



July 12, 2022

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
Washington DC, 20515

The Honorable Kevin McCarthy
Minority Leader
U.S. House of Representatives
Washington DC, 20515

The Honorable Frank Pallone
Chair
House Committee on Energy & Commerce
Washington DC, 20515

The Honorable Cathy McMorris Rogers
Ranking Member
House Committee on Energy & Commerce
Washington DC, 20515

Dear Speaker Pelosi, Leader McCarthy, Chair Pallone and Ranking Member Rogers,

According to the Centers for Disease Control, tens of millions of Americans have survived physical violence, contact sexual violence, or stalking by an intimate partner.¹ A major vulnerability for many of these victims is being unable to effectively escape due to the amount of information shared on family plans with cell phone carriers. Early termination fees, high costs of switching accounts, and even built in “parental” control applications facilitate the abuse within a family plan between survivors and abusers. While some state laws, such as those in Hawaii and New York,² allow survivors to leave shared family plans, most states do not.

In August 2020, EFF joined with the Clinic to End Tech Abuse and other groups dedicated to protecting survivors of domestic violence to send a letter to Congress,³ calling them to pass a federal law that creates the right to leave a family mobile phone plan that they share with their abuser.

In January 2021, Senators Brian Schatz, Deb Fischer, Rick Scott, Richard Blumenthal, Jacky Rosen, and Shelley Moore Capito responded to the letter by introducing The Safe Connections

¹ Centers for Disease Control, “National Intimate Partner and Sexual Violence Survey: 2015 Data Brief – Updated Release,” Nov. 2018, <https://www.cdc.gov/violenceprevention/pdf/2015data-brief508.pdf>, pp. 7-10.

² N.Y. Gen. Bus. L. § 399-yyy, https://nyassembly.gov/leg/?default_fld=&leg_video=&bn=A05318&term=2019&Summary=Y; Haw. Rev. Stat. § 269, as amended https://www.capitol.hawaii.gov/session2015/bills/HB538_CD1_.HTM.

³ 3 Letter to Chairman Wicker and Ranking Member Cantwell calling for legislation to protect survivors (Aug. 20, 2020), available at https://82beb9a6-b7db-490a-88be9f149baf221.filesusr.com/ugd/c4e6d5_8e1f1a0110e04e92912ee6fbef347423.pdf.



Act (S. 120),⁴ which got bipartisan support and passed unanimously out of the U.S. Senate Committee on Commerce, Science, & Transportation on April 28, 2021.⁵

In March 2022, Reps. Annie Kuster and Anna Eshoo introduced companion legislation (H.R. 7132), which would make it easier for survivors to separate their phone line from a family plan while keeping their own phone number. It would also require the FCC to create rules to protect the privacy of the people seeking this protection. That bill also received bipartisan support and passed unanimously out of the Subcommittee on Communications and Technology on June 15, 2022.⁶

While the bill needs a few changes in the future, we are pleased to see this bill receive broad bipartisan support and pass these critical steps. There is little reason that telecommunications carriers, who are already required to make numbers portable when users want to change carriers, cannot replicate such a seamless process when a paying customer wants to move an account within the same carrier.⁷

Our cell phones contain a vast amount of information about our lives, including the calls and texts we make and receive. The account holder of a family plan has access to all of that data, including if someone in the plan is calling a domestic violence hotline. Giving survivors more tools to protect their privacy, leave abusive situations, and get on with their lives are worthy endeavors. The Safe Connections Act provides a framework to serve these ends.

We would prefer a bill that did not require survivors to provide paperwork to “prove” their abuse—for many survivors, providing paperwork about their abuse from a third party is burdensome and traumatic, especially when it is required at the very moment when they are trying to free themselves from their abusers. The bill also requires the FCC to create new regulations to protect the privacy of people seeking help to leave abusive situations, though still needs stronger safeguards and remedies to ensure these protections are effective.

Still, Congress should not delay passing this common-sense legislation. The coronavirus pandemic has exacerbated many of the problems survivors face in trying to escape their

⁴ <https://www.congress.gov/bill/117th-congress/senate-bill/120/cosponsors?q=%7b%22search%22:%5b%22s.+120%22%5d%7d&r=1&s=1&searchResultViewType=expanded>

⁵ U.S. Senate Committee on Commerce, Science, & Transportation, Executive Session, April 28, 2021, <https://www.commerce.senate.gov/2021/4/executive-session>

⁶ U.S. House Committee on Energy & Commerce, Subcommittee on Communications and Technology, <https://energycommerce.house.gov/committee-activity/markups/markup-of-seven-bills-subcommittee-on-communications-and-technology-june>

⁷ The Guardian, “A bill aims to stop abusers stalking ex-partners. US telecom firms are lobbying against it,” Stephanie Kirchgaessner and Amanda Holpuch, May 6, 2021, <https://www.theguardian.com/society/2021/may/06/us-wireless-industry-bill-domestic-violence-victims>



abusive situations, especially the privacy needed to safely call and connect with services.⁸ While this bill will not solve all problems, removing barriers to survivors keeping their cell phone numbers – and their connection to schools, doctors, family members, and other services – is a critical protection Congress should pass as soon as possible, before adjourning for August recess.

Thank you for your consideration of this important legislation. If you have any questions, please contact India McKinney, EFF's Director of Federal Affairs, at india@eff.org.

⁸ New England Journal of Medicine, "A Pandemic within a Pandemic — Intimate Partner Violence during Covid-19," September 16, 2020, <https://www.nejm.org/doi/full/10.1056/NEJMp2024046>.