

SUMMER 2007

# LEGISLATIVE WATCH



## American Correctional Officer *Intelligence Network*

### **PRIVATE PRISON INFORMATION ACT OF 2007:**

In 2005 Richard Loud, ACO President Vito Dagnello and Richard Ferruccio President of the Rhode Island Brotherhood of Correctional Officers went to Washington, DC to secure sponsors for the Private Prison Act. The Private Prison Act was originally drafted by the Legislative Committee of Richard Loud, Brian Dawe, Dean Balmer and Vito Dagnello. Messrs. Loud, Dagnello and Ferruccio were successful and the bill was introduced in the House of Representatives by Representatives Strickland (D-Ohio), King (R-New York), Holden (D-Pennsylvania), and Kennedy (D-Rhode Island). Last week Representative Holden reintroduced the bill as HR 1889, the Private Prison Information Act of 2007.

This is a very important piece of legislation. When we drafted it our intent was to engage the privateers and force them to defend what we believe is the indefensible, namely their refusal to disclose information to the same extent as we in the public sector must. This legislation helps to level the playing field. It was also our intent to introduce it at the federal level. By doing so we hoped to 1) help our fellow Officers with the AFGE working in our federal facilities and 2) to lay the ground work for this legislation to be introduced in every state in the nation. By introducing this at the federal level we are providing a model for our members in the states to draft from.

The Legislative Committee was also able to secure support of this legislation from the American Correctional Association (yes, we were more surprised than anyone!) and the Commission on Safety and Abuse in America's Prisons. We also received support from numerous unions and associations. Please ask your union to send a letter to your state representative in support HR 1889.

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You can track the bill by going to <http://thomas.loc.gov/cgi-bin/thomas> and checking on its status. You can also see if your representative has signed on in support of this measure. If they haven't please call them and ask them to support the Private Prison Act of 2007 and to sign on to the bill. If they have, please call them and thank them for their support.

For the price of one phone call you can help your profession and help ACO/ACOIN stem the growth of private prisons. Call your Representative today. Here is a list of the current sponsors and most recent action on the bill. The entirety of the bill follows.

Thanks and stay safe.

**H.R.1889**

**Title:** 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.

**Sponsor:** Rep Holden, Tim [PA-17] (introduced 4/17/2007) Cosponsors (9)

**Latest Major Action:** 4/17/2007 Referred to House committee. Status: Referred to the House Committee on the Judiciary.



**COSPONSORS(18), ALPHABETICAL**  
 [followed by Cosponsors withdrawn]:  
 (Sort: by date)

- |  |  |
|--|--|
| <a href="#">Rep Brady, Robert A.</a>     | <a href="#">Rep Courtney, Joe</a>              |
| [PA-1] - 4/17/2007                       | [CT-2] - 6/28/2007                             |
| <a href="#">Rep Dingell, John D.</a>     | <a href="#">Rep Ellsworth, Brad</a>            |
| [MI-15] - 5/22/2007                      | [IN-8] - 4/17/2007                             |
| <a href="#">Rep Gonzalez, Charles A.</a> | <a href="#">Rep Herseht Sandlin, Stephanie</a> |
| [TX-20] - 5/7/2007                       | [SD] - 5/3/2007                                |
| <a href="#">Rep Hinchey, Maurice D.</a>  | <a href="#">Rep Jackson-Lee, Sheila</a>        |
| [NY-22] - 6/19/2007                      | [TX-18] - 4/17/2007                            |
| <a href="#">Rep Kennedy, Patrick J.</a>  | <a href="#">Rep Kilpatrick, Carolyn C.</a>     |
| [RI-1] - 5/23/2007                       | [MI-13] - 4/17/2007                            |
| <a href="#">Rep LaHood, Ray</a>          | <a href="#">Rep LoBiondo, Frank A.</a>         |
| [IL-18] - 4/17/2007                      | [NJ-2] - 4/17/2007                             |
| <a href="#">Rep McCarthy, Carolyn</a>    | <a href="#">Rep Meeks, Gregory W.</a>          |
| [NY-4] - 4/17/2007                       | [NY-6] - 5/22/2007                             |
| <a href="#">Rep Miller, Jeff</a>         | <a href="#">Rep Murtha, John P.</a>            |
| [FL-1] - 4/17/2007                       | [PA-12] - 4/17/2007                            |
| <a href="#">Rep Payne, Donald M.</a>     | <a href="#">Rep Peterson, Collin C.</a>        |
| [NJ-10] - 6/5/2007                       | [MN-7] - 4/25/2007                             |

**Private Prison Information Act of 2007 (Introduced in House)**

HR 1889 IH

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.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the 'Private Prison Information Act of 2007'.

**SEC. 2. FREEDOM OF INFORMATION REQUIREMENT FOR CONTRACT PRISONS.**

(a) In General- Each nongovernmental entity contracting with the Federal Government to incarcerate or detain Federal prisoners in a privately owned prison or other correctional facility shall have the same duty to release information about the operation of that prison or correctional facility as a Federal agency operating such a facility would have under the Freedom of Information Act (5 U.S.C. 552).

(b) Regulations- A Federal agency that contracts with a nongovernmental entity to incarcerate or detain Federal prisoners in a privately owned prison or other correctional facility shall promulgate regulations or guidance to ensure compliance by the nongovernmental entity with the terms of such contract.

