

109TH CONGRESS
2^D SESSION

S. 4031

To require prisons and other detention facilities holding Federal prisoners or detainees under a contract with the Federal Government to make the same information available to the public that Federal prisons and detention facilities are required to do by law.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 29, 2006

Mr. LIEBERMAN introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To require prisons and other detention facilities holding Federal prisoners or detainees under a contract with the Federal Government to make the same information available to the public that Federal prisons and detention facilities are required to do by law.

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 “Private Prison Infor-
5 mation Act of 2006”.

1 **SEC. 2. FREEDOM OF INFORMATION REQUIREMENT FOR**
2 **CONTRACT PRISONS.**

3 (a) IN GENERAL.—Each nongovernmental entity con-
4 tracting with the Federal Government to incarcerate or
5 detain Federal prisoners or detainees in a privately owned
6 prison or other detention facility shall have the same duty
7 to release information about the operation of that prison
8 or detention facility as a Federal agency operating such
9 a facility would have under section 552 of title 5, United
10 States Code, commonly called the Freedom of Information
11 Act.

12 (b) REGULATIONS.—A Federal agency that contracts
13 with a nongovernmental entity to incarcerate or detain
14 Federal prisoners or detainees in a privately owned prison
15 or other detention facility shall promulgate regulations or
16 guidance to ensure compliance by the nongovernmental
17 entity.

18 (c) CIVIL ACTION.—Any party aggrieved by a viola-
19 tion of the duty established in subsection (a) may, in a
20 civil action, obtain appropriate relief against the non-
21 governmental entity operating the facility or against any
22 other proper party.

23 (d) DEFINITION.—In this section, the term “privately
24 owned prison or other detention facility” includes privately
25 owned prisons or other detention facilities that incarcerate

1 or detain prisoners or detainees pursuant to a contract

2 with—

3 (1) the Federal Bureau of Prisons;

4 (2) Immigration and Customs Enforcement; or

5 (3) any other Federal agency.

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