

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—117th Cong., 2d Sess.

S. 120

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

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. SCHATZ (for himself and Mrs. FISCHER)

Viz:

1 Strike all after the enacting clause and insert the following:
2

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. DEFINITIONS.**

7 Except as otherwise provided in this Act, terms used
8 in this Act that are defined in section 345(a) of the Com-
9 munications Act of 1934, as added by section 4 of this
10 Act, have the meanings given those terms in such section
11 345(a).

1 **SEC. 3. FINDINGS.**

2 Congress finds the following:

3 (1) Domestic violence, dating violence, stalking,
4 sexual assault, human trafficking, and related
5 crimes are life-threatening issues and have lasting
6 and harmful effects on individuals, families, and en-
7 tire communities.

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

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

19 (4) Communications law can play a public in-
20 terest role in the promotion of safety, life, and prop-
21 erty with respect to the types of violence and abuse
22 described in paragraph (1). For example, inde-
23 pendent access to a wireless phone plan can assist
24 survivors in establishing security and autonomy.

1 ing domestic violence, dating violence, sex-
2 ual assault, stalking, and sex trafficking;

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

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

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

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

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

1 “(5) SHARED MOBILE SERVICE CONTRACT.—

2 The term ‘shared mobile service contract’—

3 “(A) means a mobile service contract for
4 an account that includes not less than 2 con-
5 sumers; and

6 “(B) does not include enterprise services
7 offered by a covered provider.

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

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

12 “(B) who cares for another individual
13 against whom a covered act has been committed
14 or allegedly committed (provided that the indi-
15 vidual providing care did not commit or alleg-
16 edly commit the covered act).

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

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

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

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

7 “(2) LIMITATIONS ON PENALTIES, FEES, AND
8 OTHER REQUIREMENTS.—Except as provided in
9 paragraphs (5) through (8), a covered provider may
10 not make separation of a line from a shared mobile
11 service contract under paragraph (1) contingent on
12 any requirement other than the requirements under
13 subsection (c), including—

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

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

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

22 “(D) a prohibition or limitation, including
23 one described in subparagraph (A), on number
24 portability, provided such portability is tech-

1 nically feasible, or a request to change phone
2 numbers;

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

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

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

12 “(3) RULE OF CONSTRUCTION.—Nothing in
13 paragraph (2) shall be construed to require a cov-
14 ered provider to provide a rate plan for the primary
15 account holder that is not otherwise commercially
16 available.

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

23 “(5) RESPONSIBILITY FOR TRANSFERRED
24 TELEPHONE NUMBERS.—Notwithstanding para-
25 graph (2), beginning on the date on which a covered

1 provider transfers billing responsibilities for and
2 rights to a telephone number or numbers to a sur-
3 vivor under paragraph (1)(A) in response to a line
4 separation request submitted by the survivor under
5 subsection (c), unless ordered otherwise by a court,
6 the survivor shall assume financial responsibility, in-
7 cluding for monthly service costs, for the transferred
8 telephone number or numbers.

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

20 “(7) RESPONSIBILITY FOR MOBILE DEVICE.—
21 Notwithstanding paragraph (2), beginning on the
22 date on which a covered provider transfers billing re-
23 sponsibilities for and rights to a telephone number
24 or numbers to a survivor under paragraph (1)(A) in
25 response to a line separation request submitted by

1 the survivor under subsection (c), unless otherwise
2 ordered by a court, the survivor shall not assume fi-
3 nancial responsibility for any mobile device associ-
4 ated with the separated line, unless the survivor pur-
5 chased the mobile device, or affirmatively elects to
6 maintain possession of the mobile device.

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

14 “(c) LINE SEPARATION REQUEST.—

15 “(1) IN GENERAL.—A survivor shall submit to
16 the covered provider a line separation request that—

17 “(A) verifies that an individual who uses a
18 line under the shared mobile service contract
19 has committed or allegedly committed a covered
20 act against the survivor or an individual in the
21 survivor’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, victim services provider, or licensed
2 military victim services provider, or an em-
3 ployee of a court, acting within the scope
4 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,
8 charging documents, protective or restrain-
9 ing orders, military protective orders, or
10 any other official record that documents
11 the covered act;

12 “(B) in the case of relief sought under
13 subsection (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 spe-
17 cific 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, includes an affi-
21 davit setting forth that the individual—

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

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

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

4 “(2) COMMUNICATIONS FROM COVERED PRO-
5 VIDERS.—

6 “(A) IN GENERAL.—A covered provider
7 shall notify a survivor seeking relief under sub-
8 section (b) in clear and accessible language that
9 the covered provider may contact the survivor,
10 or designated representative of the survivor, to
11 confirm the line separation, or if the covered
12 provider is unable to complete the line separa-
13 tion for any reason, pursuant to subparagraphs
14 (B) and (C).

15 “(B) REMOTE MEANS.—A covered provider
16 shall notify a survivor under subparagraph (A)
17 through remote means, provided that remote
18 means are commercially available and tech-
19 nically feasible.

20 “(C) ELECTION OF MANNER OF CON-
21 TACT.—When completing a line separation re-
22 quest submitted by a survivor through remote
23 means under paragraph (1), a covered provider
24 shall allow the survivor to elect in the manner
25 in which the covered provider may—

1 “(i) contact the survivor, or des-
2 ignated representative of the survivor, in
3 response to the request, if necessary; or

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

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

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

17 “(1) IN GENERAL.—Notwithstanding section
18 222(c)(2), a covered provider and any officer, direc-
19 tor, employee, vendor, or agent thereof shall treat
20 any information submitted by a survivor under sub-
21 section (c) as confidential and securely dispose of
22 the information not later than 90 days after receiv-
23 ing the information.

