

To provide for appropriate remedies for prison condition lawsuits, to discourage frivolous and abusive prison lawsuits, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 27 (legislative day, SEPTEMBER 25), 1995

Mr. DOLE (for himself, Mr. HATCH, Mr. ABRAHAM, Mr. KYL, Mr. REID, Mr. SPECTER, Mrs. HUTCHISON, Mr. THURMOND, Mr. SANTORUM, Mr. BOND, Mr. D'AMATO, and Mr. GRAMM) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To provide for appropriate remedies for prison condition lawsuits, to discourage frivolous and abusive prison lawsuits, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the "Prison Litigation Re-
5 form Act of 1995".

6 SEC. 2. APPROPRIATE REMEDIES FOR PRISON CONDI-
7 TIONS.

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

1 **“§ 3626. Appropriate remedies with respect to prison**
2 **conditions**

3 “(a) REQUIREMENTS FOR RELIEF.—

4 “(1) PROSPECTIVE RELIEF.—(A) Prospective
5 relief in any civil action with respect to prison condi-
6 tions shall extend no further than necessary to cor-
7 rect the violation of the Federal right of a particular
8 plaintiff or plaintiffs. The court shall not grant or
9 approve any prospective relief unless the court finds
10 that such relief is narrowly drawn, extends no fur-
11 ther than necessary to correct the violation of the
12 Federal right, and is the least intrusive means nec-
13 essary to correct the violation of the Federal right.
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 “(B) Nothing in this section shall be construed
18 to authorize the courts, in exercising their remedial
19 powers, to order the construction of prisons or the
20 raising of taxes, or to repeal or detract from other-
21 wise applicable limitations on the remedial powers of
22 the courts.

23 “(2) PRELIMINARY INJUNCTIVE RELIEF.—In
24 any civil action with respect to prison conditions, to
25 the extent otherwise authorized by law, the court
26 may enter a temporary restraining order or an order

1 for preliminary injunctive relief. Preliminary injunc-
2 tive relief must be narrowly drawn, extend no fur-
3 ther than necessary to correct the harm the court
4 finds requires preliminary relief, and be the least in-
5 trusive means necessary to correct that harm. Pre-
6 liminary injunctive relief shall automatically expire
7 on the date that is 90 days after its entry, unless
8 the court makes the findings required under sub-
9 section (a)(1) for the entry of prospective relief and
10 makes the order final before the expiration of the
11 90-day period.

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

15 “(i) a court has previously entered an
16 order for less intrusive relief that has failed to
17 remedy the deprivation of the Federal right
18 sought to be remedied through the prisoner re-
19 lease order; and

20 “(ii) the defendant has had a reasonable
21 amount of time to comply with the previous
22 court orders.

23 “(B) In any civil action in Federal court with
24 respect to prison conditions, a prisoner release order
25 shall be entered only by a three-judge court in ac-

1 cordance with section 2284 of title 28, if the require-
2 ments of subparagraph (E) have been met.

3 "(C) A party seeking a prisoner release order in
4 Federal court shall file with any request for such re-
5 lief, a request for a three-judge court and materials
6 sufficient to demonstrate that the requirements of
7 subparagraph (A) have been met.

8 "(D) If the requirements under subparagraph
9 (A) have been met, a Federal judge before whom a
10 civil action with respect to prison conditions is pend-
11 ing who believes that a prison release order should
12 be considered may sua sponte request the convening
13 of a three-judge court to determine whether a pris-
14 oner release order should be entered.

15 "(E) The court shall enter a prisoner release
16 order only if the court finds—

17 "(i) by clear and convincing evidence—

18 "(I) that crowding is the primary
19 cause of the violation of a Federal right;
20 and

21 "(II) that no other relief will remedy
22 the violation of the Federal right; and

23 "(ii) by a preponderance of the evidence—

1 “(I) that crowding has deprived a par-
2 ticular plaintiff or plaintiffs of at least one
3 essential, identifiable human need; and

4 “(II) that prison officials have acted
5 with obduracy and wantonness in depriving
6 the particular plaintiff or plaintiffs of the
7 one essential, identifiable human need
8 caused by the crowding.

