

[Committee Print]

[SHOWING THE TEXT OF H.R. 7132 AS FORWARDED BY THE SUBCOMMITTEE
ON COMMUNICATIONS AND TECHNOLOGY ON JUNE 15, 2022]

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”.

1 **SEC. 2. DEFINITIONS.**

2 Except as otherwise provided in this Act, terms used
3 in this Act that are defined in section 345(a) of the Com-
4 munications Act of 1934, as added by section 4 of this
5 Act, have the meanings given those terms in such section
6 345(a).

7 **SEC. 3. FINDINGS.**

8 Congress finds the following:

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

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

21 (3) Perpetrators of violence and abuse described
22 in paragraph (1) increasingly use technological and
23 communications tools to exercise control over, mon-
24 itor, and abuse their victims.

25 (4) Communications law can play a public in-
26 terest role in the promotion of safety, life, and prop-

1 erty with respect to the types of violence and abuse
2 described in paragraph (1). For example, inde-
3 pendent access to a wireless phone plan can assist
4 survivors in establishing security and autonomy.

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

8 **SEC. 4. PROTECTION OF DOMESTIC VIOLENCE SURVIVORS**
9 **WITHIN COMMUNICATIONS SERVICES.**

10 Part I of title III of the Communications Act of 1934
11 (47 U.S.C. 301 et seq.) is amended by adding at the end
12 the following:

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

16 “(a) DEFINITIONS.—In this section:

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

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

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

24 “(2) COVERED ACT.—

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

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

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

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

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

23 “(3) COVERED PROVIDER.—The term ‘covered
24 provider’ means a provider of a private mobile serv-

1 ice or commercial mobile service, as those terms are
2 defined in section 332(d).

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

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

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

12 “(B) does not include enterprise services
13 offered by a covered provider.

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

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

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

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

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

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

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

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

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

22 “(B) maintaining contractual or billing re-
23 sponsibility of a separated line with the pro-
24 vider;

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

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

9 “(E) a prohibition or limitation on the sep-
10 aration of lines as a result of arrears accrued
11 by the account;

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

16 “(G) any other limitation or requirement
17 not listed under subsection (c).

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

23 “(4) REMOTE OPTION.—A covered provider
24 shall offer a survivor the ability to submit a line sep-
25 aration request under subsection (c) through secure

1 remote means that are easily navigable, provided
2 that remote options are commercially available and
3 technically feasible.

4 “(5) RESPONSIBILITY FOR TRANSFERRED
5 TELEPHONE NUMBERS.—Notwithstanding para-
6 graph (2), beginning on the date on which a covered
7 provider transfers billing responsibilities for and use
8 of a telephone number or numbers to a survivor
9 under paragraph (1)(A) in response to a line separa-
10 tion request submitted by the survivor under sub-
11 section (c), unless ordered otherwise by a court, the
12 survivor shall assume financial responsibility, includ-
13 ing for monthly service costs, for the transferred
14 telephone number or numbers.

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

1 “(7) RESPONSIBILITY FOR MOBILE DEVICE.—
2 Notwithstanding paragraph (2), beginning on the
3 date on which a covered provider transfers billing re-
4 sponsibilities for and rights to a telephone number
5 or numbers to a survivor under paragraph (1)(A) in
6 response to a line separation request submitted by
7 the survivor under subsection (c), unless otherwise
8 ordered by a court, the survivor shall not assume fi-
9 nancial responsibility for any mobile device associ-
10 ated with the separated line, unless the survivor pur-
11 chased the mobile device, or affirmatively elects to
12 maintain possession of the mobile device.

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

20 “(c) LINE SEPARATION REQUEST.—

21 “(1) IN GENERAL.—In the case of a survivor
22 seeking to separate a line from a shared mobile serv-
23 ice contract, the survivor shall submit to the covered
24 provider a line separation request that—

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

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

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

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

23 “(i) a line used by the survivor that
24 the survivor seeks to have separated, states

1 that the survivor is the user of that spe-
2 cific line; and

3 “(ii) a line used by an individual in
4 the care of the survivor that the survivor
5 seeks to have separated, includes an affi-
6 davit setting forth that the individual—

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

8 and

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

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

14 “(2) COMMUNICATIONS FROM COVERED PRO-
15 VIDERS.—

16 “(A) IN GENERAL.—A covered provider
17 shall notify a survivor seeking relief under sub-
18 section (b) in clear and accessible language that
19 the covered provider may contact the survivor,
20 or designated representative of the survivor, to
21 confirm the line separation, or if the covered
22 provider is unable to complete the line separa-
23 tion for any reason, pursuant to subparagraphs
24 (B) and (C).

1 “(B) REMOTE MEANS.—A covered provider
2 shall notify a survivor under subparagraph (A)
3 through remote means, provided that remote
4 means are commercially available and tech-
5 nically feasible.

