

1 RELATED AGENCIES

2 UNITED STATES INFORMATION AGENCY

3 RADIO CONSTRUCTION

4 (RESCISSION)

5 Of the unobligated balances available under this head-
6 ing, \$7,400,000 are rescinded.

7 **TITLE VIII—PRISON LITIGATION**
8 **REFORM**

9 **SEC. 801. SHORT TITLE.**

10 This title may be cited as the "Prison Litigation Re-
11 form Act of 1995".

12 **SEC. 802. APPROPRIATE REMEDIES FOR PRISON CONDI-**
13 **TIONS.**

14 (a) *IN GENERAL.*—Section 3626 of title 18, United
15 States Code, is amended to read as follows:

16 **"§3626. Appropriate remedies with respect to prison**
17 **conditions**

18 "(a) **REQUIREMENTS FOR RELIEF.**—

19 "(1) **PROSPECTIVE RELIEF.**—(A) Prospective re-
20 lief in any civil action with respect to prison condi-
21 tions shall extend no further than necessary to correct
22 the violation of the Federal right of a particular
23 plaintiff or plaintiffs. The court shall not grant or
24 approve any prospective relief unless the court finds
25 that such relief is narrowly drawn, extends no further
26 than necessary to correct the violation of the Federal

1 right, and is the least intrusive means necessary to
2 correct the violation of the Federal right. The court
3 shall give substantial weight to any adverse impact
4 on public safety or the operation of a criminal justice
5 system caused by the relief.

6 "(B) Nothing in this section shall be construed to
7 authorize the courts, in exercising their remedial pow-
8 ers, to order the construction of prisons or the raising
9 of taxes, or to repeal or detract from otherwise appli-
10 cable limitations on the remedial powers of the courts.

11 "(2) PRELIMINARY INJUNCTIVE RELIEF.—In any
12 civil action with respect to prison conditions, to the
13 extent otherwise authorized by law, the court may
14 enter a temporary restraining order or an order for
15 preliminary injunctive relief. Preliminary injunctive
16 relief must be narrowly drawn, extend no further
17 than necessary to correct the harm the court finds re-
18 quires preliminary relief, and be the least intrusive
19 means necessary to correct that harm. Preliminary
20 injunctive relief shall automatically expire on the
21 date that is 90 days after its entry, unless the court
22 makes the findings required under subsection (a)(1)
23 for the entry of prospective relief and makes the order
24 final before the expiration of the 90-day period.

1 “(3) PRISONER RELEASE ORDER.—(A) In any
2 civil action with respect to prison conditions, no pris-
3 oner release order shall be entered unless—

4 “(i) a court has previously entered an order
5 for less intrusive relief that has failed to remedy
6 the deprivation of the Federal right sought to be
7 remedied through the prisoner release order; and

8 “(ii) the defendant has had a reasonable
9 amount of time to comply with the previous
10 court orders.

11 “(B) In any civil action in Federal court with
12 respect to prison conditions, a prisoner release order
13 shall be entered only by a three-judge court in accord-
14 ance with section 2284 of title 28, if the requirements
15 of subparagraph (E) have been met.

16 “(C) A party seeking a prisoner release order in
17 Federal court shall file with any request for such re-
18 lief, a request for a three-judge court and materials
19 sufficient to demonstrate that the requirements of sub-
20 paragraph (A) have been met.

21 “(D) If the requirements under subparagraph
22 (A) have been met, a Federal judge before whom a
23 civil action with respect to prison conditions is pend-
24 ing who believes that a prison release order should be
25 considered may sua sponte request the convening of a

1 *three-judge court to determine whether a prisoner re-*
2 *lease order should be entered.*

3 “(E) *The court shall enter a prisoner release*
4 *order only if the court finds—*

5 “(i) *by clear and convincing evidence—*

6 “(I) *that crowding is the primary*
7 *cause of the violation of a Federal right;*
8 *and*

