

1 amended by striking the matter relating to subtitle  
2 A of title II.

3 (2) COMPLIANCE.—Notwithstanding the provi-  
4 sions of paragraph (1), any funds that remain avail-  
5 able to an applicant under subtitle A of title II of  
6 the Violent Crime Control and Law Enforcement  
7 Act of 1994 shall be used in accordance with such  
8 subtitle as such subtitle was in effect on the day  
9 preceding the date of enactment of this title.

10 (3) TRUTH-IN-SENTENCING.—The table of con-  
11 tents of the Violent Crime Control and Law En-  
12 forcement Act of 1994 is amended by striking the  
13 matter relating to title V and inserting the following:

"TITLE V—TRUTH-IN-SENTENCING GRANTS

"Sec. 501. Authorization of grants.

"Sec. 502. General grants.

"Sec. 503. Truth-in-sentencing grants.

"Sec. 504. Special rules.

"Sec. 505. Formula for grants.

"Sec. 506. Accountability.

"Sec. 507. Authorization of appropriations.

"Sec. 508. Definitions."

14 **Subtitle B—Stopping Abusive**  
15 **Prisoner Lawsuits**

16 **SEC. 211. EXHAUSTION REQUIREMENT.**

17 Section 7(a)(1) of the Civil Rights of Institutionalized  
18 Persons Act (42 U.S.C. 1997e) is amended—

19 (1) by striking "in any action brought" and in-  
20 serting "no action shall be brought";

1           (2) by striking "the court shall" and all that  
2 follows through "require exhaustion of" and insert  
3 "until"; and

4           (3) by inserting "are exhausted" after "avail-  
5 able".

6 **SEC. 212. FRIVOLOUS ACTIONS.**

7           Section 7(a) of the Civil Rights of Institutionalized  
8 Persons Act (42 U.S.C. 1997e(a)) is amended by adding  
9 at the end the following:

10          "(3) The court shall on its own motion or on motion  
11 of a party dismiss any action brought pursuant to section  
12 1979 of the Revised Statutes of the United States by an  
13 adult convicted of a crime and confined in any jail, prison,  
14 or other correctional facility if the court is satisfied that  
15 the action fails to state a claim upon which relief can be  
16 granted or is frivolous or malicious."

17 **SEC. 213. MODIFICATION OF REQUIRED MINIMUM STAND-**  
18 **ARDS.**

19           Section 7(b)(2) of the Civil Rights of Institutionalized  
20 Persons Act (42 U.S.C. 1997e(b)(2)) is amended by strik-  
21 ing subparagraph (A) and redesignating subparagraphs  
22 (B) through (E) as subparagraphs (A) through (D), re-  
23 spectively.

## 1 SEC. 214. PROCEEDINGS IN FORMA PAUPERIS.

2 (a) DISMISSAL.—Section 1915(d) of title 28, United  
3 States Code, is amended—

4 (1) by inserting “at any time” after “counsel  
5 and may”;

6 (2) by striking “and may” and inserting “and  
7 shall”;

8 (3) by inserting “fails to state a claim upon  
9 which relief may be granted or” after “that the ac-  
10 tion”; and

11 (4) by inserting “even if partial filing fees have  
12 been imposed by the court” before the period.

13 (b) PRISONER’S STATEMENT OF ASSETS.—Section  
14 1915 of title 28, United States Code, is amended by add-  
15 ing at the end the following:

16 “(f) If a prisoner in a correctional institution files  
17 an affidavit in accordance with subsection (a) of this sec-  
18 tion, such prisoner shall include in that affidavit a state-  
19 ment of all assets such prisoner possesses. The court shall  
20 make inquiry of the correctional institution in which the  
21 prisoner is incarcerated for information available to that  
22 institution relating to the extent of the prisoner’s assets.  
23 The court shall require full or partial payment of filing  
24 fees according to the prisoner’s ability to pay.”

1           **Subtitle C—Stop Turning Out**  
2                           **Prisoners**

3   **SEC. 221. APPROPRIATE REMEDIES FOR PRISON CONDI-**  
4                           **TIONS.**

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

7   “~~§ 3626~~ **Appropriate remedies with respect to prison**  
8                           **conditions**

9           “(a) REQUIREMENTS FOR RELIEF.—

10           “(1) LIMITATIONS ON PROSPECTIVE RELIEF.—

11           Prospective relief in a civil action with respect to  
12           prison conditions shall extend no further than nec-  
13           essary to remove the conditions that are causing the  
14           deprivation of the Federal rights of individual plain-  
15           tiffs in that civil action. The court shall not grant  
16           or approve any prospective relief unless the court  
17           finds that such relief is narrowly drawn and the  
18           least intrusive means to remedy the violation of the  
19           Federal right. In determining the intrusiveness of  
20           the relief, the court shall give substantial weight to  
21           any adverse impact on public safety or the operation  
22           of a criminal justice system caused by the relief.

