

1996—Subsec. (b)(1). Pub. L. 104-134, §101[(a)] [title VIII, § 809(c)(1)(A)], struck out at beginning “A prisoner (other than a prisoner serving a sentence for a crime of violence) who is serving a term of imprisonment of more than one year, other than a term of imprisonment for the duration of the prisoner’s life, shall receive credit toward the service of the prisoner’s sentence, beyond the time served, of fifty-four days at the end of each year of the prisoner’s term of imprisonment, beginning at the end of the first year of the term, unless the Bureau of Prisons determines that, during that year, the prisoner has not satisfactorily complied with such institutional disciplinary regulations as have been approved by the Attorney General and issued to the prisoner.”

Pub. L. 104-134, §101[(a)] [title VIII, § 809(c)(1)(B)], in second sentence substituted “Subject to paragraph (2), a prisoner” for “A prisoner”, struck out “for a crime of violence,” after “1 year”, and struck out “such” after “compliance with”.

Pub. L. 104-134, §101[(a)] [title VIII, § 809(c)(1)(C)], in third sentence substituted “Subject to paragraph (2), if the Bureau” for “If the Bureau”.

Pub. L. 104-134, §101[(a)] [title VIII, § 809(c)(1)(D)], in fourth sentence substituted “In awarding credit under this section, the Bureau shall consider whether the prisoner, during the relevant period, has earned, or is making satisfactory progress toward earning, a high school diploma or an equivalent degree.” for “The Bureau’s determination shall be made within fifteen days after the end of each year of the sentence.”

Pub. L. 104-134, §101[(a)] [title VIII, § 809(c)(1)(E)], in sixth sentence substituted “Subject to paragraph (2), credit for the last” for “Credit for the last”.

Subsec. (b)(2). Pub. L. 104-134, §101[(a)] [title VIII, § 809(c)(2)], amended par. (2) generally. Prior to amendment, par. (2) read as follows: “Credit toward a prisoner’s service of sentence shall not be vested unless the prisoner has earned or is making satisfactory progress toward a high school diploma or an equivalent degree.”

1995—Subsec. (f)(6). Pub. L. 104-66 struck out par. (6) which read as follows: “A report shall be provided to Congress on an annual basis summarizing the results of this program, including the number of inmate participants, the number successfully completing the program, the number who do not successfully complete the program, and the reasons for failure to successfully complete the program.”

1994—Subsec. (a). Pub. L. 103-322, §20405(2), substituted “the prisoner’s” for “his” after “the expiration of” and “toward the service of”.

Subsec. (b). Pub. L. 103-322, §20412(1), (2), designated existing provisions as par. (1), substituted “Credit that has not been earned may not later be granted.” for “Such credit toward service of sentence vests at the time that it is received. Credit that has vested may not later be withdrawn, and credit that has not been earned may not later be granted.”, and added pars. (2) to (4).

Pub. L. 103-322, §20405, inserted “(other than a prisoner serving a sentence for a crime of violence)” after “A prisoner” in first sentence, substituted “the prisoner” for “he” before “has not satisfactorily complied with” in first sentence and before “shall receive no such credit toward” in third sentence and “the prisoner’s” for “his” wherever appearing in first and third sentences, and inserted after first sentence “A prisoner who is serving a term of imprisonment of more than 1 year for a crime of violence, other than a term of imprisonment for the duration of the prisoner’s life, may receive credit toward the service of the prisoner’s sentence, beyond the time served, of up to 54 days at the end of each year of the prisoner’s term of imprisonment, beginning at the end of the first year of the term, subject to determination by the Bureau of Prisons that, during that year, the prisoner has displayed exemplary compliance with such institutional disciplinary regulations.”

Subsec. (c). Pub. L. 103-322, §20405(2), substituted “the prisoner’s re-entry” for “his re-entry”.

Subsec. (d). Pub. L. 103-322, §20405(2), (3), substituted “the prisoner” for “him” in introductory provisions

and “the prisoner’s” for “his” wherever appearing in introductory provisions and par. (3).

1990—Subsec. (c). Pub. L. 101-647, §2902(a), inserted after first sentence “The authority provided by this subsection may be used to place a prisoner in home confinement.”

Subsec. (f). Pub. L. 101-647, §2904, added subsec. (f).

1986—Subsec. (b). Pub. L. 99-646, §16(a), substituted “beginning at the end of” for “beginning after”.

Subsec. (e). Pub. L. 99-646, §17(a), substituted “imprisonment and runs concurrently” for “imprisonment. The term runs concurrently” and “supervised release. A term of supervised release does not run” for “supervised release, except that it does not run”, struck out “, other than during limited intervals as a condition of probation or supervised release,” after “person is imprisoned”, and inserted “unless the imprisonment is for a period of less than 30 consecutive days” before the period at end of third sentence.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2018 AMENDMENT

Pub. L. 115-391, title I, §102(b)(2), (3), Dec. 21, 2018, 132 Stat. 5213, provided that:

“(2) EFFECTIVE DATE.—The amendments made by this subsection [amending this section] shall take effect beginning on the date that the Attorney General completes and releases the risk and needs assessment system under subchapter D of chapter 229 of title 18, United States Code, as added by section 101(a) of this Act.

“(3) APPLICABILITY.—The amendments made by this subsection shall apply with respect to offenses committed before, on, or after the date of enactment of this Act [Dec. 21, 2018], except that such amendments shall not apply with respect to offenses committed before November 1, 1987.”

