

Mr. WILSON of Ohio. Madam Speaker, there are two people to blame for the extremely high increase in gas prices, President Bush and Vice President CHENEY, two men who came to the White House from the executive suites of Big Oil.

This week, the President proposed a proposal that was literally written by the oil industry: Give more public resources to the very same oil companies that are raking in record profits and are sitting on 68 million acres of Federal lands they already have leased.

The President called for opening the Outer Continental Shelf to drilling, even though more than 80 percent of that is already under lease at this time. The President reported the same old rhetoric about drilling in ANWR, even though his own Energy Department has concluded that will bring no solution for the next 20 years. This type of rhetoric is what is hurting us and will continue to hurt our country.

Madam Speaker, America cannot afford any more failed Bush-Cheney energy policies.

CONGRESS HELPING MONKEYS AND WHALES WHILE AMERICANS STRUGGLE TO MAKE ENDS MEET

(Mr. TIM MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, with oil and gas prices climbing to record highs and families struggling to make ends meet, what did Congress do to help this week? Well, we voted on monkeys. Yes, we voted to prohibit you from driving a monkey across State lines. We also had a lengthy debate on whaling. But no votes to increase energy supplies to lower gas prices. Good for monkeys, good for whales, but not good for America's families.

Sixty-seven percent of Americans support safe, environmentally sound exploration of our resources. The American people understand that we need more American energy, not Saudi Arabian, not Venezuelan or Russian energy dependence. American energy means we are creating American jobs, not funding plush skyscrapers in Dubai. And lower prices allow us to invest our dollars in alternate energy and conservation.

Earlier this week, I introduced House Resolution 1282 to encourage the removal of the executive ban on drilling along our Outer Continental Shelf. The President has the power to remove this ban today, if he chooses. I invite all my colleagues to cosponsor my resolution. Let's bring relief for America's families.

DRILL NOTHING CONGRESS— PART II

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Madam Speaker, the Drill Nothing Congress has let another week

go into the history books, but no progress has been made on solving rising gasoline prices. Most Americans are for offshore drilling, but the don't-drill-in-America gang says no.

Why does the anti-American drilling crowd think it is wrong for us to drill at home, but it is right for OPEC and the Saudis to drill and sell us crude that costs Americans \$425 million a day?

The Drill Nothing Congress says those American oil companies, which they seem to despise more than OPEC and dictator Chavez, have enough leases on Federal land. The problem with that lack of logic is there is no oil on those leases. The land is full of dry holes. It is like trying to lease Death Valley to the farmers to grow corn. It won't work.

The don't-drill group thinks American oil companies make too much money. Little do they know oil companies are owned by millions of middle-class Americans who are called stockholders.

Open up the Outer Continental Shelf. American oil companies will pay millions in lease revenues to taxpayers. Thousands of jobs will be created. America needs to take care of America. Drill offshore.

And that's just the way it is.

CELEBRATING THE LEGACY OF THE HONORABLE ALICE ROBERTSON, MEMBER OF CONGRESS

(Ms. FALLIN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FALLIN. Madam Speaker, today I would like to share with the Chamber a very significant moment in our history. Eighty-seven years ago today, on June 20, 1921, Congresswoman Alice Robertson became the first woman to sit in the chair and preside over this body.

She was a pioneer, an educator, a public servant, and only the second woman ever elected to Congress. She is a testament to the power of the 19th amendment and a symbol of the full participation that women have enjoyed in government ever since its passage. Today, women occupy many seats in this Chamber, even the Speaker's Chair.

So we owe much to Alice Robertson, and I ask that you join me in celebrating her legacy and giving thanks to the memory of this wonderful Oklahoma woman.

RECOGNIZING THE HINSDALE CENTRAL HIGH SCHOOL BOYS TENNIS TEAM

(Mrs. BIGGERT asked and was given permission to address the House for 1 minute.)

