

113TH CONGRESS
2D SESSION

H. R. 5838

To require non-Federal prisons and detention facilities holding Federal prisoners under a contract with the Federal Government to make available to the public the same information pertaining to facility operations and to prisoners held in such facilities that Federal prisons and detention facilities are required to make available.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 10, 2014

Ms. JACKSON LEE (for herself, Mr. JOHNSON of Georgia, Mr. DANNY K. DAVIS of Illinois, Mr. THOMPSON of Mississippi, Mr. COHEN, and Mr. NADLER) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To require non-Federal prisons and detention facilities holding Federal prisoners under a contract with the Federal Government to make available to the public the same information pertaining to facility operations and to prisoners held in such facilities that Federal prisons and detention 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 2014”.

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

3 (a) **IN GENERAL.**—Records relating to the operation
4 of a Contract Facility, and to prisoners held in Contract
5 Facilities, that are in the possession of an applicable entity
6 shall be subject to section 552 of title 5, United States
7 Code (popularly known as the Freedom of Information
8 Act), in the same manner as records maintained by a Fed-
9 eral agency operating a Federal prison or other Federal
10 detention facility would be subject to such section of title
11 5, including—

12 (1) the duty to release information about the
13 operation of the non-Federal prison or detention fa-
14 cility; and

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

17 (b) **REGULATIONS.**—A Federal agency that contracts
18 with, or provides funds to, an applicable entity to incar-
19 cerate or detain Federal prisoners in a non-Federal prison
20 or detention facility shall promulgate regulations or guid-
21 ance to ensure compliance by the applicable entity with
22 subsection (a).

23 (c) **NO FEDERAL FUNDS FOR COMPLIANCE.**—No
24 Federal funds may be used to assist applicable entities
25 with compliance with this section or section 552 of title
26 5, United States Code.

1 (d) CIVIL ACTION.—Any party aggrieved by a viola-
2 tion of section 552 of title 5, United States Code, by an
3 applicable entity, as such section is applicable to such an
4 entity in accordance with subsection (a), may, in a civil
5 action, obtain appropriate relief, including an award under
6 subsection (a)(4)(E) of section 552 of such title 5, against
7 the applicable entity for the violation.

8 (e) DEFINITIONS.—In this section:

9 (1) APPLICABLE ENTITY.—The term “applica-
10 ble entity” means—

11 (A) a nongovernmental entity that directly
12 or indirectly contracts with or receives funds
13 from the Federal Government to incarcerate or
14 detain Federal prisoners in a Contract Facility;
15 or

16 (B) a State or local governmental entity
17 with a contract or intergovernmental service
18 agreement with the Federal Government to in-
19 carcerate or detain Federal prisoners in a Con-
20 tract Facility.

21 (2) CONTRACT FACILITY.—The term “Contract
22 Facility” means a prison or other correctional or de-
23 tention facility that is—

1 (A) owned or operated by a nongovern-
2 mental entity, a State, or a local government;
3 and

4 (B) incarcerates or detains Federal pris-
5 oners pursuant to a contract or intergovern-
6 mental agreement to which any Federal agency
7 is a party.

8 (3) FEDERAL PRISONER.—The term “Federal
9 prisoner” means any person incarcerated, detained,
10 or otherwise held under the custody, authority, or
11 jurisdiction of any Federal agency or department.

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