A motion to reconsider was laid on the table.

JUSTICE FOR JUVENILES ACT

Ms. SCANLON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5053) to exempt juveniles from the requirements for suits by prisoners, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5053

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 ''Justice for Juveniles Act''.

SEC. 2. EXEMPTION OF JUVENILES FROM THE REQUIREMENTS FOR SUITS BY PRISONERS.

Section 7 of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997e) is amended—

(1) in subsection (h), by striking ''sentenced for, or adjudicated delinquent for,'' and inserting ''or sentenced for''; and

(2) by adding at the end the following:

''(i) EXEMPTION OF JUVENILE PRISONERS.—This section shall not apply to an action pending on the date of enactment of the Justice for Juveniles Act or filed on or after such date if such action is—

''(1) brought by a prisoner who has not attained 22 years of age; or

''(2) brought by any prisoner with respect to a prison condition that occurred before the prisoner attained 22 years of age.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Pennsylvania (Ms. SCANLON) and the gentleman from Ohio (Mr. JORDAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Pennsylvania.

GENERAL LEAVE

Ms. SCANLON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Pennsylvania?

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 5053, the Justice for Juveniles Act. This bipartisan bill, which I introduced along with my colleagues Mr. ARMSTRONG, Mr. RESCHENTHALER, and Mr. JEFFRIES, would eliminate the administrative exhaustion requirement for incarcerated youth before they may file a lawsuit challenging the conditions of their incarceration.

By passing this bill today, the House will advance a measure to correct a manifest wrong currently present in Federal law and continue bipartisan efforts to support incarcerated youth.

This bill recognizes the same conclusion that has been embraced by the Supreme Court and experts for decades—that incarcerated young people have different cognitive abilities than adults, that they are less mature, and that they have a higher chance of being assaulted while incarcerated.

In recent years, our Nation has finally come to the realization that youth and adults have fundamentally different decisionmaking abilities. The Supreme Court has repeatedly cited adolescents' lack of maturity as a reason why they are not as culpable as adults for their actions or able to recognize either certain consequences or dangers. Yet, in current law, there are no allowances for these differences in cognitive abilities when it comes to addressing deficiencies in conditions of confinement.

Pursuing claims under the Prison Litigation Reform Act, which requires an understanding of detailed grievance procedures and timelines, is nearly impossible for incarcerated youth, particularly when courts have been exacting in their requirements that the exhaustion requirements be followed, no matter how sympathetic the situation.

Understanding the grievance process is made even more challenging by the educational deficits faced by a substantial number of incarcerated juveniles. According to one study, among incarcerated youth, 85 percent are functionally illiterate, and the baseline reading levels vary from grade 1 to grade 6. In addition, approximately 70 percent of incarcerated juveniles have at least one learning disability. Youth are, furthermore, less likely than adults to recognize as risks the circumstances they face in a correctional facility.

Compounding these challenges, incarcerated youth, as a group, experience extraordinarily high rates of mental illness. Nearly 50 percent of incarcerated 16- to 18-year-olds suffer from a mental illness. Juveniles housed with adults are 10 times more likely to have psychotic episodes and have a suicide rate that is 7.7 times higher than those housed in juvenile facilities.

In recent years, the public has become more aware of the many dangers that lurk in correctional facilities. Hurricanes have flooded facilities; cold snaps have left prisoners freezing to death; and heat waves have killed prisoners when they lack proper ventilation or air-conditioning.

Of course, the 2019 expose by The Philadelphia Inquirer exposed a longstanding pattern of abuse of adolescents committed to the Glen Mills School, which was thereafter closed.

Incarceration or detention poses a special danger to youth who often don't have the ability to experience or recognize that they are in immediate danger. Adolescents incarcerated with adults are also more prone to both physical and mental abuse. Youth are 50 percent more likely to be physically assaulted when they are housed in adult facilities than in juvenile facilities.

Taken together, incarcerated youth are simply not able to recognize or to effectively communicate when their prison conditions become dangerous or unconstitutionally deficient. There remains little doubt that the current process needs to be changed.

That is why this bill proposes a modest reform to the Prison Litigation Reform Act. It simply exempts youth in correctional facilities from having to comply with technical grievance procedures before they can go to court to challenge the unconstitutional conditions of their confinement.

While I would like to see us do much, much more, this bill is a necessary first step, which I ask that my colleagues support today.

