Congress of the United States
Washington, DC 20515

October 20, 2015

The Honorable Tom Wheeler
Chairman
Federal Communications Commission
445 12th Street SW
Washington, DC 20554-0004

Dear Chairman Wheeler:

More than two million Americans are currently incarcerated in our nation's jails and prisons. Their chances for rehabilitation and a successful return to society are vastly improved if they can remain in communication with their families, children, and critical support services. Expensive phone call rates deter such communication and result in recidivism and costly re-incarceration.

For the past decade we, the undersigned Members of Congress, have been imploring the Federal Communications Commission (FCC) to provide a market-based solution to curb these high telephone rates (see the *Family Telephone Connection Protection Act*, first introduced in the 109th Congress). The Commission is poised on October 22, 2015, to approve a final order on comprehensive inmate calling services (ICS) and we firmly believe that such comprehensive reform is needed to rein in the predatory practices in the ICS marketplace. The lack of competition and the out of control site commissions paid to correctional facilities are partly the cause of these skyrocketing costs. Simply put, up to 60 percent of what prisoners' families pay to receive phone calls from their incarcerated loved ones has nothing to do with the cost of the phone services provided. These artificial rates account for hundreds of millions of dollars paid to state prison systems for exclusive contracts.

For several years, the Commission has correctly concluded that unconstrained site commission practices are the most significant contributing factor to high ICS rates. In its 2013 order, *Reducing High Inmate Calling Rates*, the Commission cited many examples demonstrating the correlation of site commission and high phones rates.

On September 15, 2015, the Commission outlined in a fact sheet that it "strongly discourages site commissions" but did not provide any assurance that it plans to eliminate or curb this predatory practice. It also outlined a rate cap of $1.65 for intrastate, interstate, and international calls. Although establishing a rate cap is a step in the right direction, we believe it must be coupled with eliminating site commissions in order to yield the lowest possible phone rates. We, therefore, urge the Commission to use its statutory authority under Sections 201 and 276 to address site commissions when it undertakes comprehensive ICS reform.

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We have all heard the stories and cries of our constituents who, at times, have had to pay up to $17 for a 15 minute call just to stay in touch with their incarcerated loved ones. We know all too well that ongoing contact between the incarcerated and their families reduces the rate of recidivism in our society. Ending these predatory practices of price gouging at the expense of families is a human rights issue. As the Commission moves towards a vote on ICS, we urge you to exercise the fullest extent of your jurisdiction to protect and service more vulnerable consumers.

Sincerely,

Bobby L. Rush
Member of Congress

Charles B. Rangel
Member of Congress

G. K. Butterfield
Member of Congress

Marcia L. Fudge
Member of Congress

Eleanor Holmes Norton
Member of Congress

cc: The Honorable Mignon L. Clyburn
Commissioner, Federal Communications Commission
The Honorable Jessica Rosenworcel
Commissioner, Federal Communications Commission
The Honorable Ajit Pai
Commissioner, Federal Communications Commission
The Honorable Michael O'Rielly
Commissioner, Federal Communications Commission