

114TH CONGRESS
2D SESSION

H. R. 6441

To provide for the regulation of video visitation 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.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 6, 2016

Ms. DUCKWORTH introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for the regulation of video visitation 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 in
5 Prisons Act of 2016”.

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

3 (a) IN GENERAL.—Not later than 180 days after the
4 date of the enactment of this Act, the Federal Commu-
5 nications Commission shall promulgate regulations with
6 respect to video visitation service, and amend its regula-
7 tions with respect to inmate calling service (as necessary),
8 to ensure that all charges, practices, classifications, and
9 regulations for and in connection with video visitation
10 service and inmate calling service are just and reasonable.

11 (b) REQUIREMENTS FOR REGULATIONS.—The regu-
12 lations promulgated under subsection (a) shall include the
13 following:

14 (1) Caps on the rates (and any related fees or
15 charges) that a provider of a covered service may
16 charge for such service.

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

20 (3) A prohibition against a provider of a cov-
21 ered service requiring a correctional facility to re-
22 strict in-person visitation as a condition of providing
23 such service in such facility.

24 (4) A requirement that a provider of a covered
25 service certify annually to the Commission that such
26 provider is in compliance with the prohibition under

1 paragraph (3). If such provider is subject to the an-
2 nual reporting and certification requirement of sec-
3 tion 64.6060 of title 47, Code of Federal Regula-
4 tions, the certification required under this paragraph
5 shall be included as part of the certification required
6 by such section.

7 (5) A prohibition against a provider of a cov-
8 ered service offering or entering into an agreement
9 to provide a covered service as part of a bundle of
10 services that includes any service that is not a com-
11 munications service.

12 (6) Requirements for the offering or entering
13 into an agreement to provide a covered service as
14 part of a bundle of services that ensure that correc-
15 tional facilities are able to review each service sepa-
16 rately during the request for proposals process.

17 (7) With respect to video visitation service,
18 quality standards that are the best commercially
19 available for effective human communication by
20 video. In developing such standards, the Commission
21 shall seek comments that review the academic lit-
22 erature regarding the appropriate thresholds for ef-
23 fective human communication by video.

24 (c) APPLICABILITY.—The regulations promulgated
25 under subsection (a) shall apply to interstate service,

1 intrastate service, and international service. In promul-
2 gating such regulations, the Commission may provide for
3 different requirements for interstate service, intrastate
4 service, and international service.

5 (d) DEFINITIONS.—In this section:

6 (1) CALL.—The term “call” means a voice or
7 video call using a covered service. Such term in-
8 cludes any other session of use that is similar to a
9 telephone call.

10 (2) COMMISSION.—The term “Commission”
11 means the Federal Communications Commission.

12 (3) COVERED SERVICE.—The term “covered
13 service” means an inmate calling service or a video
14 visitation service.

15 (4) VIDEO VISITATION SERVICE.—The term
16 “video visitation service” means a service that allows
17 inmates to make video calls to individuals outside
18 the correctional facility where the inmate is being
19 held, regardless of the technology used to deliver the
20 service. A video visitation service may be classified
21 as an inmate calling service, as the Commission con-
22 siders appropriate.

23 (5) ADDITIONAL DEFINITIONS FROM REGULA-
24 TIONS.—The terms “correctional facility”, “inmate”,
25 and “inmate calling service” have the meanings

1 given such terms in section 64.6000 of title 47, Code
2 of Federal Regulations.

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

4 Chapter 301 of title 18, United States Code, is
5 amended—

6 (1) by adding at the end the following:

7 **“§ 4015. Video visitation**

8 “(a) IN GENERAL.—The Director of the Bureau of
9 Prisons shall take such actions as may be necessary to
10 ensure that, in the case of any prisoner in the custody
11 of the Bureau of Prisons, video visitation is available sub-
12 ject to the following:

13 “(1) Video visitation may be used only to sup-
14 plement, not supplant, in-person visitation.

15 “(2) Any equipment or area made available for
16 purposes of video visitation shall maximize privacy
17 to the extent practicable, and shall include measures
18 to ensure the operability of the equipment by visi-
19 tors, including children.

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

22 “(A) shall give priority to bids submitted
23 that require the purchase of equipment for
24 video visitation;

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

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

5 “(ii) any authority to a person other
6 than a corrections officer to make a deter-
7 mination that affects the terms of a pris-
8 oner’s imprisonment, including visitation
9 schedules or ability of a person to move
10 about within a correctional facility; or

11 “(iii) a covered service as part of a
12 bundle of services that includes any service
13 that is not a covered service; and

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

16 “(i) that the service provider provide
17 a list of each video visitation and each in-
18 dividual fee charged to the visitor and the
19 prisoner;

20 “(ii) that the service provider offer a
21 minimum number of free visits each month
22 based on good behavior (as determined by
23 the head of the correctional facility where-
24 in the service is provided); and

1 “(iii) that the service provider submit
2 quarterly reports including such informa-
3 tion as the Director may require to ensure
4 compliance with the terms of this section.

5 “(b) DEFINITION.—In this section, terms used have
6 the meanings given such terms in section 2(d) of the Video
7 Visitation in Prisons Act of 2016, except that, for pur-
8 poses of this section, the term video visitation service in-
9 cludes a service that allows the use of videoconferencing
10 or analog closed circuit television systems and software to
11 allow inmates and visitors to visit at a distance with an
12 inmate in a correctional facility.”; and

13 (2) in the table of sections, by adding at the
14 end the following:

“4015. Video visitation.”.

○