

117TH CONGRESS
2D SESSION

H. R. 7132

To preserve safe access to communications services for survivors of domestic violence and other crimes, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 17, 2022

Ms. KUSTER (for herself and Ms. ESHOO) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To preserve safe access to communications services for survivors of domestic violence and other crimes, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Safe Connections Act
5 of 2022”.

6 **SEC. 2. DEFINITIONS.**

7 Except as otherwise provided in this Act, terms used
8 in this Act that are defined in section 345(a) of the Com-
9 munications Act of 1934, as added by section 4 of this

1 Act, have the meanings given those terms in such section
2 345(a).

3 **SEC. 3. FINDINGS.**

4 Congress finds the following:

5 (1) Domestic violence, dating violence, stalking,
6 sexual assault, human trafficking, and related
7 crimes are life-threatening issues and have lasting
8 and harmful effects on individuals, families, and en-
9 tire communities.

10 (2) Survivors often lack meaningful support
11 and options when establishing independence from an
12 abuser, including barriers such as financial insecu-
13 rity and limited access to reliable communications
14 tools to maintain essential connections with family,
15 social safety networks, employers, and support serv-
16 ices.

17 (3) Perpetrators of violence and abuse described
18 in paragraph (1) increasingly use technological and
19 communications tools to exercise control over, mon-
20 itor, and abuse their victims.

21 (4) Communications law can play a public in-
22 terest role in the promotion of safety, life, and prop-
23 erty with respect to the types of violence and abuse
24 described in paragraph (1). For example, inde-

1 pendent access to a wireless phone plan can assist
2 survivors in establishing security and autonomy.

3 (5) Safeguards within communications services
4 can serve a role in preventing abuse and narrowing
5 the digital divide experienced by survivors of abuse.

6 **SEC. 4. PROTECTION OF DOMESTIC VIOLENCE SURVIVORS**
7 **WITHIN COMMUNICATIONS SERVICES.**

8 Part I of title III of the Communications Act of 1934
9 (47 U.S.C. 301 et seq.) is amended by adding at the end
10 the following:

11 **“SEC. 345. PROTECTION OF SURVIVORS OF DOMESTIC VIO-**
12 **LENCE, HUMAN TRAFFICKING, AND RELATED**
13 **CRIMES.**

14 “(a) DEFINITIONS.—In this section:

15 “(1) ABUSER.—The term ‘abuser’ means an in-
16 dividual who has committed or allegedly committed
17 a covered act against—

18 “(A) an individual who seeks relief under
19 subsection (b); or

20 “(B) an individual in the care of an indi-
21 vidual who seeks relief under subsection (b).

22 “(2) COVERED ACT.—

23 “(A) IN GENERAL.—The term ‘covered act’
24 means conduct that constitutes—

1 “(i) a crime described in section
2 40002(a) of the Violence Against Women
3 Act of 1994 (34 U.S.C. 12291(a)), includ-
4 ing domestic violence, dating violence, sex-
5 ual assault, stalking, and sex trafficking;

6 “(ii) an act or practice described in
7 paragraph (11) or (12) of section 103 of
8 the Trafficking Victims Protection Act of
9 2000 (22 U.S.C. 7102) (relating to severe
10 forms of trafficking in persons and sex
11 trafficking, respectively); or

12 “(iii) an act under State law, Tribal
13 law, or the Uniform Code of Military Jus-
14 tice that is similar to an offense described
15 in clause (i) or (ii).

16 “(B) CONVICTION NOT REQUIRED.—Noth-
17 ing in subparagraph (A) shall be construed to
18 require a criminal conviction or any other deter-
19 mination of a court in order for conduct to con-
20 stitute a covered act.

21 “(3) COVERED PROVIDER.—The term ‘covered
22 provider’ means a provider of a private mobile serv-
23 ice or commercial mobile service, as those terms are
24 defined in section 332(d).

1 “(4) PRIMARY ACCOUNT HOLDER.—The term
2 ‘primary account holder’ means an individual who is
3 a party to a mobile service contract with a covered
4 provider.

