

SAFE CONNECTIONS ACT OF 2022

JULY 26, 2022.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. PALLONE, from the Committee on Energy and Commerce, submitted the following

R E P O R T

[To accompany H.R. 7132]

The Committee on Energy and Commerce, to whom was referred the bill (H.R. 7132) to preserve safe access to communications services for survivors of domestic violence and other crimes, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

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

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).

SEC. 3. FINDINGS.

Congress finds the following:

(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.

(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 military 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 inability 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 protections for survivors (or any similar category of individuals) 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, director, employee, vendor, or agent thereof shall treat any information submitted by a survivor under subsection (c) as confidential and securely dispose of the information not later than 90 days after receiving the information.

“(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed to prohibit a covered 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 receiving 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 deriving from an action taken or omission made with respect 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 Commission to enforce this section or any rules or regulations promulgated by the Commission pursuant to this section.”.

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

(a) DEFINITIONS.—In this section—

(1) the term “Affordable Connectivity Program” means the program established under section 904(b) of division N of the Consolidated Appropriations 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 submission of a line separation request, including how that option facilitates submission 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, including those for small covered providers;

(x) financial responsibility for transferred telephone numbers;

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

(xii) compliance with subpart U of part 64 of title 47, Code of Federal Regulations, or any successor regulations (relating to customer propri-

etary network information) or any other legal or law enforcement requirements; and

(xiii) ensuring covered providers have the necessary account information to comply 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 provide emergency communications support to survivors in accordance with this paragraph; and

(ii) allow a survivor who is suffering from financial hardship and meets the requirements 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 program 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 enroll in the designated program.

(C) EVALUATION.—Not later than 2 years after completing the rulemaking under subparagraph (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 messages 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—
- (i) the ability of law enforcement agencies or survivors to access a log of calls or text messages in a criminal investigation or civil proceeding;
 - (ii) 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
 - (iii) 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 rulemaking 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.

I. PURPOSE AND SUMMARY

H.R. 7132, the “Safe Connections Act of 2022,” addresses digital abuse that can happen when an abuser shares a mobile phone service contract with their victim, giving the abuser access to sensitive information about the victim, including the phone numbers they use to communicate with and in some cases, their location. The legislation amends the Communications Act of 1934 (Communications Act) by requiring mobile service providers, after receiving a line separation request from a survivor of domestic violence, human trafficking, or other related crimes for a mobile service contract shared with an abuser, to 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 separate the line of the abuser from the shared mobile service contract. The legislation also directs the Federal Communications Commission (FCC) to issue rules, within 18 months of the Act’s enactment, implementing line separation requests from survivors of domestic violence, human trafficking, and other related crimes and to establish emergency communications support for these survivors suffering financial hardship for up to six months.

II. BACKGROUND AND NEED FOR LEGISLATION

One of the most important items a survivor of domestic violence, human trafficking, or other related crimes has when leaving an abusive relationship is their cell phone. It allows them to stay connected with family and friends and provides access to outside help and support networks. However, mobile family plans and other shared plans can also create vulnerabilities for survivors as these types of shared service plans can provide an opportunity for an abuser that is part of that plan to engage in other forms of abuse. Specifically, digital abuse, also known as technology-enabled coercive control, which is defined by the National Domestic Violence Hotline as “the use of technology and the Internet to bully, harass, stalk, intimidate, or control a partner.”¹ In a 2014 survey, 97 percent of survivor service providers indicated that the survivors seeking their services were being harassed, monitored, and threatened by perpetrators misusing technology.² More recent studies have indicated that 60 to 63 percent of woman have experienced technology-based abuse by an intimate partner.³ Providing survivors of domestic violence, human trafficking, and other related crimes with the ability to more easily separate from a shared mobile service contract they share with their abuser, as required by H.R. 7132, will help protect these survivors from further abuse and will ensure they can continue to have reliable connectivity.

III. COMMITTEE HEARINGS

For the purposes of section 3(c) of rule XIII of the Rules of the House of Representatives, the following hearings were used to develop or consider H.R. 7132:

The Subcommittee on Communications and Technology held a hearing on May 24, 2022. The hearing was entitled, “Strengthening Our Communications Networks: Legislation to Connect and Protect.” The Subcommittee received testimony from the following witnesses:

- Mark Gibson, Director, Business Development & Spectrum Policy, CommScope and Regulatory Officer of the OnGo Alliance;
- Anna M. Gomez, Partner, Wiley Rein LLP;
- Thomas E. Kadri, Ph.D., Assistant Professor, University of Georgia School of Law; and
- Alisa Valentin, Ph.D., Senior Director of Technology and Telecommunications, National Urban League.

IV. COMMITTEE CONSIDERATION

H.R. 7132, the “Safe Connections Act of 2022,” was introduced on March 17, 2022, by Representative Ann M. Kuster (D–NH) and Representative Anna G. Eshoo (D–CA) and was referred to the

¹National Domestic Violence Hotline, *Types of Abuse* (www.thehotline.org/resources/types-of-abuse/) (accessed July 14, 2022).