9 “(II) *that no other relief will remedy*
10 *the violation of the Federal right; and*

11 “(ii) *by a preponderance of the evidence—*

12 “(I) *that crowding has deprived a par-*
13 *ticular plaintiff or plaintiffs of at least one*
14 *essential, identifiable human need; and*

15 “(II) *that prison officials have acted*
16 *with obduracy and wantonness in depriving*
17 *the particular plaintiff or plaintiffs of the*
18 *one essential, identifiable human need*
19 *caused by the crowding.*

20 “(F) *Any State or local official or unit of gov-*
21 *ernment whose jurisdiction or function includes the*
22 *prosecution or custody of persons who may be released*
23 *from, or not admitted to, a prison as a result of a*
24 *prisoner release order shall have standing to oppose*
25 *the imposition or continuation in effect of such relief*

1 and to seek termination of such relief, and shall have
2 the right to intervene in any proceeding relating to
3 such relief.

4 “(b) TERMINATION OF RELIEF.—

5 “(1) TERMINATION OF PROSPECTIVE RELIEF.—

6 (A) In any civil action with respect to prison condi-
7 tions in which prospective relief is ordered, such relief
8 shall be terminable upon the motion of any party—

9 “(i) 2 years after the date the court granted
10 or approved the prospective relief;

11 “(ii) 1 year after the date the court has en-
12 tered an order denying termination of prospec-
13 tive relief under this paragraph; or

14 “(iii) in the case of an order issued on or
15 before the date of enactment of the Prison Litiga-
16 tion Reform Act, 2 years after such date of en-
17 actment.

18 “(B) Nothing in this section shall prevent the
19 parties from agreeing to terminate or modify relief
20 before the relief is terminated under subparagraph
21 (A).

22 “(2) IMMEDIATE TERMINATION OF PROSPECTIVE
23 RELIEF.—In any civil action with respect to prison
24 conditions, a defendant or intervener shall be entitled
25 to the immediate termination of any prospective relief

1 if the relief was approved or granted in the absence
2 of a finding by the court that the relief is narrowly
3 drawn, extends no further than necessary to correct
4 the violation of the Federal right, and is the least in-
5 trusive means necessary to correct the violation of the
6 Federal right.

7 "(3) *LIMITATION.*—Prospective relief shall not
8 terminate if the court makes written findings based
9 on the record that prospective relief remains necessary
10 to correct a current or ongoing violation of the Fed-
11 eral right, extends no further than necessary to correct
12 the violation of the Federal right, and that the pro-
13 spective relief is narrowly drawn and the least intru-
14 sive means to correct the violation.

15 "(4) *TERMINATION OR MODIFICATION OF RE-*
16 *LIEF.*—Nothing in this section shall prevent any
17 party from seeking modification or termination before
18 the relief is terminable under paragraph (1) or (2),
19 to the extent that modification or termination would
20 otherwise be legally permissible.

21 "(c) *SETTLEMENTS.*—

22 "(1) *CONSENT DECREES.*—In any civil action
23 with respect to prison conditions, the court shall not
24 enter or approve a consent decree unless it complies

1 with the limitations on relief set forth in subsection
2 (a).

3 “(2) PRIVATE SETTLEMENT AGREEMENTS.—(A)
4 Nothing in this section shall preclude parties from en-
5 tering into a private settlement agreement that does
6 not comply with the limitations on relief set forth in
7 subsection (a), if the terms of that agreement are not
8 subject to court enforcement other than the reinstatement
9 of the civil proceeding that the agreement settled.
10

11 “(B) Nothing in this section shall preclude any
12 party claiming that a private settlement agreement
13 has been breached from seeking in State court any
14 remedy for breach of contract available under State
15 law.

16 “(d) STATE LAW REMEDIES.—The limitations on remedies
17 in this section shall not apply to relief entered by a
18 State court based solely upon claims arising under State
19 law.

