

March 21, 2022

U.S. Senate Commerce Committee
Russell Senate Office Building, Room 254
Washington, DC 20510

Approve and Favorably Report S. 1541 Duckworth Amendment

Dear Senator:

Our organizations have long supported S.1541, the Martha Wright-Reed Just and Reasonable Communications Act, because it will restore the Federal Communications Commission's authority to prevent incarcerated people and their families and loved ones from paying predatory prices to communicate with each other. We write to recommend support for the amendment in the nature of a substitute that Senator Duckworth intends to offer at markup in the Senate Commerce Committee on March 22, 2022. Senator Duckworth and her staff have committed themselves to finding a path forward to improve the lives of people across the country who are forced to pay any price for phone calls, no matter how high, and pay any fee, no matter how unconscionable.

At a time when improved technology and more choices have reduced communication prices for many people outside the carceral system, families impacted by the carceral system are hurting because of the high costs and unjust and predatory commercial practices which predominate their communications. Children cannot speak with parents without sacrificing their financial security to the high costs of communication. Counsel for people in jail cannot communicate with their clients, jeopardizing their civil and due process rights. Grandmothers, pastors, and spouses make do with short calls spaced too far apart to maintain their relationships, making it significantly more difficult for people to thrive when they rejoin their communities at the end of incarceration. We must keep front of mind the families who are hurting across the country as we consider any legislation that could improve their circumstances.

If S. 1541 becomes law:

- All consumers will receive the same protection against unjust and unreasonable rates, no matter whether they are incarcerated or speaking to someone who is incarcerated.
- All calls must meet this just and reasonable standard, no matter where, geographically, the calls start and end.
- All communications are covered, no matter the technology used.

The legislation also ensures that the Federal Communications Commission can use the authority Congress has given it to address these unjust rates. A federal court opinion in 2017 significantly jeopardized the FCC's latitude to address rates in an efficient and appropriate manner. We appreciate that the Duckworth amendment reinforces the Commission's obligations under the Administrative Procedure Act.

Ultimately, all phone calls for incarcerated people should be free. This bill will not reach that goal, but it will enable the FCC to address the egregious rates around the country as a regulatory matter, while advocates and families continue to work for free calls, as has been successfully accomplished so far in Connecticut, San Diego County, San Francisco and New York City.

To help the families who are currently suffering, we urge Senators to support the Duckworth amendment and favorably report S.1541 as amended.

Sincerely,

Asian Americans Advancing Justice | AAJC

Color Of Change

Common Cause

Communications Workers of America

Ella Baker Center for Human Rights

Free Press Action

International CURE

Japanese American Citizens League

The Leadership Conference on Civil and Human Rights

National Consumer Law Center, on behalf of its low-income clients

National Disability Rights Network (NDRN)

New America's Open Technology Institute

Prison Policy Initiative

Prisoners' Legal Services of Massachusetts

Public Knowledge

Telecommunications for the Deaf and Hard of Hearing (TDI)

United Church of Christ Media Justice Ministry

Voqal

Washington Lawyers' Committee for Civil Rights and Urban Affairs (WLC)

Worth Rises