

115TH CONGRESS  
1ST SESSION

# S. 1614

To provide for the regulation of video visitation services and inmate calling services by the Federal Communications Commission generally, to establish criteria for the provision of video visitation services by the Bureau of Prisons, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JULY 20, 2017

Ms. DUCKWORTH introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To provide for the regulation of video visitation services and inmate calling services by the Federal Communications Commission generally, to establish criteria for the provision of video visitation services by the Bureau of Prisons, and for other purposes.

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 “Video Visitation and  
5 Inmate Calling in Prisons Act of 2017”.

1 **SEC. 2. FCC REGULATION OF VIDEO VISITATION SERVICE**  
2 **AND INMATE CALLING SERVICE.**

3 (a) DEFINITIONS.—In this section:

4 (1) ANCILLARY SERVICE CHARGE.—The term  
5 “ancillary service charge” means any charge that a  
6 consumer may be assessed for the use of inmate call-  
7 ing services that is not included in the per-minute  
8 charges assessed for the individual call.

9 (2) CALL.—The term “call”—

10 (A) means a voice or video call using a cov-  
11 ered service; and

12 (B) includes any other session of use that  
13 is similar to a telephone call.

14 (3) COMMISSION.—The term “Commission”  
15 means the Federal Communications Commission.

16 (4) CONSUMER.—The term “consumer” means  
17 the party paying a provider of inmate calling serv-  
18 ices.

19 (5) CORRECTIONAL FACILITY.—The term “cor-  
20 rectional facility” means a jail or prison.

21 (6) COVERED SERVICE.—The term “covered  
22 service” means an inmate calling service or a video  
23 visitation service.

24 (7) INMATE.—The term “inmate” means an in-  
25 dividual detained in a correctional facility, regardless  
26 of the duration of the detention.

1           (8) INMATE CALLING SERVICE.—The term “in-  
2           mate calling service” means a service that allows in-  
3           mates to make calls to individuals outside the cor-  
4           rectional facility where the inmate is detained, re-  
5           gardless of the technology used to deliver the service.

6           (9) SITE COMMISSION.—The term “site com-  
7           mission” means any form of monetary payment, in-  
8           kind payment, gift, exchange of services or goods,  
9           fee, technology allowance, or product that a provider  
10          of inmate calling services or affiliate of such a pro-  
11          vider may pay, give, donate, or otherwise provide  
12          to—

13                 (A) an entity that operates a correctional  
14                 institution;

15                 (B) an entity with which the provider of  
16                 inmate calling services enters into an agreement  
17                 to provide such services;

18                 (C) an agency that oversees a correctional  
19                 facility;

20                 (D) the city, county, or State in which a  
21                 correctional facility is located; or

22                 (E) an agent of any such correctional facil-  
23                 ity.

24           (10) VIDEO VISITATION SERVICE.—The term  
25          “video visitation service” means a service that allows

1 inmates to make video calls to individuals outside  
2 the correctional facility where the inmate is being  
3 held, regardless of the technology used to deliver the  
4 service. A video visitation service may be classified  
5 as an inmate calling service, as the Commission con-  
6 siders appropriate.

7 (b) REGULATIONS.—Not later than 180 days after  
8 the date of enactment of this Act, the Commission shall—

9 (1) promulgate regulations with respect to video  
10 visitation service; and

11 (2) amend the regulations of the Commission  
12 with respect to inmate calling service (as necessary),  
13 to ensure that all charges, practices, classifications,  
14 and regulations for and in connection with video visi-  
15 tation service and inmate calling service are just and  
16 reasonable.

17 (c) REQUIREMENTS FOR REGULATIONS.—The regu-  
18 lations promulgated under subsection (b) shall include the  
19 following:

20 (1) Video visitation services may be used only  
21 to supplement, not supplant, in-person visitation.

22 (2) Caps on the rates (and any related fees or  
23 charges) that a provider of a covered service may  
24 charge for such service.

1           (3) A prohibition against a provider of a cov-  
2           ered service charging a flat rate for a call, regardless  
3           of the duration of the call.

4           (4) A prohibition against a provider of a cov-  
5           ered service requiring a correctional facility to re-  
6           strict in-person visitation as a condition of providing  
7           such service in such facility.

8           (5) A requirement that a provider of a covered  
9           service certify annually to the Commission that such  
10          provider is in compliance with the prohibition under  
11          paragraph (4).