Mrs. BIGGERT. Madam Speaker, it is with great pride that I rise to congratulate the Hinsdale Central Red Devils on winning the Illinois State

Boys Tennis Tournament held at Hersey High School in Arlington Heights. This year's State finals mark the second consecutive State championship for Central's boys tennis team.

Team member Augie Bloom placed third in singles and the doubles team of Dan Ballantine and Ian Tesmond placed fifth in the State. Additionally, teammates Krishna Ravella, Paul Cooper and Josh Sink all contributed to bringing home the prize. Their outstanding performance on the court won 37 points, a one-point margin of victory. Guiding the team to victory were coach Jay Kramer and assistant coaches John Naisbitt and Bro Ballantine.

Madam Speaker, our community is very proud of these champions, who worked so hard for this victory. Their dedication and fighting spirit is a testament to their school and the State of Illinois.

Again, I congratulate the Hinsdale Central Red Devils on their state title, and wish them the best of luck in future seasons.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 337. Concurrent resolution honoring Seeds of Peace for its 15th anniversary as an organization promoting understanding, reconciliation, acceptance, coexistence, and peace in the Middle East, South Asia, and other regions of conflict.

The message also announced that the Senate has passed bills and a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 2159. An act to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration.

S. 2607. An act to make a technical correction to section 3009 of the Deficit Reduction Act of 2005.

S. Con. Res. 91. Concurrent resolution honoring Army Specialist Monica L. Brown, of Lake Jackson, Texas, extending gratitude to her and her family, and pledging continuing support for the men and women of the United States Armed Forces.

□ 0915

PROVIDING FOR CONSIDERATION OF H.R. 5876, STOP CHILD ABUSE IN RESIDENTIAL PROGRAMS FOR TEENS ACT OF 2008

Mr. CARDOZA. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1276 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1276

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for

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. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. 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 Education and Labor. 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 Education and Labor now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the 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 division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. 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.

SEC. 2. During consideration in the House of H.R. 5876 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore (Mrs. TAUSCHER). The gentleman from California is recognized for 1 hour.

Mr. CARDOZA. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. CARDOZA. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on House Resolution 1276.

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

There was no objection.

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

House Resolution 1276 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 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor.

The rule makes in order two amendments that were submitted for consideration and are printed in the Rules Committee report, including a bipartisan manager's amendment. The rule waives all points of order against consideration of the bill, except for clauses 9 and 10 of rule XXI. Finally, the rule provides one motion to recommend with or without instructions.

The bill before us today, the Stop Child Abuse in Residential Programs for Teens Act, responds to an urgent need to protect our Nation's vulnerable children. An estimated 20 to 30,000 U.S. teenagers attend private residential programs, including therapeutic boarding schools, wilderness camps, boot camps, and behavioral modification facilities. These residential facilities are intended to help treat children with behavioral, emotional or mental health problems.

However, many of these facilities are loosely regulated, if they are even regulated at all. As a result, some of the very facilities that are supposed to be providing a safe environment for our Nation's vulnerable children have, instead, provided us with some of the most shocking accounts of child abuse and neglect we have ever been witness to.

A comprehensive report by the Government Accountability Office recently uncovered thousands of allegations of child abuse and neglect at private residential programs for teens. Tragically, in a number of these cases, this abuse and neglect led to the child's death.

I won't describe the horrifying stories, but I will say that they go far beyond simple maltreatment. The stories are deplorable. They are inexcusable, and they are inhumane.

This bill, H.R. 5876, will keep children safe by imposing new national standards for residential treatment programs. These standards include prohibitions on denying children food, water, clothing, shelter or medical care for any reason, including as a form of punishment.

The bill upholds core moral values by specifically prohibiting programs from engaging in practices that physically, sexually or mentally abuse or torment children in their care.

It requires programs to train staff in understanding what constitutes child abuse and neglect and how to report it, and it requires programs to have emergency medical care plans in place.

