AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 7132
OFFERED BY MR. WALBERG OF MICHIGAN

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

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

4 SEC. 2. DEFINITIONS.

Except as otherwise provided in this Act, terms used in this Act that are defined in section 345(a) of the Communications Act of 1934, as added by section 4 of this Act, have the meanings given those terms in such section 345(a).

10 SEC. 3. FINDINGS.

Congress finds the following:

12 (1) Domestic violence, dating violence, stalking, sexual assault, human trafficking, and related crimes are life-threatening issues and have lasting and harmful effects on individuals, families, and entire communities.

17 (2) Survivors often lack meaningful support and options when establishing independence from an
abuser, including barriers such as financial insecurity and limited access to reliable communications tools to maintain essential connections with family, social safety networks, employers, and support services.

(3) Perpetrators of violence and abuse described in paragraph (1) increasingly use technological and communications tools to exercise control over, monitor, and abuse their victims.

(4) Communications law can play a public interest role in the promotion of safety, life, and property with respect to the types of violence and abuse described in paragraph (1). For example, independent access to a wireless phone plan can assist survivors in establishing security and autonomy.

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

SEC. 4. PROTECTION OF DOMESTIC VIOLENCE SURVIVORS WITHIN COMMUNICATIONS SERVICES.

Part I of title III of the Communications Act of 1934 (47 U.S.C. 301 et seq.) is amended by adding at the end the following:
“SEC. 345. PROTECTION OF SURVIVORS OF DOMESTIC VIOLENCE, HUMAN TRAFFICKING, AND RELATED CRIMES.

“(a) DEFINITIONS.—In this section:

“(1) ABUSER.—The term ‘abuser’ means an individual who has committed or allegedly committed a covered act against—

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

“(B) an individual in the care of an individual who seeks relief under subsection (b).

“(2) COVERED ACT.—

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

“(i) a crime described in section 40002(a) of the Violence Against Women Act of 1994 (34 U.S.C. 12291(a)), including domestic violence, dating violence, sexual assault, stalking, and sex trafficking;

“(ii) an act or practice described in paragraph (11) or (12) of section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102) (relating to severe forms of trafficking in persons and sex trafficking, respectively); or
“(iii) an act under State law, Tribal law, or the Uniform Code of Military Justice that is similar to an offense described in clause (i) or (ii).

“(B) CONVICTION NOT REQUIRED.—Nothing in subparagraph (A) shall be construed to require a criminal conviction or any other determination of a court in order for conduct to constitute a covered act.

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

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

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

“(A) means a mobile service contract for an account that includes not less than 2 consumers; and

“(B) does not include enterprise services offered by a covered provider.
“(6) SURVIVOR.—The term ‘survivor’ means an individual who is not less than 18 years old and—

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

“(B) who cares for another individual against whom a covered act has been committed or allegedly committed (provided that the individual providing care did not commit or allegedly commit the covered act).

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

“(1) IN GENERAL.—Not later than 2 business days after receiving a completed line separation request from a survivor pursuant to subsection (c), a covered provider shall, as applicable, with respect to a shared mobile service contract under which the survivor and the abuser each use a line—

“(A) separate the line of the survivor, and the line of any individual in the care of the survivor, from the shared mobile service contract; or

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

“(2) LIMITATIONS ON PENALTIES, FEES, AND OTHER REQUIREMENTS.—Except as provided in
paragraphs (5) through (7), a covered provider may not make separation of a line from a shared mobile service contract under paragraph (1) contingent on any requirement other than the requirements under subsection (c), including—

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

“(B) maintaining contractual or billing responsibility of a separated line with the provider;

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

“(D) a prohibition or limitation, including one described in subparagraph (A), on number portability, provided such portability is technically feasible, or a request to change phone numbers;

“(E) a prohibition or limitation on the separation of lines as a result of arrears accrued by the account;

“(F) an increase in the rate charged for the mobile service plan of the primary account holder with respect to service on any remaining line or lines; or
“(G) any other limitation or requirement not listed under subsection (c).

“(3) RULE OF CONSTRUCTION.—Nothing in paragraph (2) shall be construed to require a covered provider to provide a rate plan for the primary account holder that is not otherwise commercially available.

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

“(5) RESPONSIBILITY FOR TRANSFERRED TELEPHONE NUMBERS.—Notwithstanding paragraph (2), beginning on the date on which a covered provider transfers billing responsibilities for and use of a telephone number or numbers to a survivor under paragraph (1)(A) in response to a line separation request submitted by the survivor under subsection (c), unless ordered otherwise by a court, the survivor shall assume financial responsibility, including for monthly service costs, for the transferred telephone number or numbers.
“(6) **Responsibility for transferred telephone numbers from a survivor’s account.**—Notwithstanding paragraph (2), upon the transfer of a telephone number under paragraph (1)(B) in response to a line separation request submitted by a survivor under subsection (c), the survivor shall have no further financial responsibilities to the transferring covered provider for the services provided by the transferring covered provider for the telephone number or for any mobile device associated with the telephone number.

