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U.S. Senators Ben Cardin (D-Md.) and Patrick Leahy (D-Vt.) and Congressman Jamie Raskin (D-Md.) today introduced legislation to require that government agencies comply with Freedom of Information Act

(FOIA) requests relating to private prisons, jails or detention facilities, including immigration detention facilities. The Private Prison Information Act (S. 3164/H.R. 5853) is essential for holding detention facilities accountable. “The PPIA would create a baseline of accountability for private companies entrusted with the responsibility of caring for federal prisoners, inmates and detainees,” said Senator Cardin. “The reliance on private, for-profit facilities has increased rapidly in recent years, and it is essential that our transparency requirements keep up with that shift. The need for this legislation is made all the more clear by the difficulty of obtaining information on how private facilities have handled the COVID-19 pandemic, despite the devastating effects it has had on this population.” “More and more of our government functions are being outsourced to private contractors who are currently not subject to our nation’s premier transparency law, the Freedom of Information Act. This has created a glaring blind spot in the American public’s ability to scrutinize the government’s activities, to shine a spotlight on abuses, and to hold officials accountable,” said Senator Leahy. “The PPIA would help address this blind spot by ensuring that private contractors entrusted to house and care for prisoners and immigrant detainees are subject to FOIA. Our legislation would help bring much-needed transparency into our government, and deserves the support of all senators.” “While detention facilities run by the U.S. Bureau of Prisons are far from pristine, what little we know about privately run detention facilities is that they are even worse. Despite the fact these private, for-profit detention facilities receive federal funding, they are not subject to even the most basic transparency requirements,” said Rep. Raskin. “We are introducing the Private Prison Information Act to promote accountability in our justice system, shine a light on abuses taking place in private prisons and respect prisoners’ civil rights. Allowing members of the public to file Freedom of Information Act requests to private prisons, as they can with government facilities, will serve to educate the public about what is happening and support President Biden’s ultimate mission to end all contracts with privately owned and operated detention facilities. I thank Senator Cardin for introducing the Senate companion bill and for his continued advocacy on prison reform.” Joining as original Senate cosponsors are U.S. Senators Patrick Leahy (D-Vt.), Richard Blumenthal (D-Conn.), Dianne Feinstein (D-Calif.), Chris Van Hollen (D-Md.), Cory Booker (D-N.J.), Bob Casey, Jr. (D-Pa.), Elizabeth Warren (D-Mass.), Edward Markey (D-Mass.) Tina Smith (D-Minn.) and Amy Klobuchar (D-Minn.). Joining as original House cosponsors are Representatives Jake Auchincloss (D-Mass.), Karen Bass (D-Calif.), Suzanne Bonamici (D-Ore.), Jimmy Gomez (D-Calif.), Raúl M. Grijalva (D-Ariz.), Henry C. “Hank” Johnson (D-Ga.), Mondaire Jones (D-N.Y.), Kweisi Mfume (D-Md.), Alexandria Ocasio-Cortez (D-N.Y.), Mary Gay Scanlon (D-Pa.), and Bonnie Watson Coleman (D-N.J.). Private prisons, jails, and detention centers housed 15.7 percent of all federal inmates in 2019 and about 81 percent of all immigration detainees in 2020. Operators of private prisons are paid by the federal government – the taxpayer – to house federal inmates, but their status as private entities allows them to avoid the reach of our public records laws, including FOIA. The Justice Department’s Inspector General has found that prisons run by private companies are substantially less safe and secure than those run by the U.S. Bureau of Prisons. President Biden took an important step on January 26, 2021, by issuing an executive order directing the Attorney General to not renew the Department of Justice’s contracts with privately operated criminal detention facilities. However, the PPIA remains essential to hold detention facilities accountable until this order is fully implemented and in case a future administration reverses course. Importantly, this bill also ensures that privately run immigration detention facilities that contract with the Department of Homeland Security are subject to FOIA. “Private prisons perform a fundamental government function and should be required to comply with the same public access and information laws as their federal counterparts. The Private Prison Information Act will check waste, fraud and abuse of taxpayer dollars by strengthening oversight of contractors and holding them accountable for their contractual obligations to the federal government,” said Lisa Rosenberg, executive director, Open The Government. “Despite their enormous cost to taxpayers and amid serious, longstanding concerns regarding their safety, efficiency, and cost-effectiveness, private prisons are currently exempt from information access laws like the Freedom of Information Act, leaving taxpayers completely in the dark and powerless to be informed and hold their government accountable for these contractors. The Private Prison Information Act would address these transparency loopholes and bring accountability mechanisms for privately operated facilities in line with their government-run counterparts. As long as our government continues to rely on profit-driven contractors to incarcerate and detain people,

this legislation is urgently needed,” said Noah Bookbinder, president, Citizens for Responsibility and Ethics in Washington. “Immigration detention is plagued with secrecy that shields ICE and their contractors from accountability for the grave abuses that occur in ICE facilities,” said Jesse Franzblau, Senior Policy Analyst with the National Immigrant Justice Center (NIJC). “Subjecting companies that profit off detention to FOIA is a key measure in the broader efforts towards ending the impunity for atrocities and misuse of funds that is widespread throughout the ICE detention system.” This legislation is endorsed by American Civil Liberties Union (ACLU), Campaign for Accountability, Citizens for Responsibility and Ethics in Washington (CREW), Defending Rights & Dissent, Government Information Watch, Government Accountability Project, Human Rights Defense Center, Human Rights First, Immigrant Legal Resource Center, National Association of Criminal Defense Lawyers (NACDL), National Immigrant Justice Center (NIJC), National Council of Churches of Christ in the USA (NCC), National Freedom of Information Coalition, NETWORK Lobby for Catholic Social Justice, News Leaders Association, Open The Government, Project On Government Oversight, The Rutherford Institute, Sentencing Project. A letter of endorsement from these organizations is available [here](#).