The bill also includes several other provisions, such as requiring programs to disclose to parents the qualifications of staff, notifying parents of substantiated reports of abuse, and providing grant money to States if they

develop their own standards that are at least as strong as the national ones.

On a personal note, I would like to say that my wife, Kathie, and I are proud parents of three children, two of which we adopted from foster care. I can tell you from my own personal experience that nothing is more important to a child's life than having a secure home.

No child should ever be subject to abuse or neglect, especially when in the care of those who are supposed to be providing treatment.

I commend Chairman MILLER for his tireless efforts on behalf of our Nation's children. I strongly urge my colleagues on both sides of the aisle to support this commonsense legislation.

Madam Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. At this time I would like to thank my good friend, the gentleman from California (Mr. CARDOZA), for the time and yield myself such time as I may consume.

Madam Speaker, when families send their children to private residential treatment facilities, they expect their children to receive proper treatment for their emotional and behavioral problems. Unfortunately, some of these treatment facilities have not provided the treatment these children need.

Instead, we have heard reports of abuse, neglect and even death. The Government Accountability Office recently looked into these reports of child abuse.

While researching the reports, the GAO found that the current patchwork of Federal legislation and oversight addressing youth well-being have led to a substantial disparity in protecting the well-being and civil rights of some of the Nation's most vulnerable youth. The safety and well-being of these vulnerable children is of great importance, and we must do all we can to stop child abuse and neglect at residential treatment facilities.

For that reason I am pleased that the underlying legislation, the Stop Child Abuse in Residential Programs for Teens Act, seeks to help remedy the issues addressed in the GAO report. The legislation seeks to ensure effective regulation, monitoring and enforcement of residential treatment programs by the States, with the Federal Government playing an oversight role.

I would like to commend Chairman MILLER and Ranking Member MCKEON for working to bridge their differences on this legislation. I think they should be commended for coming up with a compromise acceptable to both sides of the aisle.

Unfortunately, unlike the Education and Labor Committee, compromise and bipartisanship are concepts that do not make it past the door of the majority in the Rules Committee, because the majority there has blocked all Republican amendments. The majority might call this a structured rule, but for members on the minority side of the

aisle, this might as well be the 55th closed rule in this Congress.

Not only does this rule completely undermine the spirit of bipartisanship that Chairman MILLER and Ranking Member MCKEON worked so hard to achieve, it also stands in stark contrast to how the new majority promised they would run the House of Representatives.

Before the new majority took over control of the House, they laid out their promises for a more civil, more open, more transparent House in a document they entitled "The New Direction for America."

The document provides clear guidelines for how legislation should move through the House. One of the promises made in the document is, and I quote, "Bills should generally come to the floor under a procedure that allows open, full and fair debate consisting of a full amendment process that grants the minority the right to offer its alternative, including a substitute.

Yet here we are today with a process that completely shuts out the minority from offering any amendments. Obviously the majority left their campaign promises on the campaign trail.

I would ask all of my colleagues to vote against this unfair rule which completely contradicts the majority's rhetoric about running the most open, honest, and transparent Congress in history.

Madam Speaker, at this time I would like to address a separate issue. Last week we received the desperate plea of a father in Cuba. The father's name, Pedro Andres Ferrera, concerns his 21-year-old son, Yuselin Ferrera, who at this time, as we speak, is being tortured in the psychiatric hospital in Sagua la Grande, Cuba, the San Luis psychiatric hospital.

His crime—a bracelet like the one I am wearing, that has the word "change" in it. This young man, 21 years old, supports freedom and democracy. For that crime, at this moment, he is in the San Luis psychiatric hospital in Sagua la Grande, Cuba, being tortured.

His father's plea, which is really extraordinary, describes continuous interrogations that the young man is being subjected to, with the objective of changing his way of thinking so that he will renounce, give up his probative democracy beliefs.

His father, in his desperation, said that he makes responsible for the consequences that may ensue to his son the Cuban dictatorship and, specifically, its state security apparatus.