5 “(5) SHARED MOBILE SERVICE CONTRACT.—
6 The term ‘shared mobile service contract’—

7 “(A) means a mobile service contract for
8 an account that includes not less than 2 con-
9 sumers; and

10 “(B) does not include enterprise services
11 offered by a covered provider.

12 “(6) SURVIVOR.—The term ‘survivor’ means an
13 individual who is not less than 18 years old and—

14 “(A) against whom a covered act has been
15 committed or allegedly committed; or

16 “(B) who cares for another individual
17 against whom a covered act has been committed
18 or allegedly committed (provided that the indi-
19 vidual providing care did not commit or alleg-
20 edly commit the covered act).

21 “(b) SEPARATION OF LINES FROM SHARED MOBILE
22 SERVICE CONTRACT.—

23 “(1) IN GENERAL.—Not later than 2 business
24 days after receiving a completed line separation re-
25 quest from a survivor pursuant to subsection (c), a

1 covered provider shall, as applicable, with respect to
2 a shared mobile service contract under which the
3 survivor and the abuser each use a line—

4 “(A) separate the line of the survivor, and
5 the line of any individual in the care of the sur-
6 vivor, from the shared mobile service contract;
7 or

8 “(B) separate the line of the abuser from
9 the shared mobile service contract.

10 “(2) LIMITATIONS ON PENALTIES, FEES, AND
11 OTHER REQUIREMENTS.—Except as provided in
12 paragraphs (5) through (8), a covered provider may
13 not make separation of a line from a shared mobile
14 service contract under paragraph (1) contingent on
15 any requirement other than the requirements under
16 subsection (c), including—

17 “(A) payment of a fee, penalty, or other
18 charge;

19 “(B) maintaining contractual or billing re-
20 sponsibility of a separated line with the pro-
21 vider;

22 “(C) approval of separation by the primary
23 account holder, if the primary account holder is
24 not the survivor;

1 “(D) a prohibition or limitation, including
2 one described in subparagraph (A), on number
3 portability, provided such portability is tech-
4 nically feasible, or a request to change phone
5 numbers;

6 “(E) a prohibition or limitation on the sep-
7 aration of lines as a result of arrears accrued
8 by the account;

9 “(F) an increase in the rate charged for
10 the mobile service plan of the primary account
11 holder with respect to service on any remaining
12 line or lines; or

13 “(G) any other limitation or requirement
14 not listed under subsection (c).

15 “(3) RULE OF CONSTRUCTION.—Nothing in
16 paragraph (2) shall be construed to require a cov-
17 ered provider to provide a rate plan for the primary
18 account holder that is not otherwise commercially
19 available.

20 “(4) REMOTE OPTION.—A covered provider
21 shall offer a survivor the ability to submit a line sep-
22 aration request under subsection (c) through secure
23 remote means that are easily navigable, provided
24 that remote options are commercially available and
25 technically feasible.

1 “(5) RESPONSIBILITY FOR TRANSFERRED
2 TELEPHONE NUMBERS.—Notwithstanding para-
3 graph (2), beginning on the date on which a covered
4 provider transfers billing responsibilities for and
5 rights to a telephone number or numbers to a sur-
6 vivor under paragraph (1)(A) in response to a line
7 separation request submitted by the survivor under
8 subsection (c), unless ordered otherwise by a court,
9 the survivor shall assume financial responsibility, in-
10 cluding for monthly service costs, for the transferred
11 telephone number or numbers.

12 “(6) RESPONSIBILITY FOR TRANSFERRED
13 TELEPHONE NUMBERS FROM A SURVIVOR’S AC-
14 COUNT.—Notwithstanding paragraph (2), upon the
15 transfer of a telephone number under paragraph
16 (1)(B) in response to a line separation request sub-
17 mitted by a survivor under subsection (c), the sur-
18 vivor shall have no further financial responsibilities
19 to the transferring covered provider for the services
20 provided by the transferring covered provider for the
21 telephone number or for any mobile device associ-
22 ated with the telephone number.

