

United States Senate  
WASHINGTON, DC 20510

March 7, 2017

208

The Honorable Ajit Pai  
Chairman  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Dear Chairman Pai,

I write to express my disappointment and concerns with the recent decision of the Federal Communications Commission (FCC or Commission) to have its lawyers cease defending in court intrastate calling caps on incarcerated Americans' phone calls. I urge you to reconsider this pernicious decision and I request a detailed, written explanation supporting the FCC's decision to reverse its policy and to no longer defend calling rate caps for incarcerated people.

The FCC plays a critical role in ensuring that the rates charged for phone calls are just, reasonable, and fair for all Americans. Incarcerated Americans and their families have long endured calling rates that do not meet this standard. Limited options for service providers and methods of payment, combined with restrictive contract provisions, have contributed to the isolation of incarcerated Americans from their families and other social support networks that serve as a beacon of hope and that aid their successful and productive return to free society.

On August 4, 2016, after considerable debate, the FCC approved an Order to cap rates for both interstate and intrastate calling services used by incarcerated persons in correctional facilities. Unfortunately, prison telecommunications providers, led by Securus Technologies and Global Tel Link, promptly challenged this FCC Order in federal court. On November 2, 2016, the U.S. Court of Appeals for the District of Columbia Circuit granted a stay on rate caps for intrastate calls. On January 31, 2017, I was dismayed to learn that the Commission abandoned the defense of its own authority to cap intrastate rates before the Court.

As you are aware, incarcerated Americans rely on calling services and video technology to maintain connections with their families and their loved ones who may be far away. Family connections are invaluable to the rehabilitation efforts of 2.2 million incarcerated Americans and important to the development of the more than 2.7 million children in the United States who have an incarcerated parent. While there is no substitute for in-person visits, video visitation has the benefit of connecting families to each other even when prisons have restrictive visitation hours that can prevent the elderly, the disabled, or working family members from connecting with their incarcerated loved one.

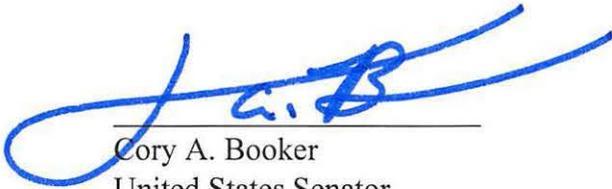
Furthermore, connections with a family support system during incarceration have been proven to reduce recidivism and prison violence. In fact, a study by the Minnesota Department of Corrections found that even a single visit reduced recidivism by 13 percent for new crimes and

25 percent for technical violations. Ample evidence indicates that the Commission's decision not to defend its authority to cap intrastate prison rates may have the unintended, but regrettable, consequence of severing connections between parents and children, spouses and loved ones, and family members with their families.

I share the concerns of the Prison Policy Initiative and the Leadership Conference on Civil and Human Rights that the Commission's policy change to refuse to defend calling caps for calls made by incarcerated Americans will result in increasing the cost of prison for incarcerated Americans and their families, and make reentry more difficult.

Thank you for your attention to this matter. I ask that the FCC send me a response to my letter no later than April 7, 2017.

Sincerely,



Cory A. Booker  
United States Senator

CC: Commissioners Clyburn, O'Rielly