I, at this time, join with Pedro Andres Ferrera, the father of that young man, 21-year-old Yuselin Ferrera, to also make responsible publicly the jailers, so-called doctors, torturers of the young man, Yuselin Ferrera. Let them not think even for one instant that we will forget this crime. Let them not think even for one moment that this crime against humanity will be subject to any sort of statute of lim-

itations. There will be justice for criminals such as those so-called doctors in the psychiatric hospital torturing that 21-year-old man simply for supporting a peaceful campaign of change within the totalitarian state of Cuba.

□ 0930

I ask my friend, my dear friend, also a strong supporter of freedom wherever there is injustice anywhere in the world, DENNIS CARDOZA, to join me in a bipartisan spirit also denouncing those torturers and putting them on notice that we will not forget their crimes against that young man.

At this time, Madam Speaker, and returning to the subject of the legislation, I see that Chairman MILLER is here, and I thank him again, along with Ranking Member MCKEON, for their important work and especially in making possible this bipartisan legislation that is coming to the floor today, the underlying legislation that we bring to the floor today.

I reserve the balance of my time.

Mr. CARDOZA. Madam Speaker, I would like to acknowledge that my colleague from Florida has been a true champion on behalf of the pro-democracy forces in Cuba; that certainly I join him in denouncing any of the horrible acts that he described today, and I praise the emotion and spirit with which he brings his fight towards democracy in Cuba to the floor. Thank you, Mr. DIAZ-BALART.

But I will tell you, however much I praise his efforts there, with regard to the seven amendments that he talked about, the seven Republican amendments submitted in the Rules Committee, they were disposed of in I believe a very fair and equitable manner.

Two were withdrawn by the authors. One was addressed in the manager's amendment. The amendment of the gentleman from Utah (Mr. BISHOP) was addressed in the manager's amendment. Two amendments amended portions of the bill that were deleted by the manager's amendment and thus are moot; and two dealt with earmarks that are not in the bill. So frankly, all of the amendments were dealt with in a fair and evenhanded manner. I believe this truly is a bipartisan bill.

It is with that spirit, Madam Speaker, that I yield 5 minutes to the gentleman from New York (Mrs. MCCARTHY), the chairman of the Healthy Families Subcommittee and a champion for children.

Mrs. MCCARTHY of New York. Madam Speaker, I thank the Rules Committee and I stand in support of the rule. I want to say thank you to Chairman MILLER and the committee staff for working with me on this important legislation, and for Mr. MILLER's personal leadership on this issue over the years.

When we started working on this issue in committee, I became outraged over the testimony that I was hearing. You see, children in this country are

dying. In fact, the Government Accountability Office report found thousands of cases of abuse and neglect at residential programs for teens. The abuses include staff members forcing children to remain in so-called "stress" positions for hours at a time and to undergo extreme physical exertion without food, water or rest.

Sadly, in a number of cases this abuse has led to the deaths of children at the hands of the very people entrusted with their care.

These are basic human rights being denied to our children, children who are already struggling to find their way in this world, children who might suffer from mental disorders or other conditions that make daily living in society much more challenging than for other kids their own age, children whose parents love them and want the best for them and need help in addressing the needs of these vulnerable youth.

Parents, often desperate for help, feeling vulnerable as well, are sending their children to facilities that are sold as safe and responsible facilities.

The GAO's investigative work is showing that a number of programs use deceptive marketing practices to appeal to parents. In fact, it uncovered deception, fraud, and conflicts of interest. In one scheme, a husband owns a referral service and the wife owned a residential treatment facility. It was revealed that her location received more referrals from her husband's service than any other providers.

Parents are sold a bill of goods about the facilities and are enticed by advertising schemes portraying these programs as safe, with a professional staff, and high-quality environments for their children.

Yet it is too often not true, and tragically, at times, the end result is the death of a child.

That's why it is absolutely crucial that we make sure that children are kept safe when they are in these facilities by setting minimum safety standards. Minimum; why are we even setting them at minimum?

