

1 plan (including any person or entity acting under a
2 contract or arrangement to provide or administer
3 any health benefit), or the manufacturer, distributor,
4 supplier, marketer, promoter, or seller of a medical
5 product, in which the claimant alleges a claim (in-
6 cluding third party claims, cross claims, counter
7 claims, or distribution claims) based upon the provi-
8 sion of (or the failure to provide or pay for) health
9 care services or the use of a medical product, re-
10 gardless of the theory of liability on which the claim
11 is based, or the number of plaintiffs, or defendants
12 or causes of action.

13 **TITLE V—CONTROL OF ABUSIVE**
14 **PRISONER LITIGATION PRAC-**
15 **TICES**

16 **SEC. 501. REFORM OF IN FORMA PAUPERAS DETERMINA-**
17 **TIONS.**

18 (a) **PARTIAL PAYMENT OF FEES.**—Section 1915(a)
19 of title 28, United States Code, is amended in the first
20 sentence—

21 (1) by inserting “or with payment of a partial
22 fee or with payment of the total fees and costs in
23 installment payments,” after “security therefor,”;
24 and

1 (2) by inserting "the full amount of" after "un-
2 able to pay".

3 (b) PRISONER'S STATEMENT OF ASSETS.—Section
4 1915 of title 28, United States Code, is amended by add-
5 ing at the end the following:

6 “(f) If a prisoner in a correctional institution files
7 an affidavit in accordance with subsection (a), such pris-
8 oner shall include in the affidavit a statement of all assets
9 the prisoner possesses. The court shall make inquiry of
10 the correctional institution in which the prisoner is incar-
11 cerated for information available to such institution relat-
12 ing to the extent of the prisoner's assets. The court shall
13 require full or partial payment of filing fees according to
14 the prisoner's ability to pay.”.

15 **SEC. 502. IMPROVING COURTS' ABILITIES TO DISMISS**
16 **NONMERITORIOUS IN FORMA PAUPERIS**
17 **CLAIMS.**

18 Section 1915(d) of title 28, United States Code, is
19 amended—

20 (1) by striking "and may" and inserting "at
21 any time and shall"; and

22 (2) by inserting ", or fails to state a claim on
23 which relief can be granted, or the claim is insub-
24 stantial in that the plaintiff suffered no injury or an

1 insubstantial injury, even if partial filing fees have
2 been imposed by the court" before the period.

3 **SEC. 503. EXHAUSTION OF ADMINISTRATIVE REMEDIES IN**
4 **PRISONER LITIGATION.**

5 (a) **EXHAUSTION REQUIREMENT.**—Section 7(a) of
6 the Civil Rights of Institutionalized Persons Act (42
7 U.S.C. 1997e) is amended—

8 (1) in paragraph (1)—

9 (A) by striking "in any action brought"
10 and inserting "no action shall be brought";

11 (B) by striking "the court shall" and all
12 that follows through "require exhaustion of"
13 and insert "until"; and

14 (C) by inserting "are exhausted" after
15 "available"; and

16 (2) in paragraph (2) by inserting "or are other-
17 wise fair and effective" before the period at the end.

18 (b) **MODIFICATION OF REQUIRED MINIMUM STAND-**
19 **ARDS.**—Section 7(b)(2) of the Civil Rights of Institu-
20 tionalized Persons Act (42 U.S.C. 1997e(b)(2)) is amend-
21 ed—

22 (1) by striking subparagraph (A); and

23 (2) by redesignating subparagraphs (B)
24 through (E) as subparagraphs (A) through (D), re-
25 spectively.

1 (c) REVIEW AND CERTIFICATION PROCEDURE
2 CHANGES.—Section 7(c) of the Civil Rights of Institu-
3 tionalized Persons Act (42 U.S.C. 1997e(c)) is amended—

4 (1) in paragraph (1), by inserting “or are oth-
5 erwise fair and effective” before the period at the
6 end; and

7 (2) in paragraph (2), by inserting “or is no
8 longer fair and effective” before the period at the
9 end.

10 TITLE VI—MISCELLANEOUS 11 PROVISIONS

12 SEC. 601. FEDERAL CAUSE OF ACTION PRECLUDED.

13 This Act shall not provide a basis for Federal court
14 jurisdiction pursuant to section 1331 or 1337 of title 28,
15 United States Code.

16 SEC. 602. EFFECTIVE DATE.

17 Except as otherwise provided in this Act, this Act
18 shall take effect 30 days after the date of its enactment
19 and shall apply to all civil actions commenced on or after
20 such date, including any action in which the harm or the
21 conduct which caused the harm occurred before the effec-
22 tive date of this Act.

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