

Calendar No. 193

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, Ms. ROSEN, and Mrs. CAPITO) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

DECEMBER 16, 2021

Reported by Ms. CANTWELL, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

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”.

1 **SEC. 2. DEFINITIONS.**

2 Except as otherwise provided in this Act, terms used
3 in this Act that are defined in section 344(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
6 344(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. Communications law can play a
14 public interest role in the promotion of safety, life,
15 and property in this regard.

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

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

1 a wireless phone plan can assist survivors in estab-
 2 lishing security and autonomy.

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

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

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

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

14 **“(a) DEFINITIONS.—**In this section:

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

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

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

21 **“(2) COVERED ACT.—**

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

24 **“(i)** a crime described in section
 25 40002(a) of the Violence Against Women

1 Act of 1994 (34 U.S.C. 12291(a)), includ-
 2 ing domestic violence, dating violence, sex-
 3 ual assault, stalking, and sex trafficking;

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

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

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

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

23 “(4) PRIMARY ACCOUNT HOLDER.—The term
 24 ‘primary account holder’ means an individual who is

1 a party to a mobile service contract with a covered
2 provider.

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

5 ~~“(A) against whom a covered act has been~~
6 ~~committed; or~~

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

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

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

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

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

1 “(2) LIMITATIONS ON PENALTIES, FEES, AND
2 OTHER REQUIREMENTS.—A covered provider may
3 not make separation of a line from a shared mobile
4 service contract under paragraph (1) contingent on
5 any requirement other than the requirements under
6 subsection (c), including—

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

9 “(B) maintaining contractual or billing re-
10 sponsibility of a separated line with the pro-
11 vider;

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

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

19 “(E) a prohibition or limitation on the sep-
20 aration of lines as a result of arrears accrued
21 by the account;

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

1 “(G) any other limitation or requirement
2 not listed under subsection (e).”

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

10 “(c) LINE SEPARATION REQUEST.—

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

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

19 “(i) a copy of a signed affidavit from
20 a licensed medical or mental health care
21 provider, licensed military medical or men-
22 tal health care provider, licensed social
23 worker, licensed victim services provider, or
24 licensed military victim services provider;

1 or an employee of a court, acting within
 2 the scope of that person's employment; or
 3 ~~“(ii) a copy of a police report, state-~~
 4 ~~ments provided by police, including mili-~~
 5 ~~tary police, to magistrates or judges,~~
 6 ~~charging documents, protective or restrain-~~
 7 ~~ing orders, military protective orders, or~~
 8 ~~any other official record that documents~~
 9 ~~the covered act; and~~

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

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

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

24 ~~“(d) CONFIDENTIAL AND SECURE TREATMENT OF~~
 25 ~~PERSONAL INFORMATION.—A covered provider shall treat~~

1 any information submitted by a survivor under subsection
 2 (e) as confidential and securely dispose of the information
 3 not later than 90 days after receiving the information.

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

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

10 “(2) in physical stores; and

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

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

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

20 (a) DEFINITIONS.—In this section—

21 (1) the term “appropriate congressional com-
 22 mittees” means the Committee on Commerce,
 23 Science, and Transportation of the Senate and the
 24 Committee on Energy and Commerce of the House
 25 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

maintaining internal records of those calls
and messages; and

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

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

(3) LINE SEPARATION.—

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

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

(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.

19 **SECTION 1. SHORT TITLE.**

20 *This Act may be cited as the “Safe Connections Act*
21 *of 2021”.*

22 **SEC. 2. DEFINITIONS.**

23 *Except as otherwise provided in this Act, terms used*
24 *in this Act that are defined in section 344(a) of the Commu-*

1 *nications Act of 1934, as added by section 4 of this Act,*
 2 *have the meanings given those terms in such section 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 crimes*
 7 *are life-threatening issues and have lasting and harm-*
 8 *ful effects on individuals, families, and entire commu-*
 9 *nities.*

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

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

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

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

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

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

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

11 **“SEC. 344. PROTECTION OF SURVIVORS OF DOMESTIC VIO-**
 12 **LENCE, HUMAN TRAFFICKING, AND RELATED**
 13 **CRIMES.**

14 *“(a) DEFINITIONS.—In this section:*

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

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

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

22 *“(2) COVERED ACT.—*

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

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

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

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

16 “(B) *CONVICTION NOT REQUIRED.*—Nothing
 17 in subparagraph (A) shall be construed to re-
 18 quire a criminal conviction or any other deter-
 19 mination of a court in order for conduct to con-
 20 stitute a covered act.