You know, it seems like every week I am up here on the floor talking about how we need to protect our children. That's why it is absolutely crucial that we establish standards and stop "boot camps" from using the kind of deceptive marketing that has drawn in so many parents.

I am pleased that the bill contains some aspects to address all deceptive marketing tactics employed by some owners or operators of residential treatment facilities.

One section requires that all printed material from the facility include a link to a Web site that has a database about past incidents and violations. We do that with our college students so parents can actually look to see how safe that particular college is. And yet we are having a hard time trying to do this for children who need our help immensely, and the parents. The parents

are facing difficult choices to do whatever they can to help their child. And yet they are given false information.

Another section specifies that a new Web site include not just the name and location of each facility, but also the owner and operator of the facility so the parents can watch out for the bad operators.

Furthermore, even though we did not include language requiring all promotional and informational materials distributed by the facilities be subject to appropriate guidelines, such as those specified by the Federal Trade Commission Act due to jurisdictional issues, we will continue to monitor the deceptive marketing practices on these programs.

Madam Speaker, we need minimum safety standards for these public and private residential treatment facilities. It is past time to bring these programs to a level of basic safety which protects children and prevents further abuse from happening.

I promise—and I am positive that Chairman MILLER will, too—we will continue to work on this. But as with a lot of things that come through our committee, we have to work with both sides so we can get a bill through and passed and on its way to the President. But I have to say in cases like this, I wish we could have gone further to protect the children, to protect the parents. I urge passage of this rule.

Mr. LINCOLN DIAZ-BALART of Florida. I would ask my friend if he has any additional speakers on the rule.

Mr. CARDOZA. Madam Speaker, I have one additional speaker at this time.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I reserve the balance of my time.

Mr. CARDOZA. Madam Speaker, I yield 5 minutes to the gentleman from California (Mr. GEORGE MILLER), the chairman of the Education and Labor Committee and a true champion for children in this House.

Mr. GEORGE MILLER of California. I want to thank the gentleman for yielding, and I want to thank the Rules Committee for reporting this rule to the floor and I want to thank Mr. CARDOZA for managing this legislation. He has spent his entire public life being concerned about children at risk. And clearly the children we seek to protect in this bill are at serious risk.

I also want to thank the gentleman from New York (Mrs. MCCARTHY) for all of her effort on this legislation. She, too, has spent her entire time in Congress trying to make sure that our children are safe in whatever setting we have responsibility for, whether it is in high schools or colleges or in this case residential programs.

This legislation is designed to address in a reasonable manner a very serious problem that has come to the attention of the Education and Labor Committee this last year when we started looking at the abuse and neglect in teenage residential programs.

Tragically, a number of these cases have resulted in the death of a child.

This legislation will help ensure that children are safe no matter what setting they are in. It will also provide parents with the information they need to make safe choices on behalf of their children.

The rule we are considering today is a fair one. It makes in order the Miller-McKeon manager's amendment and one other amendment offered by Ms. SHEA-PORTER, a member of the Education and Labor Committee. Mr. MCKEON and his staff have worked alongside our staff to make sure that we could do this in bipartisan fashion, and the manager's amendment reflects the changes to be made to improve the legislation since it left the committee.

Of the 10 amendments originally submitted to the Rules Committee, our bipartisan compromise incorporates and makes unnecessary seven of those amendments. It would be disingenuous for anyone to come to the floor and oppose this rule since it takes into consideration those concerns.

I want to thank Mr. MCKEON for working on this legislation so that we would have a bill with few amendments but we would address the concerns of the Members. In the course of crafting the manager's amendment, we worked with several Members on provisions that are now reflected in the compromise. Representatives CUELLAR, ROTHMAN and MATHESON each made valuable improvements to the manager's amendment, and we thank them for their input.