23           “(2) PRISON POPULATION REDUCTION RE-  
24           LIEF.—In any civil action with respect to prison con-  
25           ditions, the court shall not grant or approve any re-

1        lief whose purpose or effect is to reduce or limit the  
2        prison population, unless the plaintiff proves that  
3        crowding is the primary cause of the deprivation of  
4        the Federal right and no other relief will remedy  
5        that deprivation.

6        "(b) TERMINATION OF RELIEF.—

7            "(1) AUTOMATIC TERMINATION OF PROSPEC-  
8        TIVE RELIEF AFTER 2-YEAR PERIOD.—In any civil  
9        action with respect to prison conditions, any pro-  
10        spective relief shall automatically terminate 2 years  
11        after the later of—

12            "(A) the date the court found the violation  
13        of a Federal right that was the basis for the re-  
14        lief; or

15            "(B) the date of the enactment of the Stop  
16        Turning Out Prisoners Act.

17            "(2) IMMEDIATE TERMINATION OF PROSPEC-  
18        TIVE RELIEF.—In any civil action with respect to  
19        prison conditions, a defendant or intervenor shall be  
20        entitled to the immediate termination of any pro-  
21        spective relief, if that relief was approved or granted  
22        in the absence of a finding by the court that prison  
23        conditions violated a Federal right.

24        "(c) PROCEDURE FOR MOTIONS AFFECTING PRO-  
25        SPECTIVE RELIEF.—

1           “(1) GENERALLY.—The court shall promptly  
2 rule on any motion to modify or terminate prospec-  
3 tive relief in a civil action with respect to prison con-  
4 ditions.

5           “(2) AUTOMATIC STAY.—Any prospective relief  
6 subject to a pending motion shall be automatically  
7 stayed during the period—

8           “(A) beginning on the 30th day after such  
9 motion is filed, in the case of a motion made  
10 under subsection (b); and

11           “(B) beginning on the 180th day after  
12 such motion is filed, in the case of a motion  
13 made under any other law;

14 and ending on the date the court enters a final order  
15 ruling on that motion.

16           “(d) STANDING.—Any Federal, State, or local official  
17 or unit of government—

18           “(1) whose jurisdiction or function includes the  
19 prosecution or custody of persons in a prison subject  
20 to; or

21           “(2) who otherwise is or may be affected by;  
22 any relief whose purpose or effect is to reduce or limit  
23 the prison population shall have standing to oppose the  
24 imposition or continuation in effect of that relief and may  
25 intervene in any proceeding relating to that relief. Stand-

1 ing shall be liberally conferred under this subsection so  
2 as to effectuate the remedial purposes of this section.

3       “(e) SPECIAL MASTERS.—In any civil action in a  
4 Federal court with respect to prison conditions, any spe-  
5 cial master or monitor shall be a United States magistrate  
6 and shall make proposed findings on the record on com-  
7 plicated factual issues submitted to that special master or  
8 monitor by the court, but shall have no other function.  
9 The parties may not by consent extend the function of  
10 a special master beyond that permitted under this sub-  
11 section.

12       “(f) ATTORNEY'S FEES.—No attorney's fee under  
13 section 722 of the Revised Statutes of the United States  
14 (42 U.S.C. 1988) may be granted to a plaintiff in a civil  
15 action with respect to prison conditions except to the ex-  
16 tent such fee is—

17               “(1) directly and reasonably incurred in proving  
18 an actual violation of the plaintiff's Federal rights;

19 and

20               “(2) proportionally related to the extent the  
21 plaintiff obtains court ordered relief for that viola-  
22 tion.

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

24               “(1) the term ‘prison’ means any Federal,  
25 State, or local facility that incarcerates or detains

1 juveniles or adults accused of, convicted of, sen-  
2 tenced for, or adjudicated delinquent for, violations  
3 of criminal law;

4       “(2) the term ‘relief’ means all relief in any  
5 form which may be granted or approved by the  
6 court, and includes consent decrees and settlement  
7 agreements (except a settlement agreement the  
8 breach of which is not subject to any court enforce-  
9 ment other than reinstatement of the civil proceed-  
10 ing which such agreement settled); and

11       “(3) the term ‘prospective relief’ means all re-  
12 lief other than compensatory monetary damages.”.

13       (b) APPLICATION OF AMENDMENT.—Section 3626 of  
14 title 18, United States Code, as amended by this section,  
15 shall apply with respect to all relief (as defined in such  
16 section) whether such relief was originally granted or ap-  
17 proved before, on, or after the date of the enactment of  
18 this title.

19       (c) CLERICAL AMENDMENT.—The item relating to  
20 section 3626 in the table of sections at the beginning of  
21 subchapter C of chapter 229 of title 18, United States  
22 Code, is amended by striking “crowding” and inserting  
23 “conditions”.