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

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

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

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

10 “(B) *does not include enterprise services of-*
 11 *fered by a covered provider.*

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

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

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

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

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

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

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

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

9 “(2) *LIMITATIONS ON PENALTIES, FEES, AND*
 10 *OTHER REQUIREMENTS.*—A covered provider may not
 11 make the separation of a line from a shared mobile
 12 service contract under paragraph (1) contingent on
 13 any requirement other than the requirements under
 14 subsection (c), including—

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

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

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

23 “(D) a prohibition or limitation, including
 24 one described in subparagraph (A), on number

1 *portability, if such portability is technically fea-*
 2 *sible, or a request to change phone numbers;*

3 “(E) *a prohibition or limitation on the sep-*
 4 *aration of lines as a result of arrears accrued by*
 5 *the account;*

6 “(F) *an increase in the rate charged for the*
 7 *mobile service plan of the primary account hold-*
 8 *er with respect to service on any remaining line*
 9 *or lines; or*

10 “(G) *any other limitation or requirement*
 11 *not listed under subsection (c).*

12 “(3) *RESPONSIBILITY FOR TRANSFERRED TELE-*
 13 *PHONE NUMBERS.—Notwithstanding paragraph (2),*
 14 *beginning on the date on which a covered provider*
 15 *transfers billing responsibilities for and rights to a*
 16 *telephone number or numbers to a survivor under*
 17 *paragraph (1)(A) in response to a line separation re-*
 18 *quest submitted by the survivor under subsection (c),*
 19 *the survivor shall assume financial responsibility, in-*
 20 *cluding for monthly service costs, for the transferred*
 21 *telephone number or numbers.*

22 “(4) *RESPONSIBILITY FOR TELEPHONE NUMBERS*
 23 *TRANSFERRED TO ANOTHER SERVICE PROVIDER.—*
 24 *Notwithstanding paragraph (2), upon the transfer of*
 25 *a telephone number under paragraph (1)(B) in re-*

1 *sponse to a line separation request submitted by a*
 2 *survivor under subsection (c), the survivor shall have*
 3 *no further financial responsibilities for the telephone*
 4 *number or for any mobile device associated with the*
 5 *telephone number.*

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

13 *“(c) LINE SEPARATION REQUEST.—*

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

17 *“(A) verifies that an individual who uses a*
 18 *line under the shared mobile service contract has*
 19 *committed or allegedly committed a covered act*
 20 *against the survivor or an individual in the sur-*
 21 *vivor’s care, by providing—*

22 *“(i) a copy of a signed affidavit from*
 23 *a licensed medical or mental health care*
 24 *provider, licensed military medical or men-*
 25 *tal health care provider, licensed social*

1 *worker, licensed victim services provider, or*
2 *licensed military victim services provider,*
3 *or an employee of a court, acting within the*
4 *scope of that person’s employment; or*

5 “(ii) *a copy of a police report, state-*
6 *ments provided by police, including mili-*
7 *tary police, to magistrates or judges, charg-*
8 *ing documents, protective or restraining or-*
9 *ders, military protective orders, or any*
10 *other official record that documents the cov-*
11 *ered act;*

12 “(B) *in the case of relief sought under sub-*
13 *section (b)(1)(A), with respect to—*

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

18 “(ii) *a line used by an individual in*
19 *the care of the survivor that the survivor*
20 *seeks to have separated—*

21 “(I) *includes an affidavit setting*
22 *forth that the individual is in the care*
23 *of the survivor; and*

1 “(II) a statement that the indi-
 2 vidual is the user of that specific line;
 3 and

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

7 “(2) *REMOTE OPTION*.—A covered provider shall
 8 offer a survivor the ability to submit a line separa-
 9 tion request under paragraph (1) through secure re-
 10 mote means that are easily navigable.

11 “(3) *ENHANCED PROTECTIONS UNDER STATE*
 12 *LAW*.—This subsection shall not affect any law or reg-
 13 ulation of a State providing communications protec-
 14 tions for survivors (or any similar category of indi-
 15 viduals) that has less stringent requirements for pro-
 16 viding evidence of a covered act (or any similar cat-
 17 egory of conduct) than this subsection.