##### EFFECTIVE DATE OF 1990 AMENDMENT

Pub. L. 101-647, title XXIX, §2902(b), Nov. 29, 1990, 104 Stat. 4913, provided that: “Section 3624(c) of title 18, United States Code, as amended by this section, shall apply with respect to all inmates, regardless of the date of their offense.”

##### EFFECTIVE DATE OF 1986 AMENDMENT

Pub. L. 99-646, §16(b), Nov. 10, 1986, 100 Stat. 3595, provided that: “The amendment made by this section [amending this section] shall take effect on the date of the taking effect of such section 3624 [Nov. 1, 1987].”

Pub. L. 99-646, §17(b), Nov. 10, 1986, 100 Stat. 3595, provided that: “The amendment made by this section [amending this section] shall take effect on the date of the taking effect of such section 3624 [Nov. 1, 1987].”

##### EFFECTIVE DATE

Section effective Nov. 1, 1987, and applicable only to offenses committed after the taking effect of this section, see section 235(a)(1) of Pub. L. 98-473, set out as a note under section 3551 of this title.

##### CONSTRUCTION OF 2008 AMENDMENT

For construction of amendments by Pub. L. 110-199 and requirements for grants made under such amendments, see section 60504 of Title 34, Crime Control and Law Enforcement.

#### § 3625. Inapplicability of the Administrative Procedure Act

The provisions of sections 554 and 555 and 701 through 706 of title 5, United States Code, do not apply to the making of any determination, decision, or order under this subchapter.

(Added Pub. L. 98-473, title II, §212(a)(2), Oct. 12, 1984, 98 Stat. 2010.)

**Statutory Notes and Related Subsidiaries**

## EFFECTIVE DATE

Section effective Nov. 1, 1987, and applicable only to offenses committed after the taking effect of this section, see section 235(a)(1) of Pub. L. 98-473, set out as a note under section 3551 of this title.

**§ 3626. Appropriate remedies with respect to prison conditions**

## (a) REQUIREMENTS FOR RELIEF.—

(1) PROSPECTIVE RELIEF.—(A) Prospective relief in any civil action with respect to prison conditions shall extend no further than necessary to correct the violation of the Federal right of a particular plaintiff or plaintiffs. The court shall not grant or approve any prospective relief unless the court finds that such 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 of the Federal right. The court shall give substantial weight to any adverse impact on public safety or the operation of a criminal justice system caused by the relief.

(B) The court shall not order any prospective relief that requires or permits a government official to exceed his or her authority under State or local law or otherwise violates State or local law, unless—

- (i) Federal law requires such relief to be ordered in violation of State or local law;
- (ii) the relief is necessary to correct the violation of a Federal right; and
- (iii) no other relief will correct the violation of the Federal right.

(C) Nothing in this section shall be construed to authorize the courts, in exercising their remedial powers, to order the construction of prisons or the raising of taxes, or to repeal or detract from otherwise applicable limitations on the remedial powers of the courts.

(2) PRELIMINARY INJUNCTIVE RELIEF.—In any civil action with respect to prison conditions, to the extent otherwise authorized by law, the court may enter a temporary restraining order or an order for preliminary injunctive relief. Preliminary injunctive relief must be narrowly drawn, extend no further than necessary to correct the harm the court finds requires preliminary relief, and be the least intrusive means necessary to correct that harm. The court shall give substantial weight to any adverse impact on public safety or the operation of a criminal justice system caused by the preliminary relief and shall respect the principles of comity set out in paragraph (1)(B) in tailoring any preliminary relief. Preliminary injunctive relief shall automatically expire on the date that is 90 days after its entry, unless the court makes the findings required under subsection (a)(1) for the entry of prospective relief and makes the order final before the expiration of the 90-day period.

(3) PRISONER RELEASE ORDER.—(A) In any civil action with respect to prison conditions, no court shall enter a prisoner release order unless—

- (i) a court has previously entered an order for less intrusive relief that has failed to

remedy the deprivation of the Federal right sought to be remedied through the prisoner release order; and

- (ii) the defendant has had a reasonable amount of time to comply with the previous court orders.

(B) In any civil action in Federal court with respect to prison conditions, a prisoner release order shall be entered only by a three-judge court in accordance with section 2284 of title 28, if the requirements of subparagraph (E) have been met.

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

(D) If the requirements under subparagraph (A) have been met, a Federal judge before whom a civil action with respect to prison conditions is pending who believes that a prisoner release order should be considered may sua sponte request the convening of a three-judge court to determine whether a prisoner release order should be entered.

(E) The three-judge court shall enter a prisoner release order only if the court finds by clear and convincing evidence that—

- (i) crowding is the primary cause of the violation of a Federal right; and
- (ii) no other relief will remedy the violation of the Federal right.

(F) Any State or local official including a legislator or unit of government whose jurisdiction or function includes the appropriation of funds for the construction, operation, or maintenance of prison facilities, or the prosecution or custody of persons who may be released from, or not admitted to, a prison as a result of a prisoner release order shall have standing to oppose the imposition or continuation in effect of such relief and to seek termination of such relief, and shall have the right to intervene in any proceeding relating to such relief.

## (b) TERMINATION OF RELIEF.—

(1) TERMINATION OF PROSPECTIVE RELIEF.—(A) In any civil action with respect to prison conditions in which prospective relief is ordered, such relief shall be terminable upon the motion of any party or intervener—

- (i) 2 years after the date the court granted or approved the prospective relief;
- (ii) 1 year after the date the court has entered an order denying termination of prospective relief under this paragraph; or
- (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 intervener shall be entitled to the immediate termination