20 “(e) PROCEDURE FOR MOTIONS AFFECTING PROSPECTIVE
21 RELIEF.—

22 “(1) GENERALLY.—The court shall promptly
23 rule on any motion to modify or terminate prospective
24 relief in a civil action with respect to prison conditions.
25

1 “(2) *AUTOMATIC STAY*.—Any prospective relief
2 subject to a pending motion shall be automatically
3 stayed during the period—

4 “(A)(i) beginning on the 30th day after
5 such motion is filed, in the case of a motion
6 made under paragraph (1) or (2) of subsection
7 (b); or

8 “(ii) beginning on the 180th day after such
9 motion is filed, in the case of a motion made
10 under subsection (b) (4); and

11 “(B) ending on the date the court enters a
12 final order ruling on the motion.

13 “(f) *SPECIAL MASTERS*.—

14 “(1) *IN GENERAL*.—(A) In any civil action in a
15 Federal court with respect to prison conditions, the
16 court may appoint a disinterested and objective spe-
17 cial master, who will give due regard to the public
18 safety, to conduct hearings on the record and prepare
19 proposed findings of fact.

20 “(B) The court shall appoint a special master
21 under this subsection during the remedial phase of the
22 action only upon a finding that the remedial phase
23 will be sufficiently complex to warrant the appoint-
24 ment.

1 “(2) APPOINTMENT.—(A) If the court determines
2 that the appointment of a special master is necessary,
3 the court shall request that the defendant institution
4 and the plaintiff each submit a list of not more than
5 5 persons to serve as a special master.

6 “(B) Each party shall have the opportunity to
7 remove up to 3 persons from the opposing party’s list.

8 “(C) The court shall select the master from the
9 persons remaining on the list after the operation of
10 subparagraph (B).

11 “(3) INTERLOCUTORY APPEAL.—Any party shall
12 have the right to an interlocutory appeal of the
13 judge’s selection of the special master under this sub-
14 section, on the ground of partiality.

15 “(4) COMPENSATION.—The compensation to be
16 allowed to a special master under this section shall be
17 based on an hourly rate not greater than the hourly
18 rate established under section 3006A for payment of
19 court-appointed counsel, plus costs reasonably in-
20 curred by the special master. Such compensation and
21 costs shall be paid with funds appropriated to the
22 Federal Judiciary.

23 “(5) REGULAR REVIEW OF APPOINTMENT.—In
24 any civil action with respect to prison conditions in
25 which a special master is appointed under this sub-

1 *section, the court shall review the appointment of the*
 2 *special master every 6 months to determine whether*
 3 *the services of the special master continue to be re-*
 4 *quired under paragraph (1). In no event shall the ap-*
 5 *pointment of a special master extend beyond the ter-*
 6 *mination of the relief.*

7 *“(6) LIMITATIONS ON POWERS AND DUTIES.—A*
 8 *special master appointed under this subsection—*

9 *“(A) shall make any findings based on the*
 10 *record as a whole;*

11 *“(B) shall not make any findings or com-*
 12 *munications ex parte; and*

13 *“(C) may be removed at any time, but shall*
 14 *be relieved of the appointment upon the termi-*
 15 *nation of relief.*

16 *“(g) DEFINITIONS.—As used in this section—*

17 *“(1) the term ‘consent decree’ means any relief*
 18 *entered by the court that is based in whole or in part*
 19 *upon the consent or acquiescence of the parties but*
 20 *does not include private settlements;*

21 *“(2) the term ‘civil action with respect to prison*
 22 *conditions’ means any civil proceeding arising under*
 23 *Federal law with respect to the conditions of confine-*
 24 *ment or the effects of actions by government officials*
 25 *on the lives of persons confined in prison, but does*

1 *not include habeas corpus proceedings challenging the*
2 *fact or duration of confinement in prison;*

3 *“(3) the term ‘prisoner’ means any person sub-*
4 *ject to incarceration, detention, or admission to any*
5 *facility who is accused of, convicted of, sentenced for,*
6 *or adjudicated delinquent for, violations of criminal*
7 *law or the terms and conditions of parole, probation,*
8 *pretrial release, or diversionary program;*