Mr. BISHOP of Utah submitted an amendment to the Rules Committee which we believed raised legitimate concerns, and we made a number of changes in the manager's amendment to, we believe, fully address his concerns. Two other amendments on the other side of the aisle were made moot by the bipartisan agreement, and yet they were not withdrawn.

This should not be a partisan issue. The GAO has found thousands of documented cases and allegations of child abuse and neglected children—stretching back decades—in teen residential programs.

In hearings before our committee, we heard horrific stories about the way children in these programs were treated by uncaring, untrained, and abusive staff members. For example, children were forced to eat food to which they were known to be allergic. They were required to remain in so-called "stress" positions for hours, and to keep hiking even though it became clear they needed immediate medical attention.

Madam Speaker, the time for Congress to act is long past due. The weak patchwork of State laws and regulations governing teen residential programs have permitted these abuses to continue for far too long. We must act to prevent children from being put at risk. This bill will help keep children safe and help parents get information

they need to make sound choices about the care of their children. I hope that we can adopt this rule.

Madam Speaker, let me just say this. I have been involved in this issue for almost 30 years. These abusive programs of children in wilderness camps and boot camps and whatever they call themselves, wagon trains to the future, have gone on for many years. There are many, many programs that take care of children in residential settings, very troubled children, and these programs offer specialized care to those children and treatment of those children, and many parents have written to Members of Congress and my friends and others who have sent their children to these programs, have experienced some success with the care of those children to get rid of addictive behavior and abusive behavior on behalf of those children.

But yet within this industry, there is a group of homes that continue to travel from State to State without awareness by the State or not caring by the State, or falling through the regulations, no Federal regulations, no State regulations, and those are the programs that have abused these children.

We have worked with professional associations. We have worked with trade associations. We have worked with individuals who run homes of high reputation to develop a set of regulations that make sure that parents will be aware of the placement of their children, the care they are likely to receive, and the skills and the training of the people who take care of them, because that is not true today.

As we found out in a GAO report, as Mrs. MCCARTHY pointed out, there are deceptive practices of people who have huge financial interest in the outcome of referring a family to those homes.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. CARDOZA. I yield the gentleman 2 additional minutes.

Mr. GEORGE MILLER of California. I thank the gentleman.

And that is what this is about. That is where we saw this incredibly abusive behavior, and in a number of instances, simply lethal, to these children. The children died in the care in which their parents had placed them because the parents were not aware of how poorly run these facilities were. In a couple of cases, referrals for criminal proceedings against those individuals have been made.

Why is this bill important, because these children are out-of-home placements, and we have to understand the responsibility of those individuals who represent themselves that they can provide treatment and they can provide care. If that's not true, the parents ought to know it. This is simple awareness by parents of the care their children are going to receive.

It is hard to believe that you could put your child into a program and the child could die of dehydration or die of simple neglect because people refuse to

call medical personnel to the care of these children because they said that the children were faking. No, they weren't faking, they were dying. They were dying, and people stood around and said they were faking it, don't touch them, don't go near them, and they died on the trail. They needed water. No, they were faking, and they pushed them on to hike out in the desert in the heat, and they died of dehydration.

Children standing in stress positions that look more like Guantanamo Bay than look like a care facility for American children. Children standing in a stress position with their hands out with a hood around their neck and a hangman's noose for hours while others children watched and participated in the treatment of those children. That's not the care of children. There is no professional organization that recognizes that kind of care for the treatment of children. And yet those homes blemish the reputation of facilities and organizations that are trying to care for very difficult children.

And as CAROLYN MCCARTHY said, these parents are at their wit's end. They have tried almost everything. We need to make sure that the next thing they try is safe and well-organized for the care of their children.

□ 0945

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I assume from my friend that he has no further speakers on the rule.

Mr. CARDOZA. I am the final speaker on my side of the aisle.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, back on April 24 of 2006, just over 2 years ago, Speaker NANCY PELOSI issued the following statement, which I quote:

"With skyrocketing gas prices it is clear that the American people can no longer afford the Republican Rubber stamp Congress and its failure to stand up to Republican big oil and gas company cronies. Americans this week are paying \$2.91 a gallon on average for regular gasoline, 33 cents higher than last month, and double the price when President Bush first came into office."