²National Network to End Domestic Violence, *A Glimpse From the Field: How Abusers Are Misusing Technology* (static1.squarespace.com/static/51dc541ce4b03ebab8c5c88c/t/54e3d1b6e4b08500fcb455a0/1424216502058/NNEDV_Glimpse+From+the+Field+-+2014.pdf) (accessed July 14, 2022).

³*Domestic Abusers Can Control Your Devices. Here’s How to Fight Back.*, New York Times (Apr. 6, 2020) (www.nytimes.com/2020/04/06/smarter-living/wirecutter/domestic-abusers-can-control-your-devices-heres-how-to-fight-back.html).

Committee on Energy and Commerce. Subsequently, on March 18, 2022, the bill was referred to the Subcommittee on Communications and Technology. A legislative hearing was held on May 24, 2022.

On June 15, 2022, the Subcommittee on Communications and Technology met in open markup session, pursuant to notice, to consider H.R. 7132 and five other bills. During consideration of the bill, an amendment in the nature of a substitute (AINS), offered by Representative Walberg (R-MI), was agreed to by a voice vote. Upon conclusion of consideration of the bill, the Subcommittee on Communications and Technology agreed to report the bill favorably to the full Committee, amended, by a roll call vote of 29 yeas to 0 nays.

On July 13, 2022, the full Committee met in open markup session, pursuant to notice, to consider H.R. 7132 and four other bills. No amendments were offered during consideration of the bill. Upon conclusion of consideration of the bill, the full Committee agreed to a motion on final passage offered by Representative Pallone, Chairman of the Committee, to order H.R. 7132 reported favorably to the House, amended, by a roll call vote of 53 yeas to 0 nays.

V. COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list each record vote on the motion to report legislation and amendments thereto. The Committee advises that there were two record votes taken on H.R. 7132, including a motion by Mr. Pallone ordering H.R. 7132 favorably reported to the House, as amended by the Subcommittee on Communications and Technology. The motion on final passage of the bill was approved by a record vote of 53 yeas to 0 nays. The following are the record votes taken during Committee consideration, including the names of those members voting for and against:

Committee on Energy and Commerce
117th Congress

Subcommittee on Communications and Technology

(ratio: 18-13)

ROLL CALL VOTE #3

Bill: **H.R. 7132**, the “Safe Connections Act of 2022”

Motion: A motion by Mr. Doyle of Pennsylvania to order **H.R. 7132** transmitted favorably to the full Committee, amended (Final Passage).

Disposition: **AGREED TO** by a roll call vote of 29 yeas to 0 nays

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Mr. Doyle	X			Mr. Latta	X		
Mr. McNerney	X			Mr. Scalise			
Ms. Clarke	X			Mr. Guthrie	X		
Mr. Veasey	X			Mr. Kinzinger			
Mr. McEachin	X			Mr. Bilirakis	X		
Mr. Soto	X			Mr. Johnson	X		
Mr. O'Halleran	X			Mr. Long	X		
Ms. Rice	X			Mr. Mullin	X		
Ms. Eshoo	X			Mr. Hudson	X		
Mr. Butterfield				Mr. Walberg	X		
Ms. Matsui	X			Mr. Carter	X		
Mr. Welch	X			Mr. Duncan	X		
Mr. Schrader	X			Mr. Curtis	X		
Mr. Cárdenas	X			Mrs. Rodgers	X		
Ms. Kelly	X						
Ms. Craig	X						
Ms. Fletcher	X						
Mr. Pallone	X						

06/15/22

Committee on Energy and Commerce
117th Congress

Full Committee
(ratio: 32-26)

ROLL CALL VOTE #131

Bill: **H.R. 7132**, the "Safe Connections Act"
Vote: Final Passage
Disposition: **AGREED TO** by a roll call vote of 53 yeas to 0 nays

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Mr. Pallone	X			Mrs. Rodgers	X		
Mr. Rush	X			Mr. Upton	X		
Ms. Eshoo	X			Mr. Burgess	X		
Ms. DeGette	X			Mr. Scalise			
Mr. Doyle	X			Mr. Latta	X		
Ms. Schakowsky	X			Mr. Guthrie	X		
Mr. Butterfield				Mr. McKinley	X		
Ms. Matsui	X			Mr. Kinzinger			
Ms. Castor	X			Mr. Griffith	X		
Mr. Sarbanes				Mr. Bilirakis	X		
Mr. McNerney	X			Mr. Johnson	X		
Mr. Welch	X			Mr. Long	X		
Mr. Tonko	X			Mr. Bucshon	X		
Ms. Clarke	X			Mr. Mullin	X		
Mr. Schrader	X			Mr. Hudson	X		
Mr. Cárdenas	X			Mr. Walberg	X		
Mr. Ruiz	X			Mr. Carter	X		
Mr. Peters	X			Mr. Duncan	X		
Mrs. Dingell	X			Mr. Palmer	X		
Mr. Veasey	X			Mr. Dunn	X		
Ms. Kuster	X			Mr. Curtis	X		
Ms. Kelly	X			Ms. Lesko	X		
Ms. Barragán	X			Mr. Pence	X		
Mr. McEachin	X			Mr. Crenshaw	X		
Ms. Blunt Rochester	X			Mr. Joyce	X		
Mr. Soto	X			Mr. Armstrong	X		
Mr. O'Halleran							
Ms. Rice	X						
Ms. Craig	X						
Ms. Schrier	X						
Ms. Trahan	X						
Ms. Fletcher	X						

VI. OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of rule XIII and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the oversight findings and recommendations of the Committee are reflected in the descriptive portion of the report.