9 “(F) Any State or local official or unit of gov-
10 ernment whose jurisdiction or function includes the
11 prosecution or custody of persons who may be re-
12 leased from, or not admitted to, a prison as a result
13 of a prisoner release order shall have standing to op-
14 pose the imposition or continuation in effect of such
15 relief and to seek termination of such relief, and
16 shall have the right to intervene in any proceeding
17 relating to such relief.

18 “(b) TERMINATION OF RELIEF.—

19 “(1) TERMINATION OF PROSPECTIVE RELIEF.—

20 (A) In any civil action with respect to prison condi-
21 tions in which prospective relief is ordered, such re-
22 lief shall be terminable upon the motion of any
23 party—

24 “(i) 2 years after the date the court grant-
25 ed or approved the prospective relief;

1 “(ii) 1 year after the date the court has
2 entered an order denying termination of pro-
3 spective relief under this paragraph; or

4 “(iii) in the case of an order issued on or
5 before the date of enactment of the Prison Liti-
6 gation Reform Act, 2 years after such date of
7 enactment.

8 “(B) Nothing in this section shall prevent the
9 parties from agreeing to terminate or modify relief
10 before the relief is terminated under subparagraph
11 (A).

12 “(2) IMMEDIATE TERMINATION OF PROSPEC-
13 TIVE RELIEF.—In any civil action with respect to
14 prison conditions, a defendant or intervener shall be
15 entitled to the immediate termination of any pro-
16 spective relief if the relief was approved or granted
17 in the absence of a finding by the court that the re-
18 lief is narrowly drawn, extends no further than nec-
19 essary to correct the violation of the Federal right,
20 and is the least intrusive means necessary to correct
21 the violation of the Federal right.

22 “(3) LIMITATION.—Prospective relief shall not
23 terminate if the court makes written findings based
24 on the record that prospective relief remains nec-
25 essary to correct a current or ongoing violation of

1 the Federal right, extends no further than necessary
2 to correct the violation of the Federal right, and
3 that the prospective relief is narrowly drawn and the
4 least intrusive means to correct the violation.

5 “(4) TERMINATION OR MODIFICATION OF RE-
6 LIEF.—Nothing in this section shall prevent any
7 party from seeking modification or termination be-
8 fore the relief is terminable under paragraph (1) or
9 (2), to the extent that modification or termination
10 would otherwise be legally permissible.

11 “(c) SETTLEMENTS.—

12 “(1) CONSENT DECREES.—In any civil action
13 with respect to prison conditions, the court shall not
14 enter or approve a consent decree unless it complies
15 with the limitations on relief set forth in subsection
16 (a).

17 “(2) PRIVATE SETTLEMENT AGREEMENTS.—
18 (A) Nothing in this section shall preclude parties
19 from entering into a private settlement agreement
20 that does not comply with the limitations on relief
21 set forth in subsection (a), if the terms of that
22 agreement are not subject to court enforcement
23 other than the reinstatement of the civil proceeding
24 that the agreement settled.

1 “(B) Nothing in this section shall preclude any
2 party claiming that a private settlement agreement
3 has been breached from seeking in State court any
4 remedy for breach of contract available under State
5 law.

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

10 “(e) PROCEDURE FOR MOTIONS AFFECTING PRO-
11 SPECTIVE RELIEF.—

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

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

19 “(A)(i) beginning on the 30th day after
20 such motion is filed, in the case of a motion
21 made under paragraph (1) or (2) of subsection
22 (b); or

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

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

3 “(f) SPECIAL MASTERS.—

4 “(1) IN GENERAL.—(A) In any civil action in a
5 Federal court with respect to prison conditions, the
6 court may appoint a disinterested and objective spe-
7 cial master, who will give due regard to the public
8 safety, to conduct hearings on the record and pre-
9 pare proposed findings of fact.

10 “(B) The court shall appoint a special master
11 under this subsection during the remedial phase of
12 the action only upon a finding that the remedial
13 phase will be sufficiently complex to warrant the ap-
14 pointment.

15 “(2) APPOINTMENT.—(A) If the court deter-
16 mines that the appointment of a special master is
17 necessary, the court shall request that the defendant
18 institution and the plaintiff each submit a list of not
19 more than 5 persons to serve as a special master.