23 “(7) RESPONSIBILITY FOR MOBILE DEVICE.—
24 Notwithstanding paragraph (2), beginning on the
25 date on which a covered provider transfers billing re-

1 sponsibilities for and rights to a telephone number
2 or numbers to a survivor under paragraph (1)(A) in
3 response to a line separation request submitted by
4 the survivor under subsection (c), unless otherwise
5 ordered by a court, the survivor shall not assume fi-
6 nancial responsibility for any mobile device associ-
7 ated with the separated line, unless the survivor pur-
8 chased the mobile device, or affirmatively elects to
9 maintain possession of the mobile device.

10 “(8) NOTICE TO SURVIVOR.—If a covered pro-
11 vider separates a line from a shared mobile service
12 contract under paragraph (1) and the primary ac-
13 count holder is not the survivor, the covered provider
14 shall notify the survivor of the date on which the
15 covered provider intends to give any formal notice to
16 the primary account holder.

17 “(c) LINE SEPARATION REQUEST.—

18 “(1) IN GENERAL.—A survivor shall submit to
19 the covered provider a line separation request that—

20 “(A) verifies that an individual who uses a
21 line under the shared mobile service contract
22 has committed or allegedly committed a covered
23 act against the survivor or an individual in the
24 survivor’s care, by providing—

1 “(i) a copy of a signed affidavit from
2 a licensed medical or mental health care
3 provider, licensed military medical or men-
4 tal health care provider, licensed social
5 worker, victim services provider, or licensed
6 military victim services provider, or an em-
7 ployee of a court, acting within the scope
8 of that person’s employment; or

9 “(ii) a copy of a police report, state-
10 ments provided by police, including mili-
11 tary police, to magistrates or judges,
12 charging documents, protective or restrain-
13 ing orders, military protective orders, or
14 any other official record that documents
15 the covered act;

16 “(B) in the case of relief sought under
17 subsection (b)(1)(A), with respect to—

18 “(i) a line used by the survivor that
19 the survivor seeks to have separated, states
20 that the survivor is the user of that spe-
21 cific line; and

22 “(ii) a line used by an individual in
23 the care of the survivor that the survivor
24 seeks to have separated, includes an affi-
25 davit setting forth that the individual—

1 “(I) is in the care of the survivor;

2 and

3 “(II) is the user of that specific

4 line; and

5 “(C) requests relief under subparagraph

6 (A) or (B) of subsection (b)(1) and identifies

7 each line that should be separated.

8 “(2) COMMUNICATIONS FROM COVERED PRO-

9 VIDERS.—

10 “(A) IN GENERAL.—A covered provider

11 shall notify a survivor seeking relief under sub-

12 section (b) in clear and accessible language that

13 the covered provider may contact the survivor,

14 or designated representative of the survivor, to

15 confirm the line separation, or if the covered

16 provider is unable to complete the line separa-

17 tion for any reason, pursuant to subparagraphs

18 (B) and (C).

19 “(B) REMOTE MEANS.—A covered provider

20 shall notify a survivor under subparagraph (A)

21 through remote means, provided that remote

22 means are commercially available and tech-

23 nically feasible.

24 “(C) ELECTION OF MANNER OF CON-

25 TACT.—When completing a line separation re-

1 quest submitted by a survivor through remote
2 means under paragraph (1), a covered provider
3 shall allow the survivor to elect in the manner
4 in which the covered provider may—

5 “(i) contact the survivor, or des-
6 ignated representative of the survivor, in
7 response to the request, if necessary; or

8 “(ii) notify the survivor, or designated
9 representative of the survivor, of the inabil-
10 ity of the covered provider to complete the
11 line separation.

12 “(3) ENHANCED PROTECTIONS UNDER STATE
13 LAW.—This subsection shall not affect any law or
14 regulation of a State providing communications pro-
15 tections for survivors (or any similar category of in-
16 dividuals) that has less stringent requirements for
17 providing evidence of a covered act (or any similar
18 category of conduct) than this subsection.

