

117TH CONGRESS
1ST SESSION

S. 120

To prevent and respond to the misuse of communications services that facilitates domestic violence and other crimes.

IN THE SENATE OF THE UNITED STATES

JANUARY 28, 2021

Mr. SCHATZ (for himself, Mrs. FISCHER, Mr. SCOTT of Florida, Mr. BLUMENTHAL, and Ms. ROSEN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To prevent and respond to the misuse of communications services that facilitates domestic violence and other crimes.

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 2021”.

6 **SEC. 2. DEFINITIONS.**

7 Except as otherwise provided in this Act, terms used
8 in this Act that are defined in section 344(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
2 344(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. Communications law can play a
10 public interest role in the promotion of safety, life,
11 and property in this regard.

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

19 (3) Perpetrators of violence and abuse described
20 in paragraph (1) increasingly use technological and
21 communications tools to exercise control over, mon-
22 itor, and abuse their victims. Independent access to
23 a wireless phone plan can assist survivors in estab-
24 lishing security and autonomy.

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

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

6 Part I of title III of the Communications Act of 1934
 7 (47 U.S.C. 301 et seq.) is amended by adding at the end
 8 the following:

9 **“SECTION 344. PROTECTION OF SURVIVORS OF DOMESTIC**
 10 **VIOLENCE, HUMAN TRAFFICKING, AND RE-**
 11 **LATED CRIMES.**

12 “(a) DEFINITIONS.—In this section:

13 “(1) ABUSER.—The term ‘abuser’ means an in-
 14 dividual who has committed a covered act against—

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

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

19 “(2) COVERED ACT.—

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

22 “(i) a crime described in section
 23 40002(a) of the Violence Against Women
 24 Act of 1994 (34 U.S.C. 12291(a)), includ-

ing 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.

1 “(5) SURVIVOR.—The term ‘survivor’ means an
2 individual who is not less than 18 years old and—

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

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

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

11 “(1) IN GENERAL.—Not later than 48 hours
12 after receiving a line separation request from a sur-
13 vivor under subsection (c), a covered provider shall,
14 as applicable, with respect to a shared mobile service
15 contract under which the survivor and the abuser
16 each use a line—

17 “(A) separate the line of the survivor, and
18 the line of any individual in the care of the sur-
19 vivor, from the shared mobile service contract;
20 or

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

23 “(2) LIMITATIONS ON PENALTIES, FEES, AND
24 OTHER REQUIREMENTS.—A covered provider may
25 not make separation of a line from a shared mobile

1 service contract under paragraph (1) contingent on
2 any requirement other than the requirements under
3 subsection (c), including—

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

6 “(B) maintaining contractual or billing re-
7 sponsibility of a separated line with the pro-
8 vider;

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

12 “(D) a prohibition or limitation, including
13 one described in subparagraph (A), on number
14 portability, if such portability is technically fea-
15 sible, or a request to change phone numbers;

16 “(E) a prohibition or limitation on the sep-
17 aration of lines as a result of arrears accrued
18 by the account;

19 “(F) an increase in the rate charged for
20 the mobile service plan of the primary account
21 holder with respect to service on any remaining
22 line or lines; or

23 “(G) any other limitation or requirement
24 not listed under subsection (c).

1 “(3) NOTICE TO SURVIVOR.—If a covered pro-
 2 vider separates a line from a shared mobile service
 3 contract under paragraph (1) and the primary ac-
 4 count holder is not the survivor, the covered provider
 5 shall notify the survivor of the date on which the
 6 covered provider intends to give any formal notice to
 7 the primary account holder.

8 “(c) LINE SEPARATION REQUEST.—

9 “(1) IN GENERAL.—A survivor seeking relief
 10 under subsection (b) shall submit to the covered pro-
 11 vider a line separation request that—

12 “(A) verifies that an individual who uses a
 13 line under the shared mobile service contract
 14 has committed a covered act against the sur-
 15 vivor or an individual in the survivor’s care, by
 16 providing—

17 “(i) a copy of a signed affidavit from
 18 a licensed medical or mental health care
 19 provider, licensed military medical or men-
 20 tal health care provider, licensed social
 21 worker, licensed victim services provider, or
 22 licensed military victim services provider,
 23 or an employee of a court, acting within
 24 the scope of that person’s employment; or

1 “(ii) a copy of a police report, state-
 2 ments provided by police, including mili-
 3 tary police, to magistrates or judges,
 4 charging documents, protective or restrain-
 5 ing orders, military protective orders, or
 6 any other official record that documents
 7 the covered act; and

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

11 “(2) REMOTE OPTION.—A covered provider
 12 shall offer a survivor the ability to submit an opt-
 13 out request under paragraph (1) through secure re-
 14 mote means that are easily navigable.

