

116TH CONGRESS
1ST SESSION

S. 1764

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

IN THE SENATE OF THE UNITED STATES

JUNE 10, 2019

Ms. DUCKWORTH (for herself, Mr. PORTMAN, Mr. SCHATZ, Mr. BOOKER, Mr. KING, and Mr. MARKEY) 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 telephone and advanced communications services in correctional and detention facilities.

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 “Martha Wright-Reed
5 Just and Reasonable Communications Act of 2019”.

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 incarcerated people and
8 their support 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 incarcer-
12 ated people via telephone and advanced communica-
13 tions, are afforded just and reasonable charges for
14 all communications services.

15 (4) The current correctional facilities commu-
16 nications market suffers from market failure. Among
17 other issues, consumers cannot choose among com-
18 peting providers, which produces locational monopo-
19 lies and monopoly profits at the expense of rate-pay-
20 ers.

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

1 (6) Unjust and unreasonable charges extend to
2 telephone and advanced communications services
3 and to both intrastate and interstate communica-
4 tions.

5 (7) Mrs. Martha Wright-Reed of Washington,
6 DC, led a campaign for just calling rates for incar-
7 cerated people for over a decade. Mrs. Wright-Reed
8 was the lead plaintiff in *Wright v. Corrections Cor-*
9 *poration of America*, CA No. 00–293 (GK) (D.D.C.
10 2001), which ultimately led to the Wright Petition
11 at the Federal Communications Commission, CC
12 Docket No. 96–128 (Nov. 3, 2003). Mrs. Wright-
13 Reed became involved, when, as a grandmother, she
14 was forced to choose between purchasing medication
15 and communicating with her incarcerated grandson.
16 Mrs. Wright-Reed passed away on January 18,
17 2015, before fully realizing her dream of just com-
18 munications rates for all people.

19 (8) After the Federal Communications Commis-
20 sion granted the petition Wright Petition described
21 in paragraph (7), the United States Court of Ap-
22 peals for the District of Columbia Circuit reversed
23 the Federal Communications Commission by inter-
24 preting section 276 of the Communications Act of
25 1934 (47 U.S.C. 276) in the case of *Global*

1 Tel*Link v. Federal Communications Commission,
 2 866 F.3d 397 (D.C. Cir. 2017), in part by con-
 3 stricting the meaning of the word “fair” and lim-
 4 iting the means by which the Federal Communica-
 5 tions Commission can calculate fair, just, and rea-
 6 sonable charges.

7 **SEC. 3. TECHNICAL AMENDMENTS.**

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

10 (1) in subsection (b)(1)(A)—

11 (A) by striking “per call”;

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

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

15 (D) by striking “call using” and inserting
 16 “communications using”; and

17 (2) in subsection (d), by inserting “and ad-
 18 vanced communications services” after “inmate tele-
 19 phone service”.

20 (b) DEFINITION OF ADVANCED COMMUNICATIONS
 21 SERVICES.—Section 3(1) of the Communications Act of
 22 1934 (47 U.S.C. 153(1)) is amended—

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

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

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

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

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

11 **SEC. 4. IMPLEMENTATION.**

12 (a) RULEMAKING.—Not later than 18 months after
13 the date of enactment of this Act, the Federal Commu-
14 nications Commission shall promulgate any regulations
15 necessary to implement this Act and the amendments
16 made by this Act.

17 (b) USE OF DATA.—In implementing this Act and
18 the amendments made by this Act, including by promul-
19 gating regulations under subsection (a) and determining
20 just and reasonable rates, the Federal Communications
21 Commission may use industry average costs and collect
22 and analyze such data as the Commission determines nec-
23 essary.

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