

PROVIDING FOR THE CONSIDERATION OF THE BILL (H.R. 5876) TO REQUIRE CERTAIN STANDARDS AND ENFORCEMENT PROVISIONS TO PREVENT CHILD ABUSE AND NEGLECT IN RESIDENTIAL PROGRAMS, AND FOR OTHER PURPOSES

JUNE 17, 2008.—Referred to the House Calendar and ordered to be printed

Mr. CARDOZA, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 1276]

The Committee on Rules, having had under consideration House Resolution 1276, by a non-record vote, to report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 5876, the “Stop Child Abuse in Residential Programs for Teens Act of 2008,” under a structured rule. The rule provides one hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor. The rule waives all points of order against consideration of the bill except clauses 9 and 10 of rule XXI. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule waives all points of order against the amendment in the nature of a substitute except for clause 10 of rule XXI. This waiver does not affect the point of order available under clause 9 of rule XXI (regarding earmark disclosure).

The rule makes in order only those amendments printed in this report. The amendments made in order may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. All points of order against the amendments except for clauses 9 and 10 of rule XXI are waived. The rule provides one motion to recom-

mit with or without instructions. The rule provides that, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

EXPLANATION OF WAIVERS

Although the rule waives all points of order against consideration of the bill (except for clauses 9 and 10 of rule XXI) and waives all points of order against the amendment in the nature of a substitute (except clause 10 of rule XXI), the Committee is not aware of any points of order. The waivers of all points of order are prophylactic.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee Record Vote No. 536

Date: June 17, 2008.

Measure: H.R. 5876.

Motion by: Mr. Dreier.

Summary of motion: To grant an open rule.

Results: Defeated 3–6.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Matsui—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Dreier—Yea; Hastings (WA)—Yea; Sessions—Yea.

Rules Committee Record Vote No. 537

Date: June 17, 2008.

Measure: H.R. 5876.

Motion by: Mr. Hastings (WA).

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Bishop, Rob (UT), #3, which provides that for any requirement where States must publicly report cases of abuse and neglect those reports must be adjudicated reports of abuse and neglect.

Results: Defeated 3–6.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Matsui—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Dreier—Yea; Hastings (WA)—Yea; Sessions—Yea.

Rules Committee Record Vote No. 538

Date: June 17, 2008.

Measure: H.R. 5876.

Motion by: Mr. Sessions.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Price, Tom (GA), #2, which reduces authorized spending by one percent; prohibits funds that are appropriated to be obligated or expended for a congressional earmark; and prohibits funds from going to covered programs that are in violation of the Act's standards.

Results: Defeated 3–6.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Matsui—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Dreier—Yea; Hastings (WA)—Yea; Sessions—Yea.

SUMMARY OF AMENDMENTS MADE IN ORDER

(Summaries derived from information provided by sponsors.)

1. Miller, George (CA)/McKeon (CA): Makes three changes to the definition of “covered program.” It expands the definition to include public residential programs, and it strikes the exclusion of psychiatric residential treatment facilities and the exclusion of foster care group homes. The amendment strikes the requirement for the Secretary of HHS to make unannounced site inspections of covered programs at least once every two years, and it strikes Section 5. The amendment requires the Secretary to report to Congress on the activities of the national toll-free hotline, directs the Secretary to conduct a study on the outcomes of residential programs, and amends one of the standards to require a timeline about notifying parents. (20 minutes)

2. Shea-Porter (NH): Requires that programs have policies in place for ensuring that any changes to a child’s medication are made in consultation with a qualified medical professional and a parent or legal guardian of the child. (10 minutes)

TEXT OF AMENDMENTS MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GEORGE MILLER OF CALIFORNIA, OR HIS DESIGNEE, DEBATABLE FOR 20 MINUTES

Page 2, line 20, strike “not”.

Page 2, line 21, strike “governmental” and insert “public or private”.

Page 3, line 20, insert “or” after the semicolon.

Page 3, beginning line 21, strike “or group home”.

Page 3, line 23, strike “place” and insert “placed”.

Page 4, line 3, strike “or group home; or” and insert a period.

Page 4, strike lines 4 through 11.

Page 9, line 4, after “program” insert “immediately, to the maximum extent practicable, but not later than within 48 hours”.

Page 9, line 13, strike “section 8” and insert “section 7”.

Page 10, strike line 13 through page 11, line 4.

Page 11, line 5, strike “(2)” and insert “(1)”.

Page 11, line 13, strike “section 8” and insert “section 7”.

Page 12, line 10, strike “section 8” and insert “section 7”.

Page 12, line 15, strike “(3)” and insert “(2)”.

Page 13, line 10, strike “contains” and insert “contain”.

Page 13, line 21, strike “section 8” and insert “section 7”.

Page 14, beginning line 1, strike “section 8” and insert “section 7”.

Page 14, line 8, before the semicolon insert “, and including the cause of each such death”.

Page 14, line 15, strike “section 8” and insert “section 7”.

Page 14, beginning line 19, strike “(b)(3), any judgments or orders issued by a court pursuant to section 5,” and insert “(b)(2)”.

Page 16, line 8, strike “(b)(3)” and insert “(b)(2)”.

Page 16, strike line 14 through page 17, line 2.

Page 17, line 3, strike “6” and insert “5”.

Page 17, strike lines 13 through 21 and insert the following:

(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;

Page 17, line 22, strike “(4)” and insert “(3)”.

Page 17, line 25, strike “section 8” and insert “section 7”.

Page 17, line 25, strike “and” at the end.

Page 18, line 1, strike “(5)” and insert “(4)”.

Page 18, line 3, strike the period and insert “; and”.

Page 18, after line 3, insert the following:

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

Page 18, line 4, strike “7” and insert “6”.

Page 18, line 6, strike “\$50,000,000” and insert “\$15,000,000”.

Page 18, line 8, strike “section 8” and insert “section 7”.

Page 18, line 8, after “of this Act” insert “and section 8 of this Act”.

Page 18, line 9, strike “8” and insert “7”.

Page 19, line 25, insert “or” after the semicolon.

Page 20, beginning line 1, strike “or group home”.

Page 20, line 8, strike “or group home; or” and insert a period.

Page 20, strike lines 9 through 16.

Page 22, line 14, insert “establishing” after “(B)”.

Page 22, line 20, strike “that such” and insert “that substantiated reports of child abuse and neglect may remain confidential and all”.

Page 23, line 4, insert “non-public” before “database”.

Page 24, line 21, insert “substantiated” before “child”.

Page 24, line 25, insert “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” after “neglect”.

Page 25, line 20, strike “develop and” and insert “develop”.

Page 26, line 15, insert “non-public” before “database”.

Page 28, line 14, strike “annually, a random sample of review” and insert “an annual review by the Secretary”.

Page 29, line 19, strike “\$200,000,000” and insert “\$235,000,000”.

At the end of the bill, add the following new section:

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).

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SHEA-PORTER OF NEW HAMPSHIRE, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 9, after line 2, insert the following new subparagraph:

(N) Policies to ensure that changes to the medication of a child attending such a program are made in consultation with a qualified medical professional and a parent or legal guardian of the child.

Page 9, line 3, strike "(N)" and insert "(O)".

Page 9, line 15, strike "(O)" and insert "(P)".