6 “(C) ELECTION OF MANNER OF CON-
7 TACT.—When completing a line separation re-
8 quest submitted by a survivor through remote
9 means under paragraph (1), a covered provider
10 shall allow the survivor to elect in the manner
11 in which the covered provider may—

12 “(i) contact the survivor, or des-
13 igned representative of the survivor, in
14 response to the request, if necessary; or

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

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

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

3 “(1) IN GENERAL.—Notwithstanding section
4 222(c)(2), a covered provider and any officer, direc-
5 tor, employee, vendor, or agent thereof shall treat
6 any information submitted by a survivor under sub-
7 section (c) as confidential and securely dispose of
8 the information not later than 90 days after receiv-
9 ing the information.

10 “(2) RULE OF CONSTRUCTION.—Nothing in
11 paragraph (1) shall be construed to prohibit a cov-
12 ered provider from maintaining, for longer than the
13 period specified in that paragraph, a record that
14 verifies that a survivor fulfilled the conditions of a
15 line separation request under subsection (c).

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

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

22 “(2) in physical stores; and

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

25 “(f) TECHNICAL INFEASIBILITY.—

1 “(1) IN GENERAL.—The requirement to effec-
2 tuate a line separation request pursuant to sub-
3 section (b)(1) shall not apply to a covered provider
4 if the covered provider cannot operationally or tech-
5 nically effectuate the request.

6 “(2) NOTIFICATION.—If a covered provider can-
7 not operationally or technically effectuate a line sep-
8 aration request as described in paragraph (1), the
9 covered provider shall—

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

12 “(i) at the time of the request; or

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

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

21 “(g) LIABILITY PROTECTION.—

22 “(1) IN GENERAL.—A covered provider and any
23 officer, director, employee, vendor, or agent thereof
24 shall not be subject to liability for any claims deriv-
25 ing from an action taken or omission made with re-

1 spect to compliance with this section and the rules
2 adopted to implement this section.

3 “(2) COMMISSION AUTHORITY.—Nothing in this
4 subsection shall limit the authority of the Commis-
5 sion to enforce this section or any rules or regula-
6 tions promulgated by the Commission pursuant to
7 this section.”.

8 **SEC. 5. RULEMAKING ON PROTECTIONS FOR SURVIVORS**
9 **OF DOMESTIC VIOLENCE.**

10 (a) DEFINITIONS.—In this section—

11 (1) the term “Affordable Connectivity Pro-
12 gram” means the program established under section
13 904(b) of division N of the Consolidated Appropria-
14 tions Act, 2021 (Public Law 116–260), as amended
15 by section 60502 of the Infrastructure Investment
16 and Jobs Act (Public Law 117–58), or any suc-
17 cessor program;

18 (2) the term “appropriate congressional com-
19 mittees” means the Committee on Commerce,
20 Science, and Transportation of the Senate and the
21 Committee on Energy and Commerce of the House
22 of Representatives;

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

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

5 (5) the term “designated program” means the
6 program designated by the Commission under sub-
7 section (b)(2)(A)(i) to provide emergency commu-
8 nications support to survivors;

9 (6) the term “Lifeline program” means the pro-
10 gram set forth in subpart E of part 54 of title 47,
11 Code of Federal Regulations (or any successor regu-
12 lation);

13 (7) the term “text message” has the meaning
14 given the term in section 227(e)(8) of the Commu-
15 nications Act of 1934 (47 U.S.C. 227(e)(8)); and

16 (8) the term “voice service” has the meaning
17 given such term in section 4(a) of the Pallone-Thune
18 Telephone Robocall Abuse Criminal Enforcement
19 and Deterrence Act (47 U.S.C. 227b(a)).

20 (b) RULEMAKINGS.—

21 (1) LINE SEPARATIONS.—

22 (A) IN GENERAL.—Not later than 18
23 months after the date of enactment of this Act,
24 the Commission shall adopt rules to implement

1 section 345 of the Communications Act of
2 1934, as added by section 4 of this Act.

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

6 (i) privacy protections;

7 (ii) account security and fraud detec-
8 tion;

9 (iii) account billing procedures;

10 (iv) procedures for notification of sur-
11 vivors about line separation processes;

12 (v) notice to primary account holders;

13 (vi) situations in which a covered pro-
14 vider cannot operationally or technically
15 separate a telephone number or numbers
16 from a shared mobile service contract such
17 that the provider cannot effectuate a line
18 separation request;

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

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

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

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

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

11 (xii) compliance with subpart U of
12 part 64 of title 47, Code of Federal Regu-
13 lations, or any successor regulations (relat-
14 ing to customer proprietary network infor-
15 mation) or any other legal or law enforce-
16 ment requirements; and

17 (xiii) ensuring covered providers have
18 the necessary account information to com-
19 ply with the rules and with section 345 of
20 the Communications Act of 1934, as added
21 by section 4 of this Act.