9 *“(4) the term ‘prisoner release order’ includes*
10 *any order, including a temporary restraining order*
11 *or preliminary injunctive relief, that has the purpose*
12 *or effect of reducing or limiting the prison popu-*
13 *lation, or that directs the release from or*
14 *nonadmission of prisoners to a prison;*

15 *“(5) the term ‘prison’ means any Federal, State,*
16 *or local facility that incarcerates or detains juveniles*
17 *or adults accused of, convicted of, sentenced for, or ad-*
18 *judicated delinquent for, violations of criminal law;*

19 *“(6) the term ‘private settlement agreement’*
20 *means an agreement entered into among the parties*
21 *that is not subject to judicial enforcement other than*
22 *the reinstatement of the civil proceeding that the*
23 *agreement settled;*

24 *“(7) the term ‘prospective relief’ means all relief*
25 *other than compensatory monetary damages; and*

1 “(8) the term ‘relief’ means all relief in any form
2 that may be granted or approved by the court, and
3 includes consent decrees but does not include private
4 settlement agreements.”.

5 (b) APPLICATION OF AMENDMENT.—

6 (1) IN GENERAL.—Section 3626 of title 18, United
7 States Code, as amended by this section, shall
8 apply with respect to all prospective relief whether
9 such relief was originally granted or approved before,
10 on, or after the date of the enactment of this title.

11 (2) TECHNICAL AMENDMENT.—Subsections (b)
12 and (d) of section 20409 of the Violent Crime Control
13 and Law Enforcement Act of 1994 are repealed.

14 (c) CLERICAL AMENDMENT.—The table of sections at
15 the beginning of subchapter C of chapter 229 of title 18,
16 United States Code, is amended to read as follows:

 “3626. Appropriate remedies with respect to prison conditions.”.

17 **SEC. 803. AMENDMENTS TO CIVIL RIGHTS OF INSTITU-**
18 **TIONALIZED PERSONS ACT.**

19 (a) INITIATION OF CIVIL ACTIONS.—Section 3(c) of the
20 Civil Rights of Institutionalized Persons Act (42 U.S.C.
21 1997a(c)) (referred to in this section as the “Act”) is
22 amended to read as follows:

23 “(c) The Attorney General shall personally sign any
24 complaint filed pursuant to this section.”.

1 (b) *CERTIFICATION REQUIREMENTS.*—Section 4 of the
2 Act (42 U.S.C. 1997b) is amended—

3 (1) in subsection (a)—

4 (A) by striking “he” each place it appears
5 and inserting “the Attorney General”; and

6 (B) by striking “his” and inserting “the At-
7 torney General’s”; and

8 (2) by amending subsection (b) to read as fol-
9 lows:

10 “(b) The Attorney General shall personally sign any
11 certification made pursuant to this section.”.

12 (c) *INTERVENTION IN ACTIONS.*—Section 5 of the Act
13 (42 U.S.C. 1997c) is amended—

14 (1) in subsection (b)—

15 (A) in paragraph (1), by striking “he” each
16 place it appears and inserting “the Attorney
17 General”; and

18 (B) by amending paragraph (2) to read as
19 follows:

20 “(2) The Attorney General shall personally sign any
21 certification made pursuant to this section.”; and

22 (2) by amending subsection (c) to read as fol-
23 lows:

24 “(c) The Attorney General shall personally sign any
25 motion to intervene made pursuant to this section.”.

1 (d) *SUITS BY PRISONERS.*—Section 7 of the Act (42
2 *U.S.C. 1997e*) is amended to read as follows:

3 **“SEC. 7. SUITS BY PRISONERS.**

4 “(a) *APPLICABILITY OF ADMINISTRATIVE REM-*
5 *EDIES.*—No action shall be brought with respect to prison
6 conditions under section 1979 of the Revised Statutes of the
7 United States (42 *U.S.C. 1983*), or any other law, by a
8 prisoner confined in any jail, prison, or other correctional
9 facility until such administrative remedies as are available
10 are exhausted.

