

DEPOSITORY — JUSTICE DEPT. LIBRARY

104TH CONGRESS }  
1st Session }

HOUSE OF REPRESENTATIVES

1000  
REPORT  
104-378

MAKING APPROPRIATIONS FOR THE DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1996, AND FOR OTHER PURPOSES

DECEMBER 1, 1995.—Ordered to be printed

Mr. ROGERS, from the committee of conference,  
submitted the following

CONFERENCE REPORT

[To accompany H.R. 2076]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2076) "making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1996, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1996, and for other purposes, namely:*

TITLE I—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

*For expenses necessary for the administration of the Department of Justice, \$74,282,000; including not to exceed \$3,317,000 for the Facilities Program 2000, and including \$5,000,000 for management and oversight of Immigration and Naturalization Service activities, both sums to remain available until expended: Provided, That not to exceed 45 permanent positions and 51 full-time equivalent workyears and \$7,477,000 shall be expended for the Department Leadership Program only for the Offices of the Attorney Gen-*

20-874

DEPT. OF JUSTICE

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MAIN LIBRARY

RELATED AGENCIES  
 UNITED STATES INFORMATION AGENCY  
 RADIO CONSTRUCTION  
 (RESCISSION)

The conference agreement includes a rescission of \$7,400,000 against unobligated balances available under the Radio Construction account, as proposed by the Senate, instead of no rescission, as proposed by the House.

The conferees expect the United States Information Agency to report on the manner in which it intends to apply this rescission.

TITLE VIII—PRISON LITIGATION REFORM

The conference agreement includes a separate title containing legislative language to carry out prison litigation reform and is similar to the language proposed by the Senate bill to limit the remedies for prison condition lawsuits and discourage frivolous and abusive prison lawsuits.

Section 801 contains the short title of the bill, the "Prison Litigation Reform Act of 1995", as proposed by the Senate.

*Prison conditions remedies.*—Section 802 amends 18 U.S.C. 3626 to require that prison condition remedies do not go beyond the measures necessary to remedy federal rights violations and that public safety and criminal justice needs are given appropriate weight in framing such remedies. Specifically, the section places limits on the type of prospective relief available to inmate litigants. The relief is generally limited to the minimum necessary to correct the violation of a federal right. Measures limiting prison population such as prison caps or prison release orders can only be imposed as last resort measures after less drastic remedies had proven ineffective. A prison cap in federal proceedings can be ordered only by a three-judge court. These same limitations on prospective relief are applied to preliminary injunctive relief and such relief would expire after a ninety-day period. Prior consent decrees are made terminable upon the motion of either party, and can be continued only if the court finds that the imposed relief is necessary to correct the violation of the federal right. The section also permits the appointment of a disinterested special master to monitor the imposed relief. The special master is intended to assist the court in finding facts and is to place those findings in the record. In addition, the conference agreement contains language, not included in the Senate bill, that provides standing to State legislators to intervene in prison lawsuits.

*Prisoner litigation.*—The conference agreement includes language proposed by the Senate, with the addition of provisions relating to victim notification and restitution requirements for monetary awards and severability. Section 803 amends the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997a(c)) to require that administrative remedies be exhausted prior to any prison conditions action being brought under any federal law by an inmate in federal court. It also directs the courts to dismiss suits if they are frivo-

lous, malicious, or wantonly waive its rights.

Section 804 requires that the bill list all assets of the institution and a new section requires that the institution and prompt mental health services under 1346(b) to limit mental or emotional distress in instances where such legislation also included in the bill. The bill requires that victims of such offenses must be awarded a monetary award of up to 28 U.S.C. 1915A credit if he files a lawsuit to remedy the misuse of the jurisdiction. The bill also provides for a provision of the bill in the Senate.

The conference agreement provides for a cost of \$800,000 to be added to the bill, or 800,000, to be added to the bill, to suffer from such conditions as depressive illness, violent or serious violent offenses, or 80,000 incarcerated persons. The cost of these individual cases is estimated to be any of the probability of this.

The total cost of the 1996 recommendations to the House and the House.

New budget (obligations)  
 Budget estimate  
 House bill, fiscal year 1996  
 Senate bill, fiscal year 1996  
 Conference agreement  
 Conference agreement  
 New budget estimate  
 Budget estimate  
 1996 .....  
 House bill,  
 Senate bill

AGENCIES  
INFORMATION AGENCY  
CONSTRUCTION  
SESSION)

cludes a rescission of \$7,400,000 available under the Radio Construction Senate, instead of no rescission, United States Information Agency to intend to apply this rescission.

LITIGATION REFORM

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lous, malicious, or fail to state a claim and permits the State to waive its right of reply to any action brought by a prisoner.

Section 804 amends 28 U.S.C. 1915 to require the prisoner to list all assets when filing *in forma pauperis* suits. Section 805 adds a new section 1915A to 28 U.S.C. to require early judicial screening and prompt dismissal of clearly meritless suits against governmental entities or employees. Section 806 amends 28 U.S.C. 1346(b) to limit prisoner suits against the Federal government for mental or emotional injury under the Federal Tort Claims Act to instances where the prisoner shows physical injury as well. The legislation also includes new language in Sections 807 and 808, not included in the Senate bill, that mandates that restitution payments must be taken from any award won by the prisoner and that requires victims to be notified whenever a prisoner receives a monetary award from the State. Section 809 adds a new section 1932 to 28 U.S.C. to allow the court to revoke the prisoner's "good time" credit if he files repetitive frivolous, or malicious suits designed to misuse the justice system. The conference agreement also includes a provision on severability in Section 810, which was not included in the Senate bill.

The conferees also understand that approximately eight percent, or 800,000 of the 10.1 million admittances to jails annually, suffer from severe mental illness such as schizophrenia and manic depressive illness. Most of these individuals have not committed violent or serious felonies but rather misdemeanors, or other non-violent offenses. The conferees further understand that eight percent, or 80,000 of the approximately one million people currently incarcerated in our nation's prisons, suffer from severe mental illness. The conferees agree that the care and treatment provided to these individuals is essential to their health and do not intend for any of the provisions in this title to impact adversely on the availability of this care and treatment.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1996 recommended by the Committee of Conference, with comparisons to the fiscal year 1995 amount, the 1996 budget estimates, and the House and Senate bills for 1996 follows:

New budget (obligational) authority, fiscal year 1995 .....	\$26,698,336,000
Budget estimates of new (obligational) authority, fiscal year 1996 .....	31,158,679,000
House bill, fiscal year 1996 .....	27,585,240,000
Senate bill, fiscal year 1996 .....	27,033,679,665
Conference agreement, fiscal year 1996 .....	27,287,525,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1995 .....	+589,189,000
Budget estimates of new (obligational) authority, fiscal year 1996 .....	-3,871,154,000
House bill, fiscal year 1996 .....	-297,715,000
Senate bill, fiscal year 1996 .....	+253,845,335

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