

Congress of the United States

Washington, DC 20515

October 21, 2025

The Honorable Brendan Carr
Chairman
Federal Communications Commission
45 L Street NE
Washington, DC 20554

Re: Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking in WC Docket Nos. 23-62 and 12-375

Chairman Carr:

We write to express our opposition to your draft order proposing to roll back the 2024 Incarcerated People's Communications Services (IPCS) framework.¹ That bipartisan framework, adopted unanimously by the Commission in July 2024 under the authority of the Martha Wright-Reed Just and Reasonable Communications Act of 2022, was designed to ensure that incarcerated people could communicate with their families, clergy, and legal counsel at rates that are just, reasonable, and affordable.

Your October 2025 draft order represents a dramatic and troubling departure from that progress. As compared with the 2024 Order, your proposal would raise per-minute rate caps for phone calls by as much as 83 percent and for video calls by as much as 64 percent, depending on facility type and size.² These increases could shift hundreds of millions of dollars in additional annual costs onto the families and loved ones of incarcerated people—people who are least able to bear them. By substantially raising the price of maintaining contact, the draft order would undermine fairness, rehabilitation, and public safety.

The consequences of high communication costs are not abstract. Families across the country already make painful sacrifices to stay in touch with their loved ones behind bars. In Michigan, for example, one mother spent more than \$14,000 over two years so that her son could call home from several county jails, sometimes paying nearly \$19 for a single 15-minute call.³ In California, a daughter remembers hearing from her mother only a few minutes each week because jail calls cost around \$15 for 15 minutes.⁴ And in Louisiana, one man said that the expensive calls and text fees during his incarceration were his only connection to his sister,

¹ <https://docs.fcc.gov/public/attachments/DOC-415061A1.pdf>;
<https://www.federalregister.gov/documents/2024/09/20/2024-19037/incarcerated-peoples-communication-services-implementation-of-the-martha-wright-reed-act-rates-for>

² <https://docs.fcc.gov/public/attachments/DOC-415061A1.pdf> (p. 5)

³ <https://www.cbsnews.com/news/why-are-jail-phone-calls-so-expensive/>

⁴ <https://calmatters.org/justice/2021/04/high-priced-jail-phone-calls-15-to-talk-to-your-daughter/>

describing them as his “lifeline.”⁵ These stories reflect a broader truth: keeping families connected saves lives, strengthens reentry, and supports safer communities.

Your draft order further establishes a new category of “extremely small” jails—facilities with an average daily population of 49 or fewer—which will face the highest per-minute rate caps in the country: 18 cents for phone calls and 41 cents for video calls. These very small jails are disproportionately located in low-income and rural communities, where families are already predisposed to economic hardship.⁶ By imposing the steepest rates on these facilities, the draft order would exacerbate existing economic pressures, making it even harder for families to maintain contact with their loved ones and undermining the broader goals of fairness, rehabilitation, and public safety.

The draft order further compounds its harmful impact by shifting a wide array of costs onto the very families it should protect. It allows jails and prisons to pass so-called “facility” and “safety and security” expenses directly onto the paying consumers. These charges fall squarely on the shoulders of families already struggling to afford basic communication with their loved ones. Applying facility fees across the board is particularly harmful, as they should only be imposed where they are proven and legitimately incurred pursuant to Commission rules. Through these fees, you effectively force families to subsidize the operating costs of correctional institutions. This approach is contrary to the Commission’s statutory mandate under the Martha Wright-Reed Act to ensure rates are just, reasonable, and affordable.

Given these tangible consequences, it is particularly troubling that the draft order’s justification for these higher caps is not supported by a robust record or reality. Instead, the draft order relies heavily on a speculative concern that correctional facilities will discontinue service rather than comply with the 2024 rules. The Bureau’s waiver order this summer cited only a single example, and, even with the waiver order in effect, that facility remains without service.⁷ No broader data shows that institutions nationwide are withdrawing service.

