

“(iii) in the case of an order issued on or before the date of enactment of the Prison Litigation Reform Act, 2 years after such date of enactment.

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

“(2) IMMEDIATE TERMINATION OF PROSPECTIVE RELIEF.—In any civil action with respect to prison conditions, a defendant or intervenor shall be entitled to the immediate termination of any prospective relief if the relief was approved or granted in the absence of a finding by the court that the relief is narrowly drawn, extends no further than necessary to correct the violation of the Federal right, and is the least intrusive means necessary to correct the violation.

“(3) LIMITATION.—Prospective relief shall not terminate if the court makes written findings based on the record that prospective relief remains necessary to correct the violation of the Federal right, extends no further than necessary to correct the violation of the Federal right, and that the prospective relief is the least intrusive means to correct the violation.

“(4) TERMINATION OR MODIFICATION.—Nothing in this section shall prevent any party from seeking modification or termination before the relief is terminable under paragraph (1) or (2), to the extent that modification or termination would otherwise be legally permissible.

“(c) SETTLEMENTS.—

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

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

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

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

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

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

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

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

“(ii) beginning on the 180th day after such motion is filed, in the case of a motion made under subsection (b)(3); and

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

“(f) DEFINITIONS.—As used in this section—

“(1) the term ‘consent decree’ means any relief entered by the court that is based in whole or in part upon the consent or acquiescence of the parties;

“(2) the term ‘civil action with respect to prison conditions’ means any civil proceeding arising under Federal law with respect to the conditions of confinement or the effects of actions by government officials on the lives of persons confined in prison, but does not include habeas corpus proceedings

challenging the fact or duration of confinement in prison;

“(3) the term ‘prisoner’ means any person incarcerated or detained in any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms and conditions of parole, probation, pretrial release, or diversionary program;

“(4) the term ‘prisoner release order’ includes any order, including a temporary restraining order or preliminary injunctive relief, that has the purpose or effect of reducing or limiting the prison population, or that directs the release from or nonadmission of prisoners to a prison;

“(5) the term ‘prison’ means any Federal, State, or local facility that incarcerates or detains juveniles or adults accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law;

“(6) the term ‘prospective relief’ means all relief other than monetary damages; and

“(7) the term ‘relief’ means all relief in any form that may be granted or approved by the court, and includes consent decrees and settlement agreements (except a settlement agreement the breach of which is not subject to any court enforcement other than reinstatement of the civil proceeding that such agreement settled).”.

(b) APPLICATION OF AMENDMENT.—

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

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

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

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

SEC. 3. AMENDMENTS TO CIVIL RIGHTS OF INSTITUTIONALIZED PERSONS ACT.

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

“(f) ATTORNEY’S FEES.—(1) In any action brought by a prisoner who is confined to any jail, prison, or other correctional facility, in which attorney’s fees are authorized under section 2 of the Revised Statutes of the United States (42 U.S.C. 1988), such fees shall be awarded only if—

“(A) the fee was directly and reasonably incurred in proving an actual violation of the plaintiff’s rights protected by a statute pursuant to which a fee may be awarded under section 2 of the Revised Statutes; and

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

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

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

“(4) Nothing in this subsection shall prohibit a prisoner from entering into an agreement to pay an attorney’s fee in an amount greater than the amount authorized under

this subsection, if the fee is paid by the individual rather than by the defendant pursuant to section 2 of the Revised Statutes of the United States (42 U.S.C. 1988).

“(g) TELEPHONE HEARINGS.—To the extent practicable, in any action brought in Federal court pursuant to section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983) by a prisoner crime confined in any jail, prison, or other correctional facility, pretrial proceedings in which the prisoner’s participation is required or permitted shall be conducted by telephone without removing the prisoner from the facility in which the prisoner is confined. Any State may adopt a similar requirement regarding hearings in such actions in that State’s courts.

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

SEC. 4. SUCCESSIVE CLAIMS IN PROCEEDINGS IN FORMA PAUPERIS.

Section 1915 of title 28, United States Code, is amended by adding at the end the following new subsection:

“(f)(1) In no event shall a prisoner in any prison bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more prior occasions, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious bodily harm.