VII. NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

Pursuant to 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee adopts as its own the estimate of new budget authority, entitlement authority, or tax expenditures or revenues contained in the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

The Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

VIII. FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

IX. STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII, the general performance goal or objective of this legislation is to amend the Communications Act by requiring mobile service providers, not later than two days after receiving a line separation request from a survivor of domestic violence, human trafficking, or other related crime, to complete the line separation request for a shared mobile service contract that the survivor shares with an abuser.

X. DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII, no provision of H.R. 7132 is known to be duplicative of another Federal program, including any program that was included in a report to Congress pursuant to section 21 of Public Law 111-139 or the most recent Catalog of Federal Domestic Assistance.

XI. COMMITTEE COST ESTIMATE

Pursuant to clause 3(d)(1) of rule XIII, the Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

XII. EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

Pursuant to clause 9(e), 9(f), and 9(g) of rule XXI, the Committee finds that H.R. 7132 contains no earmarks, limited tax benefits, or limited tariff benefits.

XIII. ADVISORY COMMITTEE STATEMENT

No advisory committee within the meaning of section 5(b) of the Federal Advisory Committee Act was created by this legislation.

XIV. APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

XV. SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

Section 1 designates that the short title may be cited as the “Safe Connections Act of 2022.”

Sec. 2. Definitions

Section 2 addresses how terms used in the bill are defined.

Sec. 3. Findings

Section 3 finds, among other things, that survivors of domestic violence, dating violence, stalking, sexual assault, human trafficking, and other related crimes often lack meaningful support and options when establishing independence from an abuser, including limited access to reliable communications tools to maintain essential connections with family, social safety networks, employers, and support services. This section also finds that perpetrators of violence and abuse increasingly use technological and communications tools to exercise control over, monitor, and abuse their victims and that communications law can play a public interest role in the promotion of safety, life, and property with respect to this type of violence and abuse.

Sec. 4. Protection of domestic violence survivors within communications services

Section 4 amends the Communications Act by requiring mobile service providers to separate the line of the survivor from a shared mobile service contract with the abuser after receiving a line separation request from a survivor of domestic violence, dating violence, stalking, sexual assault, human trafficking, and other related crimes. Section 4 also requires a survivor seeking to separate a line from a shared mobile service contract to provide certain verification information, but mandates that such information should be treated confidentially and be disposed of within 90 days. Section 4 further requires mobile service providers to make such information about line separation requests available on their website, physical stores, and other forms of public-facing consumer communication.

Sec. 5. Rulemaking on protections for survivors of domestic violence

Section 5 requires the FCC, within 18 months of the Act’s enactment, to issue rules on how carriers should implement line separation requests from domestic violence, dating violence, stalking, sexual assault, human trafficking, and other related crimes and to establish emergency communications support for these survivors.

Section 5 also requires the FCC to begin a rulemaking not later than 180 days after the Act’s enactment to consider whether and how to establish a central database of hotlines related to domestic violence, dating violence, stalking, sexual assault, human trafficking, and other related crimes that could be updated monthly and used by a mobile service provider or a wireline provider of voice service to omit the records of calls or text messages to such hotlines from consumer-facing logs of calls or text messages.

Sec. 6. Effective date

Section 6 mandates that the requirements under section 345 of the Communications Act, as added by section 4, will take effect 60 days after the date on which the FCC issues rules as required by section 5.

Sec. 7. Savings clause

Section 7 states that nothing in this Act or the amendments made by the Act should be construed as abrogating, limiting, or otherwise affecting the provisions set forth in the Communications Assistance for Law Enforcement Act (Public Law 103–414; 108 Stat. 4279).

XVI. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italics and existing law in which no change is proposed is shown in roman):

COMMUNICATIONS ACT OF 1934

* * * * *

**TITLE III—SPECIAL PROVISIONS
RELATING TO RADIO**

PART I—GENERAL PROVISIONS

* * * * *

**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 cov-

ered 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 military 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 inability 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 protections for survivors (or any similar category of individuals) 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, director, employee, vendor, or agent thereof shall treat any information submitted by a survivor under subsection (c) as confidential and securely dispose of the information not later than 90 days after receiving the information.

(2) *RULE OF CONSTRUCTION.*—Nothing in paragraph (1) shall be construed to prohibit a covered 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 receiving 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 deriving from an action taken or omission made with respect 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 Commission to enforce this sec-

tion or any rules or regulations promulgated by the Commission pursuant to this section.

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