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

23 “(C) The court shall select the master from the
24 persons remaining on the list after the operation of
25 subparagraph (B).

1 “(3) INTERLOCUTORY APPEAL.—Any party
2 shall have the right to an interlocutory appeal of the
3 judge’s selection of the special master under this
4 subsection, on the ground of partiality.

5 “(4) COMPENSATION.— The compensation to be
6 allowed to a special master under this section shall
7 be based on an hourly rate not greater than the
8 hourly rate established under section 3006A for pay-
9 ment of court-appointed counsel, plus costs reason-
10 ably incurred by the special master. Such compensa-
11 tion and costs shall be paid with funds appropriated
12 to the Federal Judiciary.

13 “(5) REGULAR REVIEW OF APPOINTMENT.—In
14 any civil action with respect to prison conditions in
15 which a special master is appointed under this sub-
16 section, the court shall review the appointment of
17 the special master every 6 months to determine
18 whether the services of the special master continue
19 to be required under paragraph (1). In no event
20 shall the appointment of a special master extend be-
21 yond the termination of the relief.

22 “(6) LIMITATIONS ON POWERS AND DUTIES.—
23 A special master appointed under this subsection—

24 “(A) shall make any findings based on the
25 record as a whole;

1 “(B) shall not make any findings or com-
2 munications ex parte; and

3 “(C) may be removed at any time, but
4 shall be relieved of the appointment upon the
5 termination of relief.

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

7 “(1) the term ‘consent decree’ means any relief
8 entered by the court that is based in whole or in
9 part upon the consent or acquiescence of the parties
10 but does not include private settlements;

11 “(2) the term ‘civil action with respect to prison
12 conditions’ means any civil proceeding arising under
13 Federal law with respect to the conditions of con-
14 finement or the effects of actions by government of-
15 ficials on the lives of persons confined in prison, but
16 does not include habeas corpus proceedings challeng-
17 ing the fact or duration of confinement in prison;

18 “(3) the term ‘prisoner’ means any person sub-
19 ject to incarceration, detention, or admission to any
20 facility who is accused of, convicted of, sentenced
21 for, or adjudicated delinquent for, violations of
22 criminal law or the terms and conditions of parole,
23 probation, pretrial release, or diversionary program;

24 “(4) the term ‘prisoner release order’ includes
25 any order, including a temporary restraining order

1 or preliminary injunctive relief, that has the purpose
2 or effect of reducing or limiting the prison popu-
3 lation, or that directs the release from or
4 nonadmission of prisoners to a prison;

5 "(5) the term 'prison' means any Federal,
6 State, or local facility that incarcerates or detains
7 juveniles or adults accused of, convicted of, sen-
8 tenced for, or adjudicated delinquent for, violations
9 of criminal law;

10 "(6) the term 'private settlement agreement'
11 means an agreement entered into among the parties
12 that is not subject to judicial enforcement other than
13 the reinstatement of the civil proceeding that the
14 agreement settled;

15 "(7) the term 'prospective relief' means all re-
16 lief other than compensatory monetary damages;
17 and

18 "(8) the term 'relief' means all relief in any
19 form that may be granted or approved by the court,
20 and includes consent decrees but does not include
21 private settlement agreements."

22 (b) APPLICATION OF AMENDMENT.—

23 (1) IN GENERAL.—Section 3626 of title 18,
24 United States Code, as amended by this section,
25 shall apply with respect to all prospective relief

1 whether such relief was originally granted or ap-
2 proved before, on, or after the date of the enactment
3 of this Act.

4 (2) TECHNICAL AMENDMENT.—Subsections (b)
5 and (d) of section 20409 of the Violent Crime Con-
6 trol and Law Enforcement Act of 1994 are repealed.

7 (c) CLERICAL AMENDMENT.—The table of sections
8 at the beginning of subchapter C of chapter 229 of title
9 18, United States Code, is amended to read as follows:
"3626. Appropriate remedies with respect to prison conditions."