11 “(b) *FAILURE OF STATE TO ADOPT OR ADHERE TO*
12 *ADMINISTRATIVE GRIEVANCE PROCEDURE.*—The failure of
13 a State to adopt or adhere to an administrative grievance
14 procedure shall not constitute the basis for an action under
15 section 3 or 5 of this Act.

16 “(c) *DISMISSAL.*—(1) The court shall on its own mo-
17 tion or on the motion of a party dismiss any action brought
18 with respect to prison conditions under section 1979 of the
19 Revised Statutes of the United States (42 *U.S.C. 1983*), or
20 any other law, by a prisoner confined in any jail, prison,
21 or other correctional facility if the court is satisfied that
22 the action is frivolous, malicious, fails to state a claim upon
23 which relief can be granted, or seeks monetary relief from
24 a defendant who is immune from such relief.

1 “(2) In the event that a claim is, on its face, frivolous,
2 malicious, fails to state a claim upon which relief can be
3 granted, or seeks monetary relief from a defendant who is
4 immune from such relief, the court may dismiss the under-
5 lying claim without first requiring the exhaustion of ad-
6 ministrative remedies.

7 “(d) ATTORNEY'S FEES.—(1) In any action brought
8 by a prisoner who is confined to any jail, prison, or other
9 correctional facility, in which attorney's fees are authorized
10 under section 2 of the Revised Statutes of the United States
11 (42 U.S.C. 1988), such fees shall not be awarded, except
12 to the extent that—

13 “(A) the fee was directly and reasonably in-
14 curred in proving an actual violation of the plain-
15 tiff's rights protected by a statute pursuant to which
16 a fee may be awarded under section 2 of the Revised
17 Statutes; and

18 “(B) the amount of the fee is proportionately re-
19 lated to the court ordered relief for the violation.

20 “(2) Whenever a monetary judgment is awarded in an
21 action described in paragraph (1), a portion of the judg-
22 ment (not to exceed 25 percent) shall be applied to satisfy
23 the amount of attorney's fees awarded against the defend-
24 ant. If the award of attorney's fees is greater than 25 per-

1 cent of the judgment, the excess shall be paid by the defend-
2 ant.

3 “(3) No award of attorney’s fees in an action described
4 in paragraph (1) shall be based on an hourly rate greater
5 than the hourly rate established under section 3006A of title
6 18, United States Code, for payment of court-appointed
7 counsel.

8 “(4) Nothing in this subsection shall prohibit a pris-
9 oner from entering into an agreement to pay an attorney’s
10 fee in an amount greater than the amount authorized under
11 this subsection, if the fee is paid by the individual rather
12 than by the defendant pursuant to section 2 of the Revised
13 Statutes of the United States (42 U.S.C. 1988).

14 “(e) LIMITATION ON RECOVERY.—No Federal civil ac-
15 tion may be brought by a prisoner confined in a jail, pris-
16 on, or other correctional facility, for mental or emotional
17 injury suffered while in custody without a prior showing
18 of physical injury.

19 “(f) HEARINGS.—To the extent practicable, in any ac-
20 tion brought with respect to prison conditions in Federal
21 court pursuant to section 1979 of the Revised Statutes of
22 the United States (42 U.S.C. 1983), or any other law, by
23 a prisoner confined in any jail, prison, or other correctional
24 facility, pretrial proceedings in which the prisoner’s par-
25 ticipation is required or permitted shall be conducted by

1 *telephone or video conference without removing the prisoner*
2 *from the facility in which the prisoner is confined.*