“(2) As used in this subsection, the term ‘prisoner’ means any person incarcerated or detained in any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms and conditions of parole, probation, pretrial release, or diversionary program.”.●

ADDITIONAL COSPONSORS

S. 581

At the request of Mr. FAIRCLOTH, the names of the Senator from Mississippi [Mr. LOTT] and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of S. 581, a bill to amend the National Labor Relations Act and the Railway Labor Act to repeal those provisions of Federal law that require employees to pay union dues or fees as a condition of employment, and for other purposes.

S. 949

At the request of Mr. GRAHAM, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 949, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 200th anniversary of the death of George Washington.

S. 1093

At the request of Mr. REID, the name of the Senator from Wyoming (Mr. SIMPSON) was added as a cosponsor of S. 1093, a bill to prohibit the application of the Religious Freedom Restoration Act of 1993, or any amendment made by such Act, to an individual who is incarcerated in a Federal, State, or local correctional, detention, or penal facility, and for other purposes.

S. 1108

At the request of Mr. SMITH, the names of the Senator from Texas (Mr. GRAMM) and the Senator from Wyoming (Mr. THOMAS) were added as cosponsors of S. 1108, a bill to amend the Internal Revenue Code of 1986 to allow individuals to designate that up to 10 percent of their income tax liability be used to reduce the national debt, and to require spending reductions equal to the amounts so designated.

S. 1181

At the request of Mr. STEVENS, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 1181, a bill to provide cost savings in the medicare program through cost-effective coverage of positron emission tomography (PET).

S. 1219

At the request of Mr. MCCAIN, the name of the Senator from Wyoming (Mr. SIMPSON) was added as a cosponsor of S. 1219, a bill to reform the financing of Federal elections, and for other purposes.

S. 1228

At the request of Mr. D'AMATO, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1228, a bill to impose sanctions on foreign persons exporting petroleum products, natural gas, or related technology to Iran.

S. 1237

At the request of Mr. HATCH, the name of the Senator from Wyoming (Mr. SIMPSON) was added as a cosponsor of S. 1237, a bill to amend certain provisions of law relating to child pornography, and for other purposes.

S. 1253

At the request of Mr. ABRAHAM, the name of the Senator from Colorado (Mr. BROWN) was added as a cosponsor of S. 1253, a bill to amend the Controlled Substances Act with respect to penalties for crimes involving cocaine, and for other purposes.

S. 1254

At the request of Mr. ABRAHAM, the names of the Senator from Colorado (Mr. BROWN) and the Senator from Wyoming (Mr. SIMPSON) were added as cosponsors of S. 1254, a bill to disapprove of amendments to the Federal Sentencing Guidelines relating to lowering of crack sentences and sentences for money laundering and transactions in property derived from unlawful activity.

S. 1266

At the request of Mr. MACK, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 1266, a bill to require the Board of Governors of the Federal Reserve System to focus on price stability in establishing monetary policy to ensure the stable, long-term purchasing power of the currency, to repeal the Full Employment and Balanced Growth Act of 1978, and for other purposes.

AMENDMENT NO. 2776

At the request of Mr. BUMPERS the name of the Senator from New Jersey

(Mr. LAUTENBERG) was added as a cosponsor of amendment No. 2776 proposed to H.R. 2099, a bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and office for fiscal year ending September 30, 1996, and for other purposes.

AMENDMENTS SUBMITTED

VA-HUD APPROPRIATIONS FOR FISCAL YEAR 1996

INOUE AMENDMENT NO. 2777

Mr. INOUE proposed an amendment to the bill (H.R. 2099) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for fiscal year ending September 30, 1996, and for other purposes, as follows:

On page 22, between lines 4 and 5, insert the following:

SEC. 111. (a) Notwithstanding any other provision of this title, the amount appropriated by this title under the heading "DEPARTMENTAL ADMINISTRATION" under the paragraph "CONSTRUCTION, MAJOR PROJECTS" is hereby increased by \$38,000,000.

(b) Of the amount available under the paragraph referred to in subsection (a), as increased by such subsection, \$38,000,000 shall be available for construction at the Spark M. Matsunaga Department of Veterans Affairs Medical Center, Honolulu, Hawaii.

(c) Notwithstanding any other provision of this title, the amount appropriated by this title under the heading "DEPARTMENTAL ADMINISTRATION" under the paragraph "GENERAL OPERATING EXPENSES" is hereby reduced by \$38,000,000.