Madam Speaker, most Americans would be happy if they were paying \$2.91 today for a gallon of gasoline. When Americans are paying over \$4 for gasoline, we should be working on legislation to lower the cost of gasoline, increasing domestic energy exploration, reducing our reliance on unstable foreign sources of oil.

So today, I urge my colleagues to defeat the previous question so that this House can immediately consider solutions to rising energy costs. By defeating the previous question, I will move to amend the rule to allow for consideration of H.R. 2279, Expanding American Refinery Capacity on Closed Military Installations, introduced by Representative PITTS.

This legislation would significantly reduce the cost of gasoline by stream-

lining the refinery application process. It will also require the President to open at least three closed military installations for the purpose of siting new and reliable American refineries.

Madam Speaker, I ask unanimous consent to insert the text of the amendment and extraneous material immediately prior to the vote on the previous question.

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

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. By voting "no" on the previous question, Members can take a stand against high fuel prices and in favor of taking action to confront that problem.

I encourage a "no" vote on the previous question, and I yield back the balance of my time.

Mr. CARDOZA. Madam Speaker, in closing, I'd like to remind my friend and colleague from Florida that it has been the other body, the Republicans in the other body and the White House who have stymied the Democratic efforts to actually reduce gas prices and provide alternative energy for this country. Certainly, it is a problem, and certainly, the American people are very frustrated at paying \$4 or more, in my State it's much more for a gallon of gas. But had we at least moved in a new direction, we could be heading in that direction. But we have been totally stymied by the White House and the Senate on these questions.

Madam Speaker, today's bill deals with children, and there is an urgent problem in many residential treatment facilities that have gone unchecked for far too long and must be addressed. H.R. 5876 will go a long way towards ensuring the safety of our Nation's children who depend on these treatment facilities.

Again, I ask my colleagues on both sides of the aisle to support this commonsense legislation to protect our kids in these treatment facilities.

I urge a "yes" vote on the rule and on the previous question.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 1276 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution, add the following:

SEC. 3. Immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider in the House the bill (H.R. 2279) to expedite the construction of new refining capacity on closed military installations in the United States. All points of order against the bill are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill and any amendment thereto to find passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking member of the Committee on Energy and Commerce, and the chairman and ranking member of the Committee on Armed Services; and (2) an amendment in the nature of a substitute if

offered by Representative Dingell of Michigan or Representative Skelton of Missouri, which shall be considered as read and shall be separately debatable for 40 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools

for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. CARDOZA. Madam Speaker, I yield back my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Mr. LINCOLN DIAZ-BALART of Florida. 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.

PROVIDING FOR CONSIDERATION OF H.R. 6304, FISA AMENDMENTS ACT OF 2008

Mr. ARCURI. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1285 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1285

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 6304) to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI.

The bill shall be considered as read. All points of order against provisions of the bill are waived. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided among and controlled by the chairman and ranking minority member of the Committee on the Judiciary and the chairman and ranking minority member of the Permanent Select Committee on Intelligence; and (2) one motion to recommit.

SEC. 2. During consideration of H.R. 6304, pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentleman from New York is recognized for 1 hour.

Mr. ARCURI. Madam Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Washington (Mr. HASTINGS). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. ARCURI. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the RECORD.

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

There was no objection.

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

Madam Speaker, House Resolution 1285 provides for consideration of H.R. 6304, the FISA Amendments Act of 2008. The rule provides 1 hour of debate equally divided among and controlled by the chairman and ranking minority member of the Committee on the Judiciary and the chairman and ranking minority member on the Permanent Select Committee on Intelligence.