3 “(g) *WAIVER OF REPLY.—(1) Any defendant may*
4 *waive the right to reply to any action brought by a prisoner*
5 *confined in any jail, prison, or other correctional facility*
6 *under section 1979 of the Revised Statutes of the United*
7 *States (42 U.S.C. 1983) or any other law. Notwithstanding*
8 *any other law or rule of procedure, such waiver shall not*
9 *constitute an admission of the allegations contained in the*
10 *complaint. No relief shall be granted to the plaintiff unless*
11 *a reply has been filed.*

12 “(2) *The court may, in its discretion, require any de-*
13 *fendant to reply to a complaint commenced under this sec-*
14 *tion.*

15 “(h) *DEFINITION.—As used in this section, the term*
16 *‘prisoner’ means any person incarcerated or detained in*
17 *any facility who is accused of, convicted of, sentenced for,*
18 *or adjudicated delinquent for, violations of criminal law*
19 *or the terms and conditions of parole, probation, pretrial*
20 *release, or diversionary program.”.*

21 “(e) *REPORT TO CONGRESS.—Section 8 of the Act (42*
22 *U.S.C. 1997f) is amended by striking “his report” and in-*
23 *serting “the report”.*

24 “(f) *NOTICE TO FEDERAL DEPARTMENTS.—Section 10*
25 *of the Act (42 U.S.C. 1997h) is amended—*

1 (1) by striking "his action" and inserting "the
2 action"; and

3 (2) by striking "he is satisfied" and inserting
4 "the Attorney General is satisfied".

5 **SEC. 804. PROCEEDINGS IN FORMA PAUPERIS.**

6 (a) **FILING FEES.**—Section 1915 of title 28, United
7 States Code, is amended—

8 (1) in subsection (a)—

9 (A) by striking "(a) Any" and inserting
10 "(a)(1) Subject to subsection (b), any";

11 (B) by striking "and costs";

12 (C) by striking "makes affidavit" and in-
13 serting "submits an affidavit";

14 (D) by striking "such costs" and inserting
15 "such fees";

16 (E) by striking "he" each place it appears
17 and inserting "the person";

18 (F) by adding immediately after paragraph
19 (1), the following new paragraph:

20 "(2) A prisoner seeking to bring a civil action or ap-
21 peal a judgment in a civil action or proceeding without
22 prepayment of fees or security therefor, in addition to filing
23 the affidavit filed under paragraph (1), shall submit a cer-
24 tified copy of the trust fund account statement (or institu-
25 tional equivalent) for the prisoner for the 6-month period

1 *immediately preceding the filing of the complaint or notice*
2 *of appeal, obtained from the appropriate official of each*
3 *prison at which the prisoner is or was confined.”; and*

4 (G) *by striking “An appeal” and inserting*
5 *“(3) An appeal”;*

6 (2) *by redesignating subsections (b), (c), (d), and*
7 *(e) as subsections (c), (d), (e), and (f), respectively;*

8 (3) *by inserting after subsection (a) the following*
9 *new subsection:*

10 *“(b)(1) Notwithstanding subsection (a), if a prisoner*
11 *brings a civil action or files an appeal in forma pauperis,*
12 *the prisoner shall be required to pay the full amount of a*
13 *filing fee. The court shall assess, and when funds exist, col-*
14 *lect, as a partial payment of any court fees required by*
15 *law, an initial partial filing fee of 20 percent of the greater*
16 *of—*

17 *“(A) the average monthly deposits to the pris-*
18 *oner’s account; or*

19 *“(B) the average monthly balance in the pris-*
20 *oner’s account for the 6-month period immediately*
21 *preceding the filing of the complaint or notice of ap-*
22 *peal.*

23 *“(2) After payment of the initial partial filing fee, the*
24 *prisoner shall be required to make monthly payments of 20*
25 *percent of the preceding month’s income credited to the pris-*

1 oner's account. The agency having custody of the prisoner
2 shall forward payments from the prisoner's account to the
3 clerk of the court each time the amount in the account ex-
4 ceeds \$10 until the filing fees are paid.