10 SEC. 3. AMENDMENTS TO CIVIL RIGHTS OF INSTITU-
11 TIONALIZED PERSONS ACT.

12 (a) INITIATION OF CIVIL ACTIONS.—Section 3(c) of
13 the Civil Rights of Institutionalized Persons Act (42
14 U.S.C. 1997a(c)) (referred to in this section as the "Act")
15 is amended to read as follows:

16 "(c) The Attorney General shall personally sign any
17 complaint filed pursuant to this section."

18 (b) CERTIFICATION REQUIREMENTS.—Section 4 of
19 the Act (42 U.S.C. 1997b) is amended—

20 (1) in subsection (a)—

21 (A) by striking "he" each place it appears
22 and inserting "the Attorney General"; and

23 (B) by striking "his" and inserting "the
24 Attorney General's"; and

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

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

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

7 (1) in subsection (b)—

8 (A) in paragraph (1), by striking “he”
9 each place it appears and inserting “the Attor-
10 ney General”; and

11 (B) by amending paragraph (2) to read as
12 follows:

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

15 (2) by amending subsection (c) to read as fol-
16 lows:

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

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

21 “SEC. 7. SUITS BY PRISONERS.

22 “(a) APPLICABILITY OF ADMINISTRATIVE REM-
23 EDIES.—No action shall be brought with respect to prison
24 conditions under section 1979 of the Revised Statutes of
25 the United States (42 U.S.C. 1983), or any other law, by

1 a prisoner confined in any jail, prison, or other correc-
2 tional facility until such administrative remedies as are
3 available are exhausted.

4 “(b) FAILURE OF STATE TO ADOPT OR ADHERE TO
5 ADMINISTRATIVE GRIEVANCE PROCEDURE.—The failure
6 of a State to adopt or adhere to an administrative griev-
7 ance procedure shall not constitute the basis for an action
8 under section 3 or 5 of this Act.

9 “(c) DISMISSAL.—(1) The court shall on its own mo-
10 tion or on the motion of a party dismiss any action
11 brought with respect to prison conditions under section
12 1979 of the Revised Statutes of the United States (42
13 U.S.C. 1983), or any other law, by a prisoner confined
14 in any jail, prison, or other correctional facility if the court
15 is satisfied that the action fails to state a claim upon
16 which relief can be granted or is frivolous or malicious.

17 “(2) In the event that a claim is, on its face, frivolous
18 or malicious, the court may dismiss the underlying claim
19 without first requiring the exhaustion of administrative
20 remedies.

21 “(d) ATTORNEY'S FEES.—(1) In any action brought
22 by a prisoner who is confined to any jail, prison, or other
23 correctional facility, in which attorney's fees are author-
24 ized under section 2 of the Revised Statutes of the United

1 States (42 U.S.C. 1988), such fees shall not be awarded,
2 except to the extent that—

3 “(A) the fee was directly and reasonably in-
4 curred in proving an actual violation of the plain-
5 tiff’s rights protected by a statute pursuant to which
6 a fee may be awarded under section 2 of the Revised
7 Statutes; and

8 “(B) the amount of the fee is proportionately
9 related to the court ordered relief for the violation.

10 “(2) Whenever a monetary judgment is awarded in
11 an action described in paragraph (1), a portion of the
12 judgment (not to exceed 25 percent) shall be applied to
13 satisfy the amount of attorney’s fees awarded against the
14 defendant. If the award of attorney’s fees is greater than
15 25 percent of the judgment, the excess shall be paid by
16 the defendant.

17 “(3) No award of attorney’s fees in an action de-
18 scribed in paragraph (1) shall be based on an hourly rate
19 greater than the hourly rate established under section
20 3006A of title 18, United States Code, for payment of
21 court-appointed counsel.

22 “(4) Nothing in this subsection shall prohibit a pris-
23 oner from entering into an agreement to pay an attorney’s
24 fee in an amount greater than the amount authorized
25 under this subsection, if the fee is paid by the individual

1 rather than by the defendant pursuant to section 2 of the
2 Revised Statutes of the United States (42 U.S.C. 1988).

3 “(e) LIMITATION ON RECOVERY.—No Federal civil
4 action may be brought by a prisoner confined in a jail,
5 prison, or other correctional facility, for mental or emo-
6 tional injury suffered while in custody without a prior
7 showing of physical injury.