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

The SPEAKER pro tempore. Without objection, the gentleman from North Dakota (Mr. ARMSTRONG) will control the minority's time.

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 5053, the Justice for Juveniles Act. This bill eliminates some of the obstacles for juvenile prisoners seeking relief from our correctional facilities in Federal court.

Juvenile offenders often lack the knowledge to pursue and exhaust all the complex administrative rules and grievance procedures in our correctional facilities. H.R. 5053 will provide juvenile offenders quicker access to courts when they feel they are being abused or mistreated.

President Trump has been a leader on criminal justice reform. He signed into law the bipartisan First Step Act in December 2018. The President has also commuted the lengthy prison sentences of several nonviolent offenders and, more recently, pardoned Alice Johnson, who served 22 years of a life sentence for nonviolent drug trafficking.

This bill is another important step in criminal justice reform. I was honored to be the Republican lead on this bill. It was a pleasure to work with Ms. SCANLON from Pennsylvania, the bill's primary sponsor.

Mr. Speaker, I urge my colleagues to support this bill, and I reserve the balance of my time.

□ 1330

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

Mr. ARMSTRONG. Mr. Speaker, this bill is a good piece of bipartisan legislation.

I agree with Ms. SCANLON; it is an important first step. But I also think it is important to recognize that, when we do place juvenile offenders in the adult criminal justice system, we are doing some things in a different way, and they have unique challenges that they face in those systems.

This is neither the time, necessarily, nor the place for the larger debate, but I think the least we can do is exhaust some of those administrative remedies, given what we know.

I was proud to be the Republican colead on this bill, and I look forward to its passage.

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

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

I thank Mr. ARMSTRONG for his help in moving this bill forward.

Mr. Speaker, this legislation is supported by a bipartisan coalition of groups, including, #cut50, the Campaign for Youth Justice, the Juvenile Law Center, the National Legal Aid and Defender Association, and R Street Institute. These organizations, as well as health and legal experts, acknowledge that simplifying the legal process and making it less complex is consistent with the developmental needs of adolescents.

Therefore, H.R. 5053 was developed as a bipartisan bill to protect young people from abuse in institutions by exempting them from the administrative grievance requirements that stand in the way of their getting relief from abusive practices.

Mr. Speaker, I ask my colleagues to join me in supporting this legislation today, and I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, as a senior member of the Committees on the Judiciary and on Homeland Security, and the Congressional Black Caucus, and as a cosponsor, I rise in strong support of H.R. 5053, the ''Justice for Juveniles Act,'' introduced by Congresswoman SCANLON which I am proud to cosponsor.

I want to thank Chairman NADLER for his tremendous leadership during this Congress and the past several months of hardship, stress, and disruption not only of the regular normalized operations of this Committee but of the Congress and more importantly, the lives of the American people.

It has been said of Americans that we do the difficult immediately, and the impossible takes a little longer.

The legislative session today is a testament to the determination of this Committee that despite the coronavirus pandemic that has claimed the life of over 200,000 Americans, that legislation to improve the lives of the people we represent and the communities we serve will not be halted.

The problems facing ordinary Americans due to flaws and inequities in the criminal justice system, the immigration system, the health care system, the economy, the trademark system and others do not take a timeout because of the pandemic and neither does this Congress, and for that I commend Speaker PELOSI, the House Democratic leadership, and my colleagues on both sides of the aisle.

The bipartisan H.R. 5053, the Justice for Juveniles Act protects young people from abuse in institutions by exempting them from the administrative grievance provision of the Prison Litigation Reform Act (PLRA) by enabling them to file a lawsuit concerning physical injury, sexual assault or mental abuse without first having to file an administrative grievance.

The proposed legislation is supported by a bipartisan coalition of groups including cut5o, Campaign for Youth Justice, Juvenile Law Center, National Legal Aid & Defender Association, and R Street Institute.

The administrative grievance procedure, established by the Prison Litigation Reform Act (PLRA), requires inmates at federal, state, and local facilities to file administrative complaints through the prison in which they are detained.

Under the Justice For Juveniles Act, youth could initiate legal action to address prison conditions without first filing administrative complaints.

The PLRA was designed to address the problem of the large numbers of pro se prisoner lawsuits that were being filed and inundating the federal courts.