19 “(d) CONFIDENTIAL AND SECURE TREATMENT OF
20 PERSONAL INFORMATION.—

21 “(1) IN GENERAL.—Notwithstanding section
22 222(b), a covered provider and any officer, director,
23 employee, vendor, or agent thereof shall treat any
24 information submitted by a survivor under sub-
25 section (c) as confidential and securely dispose of

1 the information not later than 90 days after receiv-
2 ing the information.

3 “(2) RULE OF CONSTRUCTION.—Nothing in
4 paragraph (1) shall be construed to prohibit a cov-
5 ered provider from maintaining, for longer than the
6 period specified in that paragraph, a record that
7 verifies that a survivor fulfilled the conditions of a
8 line separation request under subsection (c).

9 “(e) AVAILABILITY OF INFORMATION TO CON-
10 SUMERS.—A covered provider shall make information
11 about the options and process described in subsections (b)
12 and (c) readily available to consumers—

13 “(1) on the website and the mobile application
14 of the provider;

15 “(2) in physical stores; and

16 “(3) in other forms of public-facing consumer
17 communication.

18 “(f) TECHNICAL INFEASIBILITY.—

19 “(1) IN GENERAL.—The requirement to effec-
20 tuate a line separation request pursuant to sub-
21 section (b)(1) shall not apply to a covered provider
22 if the covered provider cannot operationally or tech-
23 nically effectuate the request.

24 “(2) NOTIFICATION.—If a covered provider can-
25 not operationally or technically effectuate a line sep-

1 aration request as described in paragraph (1), the
2 covered provider shall—

3 “(A) notify the survivor who submitted the
4 request of that infeasibility—

5 “(i) at the time of the request; or

6 “(ii) in the case of a survivor who has
7 submitted the request using remote means,
8 not later than 2 business days after receiv-
9 ing the request; and

10 “(B) provide the survivor with information
11 about other alternatives to submitting a line
12 separation request, including starting a new
13 contract.

14 “(g) LIABILITY PROTECTION.—

15 “(1) IN GENERAL.—A covered provider and any
16 officer, director, employee, vendor, or agent thereof
17 shall not be subject to liability for any claims deriv-
18 ing from an action taken or omission made with re-
19 spect to compliance with this section and the rules
20 adopted to implement this section.

21 “(2) COMMISSION AUTHORITY.—Nothing in this
22 subsection shall limit the authority of the Commis-
23 sion to enforce this section or any rules or regula-
24 tions promulgated by the Commission pursuant to
25 this section.”.

1 **SEC. 5. RULEMAKING ON PROTECTIONS FOR SURVIVORS**
2 **OF DOMESTIC VIOLENCE.**

3 (a) DEFINITIONS.—In this section—

4 (1) the term “Affordable Connectivity Pro-
5 gram” means the program established under section
6 904(b) of division N of the Consolidated Appropria-
7 tions Act, 2021 (Public Law 116–260), as amended
8 by section 60502 of the Infrastructure Investment
9 and Jobs Act (Public Law 117–58), or any suc-
10 cessor program;

11 (2) the term “appropriate congressional com-
12 mittees” means the Committee on Commerce,
13 Science, and Transportation of the Senate and the
14 Committee on Energy and Commerce of the House
15 of Representatives;

16 (3) the term “Commission” means the Federal
17 Communications Commission;

18 (4) the term “covered hotline” means a hotline
19 related to domestic violence, dating violence, sexual
20 assault, stalking, sex trafficking, severe forms of
21 trafficking in persons, or any other similar act;

22 (5) the term “designated program” means the
23 program designated by the Commission under sub-
24 section (c)(3)(A)(i) to provide emergency commu-
25 nications support to survivors;

1 (6) the term “Lifeline program” means the pro-
2 gram set forth in subpart E of part 54 of title 47,
3 Code of Federal Regulations (or any successor regu-
4 lation); and

5 (7) the term “text message” has the meaning
6 given the term in section 227(e) of the Communica-
7 tions Act of 1934 (47 U.S.C. 227(e)).

8 (b) RULEMAKINGS.—

9 (1) LINE SEPARATIONS.—

10 (A) IN GENERAL.—Not later than 18
11 months after the date of enactment of this Act,
12 the Commission shall adopt rules to implement
13 section 345 of the Communications Act of
14 1934, as added by section 4 of this Act.

