

formation on vehicular accidents, driving violations, and driver's status; and

"(3) 'person' means an individual, organization or entity, but does not include a State or agency thereof."

SEC. . EFFECTIVE DATE.

This title shall take effect 3 years after the date of enactment. in the interim, personal information covered by this title may be released consistent with State law or practice.

At the end of the bill insert the following:

TITLE —CIVIL RIGHTS OF INSTITUTIONALIZED PERSONS ACT

SEC. . EXHAUSTION REQUIREMENT.

Section 8 of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997e) is amended—

(1) in subsection (a)— (A) in paragraph (1)—

(i) by striking "in any action brought" and inserting "no action shall be brought";

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

(iii) by inserting "are exhausted" after "available"; and (B) in paragraph (2), by inserting "or are otherwise fair and effective" before the period at the end.

SEC. . FRIVOLOUS ACTIONS.

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

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

SEC. . MODIFICATION OF REQUIRED MINIMUM STANDARDS.

Section 8(b)(2) of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997e(b)(2)) is amended by striking subparagraph (A) and redesignating subparagraphs (B) through (E) as subparagraphs (A) through (D), respectively.

SEC. . REVIEW AND CERTIFICATION PROCEDURE CHANGES.

Section 8(c) of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997e(c)) is amended—

(1) in paragraph (1), by inserting "or are otherwise fair and effective" before the period at the end; and

(2) in paragraph (2), by inserting "or is no longer fair and effective" before the period at the end.

SEC. . PROCEEDINGS IN FORMA PAUPERIS.

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

(1) by inserting "at any time" after "counsel and may"; and

(2) by striking "and may" and inserting "and shall";

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

(4) by inserting "even if partial failing fees have been imposed by the court" before the period.

(b) PRISONER'S STATEMENT OF ASSETS.—Section 1915 of title 28, United States Code, is amended by adding at the end the following:

"(f) If a prisoner in a correctional institution files an affidavit in accordance with subsection (a) of this section, such prisoner shall include in that affidavit a statement of all assets such prisoner possesses. The court shall make inquiry of the correctional institution in which the prisoner is incarcerated for information available to that institution relating to the extent of the prisoner's as-

sets. The court shall require full or partial payment of filing fees according to the prisoner's ability to pay."

At the end of the bill insert the following:

TITLE —PRISON OVERCROWDING

SEC. . APPROPRIATE REMEDIES FOR PRISON OVERCROWDING.

(a) AMENDMENT OF TITLE 18, UNITED STATES CODE.—Subchapter C of chapter 229 of part 2 of title 18, United States Code, is amended by adding at the end the following.

"§ 3626. Appropriate remedies with respect to prison crowding

"(a) REQUIREMENT OF SHOWING WITH RESPECT TO THE PLAINTIFF IN PARTICULAR.—

"(1) HOLDING.—A Federal court shall not hold prison or jail crowding unconstitutional under the eighth amendment except to the extent that an individual plaintiff inmate proves that the crowding causes the infliction of cruel and unusual punishment of that inmate.

"(2) RELIEF.—The relief in a case described in paragraph (1) shall extend no further than necessary to remove the conditions that are causing the cruel and unusual punishment of the plaintiff inmate.

"(b) INMATE POPULATION CEILINGS.—

"(1) REQUIREMENT OF SHOWING WITH RESPECT TO PARTICULAR PRISONERS.—A Federal court shall not place a ceiling on the inmate population of any Federal, State, or local detention facility as an equitable remedial measure for conditions that violate the eighth amendment unless crowding is inflicting cruel and unusual punishment on particular identified prisoners.

"(2) RULE OF CONSTRUCTION.—Paragraph (1) of this subsection shall not be construed to have any effect on Federal judicial power to issue equitable relief other than that described in paragraph (1) of this subsection, including the requirement of improved medical or health care and the imposition of civil contempt fines or damages, where such relief is appropriate.

"(c) PERIODIC REOPENING.—Each Federal court order or consent decree seeking to remedy an eighth amendment violation shall be reopened at the behest of a defendant for recommended modification at a minimum of 2-year intervals."

(b) APPLICATION OF AMENDMENT.—Section 3626 of title 18, United States Code, as added by paragraph (1), shall apply to all outstanding court orders on the date of enactment of this Act. Any State or municipality shall be entitled to seek modification of any outstanding eighth amendment decree pursuant to that section.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter C of chapter 229 of title 18, United States Code, is amended by adding at the end the following new item:

"3626. Appropriate remedies with respect to prison crowding."

(d) SUNSET PROVISION.—This section and the amendments made by this section are repealed effective as of the date that is 5 years after the date of enactment of this Act.