8 “(f) HEARING LOCATION.—To the extent practicable,
9 in any action brought with respect to prison conditions
10 in Federal court pursuant to section 1979 of the Revised
11 Statutes of the United States (42 U.S.C. 1983), or any
12 other law, by a prisoner confined in any jail, prison, or
13 other correctional facility, pretrial proceedings in which
14 the prisoner’s participation is required or permitted shall
15 be conducted—

16 “(1) at the facility; or

17 “(2) by telephone or video conference without
18 removing the prisoner from the facility in which the
19 prisoner is confined.

20 Any State may adopt a similar requirement regarding
21 hearings in such actions in that State’s courts.

22 “(g) WAIVER OF REPLY.—(1) Any defendant may
23 waive the right to reply to any action brought by a pris-
24 oner confined in any jail, prison, or other correctional fa-
25 cility under section 1979 of the Revised Statutes of the

1 United States (42 U.S.C. 1983) or any other law. Not-
2 withstanding any other law or rule of procedure, such
3 waiver shall not constitute an admission of the allegations
4 contained in the complaint. No relief shall be granted to
5 the plaintiff unless a reply has been filed.

6 “(2) The court may, in its discretion, require any de-
7 fendant to reply to a complaint commenced under this sec-
8 tion.

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

15 (e) REPORT TO CONGRESS.—Section 8 of the Act (42
16 U.S.C. 1997f) is amended by striking “his report” and
17 inserting “the report”.

18 (f) NOTICE TO FEDERAL DEPARTMENTS.—Section
19 10 of the Act (42 U.S.C. 1997h) is amended—

20 (1) by striking “his action” and inserting “the
21 action”; and

22 (2) by striking “he is satisfied” and inserting
23 “the Attorney General is satisfied”.

1 SEC. 4. PROCEEDINGS IN FORMA PAUPERIS.

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

4 (1) in subsection (a)—

5 (A) by striking “(a) Any” and inserting
6 “(a)(1) Subject to subsection (b), any”;

7 (B) by striking “and costs”;

8 (C) by striking “makes affidavit” and in-
9 serting “submits an affidavit”;

10 (D) by striking “such costs” and inserting
11 “such fees”;

12 (E) by striking “he” each place it appears
13 and inserting “the person”;

14 (F) by adding immediately after paragraph
15 (1), the following new paragraph:

16 “(2) A prisoner seeking to bring a civil action or ap-
17 peal a judgment in a civil action or proceeding without
18 prepayment of fees or security therefor, in addition to fil-
19 ing the affidavit filed under paragraph (1), shall submit
20 a certified copy of the trust fund account statement (or
21 institutional equivalent) for the prisoner for the 6-month
22 period immediately preceding the filing of the complaint
23 or notice of appeal, obtained from the appropriate official
24 of each prison at which the prisoner is or was confined.”;
25 and

1 (G) by striking "An appeal" and inserting
2 "(3) An appeal";

3 (2) by redesignating subsections (b), (c), (d),
4 and (e) as subsections (c), (d), (e), and (f), respec-
5 tively;

6 (3) by inserting after subsection (a) the follow-
7 ing new subsection:

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

15 "(A) the average monthly deposits to the pris-
16 oner's account; or

17 "(B) the average monthly balance in the pris-
18 oner's account for the 6-month period immediately
19 preceding the filing of the complaint or notice of ap-
20 peal.

21 "(2) After payment of the initial partial filing fee,
22 the prisoner shall be required to make monthly payments
23 of 20 percent of the preceding month's income credited
24 to the prisoner's account. The agency having custody of
25 the prisoner shall forward payments from the prisoner's

1 account to the clerk of the court each time the amount
2 in the account exceeds \$10 until the filing fees are paid.

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

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

11 (4) in subsection (c), as redesignated by para-
12 graph (2), by striking “subsection (a) of this sec-
13 tion” and inserting “subsections (a) and (b) and the
14 prepayment of any partial filing fee as may be re-
15 quired under subsection (b)”;

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

18 “(e)(1) The court may request an attorney to rep-
19 resent any person unable to afford counsel.