12          (6) A requirement that the provider of a cov-  
13          ered service submit an annual report to the Commis-  
14          sion regarding interstate, intrastate, and inter-  
15          national inmate calling services for the prior cal-  
16          endar year, which shall—

17                  (A) be categorized both by facility type and  
18                  size; and

19                  (B) contain—

20                          (i) current interstate, intrastate, and  
21                          international rates for inmate calling serv-  
22                          ices;

23                          (ii) current ancillary service charge  
24                          amounts and the instances of use of each;

1 (iii) the monthly amount of each site  
2 commission paid;

3 (iv) minutes of use, per-minute rates,  
4 and ancillary service charges for video visi-  
5 tation services;

6 (v) the number of TTY-based inmate  
7 calling services calls provided per facility  
8 during the reporting period;

9 (vi) the number of dropped calls the  
10 reporting provider experienced with TTY-  
11 based calls; and

12 (vii) the number of complaints that  
13 the reporting provider received relating to  
14 issues such as dropped calls, poor call  
15 quality, and the number of incidences of  
16 each by TTY and telecommunications relay  
17 service (TRS) users.

18 (7) A prohibition against a provider of a cov-  
19 ered service offering or entering into an agreement  
20 to provide a covered service as part of a bundle of  
21 services that includes any service that is not a com-  
22 munications service.

23 (8) Requirements for the offering or entering  
24 into an agreement to provide a covered service as  
25 part of a bundle of services that ensure that correc-

1 tional facilities are able to review each service sepa-  
2 rately during the request for proposals process.

3 (9) With respect to video visitation service,  
4 quality standards that are the best commercially  
5 available for effective human communication by  
6 video, which shall be developed by the Commission  
7 after seeking comments that review the academic lit-  
8 erature regarding the appropriate thresholds for ef-  
9 fective human communication by video.

10 (d) APPLICABILITY.—

11 (1) IN GENERAL.—The regulations promulgated  
12 under subsection (b) shall apply to interstate service,  
13 intrastate service, and international service.

14 (2) DIFFERENT REQUIREMENTS.—In promul-  
15 gating regulations under subsection (b), the Com-  
16 mission may provide for different requirements for  
17 interstate service, intrastate service, and inter-  
18 national service.

19 **SEC. 3. BUREAU OF PRISONS OVERSIGHT.**

20 (a) IN GENERAL.—Chapter 301 of title 18, United  
21 States Code, is amended by adding at the end the fol-  
22 lowing:

23 **“§ 4015. Video visitation**

24 “(a) IN GENERAL.—The Director of the Bureau of  
25 Prisons shall take such actions as may be necessary to

1 ensure that, in the case of any prisoner in the custody  
2 of the Bureau of Prisons, video visitation services are  
3 available subject to the following:

4           “(1) Video visitation services may be used only  
5           to supplement, not supplant, in-person visitation.

6           “(2) Any equipment or area made available for  
7           purposes of video visitation shall maximize privacy  
8           to the extent practicable, and shall include measures  
9           to ensure the operability of the equipment by visi-  
10          tors, including children.

11          “(3) In entering into any agreement to provide  
12          covered services, the Director—

13               “(A) shall give priority to bids submitted  
14               that require the purchase of equipment for  
15               video visitation;

16               “(B) may not enter into any agreement in-  
17               cluding a term providing for—

18                       “(i) any services other than those that  
19                       are minimally required by the Director;

20                       “(ii) any authority to a person other  
21                       than a corrections officer to make a deter-  
22                       mination that affects the terms of a pris-  
23                       oner’s imprisonment, including visitation  
24                       schedules or ability of a person to move  
25                       about within a correctional facility; or



1           “(iii) a covered service as part of a  
2           bundle of services that includes any service  
3           that is not a covered service; and

4           “(C) may not enter into any agreement  
5           that does not include terms requiring—

6           “(i) that the service provider provide  
7           a list of each video visitation and each in-  
8           dividual fee charged to the visitor and the  
9           prisoner;

10           “(ii) that the service provider offer a  
11           minimum number of free visits each month  
12           based on good behavior (as determined by  
13           the head of the correctional facility where-  
14           in the service is provided); and

15           “(iii) that the service provider submit  
16           quarterly reports including such informa-  
17           tion as the Director may require to ensure  
18           compliance with the terms of this section.

19           “(b) DEFINITION.—In this section, terms used have  
20           the meanings given such terms in section 2 of the Video  
21           Visitation and Inmate Calling in Prisons Act of 2017, ex-  
22           cept that, for purposes of this section, the term ‘video visi-  
23           tation service’ includes a service that allows the use of  
24           videoconferencing or analog closed circuit television sys-

1 tems and software to allow inmates and visitors to visit  
2 at a distance with an inmate in a correctional facility.”.

3 (b) TABLE OF SECTIONS.—The table of sections for  
4 chapter 301 of title 18, United States Code, is amended  
5 by inserting after the item relating to section 4014 the  
6 following:

“4015. Video visitation.”.