(c) Civil Action- Any party aggrieved by a violation of the duty established in subsection (a) may, in a civil action, obtain appropriate relief against the nongovern-

*(Continued on page 4)*



**Political Action**  
We can't do it without your help!

From time to time we may need you to help us, help you by contacting your local, state or federal elected officials. Here are some tips on contacting your representative provided by congress.org.

**Tips on Telephoning your elected Officials:**

To find your senators' and representative's phone numbers, you may use the searchable online congressional directory at [congress.org](http://congress.org), or call the U.S. Capitol Switchboard at (202)224-3121 and ask for your senators' and/or representative's office.

Telephone calls are usually taken by a staff member, not the member of Congress. Ask to speak with the aide who handles the issue about which you wish to comment. We will provide this information if we have it at the time.

If you are a constituent of the official the call may have more impact. Identify yourself and where you live, tell the aide you would like to leave a brief message, such as: "Please tell Senator/Representative (Name) that I support/oppose (S.\_\_\_/H.R.\_\_\_)."

You will also want to state reasons for your support or opposition to the bill. Ask for your senators' or representative's position on the bill. You may also request a written response to your telephone call.

**Tips on Writing your elected Officials:**

The letter is the most popular choice of communication with a congressional office. If you decide to write a letter, this list of helpful suggestions will improve the effectiveness of the letter:

Your purpose for writing should be stated in the first paragraph of the letter. If your letter pertains to a specific piece of legislation, identify it accordingly, e.g., House bill: H. R. \_\_\_\_, Senate bill: S.\_\_\_\_.

Be courteous, to the point, and include key information, using examples to support your position. Address only one issue in each letter; and, if possible, keep the letter to one page.

**Addressing Correspondence:**

**To a Senator:**

The Honorable (full name)  
\_\_(Rm.#)\_\_(name of)Senate Office Building  
United States Senate  
Washington, DC 20510

Dear Senator:

HR 1889 (Continued from page 3)

mental entity operating the facility or against any other proper party.

(d) Definition- In this section, the term 'privately owned prison or other correctional facility' includes privately owned prisons or other correctional facilities that incarcerate or detain prisoners pursuant to a contract with--

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



## Other Legislation to Keep an Eye On:

### H.R.980 - Public Safety Employer-Employee Cooperation Act of 2007

Public Safety Employer-Employee Cooperation Act of 2007 - Provides collective bargaining rights for public safety officers employed by states or local governments.

Directs the Federal Labor Relations Authority (Authority) to determine whether state law provides specified rights and responsibilities for public safety officers, including: (1) granting public safety employees the right to form and join a labor organization which excludes management and supervisory employees, and which is, or seeks to be, recognized as the exclusive bargaining agent for such employees; and (2) requiring public safety employers to recognize and agree to bargain with the employees' labor organization.

Requires the Authority to issue regulations establishing rights and responsibilities for public safety employers and employees in states that do not substantially provide for such public safety employee rights and responsibilities. Directs the Authority, in such cases, to: (1) determine the appropriateness of units for labor organization representation; (2) supervise or conduct elections to determine whether a labor organization has been selected as an exclusive representative by a voting majority of the employees in an appropriate unit; (3) resolve issues relating to the duty to bargain in good faith; (4) conduct hearings and resolve complaints of unfair labor practices; and (5) resolve exceptions to arbitrator's awards. Grants a public safety employer, employee, or labor organi-



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#### To A Representative:

The Honorable (full name)  
\_\_(Rm.#)\_\_(name of)House Office Building  
United States House of Representatives  
Washington, DC 20515

Dear Representative:

Note: When writing to the Chair of a Committee or the Speaker of the House, it is proper to address them as:

Dear Mr. Chairman or Madam Chairwoman:  
or Dear Mr. Speaker:

(Continued from page 4)

zation the right to seek enforcement of such Authority regulations and authority through appropriate state courts.

Prohibits public safety employers, employees, and labor organizations from engaging in lockouts or strikes.

Provides that existing collective bargaining units and agreements shall not be invalidated by this Act.

**Sponsor:** Rep Kildee, Dale E. [MI-5] (introduced 2/12/2007) Cosponsors (278)

**Latest Major Action:** 6/20/2007 House committee/subcommittee actions. Status: Ordered to be Reported (Amended) by the Yeas and Nays: 42 - 1.

## H.R. 1890 - Public Safety Act

Public Safety Act - Prohibits funds provided by the federal government to a state or local government for the purpose of providing core correctional services from being used to con-

tract with private contractors or vendors to provide such services. Defines "core correctional services" as the housing, safeguarding, protecting, and disciplining of persons charged with or convicted of an offense.

Amends the federal criminal code to require the Bureau of Prisons to provide that: (1) any penal or correctional facility or institution, except a facility for nonprofit community correctional confinement (such as halfway houses), confining any person convicted of any offense against the United States shall be under the direction of the Director of the Bureau and shall be managed and maintained by federal, state, or local government employees; and (2) the housing, safeguarding, protection, and disciplining of any person charged with or convicted of any offense against the United States (with that exception) shall be conducted and carried out by federal, state, or local government employees.

**Sponsor:** Rep Holden, Tim [PA-17] (introduced 4/17/2007) Cosponsors (13)

**Latest Major Action:** 5/4/2007 Referred to House subcommittee. Status: Referred to the Subcommittee on Crime, Terrorism, and Homeland Security.

