

1 remain available to an applicant under subtitle
2 A of title II of the Violent Crime Control and
3 Law Enforcement Act of 1994 on the date of
4 enactment of this Act shall be used in accord-
5 ance with such subtitle as such subtitle was in
6 effect on the day preceding the date of enact-
7 ment of this Act.

8 (C) TRUTH-IN-SENTENCING.—The table of
9 contents of the Violent Crime Control and Law
10 Enforcement Act of 1994 is amended by strik-
11 ing the matter relating to title V and inserting
12 the following:

“TITLE V—TRUTH-IN-SENTENCING GRANTS

- “Sec. 50001. Authorization of grants.
- “Sec. 50002. General grants.
- “Sec. 50003. Truth-in-sentencing grants.
- “Sec. 50004. Special rules.
- “Sec. 50005. Formula for grants.
- “Sec. 50006. Accountability.
- “Sec. 50007. Authorization of appropriations.
- “Sec. 50008. Definitions.”.

13 SEC. 102. STOPPING ABUSIVE PRISONER LAWSUITS.

14 (a) EXHAUSTION REQUIREMENT.—Section 7(a)(1) of
15 the Civil Rights of Institutionalized Persons Act (42
16 U.S.C. 1997e) is amended—

17 (1) by striking “in any action brought” and in-
18 serting “no action shall be brought”;

19 (2) by striking “the court shall” and all that
20 follows through “require exhaustion of” and insert
21 “until”; and

1 (3) by inserting "are exhausted" after "avail-
2 able".

3 (b) FRIVOLOUS ACTIONS.—Section 7(a) of the Civil
4 Rights of Institutionalized Persons Act (42 U.S.C.
5 1997e(a)) is amended by adding at the end the following:

6 "(3) The court shall on its own motion or on motion
7 of a party dismiss any action brought pursuant to section
8 1979 of the Revised Statutes of the United States by an
9 adult convicted of a crime and confined in any jail, prison,
10 or other correctional facility, if the court is satisfied that
11 the action fails to state a claim upon which relief can be
12 granted or is frivolous or malicious."

13 (c) MODIFICATION OF REQUIREMENT MINIMUM
14 STANDARDS.—Section 7(b)(2) of the Civil Rights of Insti-
15 tutionalized Persons Act (42 U.S.C. 1997e(b)(2)) is
16 amended by striking subparagraph (A) and redesignating
17 subparagraphs (B) through (E) as subparagraphs (A)
18 through (D), respectively.

19 (d) PROCEEDINGS IN FORMA PAUPERIS.—

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

22 (A) by inserting "at any time" after
23 "counsel and may";

24 (B) by striking "and may" and inserting
25 "and shall";

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

4 (D) by inserting ", even if partial filing
5 fees have been imposed by the court" before the
6 period.

7 (2) PRISONER'S STATEMENT OF ASSETS.—Sec-
8 tion 1915 of title 28, United States Code, is amend-
9 ed by adding at the end the following new sub-
10 section:

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

20 **SEC. 103. APPROPRIATE REMEDIES FOR PRISON CONDI-**
21 **TIONS.**

22 (a) IN GENERAL.—Section 3626 of title 18, United
23 States Code (as added by section 20409 of the Violent
24 Crime Control and Law Enforcement Act of 1994), is
25 amended to read as follows:

1 "§ 3628. Appropriate remedies with respect to prison
2 conditions

3 "(a) REQUIREMENTS FOR RELIEF.—

4 "(1) LIMITATIONS ON PROSPECTIVE RELIEF.—

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

17 "(2) PRISON POPULATION REDUCTION RE-
18 LIEF.—In any civil action with respect to prison con-
19 ditions, the court shall not grant or approve any re-
20 lief the purpose or effect of which is to reduce or
21 limit the prison population, unless the plaintiff
22 proves that crowding is the primary cause of the
23 deprivation of the Federal right and no other relief
24 will remedy that deprivation.

25 "(b) TERMINATION OF RELIEF.—

1 “(1) AUTOMATIC TERMINATION OF PROSPEC-
2 TIVE RELIEF AFTER 2-YEAR PERIOD.—In any civil
3 action with respect to prison conditions, any pro-
4 spective relief shall automatically terminate 2 years
5 after the later of—

6 “(A) the date the court issued the judg-
7 ment finding a violation of a Federal right that
8 was the basis for the relief; or

9 “(B) the date of the enactment of the
10 Local Law Enforcement Enhancement Act of
11 1995.

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

19 “(c) PROCEDURE FOR MOTIONS AFFECTING PRO-
20 SPECTIVE RELIEF.—

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

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

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

7 “(B) beginning on the 180th day after
8 such motion is filed, in the case of a motion
9 made under any other law;
10 and ending on the date the court enters a final order
11 ruling on that motion.

12 “(d) STANDING.—Any Federal, State, or local gov-
13 ernment whose jurisdiction or function includes the pros-
14 ecution or custody of persons in a prison subject to any
15 relief whose purpose or effect is to reduce or limit the pris-
16 on population shall have standing to oppose the imposition
17 or continuation in effect of that relief and may intervene
18 in any proceeding relating to that relief. Standing shall
19 be liberally conferred under this subsection so as to effec-
20 tuate the remedial purposes of this section.

21 “(e) SPECIAL MASTERS.—In any civil action in a
22 Federal court with respect to prison conditions, any spe-
23 cial master or monitor shall be a United States magistrate
24 and shall make proposed findings on the record on com-
25 plicated factual issues submitted to the special master or

1 monitor by the court, but shall have no other function.
2 The parties may not by consent extend the function of
3 a special master beyond the function permitted under this
4 subsection.

5 “(f) ATTORNEY’S FEES.—No attorney’s fee under
6 section 722 of the Revised Statutes of the United States
7 (42 U.S.C. 1988) may be granted to a plaintiff in a civil
8 action with respect to prison conditions except to the ex-
9 tent such fee is—

10 “(1) directly and reasonably incurred in proving
11 an actual violation of the plaintiff’s Federal rights;
12 and

13 “(2) proportionally related to the extent the
14 plaintiff obtains court ordered relief for that viola-
15 tion.

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

17 “(1) the term ‘prison’ means any Federal,
18 State, or local facility that incarcerates or detains
19 juveniles or adults accused of, convicted of, sen-
20 tenced for, or adjudicated delinquent for, violations
21 of criminal law;

22 “(2) the term ‘relief’ means all relief in any
23 form which may be granted or approved by the
24 court, and includes consent decrees and settlement
25 agreements; and

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

3 (b) APPLICATION OF AMENDMENT.—Section 3626 of
4 title 18, United States Code, as amended by this section,
5 shall apply with respect to all relief (as defined in such
6 section) whether such relief was originally granted or ap-
7 proved before, on, or after the date of the enactment of
8 this Act.

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

14 **TITLE II—POLICE OFFICERS**

15 **SEC. 201. COPS ON THE BEAT.**

16 (a) IN GENERAL.—Part Q of title I of the Omnibus
17 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
18 3796dd et seq.) is amended to read as follows:

19 **“PART Q—PUBLIC SAFETY AND COMMUNITY** 20 **POLICING; COPS ON THE BEAT**

21 **“SEC. 1701. AUTHORITY TO MAKE PUBLIC SAFETY AND** 22 **COMMUNITY POLICING GRANTS.**

23 “(a) GRANT AUTHORIZATION.—The Attorney Gen-
24 eral may make grants to cities to increase police presence,
25 to expand and improve cooperative efforts between law en-