

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-1201**

**Sali Supports State Efforts to Address Child Abuse in Residential Programs**

On June 24 Congressman Bill Sali spoke on the House floor regarding the travesty of child abuse and H.R. 5876, the Stop Child Abuse in Residential Programs Act.

H.R. 5876 was unexpectedly pulled from the House floor without explanation yesterday and was reintroduced today as H.R. 6358.

H.R. 6358 expands the Department of Health and Human Services enforcement authority over all state procedures and monitoring efforts of residential treatment facilities—efforts that are already in effect.

“Child abuse is a horrendous evil. Such abuse is reported on an average of every 10 seconds in the United States, and three children die every day in our country as a result of abuse. Any abuse in residential treatment programs is an incredible travesty,” said Sali.

“Residential treatment programs have had a great impact on youth in my district in Idaho. Yet directors of these facilities have expressed grave concerns to me that their needs will not be met by H.R. 6358.”

“For instance, as one treatment program director pointed out, in a state like Idaho where usage of drugs like methamphetamine has exploded, giving every child the undefined right of so-called ‘reasonable’ access to a telephone creates direct and unreasonable risk. Why allow youth the opportunity to contact drug dealers when the entire point of being put in such a facility is to overcome their addictions?”

“The attitude of this bill is that we here on Capital Hill know better than people in our home states how to address the needs of abused children. That just isn’t the case,” said the Congressman.

H.R. 6358 passed 318 – 103 and now awaits action in the Senate.

**Text of Congressman Sali’s Floor Speech:**

Madam Speaker,

Child abuse is a horrendous evil. Such abuse is reported on an average of every 10 seconds in the United States, and three children die every day in our country as a result of abuse. Any abuse in residential treatment programs is an incredible travesty.

While fighting child abuse poses a tremendous challenge for us to overcome, this bill is not the answer. The Manager's Amendment makes great progress in improving the bill, yet there remain provisions that are simply unconscionable for those who respect the system of federalism long established in our nation. H.R. 5876 represents a dramatic expansion of the federal oversight role in really an unprecedented area. Most states already have systems in place to check the abuse this legislation would supposedly address, yet this legislation would trump those systems. This bill provides a one-size-fits-all mandate for residential treatment facilities, inflexible to the needs of actual children and unresponsive to the local challenges faced by such youth treatment programs.

Residential treatment programs have had a great impact on youth in my district in Idaho. For instance, Cherry Gulch is a small, owner-operated treatment facility located on 220 acres of pristine land near Boise, Idaho. The ranch style therapeutic boarding school is designed specifically for 10- to 14-year-old boys, and has made an incredible difference in the lives of the youth who have participated in these programs. Yet directors of these facilities have expressed grave concerns to me that their needs will not be met by H.R. 5876.

For instance, as one treatment program director pointed out, in a state like Idaho where usage of drugs like methamphetamine has exploded, giving every child the undefined right of so-called "reasonable" access to a telephone creates direct and unreasonable risk. Why allow youth the opportunity to contact drug dealers when the entire point of being put in such a facility is to overcome their addictions?

There is a kind of political hubris to this approach, Madam Speaker. The attitude of this bill is that we here on Capital Hill know better than people in our home states how to address the needs of abused children. I find that mentality stunning. I would invite any of my colleagues to go back to their districts and talk with the people who, day in and day out, work to bring hope and healing to children victimized by abuse. I believe they will find it, as I have, quite humbling. We don't have all the answers. And we certainly would be wrong to impose a top-down system of federal management on states and localities.

Overall, I am certain we can agree that it is important that children in residential treatment programs be protected; however, I do not believe that another federal intrusion into the affairs of all 50 states is the answer.

In Federalist Number 8, James Madison, warned of the dangers of creeping federal power over the states. In his words, "Ambitious encroachments of the Federal Government on the authority of the State governments would ... be signals of general alarm." When the Father of the Constitution issues such a warning, we should listen closely. Even more importantly, the Constitution of the United States says in the Tenth Amendment, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." In 1941, the New Deal Supreme Court, in *Darby v. United States*, commented that this amendment is a mere

“truism.” Many of us here in this Body would challenge that assertion. The authority of the states and their right to govern their own affairs is not a trite and archaic remark but an essential aspect of our federal system. We diminish it to the peril of our system of federalism, which has been vital to our freedom as a nation.

H.R. 5876 is not a solution looking for a problem, but it is a solution, I would submit, solves fewer problems than it creates.

Thank you Madame Speaker; I yield back.