18 “(d) *CONFIDENTIAL AND SECURE TREATMENT OF*
 19 *PERSONAL INFORMATION*.—Notwithstanding section
 20 222(b), a covered provider shall treat any information sub-
 21 mitted by a survivor under subsection (c) as confidential
 22 and securely dispose of the information not later than 90
 23 days after receiving the information.

24 “(e) *AVAILABILITY OF INFORMATION TO CON-*
 25 *SUMERS*.—A covered provider shall make information about

1 *the options and process described in subsections (b) and (c)*
 2 *readily available to consumers—*

3 “(1) *on the website and any mobile application*
 4 *of the provider;*

5 “(2) *in physical stores; and*

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

8 “(f) *TECHNICAL INFEASIBILITY.—*

9 “(1) *IN GENERAL.—The requirement to effectuate*
 10 *a line separation request pursuant to subsection*
 11 *(b)(1) shall not apply to a covered provider if the cov-*
 12 *ered provider cannot operationally or technically ef-*
 13 *fectuate the request.*

14 “(2) *NOTIFICATION.—If a covered provider can-*
 15 *not operationally or technically effectuate a line sepa-*
 16 *ration request as described in paragraph (1), the cov-*
 17 *ered provider shall notify the individual who sub-*
 18 *mitted the request of that infeasibility as soon as is*
 19 *reasonably possible, and in any event not later than*
 20 *48 hours after receiving the request.*

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 to a survivor or any*
 25 *other person for any claims deriving from an action*

1 *taken or omission made with respect to compliance*
 2 *with subsection (c).*

3 “(2) *COMMISSION AUTHORITY.*—*Nothing in this*
 4 *subsection shall limit the authority of the Commission*
 5 *to prosecute violations of this section or any rules or*
 6 *regulations promulgated by the Commission pursuant*
 7 *to this section.”.*

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

10 (a) *DEFINITIONS.*—*In this section—*

11 (1) *the term “appropriate congressional commit-*
 12 *tees” means the Committee on Commerce, Science,*
 13 *and Transportation of the Senate and the Committee*
 14 *on Energy and Commerce of the House of Representa-*
 15 *tives;*

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

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

22 (4) *the term “Lifeline program” means the pro-*
 23 *gram set forth in subpart E of part 54 of title 47,*
 24 *Code of Federal Regulations (or any successor regula-*
 25 *tion); and*

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

4 (b) RULEMAKINGS.—

5 (1) HOTLINE CALLS.—

6 (A) IN GENERAL.—Not later than 180 days
 7 after the date of enactment of this Act, the Com-
 8 mission shall commence a rulemaking to con-
 9 sider whether to—

10 (i) require providers of wireless com-
 11 munications services or wireline voice serv-
 12 ices to omit from consumer-facing logs of
 13 calls or text messages any records of calls or
 14 text messages to covered hotlines, while
 15 maintaining internal records of those calls
 16 and messages; and

17 (ii) establish, and provide for updates
 18 on a quarterly basis of, a central database
 19 of covered hotlines to be used by providers
 20 of wireless communications services or
 21 wireline voice services in complying with
 22 the rule described in clause (i).

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

1 *(i) the ability of law enforcement agen-*
 2 *cies or survivors to access a log of calls or*
 3 *text messages in a criminal investigation or*
 4 *civil proceeding;*

5 *(ii) the ability of providers of wireless*
 6 *communication services or wireline voice*
 7 *services to—*

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

10 *(II) omit certain consumer-facing*
 11 *logs, while maintaining internal*
 12 *records of such calls and text messages;*
 13 *and*

14 *(iii) any other factors associated with*
 15 *the implementation of clauses (i) and (ii) to*
 16 *protect survivors of domestic violence, in-*
 17 *cluding factors that may impact smaller*
 18 *providers.*

19 *(C) NO EFFECT ON LAW ENFORCEMENT.—*
 20 *Nothing in subparagraph (A) shall be construed*
 21 *to—*

22 *(i) limit or otherwise affect the ability*
 23 *of a law enforcement agency to access a log*
 24 *of calls or text messages in a criminal in-*
 25 *vestigation; 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.

