

1 **SEC. 102. REPEAL.**

2 Subtitle B of title II of the Violent Crime and Law  
3 Enforcement Act of 1994 is repealed.

4 **SEC. 103. CIVIL RIGHTS OF INSTITUTIONALIZED PERSONS.**

5 (a) **REPEAL.**—Section 20416 of the Violent Crime  
6 Control and Law Enforcement Act of 1994, and the  
7 amendments made by that section, are repealed.

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

11 (1) in paragraph (1)—

12 (A) by striking “in any action brought”  
13 and inserting “no action shall be brought”;

14 (B) by striking “the court shall” and all  
15 that follows through “require exhaustion of”  
16 and insert “until”; and

17 (C) by inserting “and exhausted” after  
18 “available”; and

19 (2) in paragraph (2) by inserting “or are other-  
20 wise fair and effective” before the period at the end.

21 (c) **FRIVOLOUS ACTIONS.**—Section 7(a) of the Civil  
22 Rights of Institutionalized Persons Act (42 U.S.C.  
23 1997e(a)) is amended by adding at the end the following:

24 “(3) The court shall on its own motion or on  
25 motion of a party dismiss any action brought pursu-  
26 ant to section 1979 of the Revised Statutes of the

1 United States by an adult convicted of a crime and  
2 confined in any jail, prison, or other correctional fa-  
3 cility if the court is satisfied that the action fails to  
4 state a claim upon which relief can be granted or is  
5 frivolous or malicious.”.

6 (d) MODIFICATION OF REQUIRED MINIMUM STAND-  
7 ARDS.—Section 7(b)(2) of the Civil Rights of Institu-  
8 tionalized Persons Act (42 U.S.C. 1997e(b)(2)) is amend-  
9 ed—

10 (1) by striking subparagraph (A); and  
11 (2) by redesignating subparagraphs (B)  
12 through (E) as subparagraphs (A) through (D), re-  
13 spectively.

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

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

20 (2) in paragraph (2), by inserting “or is no  
21 longer fair and effective” before the period at the  
22 end.

23 (f) PROCEEDINGS IN FORMA PAUPERIS.—

24 (1) DISMISSAL.—Section 1915(d) of title 28,  
25 United States Code, is amended—

1 (A) by inserting "at any time" after  
2 "counsel and may";

3 (B) by striking "and may" and inserting  
4 "and shall";

5 (C) by inserting "fails to state a claim  
6 upon which relief may be granted or" after  
7 "that the action"; and

8 (D) by inserting ", even if partial filing  
9 fees have been imposed by the court" before the  
10 period.

11 (2) PRISONER'S STATEMENT OF ASSETS.—Sec-  
12 tion 1915 of title 28, United States Code, is amend-  
13 ed by adding at the end the following:

14 "(f) If a prisoner in a correctional institution files  
15 an affidavit in accordance with subsection (a), such pris-  
16 oner shall include in the affidavit a statement of all assets  
17 the prisoner possesses. The court shall make inquiry of  
18 the correctional institution in which the prisoner is incar-  
19 cerated for information available to such institution relat-  
20 ing to the extent of the prisoner's assets. The court shall  
21 require full or partial payment of filing fees according to  
22 the prisoner's ability to pay."

23 **SEC. 104. REPORT ON PRISON WORK PROGRESS.**

24 (a) FINDINGS.—The Senate finds that—