5 “(3) In no event shall the filing fee collected exceed the
6 amount of fees permitted by statute for the commencement
7 of a civil action or an appeal of a civil action or criminal
8 judgment.

9 “(4) In no event shall a prisoner be prohibited from
10 bringing a civil action or appealing a civil or criminal
11 judgment for the reason that the prisoner has no assets and
12 no means by which to pay the initial partial filing fee.”;

13 (4) in subsection (c), as redesignated by para-
14 graph (2), by striking “subsection (a) of this section”
15 and inserting “subsections (a) and (b) and the pre-
16 payment of any partial filing fee as may be required
17 under subsection (b)”; and

18 (5) by amending subsection (e), as redesignated
19 by paragraph (2), to read as follows:

20 “(e)(1) The court may request an attorney to represent
21 any person unable to afford counsel.

22 “(2) Notwithstanding any filing fee, or any portion
23 thereof, that may have been paid, the court shall dismiss
24 the case at any time if the court determines that—

25 “(A) the allegation of poverty is untrue; or

1 “(B) the action or appeal—

2 “(i) is frivolous or malicious;

3 “(ii) fails to state a claim on which relief
4 may be granted; or

5 “(iii) seeks monetary relief against a de-
6 fendant who is immune from such relief.”.

7 (b) COSTS.—Section 1915(f) of title 28, United States
8 Code (as redesignated by subsection (a)(2)), is amended—

9 (1) by striking “(f) Judgment” and inserting
10 “(f)(1) Judgment”;

11 (2) by striking “cases” and inserting “proceed-
12 ings”; and

13 (3) by adding at the end the following new para-
14 graph:

15 “(2)(A) If the judgment against a prisoner includes
16 the payment of costs under this subsection, the prisoner
17 shall be required to pay the full amount of the costs ordered.

18 “(B) The prisoner shall be required to make payments
19 for costs under this subsection in the same manner as is
20 provided for filing fees under subsection (a)(2).

21 “(C) In no event shall the costs collected exceed the
22 amount of the costs ordered by the court.”.

23 (c) SUCCESSIVE CLAIMS.—Section 1915 of title 28,
24 United States Code, is amended by adding at the end the
25 following new subsection:

1 “(g) *In no event shall a prisoner bring a civil action*
2 *or appeal a judgment in a civil action or proceeding under*
3 *this section if the prisoner has, on 3 or more prior occa-*
4 *sions, while incarcerated or detained in any facility,*
5 *brought an action or appeal in a court of the United States*
6 *that was dismissed on the grounds that it is frivolous, mali-*
7 *cious, or fails to state a claim upon which relief may be*
8 *granted, unless the prisoner is under imminent danger of*
9 *serious physical injury.”.*

10 (d) *DEFINITION.—Section 1915 of title 28, United*
11 *States Code, is amended by adding at the end the following*
12 *new subsection:*

13 “(h) *As used in this section, the term ‘prisoner’ means*
14 *any person incarcerated or detained in any facility who*
15 *is accused of, convicted of, sentenced for, or adjudicated de-*
16 *linquent for, violations of criminal law or the terms and*
17 *conditions of parole, probation, pretrial release, or diver-*
18 *sionary program.”.*

19 **SEC. 805. JUDICIAL SCREENING.**

20 (a) *IN GENERAL.—Chapter 123 of title 28, United*
21 *States Code, is amended by inserting after section 1915 the*
22 *following new section:*

23 **“§ 1915A. Screening**

24 “(a) *SCREENING.—The court shall review, before dock-*
25 *eting, if feasible or, in any event, as soon as practicable*

1 after docketing, a complaint in a civil action in which a
2 prisoner seeks redress from a governmental entity or officer
3 or employee of a governmental entity.

4 “(b) *GROUND FOR DISMISSAL.*—On review, the court
5 shall dismiss the complaint, or any portion of the com-
6 plaint, if the complaint—

7 “(1) is frivolous, malicious, or fails to state a
8 claim upon which relief may be granted; or

9 “(2) seeks monetary relief from a defendant who
10 is immune from such relief.