“(7) **Responsibility for mobile device.**—Notwithstanding paragraph (2), beginning on the date on which a covered provider transfers billing responsibilities for and rights to a telephone number or numbers to a survivor under paragraph (1)(A) in response to a line separation request submitted by the survivor under subsection (c), unless otherwise ordered by a court, the survivor shall not assume financial responsibility for any mobile device associated with the separated line, unless the survivor purchased the mobile device, or affirmatively elects to maintain possession of the mobile device.

“(8) **Notice to survivor.**—If a covered provider separates a line from a shared mobile service
contract under paragraph (1) and the primary account holder is not the survivor, the covered provider shall notify the survivor of the date on which the covered provider intends to give any formal notice to the primary account holder.

“(c) LINE SEPARATION REQUEST.—

“(1) IN GENERAL.—In the case of a survivor seeking to separate a line from a shared mobile service contract, the survivor shall submit to the covered provider a line separation request that—

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

“(i) a copy of a signed affidavit from a licensed medical or mental health care provider, licensed military medical or mental health care provider, licensed social worker, victim services provider, or licensed military victim services provider, or an employee of a court, acting within the scope of that person’s employment; or

“(ii) a copy of a police report, statements provided by police, including milit-
tary police, to magistrates or judges, charging documents, protective or restraining orders, military protective orders, or any other official record that documents the covered act;

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

“(i) a line used by the survivor that the survivor seeks to have separated, states that the survivor is the user of that specific line; and

“(ii) a line used by an individual in the care of the survivor that the survivor seeks to have separated, includes an affidavit setting forth that the individual—

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

“(II) is the user of that specific line; and

“(C) requests relief under subparagraph (A) or (B) of subsection (b)(1) and identifies each line that should be separated.

“(2) COMMUNICATIONS FROM COVERED PROVIDERS.—
“(A) IN GENERAL.—A covered provider shall notify a survivor seeking relief under subsection (b) in clear and accessible language that the covered provider may contact the survivor, or designated representative of the survivor, to confirm the line separation, or if the covered provider is unable to complete the line separation for any reason, pursuant to subparagraphs (B) and (C).

“(B) REMOTE MEANS.—A covered provider shall notify a survivor under subparagraph (A) through remote means, provided that remote means are commercially available and technically feasible.

“(C) ELECTION OF MANNER OF CONTACT.—When completing a line separation request submitted by a survivor through remote means under paragraph (1), a covered provider shall allow the survivor to elect in the manner in which the covered provider may—

“(i) contact the survivor, or designated representative of the survivor, in response to the request, if necessary; or

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

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

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

“(1) IN GENERAL.—Notwithstanding section
222(c)(2), a covered provider and any officer, direc-
tor, employee, vendor, or agent thereof shall treat
any information submitted by a survivor under sub-
section (c) as confidential and securely dispose of
the information not later than 90 days after receiv-
ing the information.

“(2) RULE OF CONSTRUCTION.—Nothing in
paragraph (1) shall be construed to prohibit a cov-
ered provider from maintaining, for longer than the
period specified in that paragraph, a record that
verifies that a survivor fulfilled the conditions of a
line separation request under subsection (c).
“(e) Availability of Information to Consumers.—A covered provider shall make information about the options and process described in subsections (b) and (c) readily available to consumers—

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

“(2) in physical stores; and

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

“(f) Technical Infeasibility.—

“(1) In general.—The requirement to effectuate a line separation request pursuant to subsection (b)(1) shall not apply to a covered provider if the covered provider cannot operationally or technically effectuate the request.

“(2) Notification.—If a covered provider cannot operationally or technically effectuate a line separation request as described in paragraph (1), the covered provider shall—

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

“(i) at the time of the request; or

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

“(B) provide the survivor with information
about other alternatives to submitting a line
separation request, including starting a new
line of service.

“(g) LIABILITY PROTECTION.—

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

“(2) COMMISSION AUTHORITY.—Nothing in this
subsection shall limit the authority of the Commis-

SEC. 5. RULEMAKING ON PROTECTIONS FOR SURVIVORS
OF DOMESTIC VIOLENCE.

(a) DEFINITIONS.—In this section—

(1) the term “Affordable Connectivity Pro-
gram” means the program established under section
904(b) of division N of the Consolidated Appropri-
ations Act, 2021 (Public Law 116–260), as amended
by section 60502 of the Infrastructure Investment and Jobs Act (Public Law 117–58), or any successor program;

(2) the term “appropriate congressional committees” means the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives;

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

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

(5) the term “designated program” means the program designated by the Commission under subsection (b)(2)(A)(i) to provide emergency communications support to survivors;

(6) the term “Lifeline program” means the program set forth in subpart E of part 54 of title 47, Code of Federal Regulations (or any successor regulation);

(7) the term “text message” has the meaning given the term in section 227(e)(8) of the Communications Act of 1934 (47 U.S.C. 227(e)(8)); and
(8) the term “voice service” has the meaning given such term in section 4(a) of the Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act (47 U.S.C. 227b(a)).