15 (B) CONSIDERATIONS.—In adopting rules
16 under subparagraph (A), the Commission shall
17 consider—

18 (i) privacy protections;

19 (ii) account security and fraud detec-
20 tion;

21 (iii) account billing procedures;

22 (iv) procedures for notification of sur-
23 vivors about line separation processes;

24 (v) notice to account holders;

1 (vi) situations in which a covered pro-
2 vider cannot operationally or technically
3 separate a telephone number or numbers
4 from a shared service plan such that the
5 provider cannot effectuate a line separation
6 request;

7 (vii) the requirements for remote sub-
8 mission of a line separation request, in-
9 cluding how that option facilitates submis-
10 sion of verification information and meets
11 the other requirements of section 345 of
12 the Communications Act of 1934, as added
13 by section 4 of this Act;

14 (viii) feasibility of remote options for
15 small covered providers;

16 (ix) implementation timelines, includ-
17 ing those for small covered providers;

18 (x) financial responsibility for trans-
19 ferred telephone numbers;

20 (xi) whether and how the survivor can
21 affirmatively elect to take financial respon-
22 sibility for the mobile device associated
23 with the separated line;

24 (xii) compliance with subpart U of
25 part 64 of title 47, Code of Federal Regu-

1 lations, or any successor regulations (relat-
2 ing to customer proprietary network infor-
3 mation) or any other legal or law enforce-
4 ment requirements; and

5 (xiii) ensuring covered providers have
6 the necessary account information to com-
7 ply with the rules and with section 345 of
8 the Communications Act of 1934, as added
9 by section 4 of this Act.

10 (2) EMERGENCY COMMUNICATIONS SUPPORT
11 FOR SURVIVORS.—

12 (A) IN GENERAL.—Not later than 18
13 months after the date of enactment of this Act,
14 or as part of a general rulemaking proceeding
15 relating to the Lifeline program or the Afford-
16 able Connectivity Program, whichever occurs
17 earlier, the Commission shall adopt rules that—

18 (i) designate a single program, which
19 shall be either the Lifeline program or the
20 Affordable Connectivity Program, to pro-
21 vide emergency communications support to
22 survivors in accordance with this para-
23 graph; and

24 (ii) allow a survivor who is suffering
25 from financial hardship and meets the re-

1 requirements under section 345(e)(1) of the
2 Communications Act of 1934, as added by
3 section 4 of this Act, without regard to
4 whether the survivor meets the otherwise
5 applicable eligibility requirements of the
6 designated program, to—

7 (I) enroll in the designated pro-
8 gram as quickly as is feasible; and

9 (II) participate in the designated
10 program based on such qualifications
11 for not more than 6 months.

12 (B) CONSIDERATIONS.—In adopting rules
13 under subparagraph (A), the Commission shall
14 consider—

15 (i) how survivors who are eligible for
16 relief and elected to separate a line under
17 section 345(e)(1) of the Communications
18 Act of 1934, as added by section 4 of this
19 Act, but whose lines could not be separated
20 due to operational or technical infeasibility,
21 can participate in the designated program;
22 and

23 (ii) confidentiality in the transfer and
24 retention of any necessary documentation

1 regarding the eligibility of a survivor to en-
2 roll in the designated program.

3 (C) EVALUATION.—Not later than 2 years
4 after completing the rulemaking under subpara-
5 graph (A), the Commission shall—

6 (i) evaluate the effectiveness of the
7 Commission’s provision of support to sur-
8 vivors through the designated program;

9 (ii) assess the detection and elimi-
10 nation of fraud, waste, and abuse with re-
11 spect to the support described in clause (i);
12 and

13 (iii) submit to the appropriate con-
14 gressional committees a report that in-
15 cludes the evaluation and assessment de-
16 scribed in clauses (i) and (ii), respectively.