11 “(c) *DEFINITION.*—As used in this section, the term
12 ‘prisoner’ means any person incarcerated or detained in
13 any facility who is accused of, convicted of, sentenced for,
14 or adjudicated delinquent for, violations of criminal law
15 or the terms and conditions of parole, probation, pretrial
16 release, or diversionary program.”

17 (b) *TECHNICAL AMENDMENT.*—The analysis for chap-
18 ter 123 of title 28, United States Code, is amended by in-
19 serting after the item relating to section 1915 the following
20 new item:

“1915A. Screening.”

21 **SEC. 806. FEDERAL TORT CLAIMS.**

22 Section 1346(b) of title 28, United States Code, is
23 amended—

24 (1) by striking “(b)” and inserting “(b)(1)”; and

25 (2) by adding at the end the following:

1 “(2) No person convicted of a felony who is incarcer-
2 ated while awaiting sentencing or while serving a sentence
3 may bring a civil action against the United States or an
4 agency, officer, or employee of the Government, for mental
5 or emotional injury suffered while in custody without a
6 prior showing of physical injury.”.

7 **SEC. 807. EARNED RELEASE CREDIT OR GOOD TIME CREDIT**
8 **REVOCATION.**

9 (a) *IN GENERAL.*—Chapter 123 of title 28, United
10 States Code, is amended by adding at the end the following
11 new section:

12 **“§ 1932. Revocation of earned release credit**

13 *“In any civil action brought by an adult convicted of*
14 *a crime and confined in a Federal correctional facility, the*
15 *court may order the revocation of such earned good time*
16 *credit under section 3624(b) of title 18, United States Code,*
17 *that has not yet vested, if, on its own motion or the motion*
18 *of any party, the court finds that—*

19 *“(1) the claim was filed for a malicious purpose;*

20 *“(2) the claim was filed solely to harass the*
21 *party against which it was filed; or*

22 *“(3) the claimant testifies falsely or otherwise*
23 *knowingly presents false evidence or information to*
24 *the court.”.*

1 (b) *TECHNICAL AMENDMENT.*—*The analysis for chap-*
2 *ter 123 of title 28, United States Code, is amended by in-*
3 *serting after the item relating to section 1931 the following:*
4 *"1932. Revocation of earned release credit."*

5 (c) *AMENDMENT OF SECTION 3624 OF TITLE 18.*—*Sec-*
6 *tion 3624(b) of title 18, United States Code, is amended—*

7 (1) *in paragraph (1)—*

8 (A) *by striking the first sentence;*

9 (B) *in the second sentence—*

10 (i) *by striking "A prisoner" and in-*
11 *serting "Subject to paragraph (2), a pris-*
12 *oner";*

13 (ii) *by striking "for a crime of vio-*
14 *lence,"; and*

15 (iii) *by striking "such";*

16 (C) *in the third sentence, by striking "If the*
17 *Bureau" and inserting "Subject to paragraph*
18 *(2), if the Bureau";*

19 (D) *by striking the fourth sentence and in-*
20 *serting the following: "In awarding credit under*
21 *this section, the Bureau shall consider whether*
22 *the prisoner, during the relevant period, has*
23 *earned, or is making satisfactory progress to-*
24 *ward earning, a high school diploma or an*
 equivalent degree."; and

1 (E) in the sixth sentence, by striking "Cred-
2 it for the last" and inserting "Subject to para-
3 graph (2), credit for the last"; and

4 (2) by amending paragraph (2) to read as fol-
5 lows:

6 “(2) Notwithstanding any other law, credit
7 awarded under this subsection after the date of enact-
8 ment of the Prison Litigation Reform Act shall vest
9 on the date the prisoner is released from custody.”.

10 This Act may be cited as the "Departments of Com-
11 merce, Justice, and State, the Judiciary, and Related Agen-
12 cies Appropriations Act, 1996".

Attest:

Secretary.