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

22 “(d) CONFIDENTIAL AND SECURE TREATMENT OF
 23 PERSONAL INFORMATION.—A covered provider shall treat
 24 any information submitted by a survivor under subsection

1 (c) as confidential and securely dispose of the information
 2 not later than 90 days after receiving the information.

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

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

9 “(2) in physical stores; and

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

12 “(f) LIABILITY PROTECTION.—A covered provider
 13 and any officer, director, employee, vendor, or agent there-
 14 of shall not be subject to liability for any claims deriving
 15 from an action taken or omission made with respect to
 16 compliance with subsection (c).”.

17 **SEC. 5. RULEMAKING ON PROTECTIONS FOR SURVIVORS**
 18 **OF DOMESTIC VIOLENCE.**

19 (a) DEFINITIONS.—In this section—

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

1 (2) the term “Commission” means the Federal
2 Communications Commission;

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

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

10 (b) RULEMAKINGS.—

11 (1) IN GENERAL.—The Commission, after pub-
12 lic notice and an opportunity for comment, shall
13 adopt rules under paragraphs (2) and (3) that cre-
14 ate safeguards for survivors within communications
15 services.

16 (2) HOTLINE CALLS.—

17 (A) IN GENERAL.—Not later than 18
18 months after the date of enactment of this Act,
19 the Commission shall adopt rules that—

20 (i) require providers of wireless com-
21 munications services or wireline voice serv-
22 ices to omit from consumer-facing logs of
23 calls or text messages any records of calls
24 or text messages to covered hotlines, while

1 maintaining internal records of those calls
2 and messages; and

3 (ii) establish, and provide for updates
4 on a quarterly basis of, a central database
5 of covered hotlines to be used by providers
6 of wireless communications services or
7 wireline voice services in complying with
8 the rule described in clause (i).

9 (B) NO EFFECT ON LAW ENFORCE-
10 MENT.—Nothing in subparagraph (A) shall be
11 construed to limit or otherwise affect the ability
12 of a law enforcement agency to access a log of
13 calls or text messages in a criminal investiga-
14 tion.

15 (3) LINE SEPARATION.—

16 (A) IN GENERAL.—Not later than 1 year
17 after the date of enactment of this Act, the
18 Commission shall adopt rules that clarify the
19 process by which a covered provider separates a
20 line under section 344 of the Communications
21 Act of 1934, as added by section 4 of this Act.

22 (B) CONSIDERATIONS.—The rules adopted
23 under subparagraph (A) shall include consider-
24 ation of—

25 (i) privacy protections;

- 1 (ii) account security;
- 2 (iii) account billing procedures;
- 3 (iv) liability;
- 4 (v) procedures for notification of sur-
- 5 vivors about line separation processes;
- 6 (vi) timelines;
- 7 (vii) notice to account holders; and
- 8 (viii) situations in which a covered
- 9 provider cannot operationally or technically
- 10 effectuate a line separation request.

11 (4) LIFELINE PROGRAM.—

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 set forth in
16 subpart E of part 54 of title 47, Code of Fed-
17 eral Regulations (or any successor regulation),
18 whichever occurs earlier, the Commission shall
19 adopt rules that allow a survivor who meets the
20 requirements under section 344(c)(1) of the
21 Communications Act of 1934, as added by sec-
22 tion 4 of this Act, without regard to whether
23 the survivor meets the otherwise applicable eli-
24 gibility requirements of the Lifeline program,
25 to—

1 (i) enroll in the Lifeline program as
2 quickly as is feasible; and

3 (ii) participate in the Lifeline program
4 for not more than 6 months.

5 (B) EVALUATION.—Not later than 2 years
6 after completing the rulemaking under subpara-
7 graph (A), the Commission shall—

8 (i) evaluate the effectiveness of the
9 Commission’s provision of support to sur-
10 vivors through the Lifeline program;

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

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

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