BOND (AND OTHERS) AMENDMENT NO. 2278

Mr. BOND (for himself, Ms. MIKULSKI, Mr. INOUE, and Mr. AKAKA) proposed an amendment to the bill H.R. 2099, supra; as follows:

On page 22, line 5, insert: "SEC. 111. The Department of Veterans Affairs shall provide hospital care and medical services to eligible veterans in the State of Hawaii at levels commensurate with levels of care provided in the forty-eight contiguous states. The Secretary shall utilize the contract authority prescribed in 38 U.S.C. Sec. 1703 to treat eligible veterans residing in the State of Hawaii wherever appropriate."

STEVENS (AND MURKOWSKI) AMENDMENT NO. 2779

Mr. STEVENS (for himself and Mr. MURKOWSKI) proposed an amendment to the bill H.R. 2099, supra; as follows:

On page 151, after line 10, insert the following new section:

SEC. 308. None of the funds appropriated under this Act may be used to implement the requirement of section 186(b)(2), section 187(b) or section 211(m) of the Clean Air Act (42 U.S.C. 7512(b)(2), 7512a(b), or 7545(m)) with respect to any moderate nonattainment area

in which the average daily winter temperature is below 0 degrees Fahrenheit. The preceding sentence shall not be interpreted to preclude assistance from the Environmental Protection Agency to the State of Alaska to make progress toward meeting the carbon monoxide standard in such areas and to resolve remaining issues regarding the use of oxygenated fuels in such areas.

CHAFEE AMENDMENT NO. 2780

Mr. CHAFEE proposed an amendment to the bill H.R. 2099, supra; as follows:

On page 149, line 18, insert "(for is carcinogenic effects)" after "arsenic".

MIKULSKI (AND OTHERS) AMENDMENT NO. 2781

Ms. MIKULSKI (for herself, Mr. KENNEDY, Mr. DASCHLE, Mr. BREAUX, Mr. ROCKEFELLER, Mr. ROBB, and Mr. WELLSTONE) proposed an amendment to the bill HR 2099, supra; as follows:

On page 27, line 5, strike "\$5,594,358,000" and insert "\$5,211,358,000".

On page 27, line 6, insert the following after "That": "in addition to the appropriation of \$5,211,358,000 made available under this heading, in order to achieve an effective program level of \$5,594,358,000 for the 'Annual Contributions for Assisted Housing' account for fiscal year 1996, in carrying out the programs and activities specified under this heading, the Secretary of Housing and Urban Development shall use \$383,000,000 from any combination of unobligated balances or recaptures from prior year appropriations in the 'Annual Contributions for Assisted Housing' account, and from any reduction in amounts provided during fiscal year 1996 from the 'Annual Contributions for Assisted Housing' account (or from the 'Renewal of Expiring Section 8 Subsidies' account) to any public housing agency whose project reserve account is determined by the Secretary of Housing and Urban Development to contain funds in excess of the needs of that public housing agency: *Provided further*, That".

On page 30, line 5, strike "and".

On page 30, line 7, insert before the colon the following: "; and (3) shall give priority to projects designated for purchase by nonprofit organizations in allocating any funds for the sale of any projects in the preservation pipeline".

On page 128, after line 20, insert the following new section:

SEC. 225. INSURANCE OF MORTGAGES UNDER THE NATIONAL HOUSING ACT.

Section 203(b)(2)(A) of the National Housing Act (12 U.S.C. 1709(b)(2)(A)) is amended—

(1) in clause (ii), by striking "75 percent" and inserting "86 percent"; and

(2) by striking "38 percent" and inserting "50 percent".

Beginning on page 130, strike line 19 and all that follows through page 131, line 2, and insert the following:

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Corporation for National and Community Service (referred to in the matter under this heading as the "Corporation") in carrying out programs, activities, and initiatives under the National and Community Service Act of 1990 (referred to in the matter under this heading as the "Act") (42 U.S.C. 12501 et seq.), \$425,000,000, of which \$335,000,000 shall be available for obligation from September 1, 1996, through August 21, 1997: *Provided*, That not more than \$26,000,000 shall be available for administrative expenses authorized under section 501(a)(4) of the Act (42 U.S.C.