

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.

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## 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

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## 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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