We are further troubled by the process through which this item is advancing. The draft was released while much of the FCC’s staff remain furloughed due to the government shutdown, limiting the ability of stakeholders and advocates to review the proposal and meet with staff. Moving forward with a major policy reversal under these conditions undermines transparency and public trust. Furthermore, your office’s press release announcing the proposal quoted the National Sheriffs’ Association four days before the draft text became public—raising additional concerns about unequal access to information during a period when public engagement is already constrained.⁸

⁵ <https://www.pbs.org/newshour/nation/the-high-cost-of-staying-in-touch-while-incarcerated-can-linger-long-after-release>

⁶ <https://www.ers.usda.gov/data-products/charts-of-note/chart-detail?chartId=101903#:~:text=Across%20all%20races%20and%20ethnicities,%2DBeing%2C%20updated%20June%202021.>

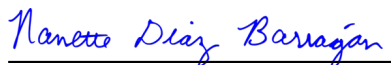
⁷ <https://docs.fcc.gov/public/attachments/DA-25-565A1.pdf> (pp. 7-8)

⁸ <https://docs.fcc.gov/public/attachments/DOC-415035A1.pdf>

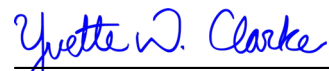
We note that one aspect of the draft order that represents progress is the decision to reinstate the ban on site commissions and unjustified ancillary fees. These charges, essentially kickbacks and double-dipping, have long inflated costs for families and loved ones of incarcerated people. The Commission was right to recognize that such practices are inconsistent with its statutory duty to ensure just and reasonable rates, and it should keep these prohibitions in place rather than seeking further comment on them.

However, this single improvement cannot offset the broader harm that this draft order would cause. For these reasons, we urge you to withdraw or postpone consideration of the draft order until the Commission is fully operational and the public can meaningfully participate in the process. The FCC should reaffirm, not retreat from, the commitment it made in 2024 to uphold Congress's mandate for communications that are just, reasonable, and affordable for incarcerated people and their families.

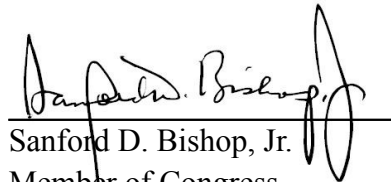
Sincerely,



Nanette Diaz Barragán
Member of Congress



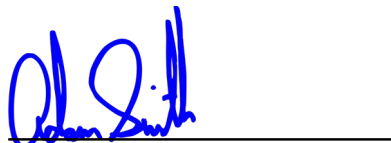
Yvette D. Clarke
Member of Congress



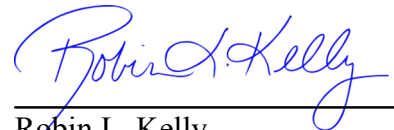
Sanford D. Bishop, Jr.
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Danny K. Davis
Member of Congress



Adam Smith
Member of Congress



Robin L. Kelly
Member of Congress



Henry C. "Hank" Johnson, Jr.
Member of Congress



Rashida Tlaib
Member of Congress



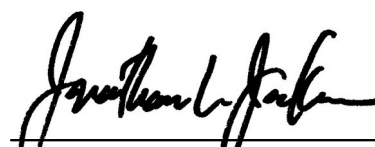
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Andre Carson
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Emanuel Cleaver, II
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Dan Goldman
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Alexandria Ocasio-Cortez
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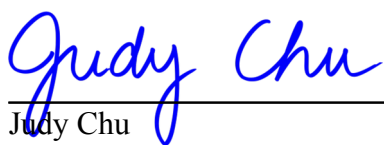
Ayanna Pressley
Member of Congress



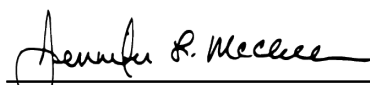
Paul D. Tonko
Member of Congress



Dwight Evans
Member of Congress



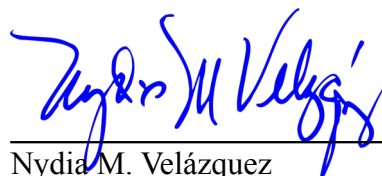
Judy Chu
Member of Congress



Jennifer L. McClellan
Member of Congress



Terri A. Sewell
Member of Congress



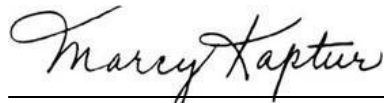
Nydia M. Velázquez
Member of Congress



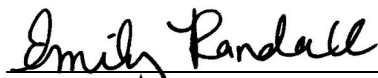
Joyce Beatty
Member of Congress (OH-03)



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Member of Congress



Emily Randall
Member of Congress



Jesús G. "Chuy" García
Member of Congress



Summer L. Lee
Member of Congress



Lateefah Simon
Member of Congress



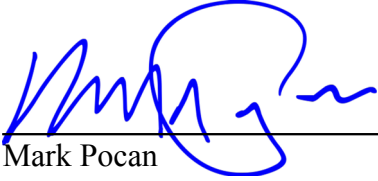
Jan Schakowsky
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Diana DeGette
Member of Congress



Delia C. Ramirez
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Mark Pocan
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