20 “(2) Notwithstanding any filing fee that may have
21 been paid, the court shall dismiss the case at any time
22 if the court determines that—

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

24 “(B) the action or appeal—

25 “(i) is frivolous or malicious; or

1 “(ii) fails to state a claim on which relief
2 may be granted.”.

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

6 (1) by striking “(f) Judgment” and inserting
7 “(f)(1) Judgment”;

8 (2) by striking “cases” and inserting “proceed-
9 ings”; and

10 (3) by adding at the end the following new
11 paragraph:

12 “(2)(A) If the judgment against a prisoner includes
13 the payment of costs under this subsection, the prisoner
14 shall be required to pay the full amount of the costs or-
15 dered.

16 “(B) The prisoner shall be required to make pay-
17 ments for costs under this subsection in the same manner
18 as is provided for filing fees under subsection (a)(2).

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

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

24 “(g) In no event shall a prisoner in any prison bring
25 a civil action or appeal a judgment in a civil action or

1 proceeding under this section if the prisoner has, on 3 or
2 more prior occasions, brought an action or appeal in a
3 court of the United States that was dismissed on the
4 grounds that it is frivolous, malicious, or fails to state a
5 claim upon which relief may be granted, unless the pris-
6 oner is under imminent danger of serious bodily harm.”.

7 (d) DEFINITION.—Section 1915 of title 28, United
8 States Code, is amended by adding at the end the follow-
9 ing new subsection:

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

16 **SEC. 5. JUDICIAL SCREENING.**

17 (a) IN GENERAL.—Chapter 123 of title 28, United
18 States Code, is amended by inserting after section 1915
19 the following new section:

20 **“§ 1915A. Screening**

21 “(a) SCREENING.—The court shall review, before
22 docketing, if feasible or, in any event, as soon as prac-
23 ticable after docketing, a complaint in a civil action in
24 which a prisoner seeks redress from a governmental entity
25 or officer or employee of a governmental entity.

1 “(b) GROUNDS FOR DISMISSAL.—On review, the
2 court shall dismiss the complaint, or any portion of the
3 complaint, if the complaint—

4 “(1) fails to state a claim upon which relief
5 may be granted; or

6 “(2) seeks monetary relief from a defendant
7 who is immune from such relief.

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

14 (b) TECHNICAL AMENDMENT.—The analysis for
15 chapter 123 of title 28, United States Code, is amended
16 by inserting after the item relating to section 1915 the
17 following new item:

“1915A. Screening.”.

18 **SEC. 6. FEDERAL TORT CLAIMS.**

19 Section 1346(b) of title 28, United States Code, is
20 amended—

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

22 and

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

24 “(2) No person convicted of a felony who is incarcer-
25 ated while awaiting sentencing or while serving a sentence

1 may bring a civil action against the United States or an
2 agency, officer, or employee of the Government, for mental
3 or emotional injury suffered while in custody without a
4 prior showing of physical injury.”.

5 **SEC. 7. EARNED RELEASE CREDIT OR GOOD TIME CREDIT**
6 **REVOCATION.**

7 (a) **IN GENERAL.**—Chapter 123 of title 28, United
8 States Code, is amended by adding at the end the follow-
9 ing new section:

10 **“§ 1932. Revocation of earned release credit**

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

17 “(1) the claim was filed for a malicious pur-
18 pose;

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

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

24 (b) **TECHNICAL AMENDMENT.**—The analysis for
25 chapter 123 of title 28, United States Code, is amended

1 by inserting after the item relating to section 1931 the
2 following:

"1932. Revocation of earned release credit."

3 (c) AMENDMENT OF SECTION 3624 OF TITLE 18.—

4 Section 3624(b) of title 18, United States Code, is amend-
5 ed—

6 (1) in paragraph (1)—

7 (A) by striking the first sentence;

8 (B) in the second sentence—

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

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

14 (iii) by striking "such";

15 (C) in the third sentence, by striking "If
16 the Bureau" and inserting "Subject to para-
17 graph (2), if the Bureau";

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

1 (E) in the sixth sentence, by striking
2 "Credit for the last" and inserting "Subject to
3 paragraph (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 en-
8 actment of the Prison Litigation Reform Act shall
9 vest on the date the prisoner is released from cus-
10 tody."

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