

110TH CONGRESS
1ST SESSION

H. R. 1889

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

IN THE HOUSE OF REPRESENTATIVES

APRIL 17, 2007

Mr. HOLDEN (for himself, Mr. LOBIONDO, Mr. ELLSWORTH, Mr. MURTHA, Mr. BRADY of Pennsylvania, Ms. KILPATRICK, Mrs. MCCARTHY of New York, Ms. JACKSON-LEE of Texas, Mr. MILLER of Florida, and Mr. LAHOOD) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To require prisons and other correctional facilities holding Federal prisoners under a contract with the Federal Government to make the same information available to the public that Federal prisons and correctional 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 2007”.

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 in a privately owned prison or
6 other correctional facility shall have the same duty to re-
7 lease information about the operation of that prison or
8 correctional facility as a Federal agency operating such
9 a facility would have under the Freedom of Information
10 Act (5 U.S.C. 552).

11 (b) REGULATIONS.—A Federal agency that contracts
12 with a nongovernmental entity to incarcerate or detain
13 Federal prisoners in a privately owned prison or other cor-
14 rectional facility shall promulgate regulations or guidance
15 to ensure compliance by the nongovernmental entity with
16 the terms of such contract.

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

22 (d) DEFINITION.—In this section, the term “privately
23 owned prison or other correctional facility” includes pri-
24 vately owned prisons or other correctional facilities that
25 incarcerate or detain prisoners pursuant to a contract
26 with—

- 1 (1) the Federal Bureau of Prisons;
- 2 (2) Immigration and Customs Enforcement; or
- 3 (3) any other Federal agency.

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