

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—117th Cong., 2d Sess.

S. 1541

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.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Ms. DUCKWORTH

Viz:

1 Strike all after the enacting clause and insert the following:
2

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Martha Wright-Reed
5 Just and Reasonable Communications Act of 2021”.

6 **SEC. 2. TECHNICAL AMENDMENTS.**

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

9 (1) in subsection (b)(1)(A)—

10 (A) by striking “per call”;

1 (B) by inserting “, and all rates and
2 charges are just and reasonable,” after “fairly
3 compensated”;

4 (C) by striking “each and every”;

5 (D) by striking “call using” and inserting
6 “communications using”; and

7 (E) by inserting “or other calling device”
8 after “payphone”; and

9 (2) in subsection (d), by inserting “and ad-
10 vanced communications services described in sub-
11 paragraphs (A), (B), (D), and (E) of section 3(1)”
12 after “inmate telephone service”.

13 (b) DEFINITION OF ADVANCED COMMUNICATIONS
14 SERVICES.—Section 3(1) of the Communications Act of
15 1934 (47 U.S.C. 153(1)) is amended—

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

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

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

21 “(E) any audio or video communications
22 service used by inmates for the purpose of com-
23 municating with individuals outside the correc-
24 tional institution where the inmate is held, re-
25 gardless of technology used.”.

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

5 **SEC. 3. IMPLEMENTATION.**

6 (a) RULEMAKING.—Not earlier than 18 months and
7 not later than 24 months after the date of enactment of
8 this Act, the Federal Communications Commission shall
9 promulgate any regulations necessary to implement this
10 Act and the amendments made by this Act.

11 (b) USE OF DATA.—In implementing this Act and
12 the amendments made by this Act, including by promul-
13 gating regulations under subsection (a) and determining
14 just and reasonable rates, the Federal Communications
15 Commission—

16 (1) may use industry-wide average costs of tele-
17 phone service and advanced communications services
18 and the average costs of service of a communications
19 service provider; and

20 (2) shall consider costs associated with any
21 safety and security measures necessary to provide a
22 service described in paragraph (1) and differences in
23 the costs described in paragraph (1) by small, me-
24 dium, or large facilities or other characteristics.

1 SEC. 4. EFFECT ON OTHER LAWS.

2 Nothing in this Act shall be construed to modify or
3 affect any Federal, State, or local law to require telephone
4 service or advanced communications services at a State or
5 local prison, jail, or detention facility or prohibit the imple-
6 mentation of any safety and security measures related to
7 such services at such facilities.