Madam Speaker, we have come a long way on the crucial issue of intelligence gathering. First, I must commend our majority leader, Mr. HOYER, for his commitment and dedication to reaching a sensible, bipartisan and bicameral agreement on FISA. Ensuring that we provide our Nation's intelligence community with the necessary tools and resources to prevent a future terrorist attack on our Nation must transcend partisan politics, and doing it in a way that protects the rights guaranteed to law-abiding Americans under this Constitution.

Clearly, thanks to the hard work of Mr. HOYER, Minority Whip BLUNT, Chairman REYES and many others, we will continue to work to protect the American people today.

Bringing this FISA agreement to the floor is the result of months of long and thoughtful deliberation between the House and Senate, Democrats and Republicans, and the White House. What we're doing today is proof that we in the House should not have to just settle on the will of the Senate. It's proof that we can achieve a bipartisan, bicameral agreement on how our Nation gathers its intelligence. This type of bipartisanship is precisely what the American people expect of us.

Today we're not voting on the Senate version of the bill, instead we have the opportunity to vote in favor of a sensible, bipartisan FISA bill that will help protect our Nation from terrorism, while protecting the civil liberties we, as Americans, hold dear.

I also admit that I don't think the FISA agreement is perfect, but seldom should we expect an opportunity to vote in favor of legislation that every Member of this Chamber believes to be perfect.

Effective legislation demands bipartisan consensus. And an example of such bipartisan consensus is the issue of immunity for telecom companies. The civil liberty protection provision in this agreement finally removes the shackles for our telecom companies to tell their side of the story. No longer can the administration step in and assert the "State Secrets Privilege" and deny telecom companies and the plaintiff seeking to protect his or her Constitutional rights the opportunity to make their case in front of a judge.

As a former district attorney, I for one couldn't agree more that if the intelligence community goes to a telecom company with adequate authorization and says, we need communication records for person X because he or she is believed to be a terrorist, the telecom company deserves to be afforded that protection.

Unfortunately, under the old system we would never know if adequate authorization and substantial evidence, for that matter, ever existed. Thanks to this bipartisan agreement, we now will.

Madam Speaker, we have come a long way over the last few months. We can all agree that the world changed on September 11, 2001. Our Nation faces new threats on new fronts. What we are doing here today is proof that we can come together, Republicans and Democrats, to provide our Nation's intelligence community with the necessary tools to face and fight those threats, while protecting the civil liberties of Americans, and ensuring that the rights guaranteed under the Constitution are not mere words but, rather, solemn ideas that our Nation holds dear.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, I want to thank the gentleman from New York (Mr. ARCURI) for yielding me the customary 30 minutes, and I yield myself as much time as I may consume.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Madam Speaker, I am very pleased to be able to urge my colleagues to support this rule and the underlying bipartisan bill to update our Nation's Foreign Intelligence Surveillance Act.

Since the Protect America Act expired in February, our Nation has been relying on an outdated 1970s law to monitor foreign persons in foreign places who seek to do our Nation's citizens harm. At long last, Madam Speaker, the House will be permitted to vote on a bipartisan bill that our Nation's intelligence leaders are confident will allow them to do their jobs without costly delays and mountains of paperwork.

This bill is not perfect, but it takes vital steps to modernize FISA to reflect 21st century cell phone and Internet technology, and to protect our Nation from today's determined and sophisticated terrorist threats.

In February, 68 Senators voted to pass a bipartisan compromise. Yet, ever since that overwhelming bipartisan Senate vote, the liberal leaders of this House have refused to allow a vote because they knew a majority would pass it. Republicans tried for months to advance the bipartisan Senate compromise to a vote in the House, but we were blocked time after time. Today, this blockade will be broken when Democrats join Republicans in voting to pass the bipartisan FISA modernization bill.

So Madam Speaker, I urge my colleagues to vote for this rule and the underlying bill.

I reserve the balance of my time.

Mr. ARCURI. Madam Speaker, I'd just like to read a quote today from The Washington Post on the FISA legislation that we are considering today.