(2) *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 344 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) liability;
- (v) procedures for notification of survivors about line separation processes;
- (vi) the requirements for remote submission of a line separation request, including how that option facilitates submission of verification information and meets the

1 *other requirements of section 344 of the*
 2 *Communications Act of 1934, as added by*
 3 *section 4 of this Act;*

4 *(vii) implementation timelines, based*
 5 *on provider size and geographic reach;*

6 *(viii) notice to account holders;*

7 *(ix) situations in which a covered pro-*
 8 *vider cannot operationally or technically*
 9 *separate a telephone number or numbers*
 10 *from a shared service plan such that the*
 11 *provider cannot effectuate a line separation*
 12 *request;*

13 *(x) financial responsibility for trans-*
 14 *ferred telephone numbers; and*

15 *(xi) whether and how the survivor can*
 16 *elect to take financial responsibility for the*
 17 *mobile device associated with the separated*
 18 *line.*

19 *(3) LIFELINE PROGRAM.—*

20 *(A) IN GENERAL.—Not later than 18*
 21 *months after the date of enactment of this Act,*
 22 *or as part of a general rulemaking proceeding*
 23 *relating to the Lifeline program set forth in sub-*
 24 *part E of part 54 of title 47, Code of Federal*
 25 *Regulations (or any successor regulation), which-*

1 *ever occurs earlier, the Commission shall adopt*
 2 *rules that allow a survivor suffering from finan-*
 3 *cial hardship who meets the requirements under*
 4 *section 344(c)(1) of the Communications Act of*
 5 *1934, as added by section 4 of this Act, without*
 6 *regard to whether the survivor meets the other-*
 7 *wise applicable eligibility requirements of the*
 8 *Lifeline program, to—*

9 *(i) enroll in the Lifeline program as*
 10 *quickly as is feasible; and*

11 *(ii) participate in the Lifeline pro-*
 12 *gram based on such qualifications for not*
 13 *more than 6 months.*

14 *(B) EVALUATION.—Not later than 2 years*
 15 *after completing the rulemaking under subpara-*
 16 *graph (A), the Commission shall—*

17 *(i) evaluate the effectiveness of the*
 18 *Commission's provision of support to sur-*
 19 *vivors through the Lifeline program;*

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

24 *(iii) submit to the appropriate congres-*
 25 *sional committees a report that includes the*

1 *evaluation and assessment described in*
 2 *clauses (i) and (ii), respectively.*

3 (C) *RULE OF CONSTRUCTION.*—*Nothing in*
 4 *this paragraph shall be construed to limit the*
 5 *ability of a survivor who meets the requirements*
 6 *under section 344(c)(1) of the Communications*
 7 *Act of 1934, as added by section 4 of this Act,*
 8 *to participate in the Lifeline program indefi-*
 9 *nitely if the individual otherwise qualifies for the*
 10 *Lifeline program under the rules of the program.*

11 (D) *NOTIFICATION.*—*A provider of wireless*
 12 *communications services that receives a line sep-*
 13 *aration request pursuant to section 344 of the*
 14 *Communications Act of 1934, as added by sec-*
 15 *tion 4 of this Act, shall inform the individual*
 16 *who submitted the request of—*

17 (i) *the existence of the Lifeline pro-*
 18 *gram;*

19 (ii) *who qualifies to participate in the*
 20 *Lifeline program; and*

21 (iii) *how to participate in the Lifeline*
 22 *program.*

23 **SEC. 6. EFFECTIVE DATE.**

24 *The requirements under section 344 of the Commu-*
 25 *nications Act of 1934, as added by section 4 of this Act,*

1 *shall take effect 60 days after the date on which the Federal*
2 *Communications Commission adopts the rules imple-*
3 *menting that section pursuant to section 5(b)(2) of this Act.*

4 **SEC. 7. SAVINGS CLAUSE.**

5 *Nothing in this Act or the amendments made by this*
6 *Act shall be construed to abrogate, limit, or otherwise affect*
7 *the provisions set forth in the Communications Assistance*
8 *for Law Enforcement Act (Public Law 103–414; 108 Stat.*
9 *4279) and the amendments made by that Act, any authority*
10 *granted to the Commission pursuant to that Act or the*
11 *amendments made by that Act, or any regulations promul-*
12 *gated by the Commission pursuant to that Act or the*
13 *amendments made by that Act.*

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117TH CONGRESS
1ST Session

S. 120

A BILL

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

DECEMBER 16, 2021

Reported with an amendment