Add at the end the following:

TITLE —PRISON SECURITY ENHANCEMENT

SEC. . PRISON SECURITY.

(a) IN GENERAL.—Chapter 303 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 4047. Strength-training of prisoners prohibited

"The Bureau of Prisons shall take care that—

"(1) prisoners under its jurisdiction do not engage in any activities designed to increase their physical strength or their fighting ability; and

"(2) that all equipment designed for this purpose be removed from Federal correctional facilities."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 303 of title 18, United States Code, is amended by adding at the end the following new item:

"4047. Strength-training of prisoners prohibited."

It was decided in the affirmative { Yeas 402 Nays 22

Table with 3 columns: §36.10, [Roll No. 130] AYES—402, and a list of names including Abercrombie, Ackerman, Allard, Andrews (ME), Andrews (NJ), Andrews (TX), Applegate, Archer, Armev, Bachus (AL), Baesler, Baker (CA), Baker (LA), Ballenger, Barca, Barcia, Barlow, Barrett (NE), Barrett (WI), Bartlett, Barton, Bateman, Becerra, Beilenson, Bentley, Bereuter, Berman, Bevill, Bilbray, Bilirakis, Bishop, Bliley, Blute, Boehlert, Boehner, Bonilla, Bonior, Borski, Boucher, Brewster, Brooks, Browder, Brown (CA), Brown (FL), Brown (OH), Bryant, Bunning, Burton, Buyer, Byrne, Callahan, Calvert, Camp, Canady, Cantwell, Cardin, Carr, Castle, Chapman, Clement, Clinger, Clyburn, Coble, Coleman, Collins (GA), Combest, Condit, Cooper, Coppersmith, Costello, Cox, Coyne, Cramer, Crane, Crapo, Cunningham, Danner, Darden, de la Garza, Deal, DeFazio, DeLauro, DeLay, Derrick, Deutsch, Diaz-Balart, Dickey, Dicks, Dingell, Dixon, Dooley, Doolittle, Dornan, Dreier, Duncan, Dunn, Durbin, Edwards (CA), Edwards (TX), Ehlers, Emerson, Engel, English, Eshoo, Evans, Everrett, Ewing, Faleomavaega (AS), Farr, Fawell, Fazio, Fields (LA), Fields (TX), Filner, Fingerhut, Flake, Ford (MI), Ford (TN), Fowler, Franks (CT), Franks (NJ), Frost, Furse, Gallegly, Gejdenson, Gekas, Gephardt, Geren, Gibbons, Gilchrest, Gillmor, Gilman, Gingrich, Glickman, Gonzalez, Goodlatte, Goodling, Gordon, Goss, Grams, Green, Greenwood, Gunderson, Gutierrez, Hall (OH), Hall (TX), Hamburg, Hamilton, Hancock, Hansen, Harman, Hastert, Hayes, Hefley, Hefner, Herger, Hinchey, Hoagland, Hobson, Hochbrueckner, Hoekstra, Hoke, Holden, Horn, Hoyer, Huffington, Hughes, Hunter, Hutchinson, Hutto, Hyde, Inglis, Inhofe, Insee, Istook, Jacobs, Jefferson, Johnson (CT), Johnson (GA), Johnson (SD), Johnson, E. B., Johnson, Sam, Johnston, Kanjorski, Kaptur, Kasich, Kennedy, Kennelly, Kildee, Kim, King, Kingston, Kleczka, Klein, Klink, Klug, Knollenberg, Kolbe, Kreidler, Kyl, LaFalce, Lambert, Lancaster, Lantos, LaRocco, Lazio, Leach, Lehman, Levin, Levy, Lewis (CA), Lewis (FL), Lewis (GA), Lightfoot, Linder, Lipinski, Livingston, Lloyd, Long, Lowey, Machtley, Maloney, Mann, Manton, Manzullo, Margolies-Mezvinsky, Markey, Martinez, Matsui, Mazzoli, McCandless, McCloskey, McCollum, McCrery, McCurdy, McDermott, McHale, McHugh, McInnis, McKeon, McMillan, Meehan, Menendez, Meyers, Mfume, Mica, Michel

