

112TH CONGRESS
1ST SESSION

H. R. 74

To require non-Federal prisons and 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 make available.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 2011

Ms. JACKSON LEE of Texas introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To require non-Federal prisons and 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 make available.

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 2011”.

1 **SEC. 2. FREEDOM OF INFORMATION ACT APPLICABLE FOR**
2 **CONTRACT PRISONS.**

3 (a) **IN GENERAL.**—Each applicable entity shall be
4 subject to section 552 of title 5, United States Code (pop-
5 ularly known as the Freedom of Information Act), in the
6 same manner as a Federal agency operating a Federal
7 prison or other Federal correctional facility would be sub-
8 ject to such section of title 5, including—

9 (1) the duty to release information about the
10 operation of the non-Federal prison or correctional
11 facility; and

12 (2) the applicability of the exceptions and ex-
13 emptions available under such section.

14 (b) **REGULATIONS.**—A Federal agency that contracts
15 with, or provides funds to, an applicable entity to incar-
16 cerate or detain Federal prisoners in a non-Federal prison
17 or correctional facility shall promulgate regulations or
18 guidance to ensure compliance by the applicable entity
19 with subsection (a).

20 (c) **NO FEDERAL FUNDS FOR COMPLIANCE.**—No
21 Federal funds may be used to assist applicable entities
22 with compliance with this section or section 552 of title
23 5, United States Code.

24 (d) **CIVIL ACTION.**—Any party aggrieved by a viola-
25 tion of section 552 of title 5, United States Code, by an
26 applicable entity, as such section is applicable to such an

1 entity in accordance with subsection (a), may, in a civil
2 action, obtain appropriate relief against the applicable en-
3 tity for the violation.

4 (e) DEFINITIONS.—In this section:

5 (1) NON-FEDERAL PRISON OR CORRECTIONAL
6 FACILITY.—

7 (A) IN GENERAL.—The term “non-Federal
8 prison or correctional facility” includes any
9 non-Federal facility described in subparagraph
10 (B) that incarcerates or detains Federal pris-
11 oners pursuant to a contract or intergovern-
12 mental service agreement with—

13 (i) the Federal Bureau of Prisons;

14 (ii) Immigration and Customs En-
15 forcement; or

16 (iii) any other Federal agency.

17 (B) NON-FEDERAL FACILITIES.—A non-
18 Federal facility is—

19 (i) a privately owned prison or other
20 privately owned correctional facility; or

21 (ii) a State or local prison, jail, or
22 other correctional facility.

23 (2) ENTITY.—The term “applicable entity”
24 means—

1 (A) a nongovernmental entity contracting
2 with, or receiving funds from, the Federal Gov-
3 ernment to incarcerate or detain Federal pris-
4 oners in a non-Federal prison or correctional
5 facility; or

6 (B) a State or local governmental entity
7 with an intergovernmental service agreement
8 with the Federal Government to incarcerate or
9 detain Federal prisoners in a non-Federal pris-
10 on or correctional facility.

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