(b) RULEMAKINGS.—

(1) LINE SEPARATIONS.—

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

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

(i) privacy protections;
(ii) account security and fraud detection;
(iii) account billing procedures;
(iv) procedures for notification of survivors about line separation processes;
(v) notice to primary account holders;
(vi) situations in which a covered provider cannot operationally or technically separate a telephone number or numbers from a shared mobile service contract such
that the provider cannot effectuate a line
separation request;

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

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

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

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

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

(xii) compliance with subpart U of
part 64 of title 47, Code of Federal Regu-
lations, or any successor regulations (relat-
ing to customer proprietary network infor-
mination) or any other legal or law enforce-
ment requirements; and
(xiii) ensuring covered providers have
the necessary account information to com-
ply with the rules and with section 345 of
the Communications Act of 1934, as added
by section 4 of this Act.

(2) Emergency communications support
for survivors.—

(A) In general.—Not later than 18
months after the date of enactment of this Act,
or as part of a general rulemaking proceeding
relating to the Lifeline program or the Affordable
Connectivity Program, whichever occurs
earlier, the Commission shall adopt rules that—

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

(ii) allow a survivor who is suffering
from financial hardship and meets the re-
quirements under section 345(c)(1) of the
Communications Act of 1934, as added by
section 4 of this Act, without regard to
whether the survivor meets the otherwise
applicable eligibility requirements of the
designated program, to—

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

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

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

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

(ii) confidentiality in the transfer and
retention of any necessary documentation
regarding the eligibility of a survivor to en-
roll in the designated program.

(C) EVALUATION.—Not later than 2 years
after completing the rulemaking under subpara-
graph (A), the Commission shall—
(i) evaluate the effectiveness of the Commission’s provision of support to survivors through the designated program;

(ii) assess the detection and elimination of fraud, waste, and abuse with respect to the support described in clause (i);

and

(iii) submit to the appropriate congressional committees a report that includes the evaluation and assessment described in clauses (i) and (ii), respectively.

(D) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to limit the ability of a survivor who meets the requirements under section 345(c)(1) of the Communications Act of 1934, as added by section 4 of this Act, to participate in the designated program indefinitely if the survivor otherwise qualifies for the designated program under the rules of the designated program.

(E) NOTIFICATION.—A covered provider that receives a line separation request pursuant to section 345 of the Communications Act of 1934, as added by section 4 of this Act, shall
inform the survivor who submitted the request of—

(i) the existence of the designated program;

(ii) who qualifies to participate in the designated program under the rules adopted under subparagraph (A) that are specially applicable to survivors; and

(iii) how to participate in the designated program under the rules described in clause (ii).

(3) HOTLINE CALLS.—

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

(i) establish, and update on a monthly basis, a central database of covered hotlines to be used by a covered provider or a wireline provider of voice service; and

(ii) require a covered provider or a wireline provider of voice service to omit from consumer-facing logs of calls or text messages any records of calls or text mes-
sages to covered hotlines in the central database described in clause (i), while maintaining internal records of those calls and messages.

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

1. the ability of law enforcement agencies or survivors to access a log of calls or text messages in a criminal investigation or civil proceeding;
2. the ability of a covered provider or a wireline provider of voice service to—
   (I) identify logs that are consumer-facing; and
   (II) omit certain consumer-facing logs, while maintaining internal records of such calls and text messages; and
3. any other factors associated with the implementation of clauses (i) and (ii) to protect survivors, including factors that may impact smaller providers.
(C) NO EFFECT ON LAW ENFORCEMENT.—

Nothing in subparagraph (A) shall be construed to—

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

(ii) alter or otherwise expand provider requirements under the Communications Assistance for Law Enforcement Act (Public Law 103–414; 108 Stat. 4279) or the amendments made by that Act.

(D) COMPLIANCE.—If the Commission establishes a central database through the rule-making under subparagraph (A) and a covered provider updates its own databases to match the central database not less frequently than once every 30 days, no cause of action shall lie or be maintained in any court against the covered provider or its officers, employees, or agents for claims deriving from omission from consumer-facing logs of calls or text messages of any records of calls or text messages to covered hotlines in the central database.
SEC. 6. EFFECTIVE DATE.

The requirements under section 345 of the Communications Act of 1934, as added by section 4 of this Act, shall take effect 60 days after the date on which the Federal Communications Commission adopts the rules implementing that section pursuant to section 5(b)(1) of this Act.

SEC. 7. SAVINGS CLAUSE.

Nothing in this Act or the amendments made by this Act shall be construed to abrogate, limit, or otherwise affect the provisions set forth in the Communications Assistance for Law Enforcement Act (Public Law 103–414; 108 Stat. 4279) and the amendments made by that Act, any authority granted to the Federal Communications Commission pursuant to that Act or the amendments made by that Act, or any regulations promulgated by the Federal Communications Commission pursuant to that Act or the amendments made by that Act.