



The Inmate Calling Technical Corrections Act

Original cosponsors: Sens. Booker, Schatz and Portman

This targeted legislation addresses long-standing bipartisan concerns regarding predatory inmate calling rates at prison facilities across the U.S. Policymakers of all stripes acknowledge that the existing market has failed to produce adequate competition to protect family, clergy, and counsel who communicate with prisoners, inmates and detainees.

Background

After a decade of delay, the Federal Communications Commission (FCC) recently took action to end predatory rates. However, a decision by the U.S. Court of Appeals for the D.C. Circuit found that the FCC exceeded its legal authority. Senator Duckworth asked FCC Chairman Ajit Pai about this decision and a potential legislative fix during his confirmation hearing:

Senator Duckworth: “Chairman Pai, am I correct that in opposing the Commission’s efforts to protect families and inmates from outrageously high rates for calling services, you were not endorsing astronomically expensive prices, rather, you simply believe that Congress has not provided FCC with the authority to impose rate caps on Intrastate prison calls?”

Chairman Pai: “Correct, Senator. That is a purely legal position that we took, and I would welcome additional authority should Congress see fit to provide it.”

Senator Duckworth described plans to introduce legislation that “...will provide the FCC with clear authority to institute commonsense rules for video visitation and inmate calling services, including capping outrageously high rates,” and asked Chairman Pai:

Senator Duckworth: “I believe that this legislation would address your concerns about clarifying FCC authority when it comes to prison calling services. Will you commit to working with me to pass this legislation during 115th Congress?”

Chairman Pai: “I will, Senator. And look forward to working with you on it.”

The Solution

The **Inmate Calling Technical Corrections Act** is a technology-neutral legislative solution that provides the FCC with the appropriate authority Chairman Pai welcomed to address the U.S. Circuit Court of Appeals decision. This commonsense technical fix advances three key goals:

1. **Protects consumers:** While existing law requires all intra- and interstate inmate calling to be “fair,” the U.S. Court of Appeals found that the term only applies to communications providers, not consumers.

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This legislation makes clear that ratepayers should also receive just and reasonable charges, drawing on the standard in Section 202 of the Communications Act.

2. **Future-proof:** When Section 276 of the Communications Act was adopted in 1996, it was written with traditional telephone service and traditional *payphones* in mind. Today's inmate communications providers utilize advanced technology to lower their costs, promote the highest security and provide innovative services.

This legislation makes clear that the obligations of fairness and just and reasonable rates apply to all inmate communications regardless of technology used, like video visitation services and other advanced communications services. This also ensures that the needs of inmates with disabilities is addressed.

3. **Targeted purpose:** This legislation is precisely targeted at clarifying existing law in light of the U.S. Court of Appeals decision and to permit the FCC to use its traditional procedures and authority to address unjust and unreasonable rates.

Just and reasonable communications rates enhance community safety and security by improving the community connections of inmates that studies have shown to reduce recidivism.

Organizational Support:

- Center for Media Justice
- Common Cause
- Fair and Just Prosecution
- Free Press Action Fund
- Helping Educate to Advance the Rights of Deaf Communities (HEARD)
- Human Rights Defense Center
- Illinois Campaign for Prison Phone Justice
- INCOMPAS
- The Leadership Conference on Civil and Human Rights
- The Law Enforcement Action Partnership
- NAACP
- National Association of the Deaf
- National CURE
- National Hispanic Media Coalition
- New Jersey Advocates for Immigrant Detainees
- Prison Policy Initiative
- Public Knowledge
- Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI)
- United Church of Christ, OC Inc.
- Urbana Campaign Independent Media Center
- Verizon
- Working Narratives