Miller (CA)	Regula	Stearns
Miller (FL)	Reynolds	Stenholm
Mineta	Richardson	Strickland
Minge	Roberts	Studds
Mink	Roemer	Stump
Moakley	Rogers	Stupak
Molinari	Rohrabacher	Sundquist
Mollohan	Romero-Barcelo	Sweet
Montgomery	(PR)	Swift
Moorhead	Ros-Lehtinen	Synar
Moran	Rose	Talent
Morella	Rostenkowski	Tanner
Murphy	Roth	Tauzin
Murtha	Roukema	Taylor (MS)
Myers	Rowland	Taylor (NC)
Nadler	Roybal-Allard	Tejeda
Neal (MA)	Royce	Thomas (CA)
Neal (NC)	Sanders	Thomas (WY)
Norton (DC)	Sangmeister	Thornton
Nussle	Santorum	Thurman
Oberstar	Sarpalius	Torkildsen
Obey	Sawyer	Torres
Olver	Saxton	Torricelli
Ortiz	Schaefer	Towns
Orton	Schenk	Trafficant
Oxley	Schiff	Tucker
Packard	Schroeder	Underwood (GU)
Pallone	Schumer	Unsoeld
Parker	Scott	Upton
Pastor	Sensenbrenner	Valentine
Paxon	Serrano	Velazquez
Pelosi	Sharp	Vento
Penny	Shaw	Visclosky
Peterson (FL)	Shays	Volkmer
Peterson (MN)	Shepherd	Vucanovich
Petri	Shuster	Walker
Pickett	Sisisky	Walsh
Pickle	Skaggs	Waters
Pombo	Skeen	Waxman
Pomeroy	Skelton	Weldon
Porter	Slattery	Wheat
Portman	Slaughter	Whitten
Poshard	Smith (IA)	Williams
Price (NC)	Smith (MI)	Wilson
Pryce (OH)	Smith (NJ)	Wise
Quillen	Smith (OR)	Wolf
Quinn	Smith (TX)	Woolsey
Rahall	Snowe	Wyden
Ramstad	Solomon	Wynn
Rangel	Spence	Young (AK)
Ravenel	Spratt	Young (FL)
Reed	Stark	Zimmer

NOES—22

Blackwell	Frank (MA)	Sabo
Clay	Hastings	Stokes
Clayton	Hilliard	Thompson
Collins (IL)	Kopetski	Watt
Collins (MI)	McKinney	Yates
Conyers	Meek	Zeliff
Dellums	Owens	
Foglietta	Payne (NJ)	

NOT VOTING—13

Bacchus (FL)	Houghton	Ridge
de Lugo (VI)	Laughlin	Rush
Fish	McDade	Washington
Gallo	McNulty	
Grandy	Payne (VA)	

So the amendments en bloc were agreed to.

After some further time,

¶36.11 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. MCCOLLUM:

TITLE IX—EQUAL JUSTICE ACT

SEC. 901. SHORT TITLE.

This Act may be cited as the "Equal Justice Act".

SEC. 902. PROHIBITION OF RACIALLY DISCRIMINATORY POLICIES CONCERNING CAPITAL PUNISHMENT OR OTHER PENALTIES.

(a) GENERAL RULE.—The penalty of death and all other penalties shall be administered by the United States and by every State without regard to the race or color of the defendant or victim. Neither the United States nor any State shall prescribe any racial quota or statistical test for the imposition or execution of the death penalty or any other penalty.

(b) DEFINITIONS.—For purposes of this Act—

(1) the action of the United States or of a State includes the action of any legislative, judicial, executive, administrative, or other agency or instrumentality of the United States or a State, or of any political subdivision of the United States or a State;

(2) the term "State" has the meaning given in section 541 of title 18, United States Code; and

(3) the term "racial quota or statistical test" includes any law, rule, presumption, goal, standard for establishing a prima facie case, or mandatory or permissive inference that—

(A) requires or authorizes the imposition or execution of the death penalty or another penalty so as to achieve a specified racial proportion relating to offenders, convicts, defendants, arrestees, or victims; or

(B) requires or authorizes the invalidation of, or bars the execution of, sentences of death or other penalties based on the failure of a jurisdiction to achieve a specified racial proportion relating to offenders, convicts, defendants, arrestees, or victims in the imposition or execution of such sentences or penalties.

SEC. 903. GENERAL SAFEGUARDS AGAINST RACIAL PREJUDICE OR BIAS IN THE TRIBUNAL.

In a criminal trial in a court of the United States, or of any State—

(1) on motion of the defense attorney or prosecutor, the risk of racial prejudice or bias shall be examined on voir dire if there is a substantial likelihood in the circumstances of the case that such prejudice or bias will affect the jury either against or in favor of the defendant;

(2) on motion of the defense attorney or prosecutor, change of venue shall be granted if an impartial jury cannot be obtained in the original venue because of racial prejudice or bias; and

(3) neither the prosecutor nor the defense attorney shall make any appeal to racial prejudice or bias in statements before the jury.

SEC. 904. FEDERAL CAPITAL CASES.

