the nurturing of a family, and the support of their community. Some of them find homes with caring foster parents or in treatment centers with experienced and caring providers. And some do not.

This legislation allows us to keep our children safe with:

New national standards for private and public residential programs:

Prohibit programs from physically, mentally, or sexually abusing children in their care;

Prohibit programs from denying children essential water, food, clothing, shelter, or medical care—whether as a form of punishment or for any other reason;

Require that programs only physically restrain children if it is necessary for their safety or the safety of others, and to do so in a way that is consistent with existing Federal law on the use of restraints;

Require programs to provide children with reasonable access to a telephone and inform children of their right to use the phone;

Require programs to train staff in understanding what constitutes child abuse and neglect and how to report it; and

Require programs to have plans in place to provide emergency medical care.

Prevent deceptive marketing by residential programs for teens:

Require programs to disclose to parents the qualifications, roles, and responsibilities of all current staff members;

Require programs to notify parents of substantiated reports of child abuse or violations of health and safety laws; and

Require programs to include a link or Web address for the Web site of the U.S. Department of Health and Human Services, which will carry information on residential programs.

Hold teen residential programs accountable for violating the law:

Require States to inform the U.S. Department of Health and Human Services of reports of child abuse and neglect at covered programs and require HHS to conduct investigations of such programs to determine if a violation of the national standards has occurred; and

Give HHS the authority to assess civil penalties of up to \$50,000 against programs for every violation of the law.

Ask States to step in to protect teens in residential programs: Three years after enactment, the legislation would provide certain Federal grant money to States only if they develop their own licensing standards (that are at least as strong as national standards) for public and private residential programs for teens and implement a monitoring and enforcement system, including conducting unannounced site inspections of all programs at least once every 2 years. The Department of Health and Human Services would continue to inspect programs where a child fatality has occurred or where a pattern of violations has emerged.

This legislation seeks to protect the unprotected—our children—from abuse, neglect and exploitation. Many of these children are not safe, and their futures are uncertain. The groups serving children and adolescents with mental health or substance use conditions

need better regulation. The youth boot camps and other “alternative placement facilities” should be forced to provide greater transparency as to the policies and practices of their programs.

This legislation is a welcomed and needed response to numerous studies documenting the ineffectiveness of these programs and, in several instances, the tragic deaths as a result of child abuse and neglect as reported by the GAO in October 2007. Too many families struggle mightily in nearly every State to find placements, when appropriate, for their children that will address their complex mental health needs.

These facilities flourish, in part, because parents lack the necessary information about the operation and practices of these programs. The promise of help cannot be allowed to obscure the fact that these kinds of programs are not science-based and have not been forthcoming about the incidence of neglect or abuse.

This addresses the challenges facing many families. It seeks relief from these risks by (1) establishing standards for these programs that are consistent with current child protection laws; (2) ensuring that personnel are qualified; (3) shifting these programs to be family-centered, as well as culturally and developmentally appropriate; (4) creating mechanisms for the monitoring and enforcement of these goals; (5) calling for greater transparency and accessibility to the compliance of these standards; and (6) providing grants to States for the prevention of child abuse and neglect and for the treatment of children's mental health or substance use conditions.

Additionally, the annual report to Congress is an effective tool in ensuring that these critical issues emerge from the shadows and see the light of day. I share the vision and commitment of Chairman MILLER and the Education and Labor Committee in protecting our youth from such predators.

I urge my colleagues to vote for our children, vote for our families, and vote for H.R. 6358.

Mr. GEORGE MILLER of California. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. GEORGE MILLER) that the House suspend the rules and pass the bill, H.R. 6358.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. PLATTS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 6052, SAVING ENERGY THROUGH PUBLIC TRANSPORTATION ACT OF 2008

Mr. MCGOVERN, from the Committee on Rules, submitted a privileged report (Rept. No. 110-734) on the

resolution (H. Res. 1304) providing for consideration of the bill (H.R. 6052) to promote increased public transportation use, to promote increased use of alternative fuels in providing public transportation, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order: motion to suspend with respect to H.R. 6358; passage of H.R. 3195; and motion to instruct on H.R. 4040.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

#### STOP CHILD ABUSE IN RESIDENTIAL PROGRAMS FOR TEENS ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 6358, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. GEORGE MILLER) that the House suspend the rules and pass the bill, H.R. 6358.

The vote was taken by electronic device, and there were—yeas 318, nays 103, not voting 13, as follows:

[Roll No. 459]

YEAS—318

Abercrombie	Calvert	Diaz-Balart, L.
Ackerman	Capito	Diaz-Balart, M.
Alexander	Capps	Dicks
Allen	Capuano	Dingell
Altmire	Cardoza	Doggett
Andrews	Carnahan	Donnelly
Arcuri	Carney	Doyle
Baca	Carson	Dreier
Bachus	Castle	Edwards (MD)
Baird	Castor	Edwards (TX)
Baldwin	Cazayoux	Ehlers
Barrow	Chandler	Ellison
Bartlett (MD)	Childers	Ellsworth
Bean	Clarke	Emanuel
Becerra	Clay	Emerson
Berkley	Cleaver	Engel
Berman	Clyburn	English (PA)
Berry	Cohen	Eshoo
Biggert	Conaway	Etheridge
Bilirakis	Conyers	Fallin
Bishop (GA)	Cooper	Farr
Bishop (NY)	Costa	Fattah
Blumenauer	Costello	Ferguson
Boren	Courtney	Filner
Boswell	Cramer	Fortenberry
Boucher	Crowley	Foster
Boustany	Cuellar	Frank (MA)
Boyd (FL)	Culberson	Frelinghuysen
Boyda (KS)	Cummings	Galleghy
Brady (PA)	Davis (AL)	Gerlach
Braley (IA)	Davis (CA)	Giffords
Brown (SC)	Davis (IL)	Gillibrand
Brown, Corrine	Davis, Lincoln	Gonzalez
Brown-Waite,	Davis, Tom	Gordon
Ginny	DeFazio	Graves
Buchanan	DeGette	Green, Al
Burgess	Delahunt	Green, Gene
Butterfield	DeLauro	Grijalva
Buyer	Dent	Gutierrez