Before the enactment of the PLRA, the overwhelming majority of prisoner cases were civil rights cases filed by state prisoners in federal district courts and were filed prose.

The vast majority of the pre-PLRA pro se cases were filed under 42 U.S.C. §1983; incarcerated juveniles filed very few lawsuits.

Generally, to establish a claim under 42 U.S.C. §1983, a plaintiff must show that a person acting under color of state law deprived him of a right secured by the Constitution or the laws of the United States.

Pursuant to the changes brought on by the PLRA, before an incarcerated individual can file a lawsuit, he or she must take the complaint through all levels of a correctional facility's grievance system.

If a person fails to comply with these requirements, including missing a filing deadline that can be as short as a few days, he or she may no longer be able to bring a lawsuit.

This administrative remedy requirement is a high burden for a juvenile to meet, as it requires a sophisticated understanding of how to navigate technical procedures.

Held to an adult standard, minors are unduly prevented from litigating their abuses and thus deprived of a critical tool for improving their conditions of incarceration.

Moreover, the problem is made worse because grievance procedures tend to rely on written communication and juveniles in the justice system typically have serious education deficits.

Cases from around the country make clear that juveniles facing serious harm are deprived of legal protections because of the PLRA exhaustion requirements.

For example, in Hunter v. Corr. Corp., a 17-year-old was sexually assaulted in an adult facility but the case was dismissed because the court ruled he should have exhausted his administrative remedies first.

In another case, from Kentucky, a juvenile filed a lawsuit alleging that staff had hit him, shocked him with a stun gun, and then led him down the hall by his testicles to an isolation cell.

Although the juvenile's lawyer had discussed the incident with the jail administrator, the Federal Bureau of Investigation, the State Police, and the Kentucky Department of Juvenile Justice, the court ruled that this did not satisfy the PLRA and the suit was dismissed for failure to exhaust administrative remedies.

Mr. Speaker, exempting youth from administrative grievances acknowledges that children do not know how to protect themselves from practices or conduct that is unconstitutional.

The Justice For Children Act makes it easier for juveniles who are physically assaulted or abused to seek immediate redress in federal court.

In addition, simplifying the legal process and making it more readily available to these juveniles is also in keeping with the Supreme Court's conclusions regarding the developmental needs of adolescents.

I strongly support this legislation and urge all Members to join me in voting for its passage.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Pennsylvania (Ms. SCANLON) that the House suspend the rules and pass the bill, H.R. 5053.

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

A motion to reconsider was laid on the table.

COMPETITIVE HEALTH INSURANCE REFORM ACT OF 2020

Ms. SCANLON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1418) to restore the application of the Federal antitrust laws to the business of health insurance to protect competition and consumers, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1418

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 ''Competitive Health Insurance Reform Act of 2020''.

SEC. 2. RESTORING THE APPLICATION OF ANTITRUST LAWS TO THE BUSINESS OF HEALTH INSURANCE.

(a) AMENDMENT TO MCCARRAN-FERGUSON ACT.—Section 3 of the Act of March 9, 1945 (15 U.S.C. 1013), commonly known as the McCarran-Ferguson Act, is amended by adding at the end the following:

''(c)(1) Nothing contained in this Act shall modify, impair, or supersede the operation of any of the antitrust laws with respect to the business of health insurance (including the business of dental insurance and limited-scope dental benefits).

''(2) Paragraph (1) shall not apply with respect to making a contract, or engaging in a combination or conspiracy—

''(A) to collect, compile, or disseminate historical loss data;

''(B) to determine a loss development factor applicable to historical loss data;

''(C) to perform actuarial services if such contract, combination, or conspiracy does not involve a restraint of trade; or

''(D) to develop or disseminate a standard insurance policy form (including a standard addendum to an insurance policy form and standard terminology in an insurance policy form) if such contract, combination, or conspiracy is not to adhere to such standard form or require adherence to such standard form.

''(3) For purposes of this subsection—

''(A) the term 'antitrust laws' has the meaning given it in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12), except that such term includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that such section 5 applies to unfair methods of competition;

''(B) the term 'business of health insurance (including the business of dental insurance and limited-scope dental benefits)' does not include—

''(i) the business of life insurance (including annuities); or

''(ii) the business of property or casualty insurance, including but not limited to—

''(I) any insurance or benefits defined as 'excepted benefits' under paragraph (1), subparagraph (B) or (C) of paragraph (2), or