(a) JURY INSTRUCTIONS AND CERTIFICATION.—In a prosecution for an offense against the United States in which a sentence of death is sought, and in which the capital sentencing determination is to be made by a jury, the judge shall instruct the jury that it is not to be influenced by prejudice or bias relating to the race or color of the defendant or victim in considering whether a sentence of death is justified, and that the jury is not to recommend the imposition of a sentence of death unless it has concluded that it would recommend the same sentence for such a crime regardless of the race or color of the defendant or victim. Upon the return of a recommendation of a sentence of death, the jury shall also return a certificate, signed by each juror, that the juror's individual decision was not affected by prejudice or bias relating to the race or color of the defendant or victim, and that the individual juror would have made the same recommendation regardless of the race or color of the defendant or victim.

(b) RACIALLY MOTIVATED KILLINGS.—In a prosecution for an offense against the United States for which a sentence of death is authorized, the fact that the killing of the victim was motivated by racial prejudice or bias shall be deemed an aggravating factor whose existence permits consideration of the death penalty, in addition to any other aggravating factors that may be specified by law as permitting consideration of the death penalty.

(c) KILLINGS IN VIOLATION OF CIVIL RIGHTS STATUTES.—Sections 241, 242, and 245(b) of

title 18, United States Code, are each amended by striking "shall be subject to imprisonment for any term of years or for life" and inserting "shall be punished by death or imprisonment for any term of years or for life".

SEC. 905. EXTENSION OF PROTECTION OF CIVIL RIGHTS STATUTES.

(a) SECTION 241 AMENDMENTS.—Section 241 of title 18, United States Code, is amended by striking "inhabitant of" and inserting "person in".

(b) SECTION 242 AMENDMENT.—Section 242 of title 18, United States Code, is amended by striking "inhabitant of" and inserting in lieu thereof "person in", and by striking "such inhabitant" and inserting "such person".

It was decided in the { Yeas 212
negative Nays 217

¶36.12

[Roll No. 131]

AYES—212

Allard	Gingrich	Miller (FL)
Archer	Goodlatte	Molinari
Armey	Goodling	Montgomery
Bacchus (AL)	Goss	Moorhead
Baessler	Grams	Moran
Baker (CA)	Greenwood	Murphy
Baker (LA)	Gunderson	Myers
Ballenger	Hall (TX)	Nussle
Barrett (NE)	Hancock	Orton
Bartlett	Hansen	Oxley
Barton	Hastert	Packard
Bateman	Hayes	Paxon
Bentley	Hefley	Payne (VA)
Bereuter	Herger	Peterson (FL)
Bevill	Hobson	Peterson (MN)
Billbray	Hoekstra	Petri
Billrakis	Hoke	Pickett
Billey	Holden	Pombo
Blute	Horn	Porter
Boehner	Huffington	Portman
Bonilla	Hunter	Pryce (OH)
Borski	Hutchinson	Quillen
Brewster	Hutto	Ramstad
Browder	Hyde	Ravenel
Bunning	Inglis	Regula
Burton	Inhofe	Roberts
Buyer	Istook	Rogers
Callahan	Johnson (CT)	Rohrabacher
Calvert	Johnson (GA)	Ros-Lehtinen
Camp	Johnson (SD)	Roth
Canady	Johnson, Sam	Roukema
Castle	Kanjorski	Rowland
Clement	Kasich	Royce
Clinger	Kim	Santorum
Coble	King	Sarpalius
Collins (GA)	Kingston	Saxton
Combest	Klink	Schaefer
Condit	Klug	Schiff
Cox	Knollenberg	Sensenbrenner
Cramer	Kolbe	Shaw
Crane	Kyl	Shuster
Crapo	Lancaster	Sisisky
Cunningham	Laughlin	Skeen
Darden	Lazio	Skelton
Deal	Leach	Smith (MI)
DeLay	Lehman	Smith (NJ)
Deutsch	Levy	Smith (OR)
Diaz-Balart	Lewis (CA)	Smith (TX)
Dickey	Lewis (FL)	Snowe
Dooley	Lightfoot	Solomon
Doolittle	Linder	Spence
Dornan	Lipinski	Stearns
Dreier	Livingston	Stenholm
Duncan	Lloyd	Stump
Dunn	Machtley	Sundquist
Edwards (TX)	Manzullo	Talent
Ehlers	Margolies-	Tanner
Emerson	Mezvinsky	Tauzin
Everett	Mazzoli	Taylor (MS)
Ewing	McCandless	Taylor (NC)
Fawell	McCollum	Thomas (CA)
Fields (TX)	McCrery	Thomas (WY)
Fowler	McCurdy	Torkildsen
Franks (CT)	McHale	Upton
Franks (NJ)	McHugh	Vucanovich
Gallegly	McInnis	Walker
Gekas	McKeon	Weldon
Geren	McMillan	Wolf
Gilchrist	Meyers	Young (FL)
Gillmor	Mica	Zeliff
Gilman	Michel	Zimmer