17 (D) RULE OF CONSTRUCTION.—Nothing in
18 this paragraph shall be construed to limit the
19 ability of a survivor who meets the require-
20 ments under section 345(c)(1) of the Commu-
21 nications Act of 1934, as added by section 4 of
22 this Act, to participate in the designated pro-
23 gram indefinitely if the survivor otherwise quali-
24 fies for the designated program under the rules
25 of the designated program.

1 (E) NOTIFICATION.—A provider of wireless
2 communications services that receives a line
3 separation request pursuant to section 345 of
4 the Communications Act of 1934, as added by
5 section 4 of this Act, shall inform the survivor
6 who submitted the request of—

7 (i) the existence of the designated pro-
8 gram;

9 (ii) who qualifies to participate in the
10 designated program under the rules adopt-
11 ed under subparagraph (A) that are spe-
12 cially applicable to survivors; and

13 (iii) how to participate in the des-
14 ignated program under the rules described
15 in clause (ii).

16 (3) HOTLINE CALLS.—

17 (A) IN GENERAL.—Not later than 180
18 days after the date of enactment of this Act,
19 the Commission shall commence a rulemaking
20 proceeding to consider whether to, and how the
21 Commission should—

22 (i) establish, and update on a monthly
23 basis, a central database of covered hot-
24 lines to be used by providers of wireless

1 communications services or wireline voice
2 services; and

3 (ii) require providers of wireless com-
4 munications services or wireline voice serv-
5 ices to omit from consumer-facing logs of
6 calls or text messages any records of calls
7 or text messages to covered hotlines in the
8 central database described in clause (i),
9 while maintaining internal records of those
10 calls and messages.

11 (B) CONSIDERATIONS.—The rulemaking
12 conducted under subparagraph (A) shall include
13 consideration of—

14 (i) the ability of law enforcement
15 agencies or survivors to access a log of
16 calls or text messages in a criminal inves-
17 tigation or civil proceeding;

18 (ii) the ability of providers of wireless
19 communication services or wireline voice
20 services to—

21 (I) identify logs that are con-
22 sumer-facing; and

23 (II) omit certain consumer-facing
24 logs, while maintaining internal

1 records of such calls and text mes-
2 sages; and

3 (iii) any other factors associated with
4 the implementation of clauses (i) and (ii)
5 to protect survivors of domestic violence,
6 including factors that may impact smaller
7 providers.

8 (C) NO EFFECT ON LAW ENFORCEMENT.—
9 Nothing in subparagraph (A) shall be construed
10 to—

11 (i) limit or otherwise affect the ability
12 of a law enforcement agency to access a
13 log of calls or text messages in a criminal
14 investigation; or

15 (ii) alter or otherwise expand provider
16 requirements under the Communications
17 Assistance for Law Enforcement Act (Pub-
18 lic Law 103–414; 108 Stat. 4279) or the
19 amendments made by that Act.

20 (D) COMPLIANCE.—If the Commission es-
21 tablishes a central database through the rule-
22 making under subparagraph (A) and a covered
23 provider updates its own databases to match
24 the central database not less frequently than
25 once every 30 days, no cause of action shall lie

1 or be maintained in any court against the cov-
2 ered provider or its officers, employees, or
3 agents for claims deriving from omission from
4 consumer-facing logs of calls or text messages
5 any records of calls or text messages to covered
6 hotlines in the central database.

7 **SEC. 6. EFFECTIVE DATE.**

8 The requirements under section 345 of the Commu-
9 nications Act of 1934, as added by section 4 of this Act,
10 shall take effect 60 days after the date on which the Fed-
11 eral Communications Commission adopts the rules imple-
12 menting that section pursuant to section 5(b)(2) of this
13 Act.

14 **SEC. 7. SAVINGS CLAUSE.**

15 Nothing in this Act or the amendments made by this
16 Act shall be construed to abrogate, limit, or otherwise af-
17 fect the provisions set forth in the Communications Assist-
18 ance for Law Enforcement Act (Public Law 103–414; 108
19 Stat. 4279) and the amendments made by that Act, any
20 authority granted to the Commission pursuant to that Act
21 or the amendments made by that Act, or any regulations
22 promulgated by the Commission pursuant to that Act or
23 the amendments made by that Act.

○