22 (2) EMERGENCY COMMUNICATIONS SUPPORT
23 FOR SURVIVORS.—

24 (A) IN GENERAL.—Not later than 18
25 months after the date of enactment of this Act,

1 or as part of a general rulemaking proceeding
2 relating to the Lifeline program or the Afford-
3 able Connectivity Program, whichever occurs
4 earlier, the Commission shall adopt rules that—

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

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

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

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

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

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

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

16 (C) EVALUATION.—Not later than 2 years
17 after completing the rulemaking under subpara-
18 graph (A), the Commission shall—

19 (i) evaluate the effectiveness of the
20 Commission’s provision of support to sur-
21 vivors through the designated program;

22 (ii) assess the detection and elimi-
23 nation of fraud, waste, and abuse with re-
24 spect to the support described in clause (i);
25 and

1 (iii) submit to the appropriate con-
2 gressional committees a report that in-
3 cludes the evaluation and assessment de-
4 scribed in clauses (i) and (ii), respectively.

5 (D) RULE OF CONSTRUCTION.—Nothing in
6 this paragraph shall be construed to limit the
7 ability of a survivor who meets the require-
8 ments under section 345(c)(1) of the Commu-
9 nications Act of 1934, as added by section 4 of
10 this Act, to participate in the designated pro-
11 gram indefinitely if the survivor otherwise quali-
12 fies for the designated program under the rules
13 of the designated program.

14 (E) NOTIFICATION.—A covered provider
15 that receives a line separation request pursuant
16 to section 345 of the Communications Act of
17 1934, as added by section 4 of this Act, shall
18 inform the survivor who submitted the request
19 of—

20 (i) the existence of the designated pro-
21 gram;

22 (ii) who qualifies to participate in the
23 designated program under the rules adopt-
24 ed under subparagraph (A) that are spe-
25 cially applicable to survivors; and

1 (iii) how to participate in the des-
2 ignated program under the rules described
3 in clause (ii).

4 (3) HOTLINE CALLS.—

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

10 (i) establish, and update on a monthly
11 basis, a central database of covered hot-
12 lines to be used by a covered provider or
13 a wireline provider of voice service; and

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

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

1 (i) the ability of law enforcement
2 agencies or survivors to access a log of
3 calls or text messages in a criminal inves-
4 tigation or civil proceeding;

5 (ii) the ability of a covered provider or
6 a wireline provider of voice service to—

7 (I) identify logs that are con-
8 sumer-facing; and

9 (II) omit certain consumer-facing
10 logs, while maintaining internal
11 records of such calls and text mes-
12 sages; and

13 (iii) any other factors associated with
14 the implementation of clauses (i) and (ii)
15 to protect survivors, including factors that
16 may impact smaller providers.

17 (C) NO EFFECT ON LAW ENFORCEMENT.—

18 Nothing in subparagraph (A) shall be construed
19 to—

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

24 (ii) alter or otherwise expand provider
25 requirements under the Communications

1 Assistance for Law Enforcement Act (Pub-
2 lic Law 103–414; 108 Stat. 4279) or the
3 amendments made by that Act.

4 (D) COMPLIANCE.—If the Commission es-
5 tablishes a central database through the rule-
6 making under subparagraph (A) and a covered
7 provider updates its own databases to match
8 the central database not less frequently than
9 once every 30 days, no cause of action shall lie
10 or be maintained in any court against the cov-
11 ered provider or its officers, employees, or
12 agents for claims deriving from omission from
13 consumer-facing logs of calls or text messages
14 of any records of calls or text messages to cov-
15 ered hotlines in the central database.

16 **SEC. 6. EFFECTIVE DATE.**

17 The requirements under section 345 of the Commu-
18 nications Act of 1934, as added by section 4 of this Act,
19 shall take effect 60 days after the date on which the Fed-
20 eral Communications Commission adopts the rules imple-
21 menting that section pursuant to section 5(b)(1) of this
22 Act.

23 **SEC. 7. SAVINGS CLAUSE.**

24 Nothing in this Act or the amendments made by this
25 Act shall be construed to abrogate, limit, or otherwise af-

1 fect the provisions set forth in the Communications Assist-
2 ance for Law Enforcement Act (Public Law 103–414; 108
3 Stat. 4279) and the amendments made by that Act, any
4 authority granted to the Federal Communications Com-
5 mission pursuant to that Act or the amendments made
6 by that Act, or any regulations promulgated by the Fed-
7 eral Communications Commission pursuant to that Act or
8 the amendments made by that Act.