

115TH CONGRESS
2D SESSION

S. 2520

To amend the Communications Act of 1934 to require the Federal Communications Commission to ensure just and reasonable charges for inmate telephone and advanced communications services.

IN THE SENATE OF THE UNITED STATES

MARCH 8, 2018

Ms. DUCKWORTH (for herself, Mr. BOOKER, Mr. SCHATZ, and Mr. PORTMAN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend the Communications Act of 1934 to require the Federal Communications Commission to ensure just and reasonable charges for inmate telephone and advanced communications services.

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 “Inmate Calling Tech-
5 nical Corrections Act of 2018”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) Prison, jails, and detention centers in the
2 United States have unique telecommunications needs
3 due to safety and security concerns.

4 (2) Unjust and unreasonable charges negatively
5 impact the safety and security of communities in the
6 United States by exacerbating recidivism by dam-
7 aging relationships between inmates and their sup-
8 port systems.

9 (3) It is the policy of the United States to en-
10 sure that all people in the United States, including
11 anyone who pays for communications with inmates
12 via telephone and advanced communications, are af-
13 forded just and reasonable charges for all commu-
14 nications services.

15 (4) The current inmate communications market
16 suffers from market failure. Among other issues,
17 consumers cannot choose among competing pro-
18 viders, which produces locational monopolies and
19 monopoly profits at the expense of rate-payers.

20 (5) Charges for communicating with individuals
21 detained in prisons, jails, and detention centers have
22 been shown to be unjust and unreasonable as a re-
23 sult of industry practices and lack of competition.

24 (6) Unjust and unreasonable charges extend to
25 telephone and advanced communications services

1 and to both intrastate and interstate communica-
 2 tions.

3 (7) The United States Court of Appeals for the
 4 District of Columbia Circuit interpreted section 276
 5 of the Communications Act of 1934 (47 U.S.C. 276)
 6 in the case of *Global Tel*Link v. Federal Commu-*
 7 *nications Commission*, 866 F.3d 397 (D.C. Cir.
 8 2017), in part by constricting the meaning of the
 9 word “fair” and limiting the means by which the
 10 Federal Communications Commission can calculate
 11 fair, just, and reasonable charges.

12 **SEC. 3. TECHNICAL AMENDMENTS.**

13 (a) IN GENERAL.—Section 276 of the Communica-
 14 tions Act of 1934 (47 U.S.C. 276) is amended—

15 (1) in subsection (b)(1)(A)—

16 (A) by striking “per call”;

17 (B) by inserting “, and all charges are just
 18 and reasonable,” after “fairly compensated”;

19 (C) by striking “each and every”; and

20 (D) by striking “call using” and inserting
 21 “communications using”; and

22 (2) in subsection (d), by inserting “and ad-
 23 vanced communications services” after “inmate tele-
 24 phone service”.

1 (b) DEFINITION OF ADVANCED COMMUNICATIONS
 2 SERVICES.—Section 3(1) of the Communications Act of
 3 1934 (47 U.S.C. 153(1)) is amended—

4 (1) in subparagraph (C), by striking “and” at
 5 the end;

6 (2) in subparagraph (D), by striking the period
 7 at the end and inserting “; and”; and

8 (3) by adding at the end the following:

9 “(E) any audio or video communications
 10 service provided at a correctional institution, re-
 11 gardless of technology used.”.

12 (c) APPLICATION OF THE ACT.—Section 2(b) of the
 13 Communications Act of 1934 (47 U.S.C. 152(b)) is
 14 amended by inserting “section 276,” after “sections 223
 15 through 227, inclusive,”.

16 **SEC. 4. IMPLEMENTATION.**

17 (a) RULEMAKING.—Not later than 18 months after
 18 the date of enactment of this Act, the Federal Commu-
 19 nications Commission shall promulgate any regulations
 20 necessary to implement this Act and the amendments
 21 made by this Act.

22 (b) USE OF DATA.—In implementing this Act and
 23 the amendments made by this Act, including by promul-
 24 gating regulations under subsection (a) and determining
 25 just and reasonable rates, the Federal Communications

- 1 Commission may use industry average costs and collect
- 2 and analyze such data as the Commission determines nec-
- 3 essary.