24 “(2) RULE OF CONSTRUCTION.—Nothing in
25 paragraph (1) shall be construed to prohibit a cov-

1 ered provider from maintaining, for longer than the
2 period specified in that paragraph, a record that
3 verifies that a survivor fulfilled the conditions of a
4 line separation request under subsection (c).

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

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

11 “(2) in physical stores; and

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

14 “(f) TECHNICAL INFEASIBILITY.—

15 “(1) IN GENERAL.—The requirement to effec-
16 tuate a line separation request pursuant to sub-
17 section (b)(1) shall not apply to a covered provider
18 if the covered provider cannot operationally or tech-
19 nically effectuate the request.

20 “(2) NOTIFICATION.—If a covered provider can-
21 not operationally or technically effectuate a line sep-
22 aration request as described in paragraph (1), the
23 covered provider shall—

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

1 “(i) at the time of the request; or

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

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

10 “(g) LIABILITY PROTECTION.—

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

17 “(2) COMMISSION AUTHORITY.—Nothing in this
18 subsection shall limit the authority of the Commis-
19 sion to enforce this section or any rules or regula-
20 tions promulgated by the Commission pursuant to
21 this section.”.

22 **SEC. 5. RULEMAKING ON PROTECTIONS FOR SURVIVORS**
23 **OF DOMESTIC VIOLENCE.**

24 (a) DEFINITIONS.—In this section—

1 (1) the term “Affordable Connectivity Pro-
2 gram” means the program established under section
3 904(b) of division N of the Consolidated Appropria-
4 tions Act, 2021 (Public Law 116–260), as amended
5 by section 60502 of the Infrastructure Investment
6 and Jobs Act (Public Law 117–58), or any suc-
7 cessor program;

8 (2) the term “appropriate congressional com-
9 mittees” means the Committee on Commerce,
10 Science, and Transportation of the Senate and the
11 Committee on Energy and Commerce of the House
12 of Representatives;

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

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

19 (5) the term “designated program” means the
20 program designated by the Commission under sub-
21 section (c)(3)(A)(i) to provide emergency commu-
22 nications support to survivors;

23 (6) the term “Lifeline program” means the pro-
24 gram set forth in subpart E of part 54 of title 47,

1 Code of Federal Regulations (or any successor regu-
2 lation); and

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

6 (b) RULEMAKINGS.—

7 (1) LINE SEPARATIONS.—

8 (A) IN GENERAL.—Not later than 18
9 months after the date of enactment of this Act,
10 the Commission shall adopt rules to implement
11 section 345 of the Communications Act of
12 1934, as added by section 4 of this Act.

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

16 (i) privacy protections;

17 (ii) account security and fraud detec-
18 tion;

19 (iii) account billing procedures;

20 (iv) procedures for notification of sur-
21 vivors about line separation processes;

22 (v) notice to account holders;

23 (vi) situations in which a covered pro-
24 vider cannot operationally or technically
25 separate a telephone number or numbers

1 from a shared service plan such that the
2 provider cannot effectuate a line separation
3 request;

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

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

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

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

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

21 (xii) compliance with subpart U of
22 part 64 of title 47, Code of Federal Regu-
23 lations, or any successor regulations (relat-
24 ing to customer proprietary network infor-

1 section 4 of this Act, without regard to
2 whether the survivor meets the otherwise
3 applicable eligibility requirements of the
4 designated program, to—

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

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

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

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

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

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

4 (i) evaluate the effectiveness of the
5 Commission’s provision of support to sur-
6 vivors through the designated program;

7 (ii) assess the detection and elimi-
8 nation of fraud, waste, and abuse with re-
9 spect to the support described in clause (i);
10 and

11 (iii) submit to the appropriate con-
12 gressional committees a report that in-
13 cludes the evaluation and assessment de-
14 scribed in clauses (i) and (ii), respectively.

15 (D) RULE OF CONSTRUCTION.—Nothing in
16 this paragraph shall be construed to limit the
17 ability of a survivor who meets the require-
18 ments under section 345(c)(1) of the Commu-
19 nications Act of 1934, as added by section 4 of
20 this Act, to participate in the designated pro-
21 gram indefinitely if the survivor otherwise quali-
22 fies for the designated program under the rules
23 of the designated program.

24 (E) NOTIFICATION.—A provider of wireless
25 communications services that receives a line

1 separation request pursuant to section 345 of
2 the Communications Act of 1934, as added by
3 section 4 of this Act, shall inform the survivor
4 who submitted the request of—

5 (i) the existence of the designated pro-
6 gram;

7 (ii) who qualifies to participate in the
8 designated program under the rules adopt-
9 ed under subparagraph (A) that are spe-
10 cially applicable to survivors; and

11 (iii) how to participate in the des-
12 ignated program under the rules described
13 in clause (ii).

14 (3) HOTLINE CALLS.—

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

20 (i) establish, and update on a monthly
21 basis, a central database of covered hot-
22 lines to be used by providers of wireless
23 communications services or wireline voice
24 services; and

1 (ii) require providers of wireless com-
2 munications services or wireline voice serv-
3 ices to omit from consumer-facing logs of
4 calls or text messages any records of calls
5 or text messages to covered hotlines in the
6 central database described in clause (i),
7 while maintaining internal records of those
8 calls and messages.

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

12 (i) the ability of law enforcement
13 agencies or survivors to access a log of
14 calls or text messages in a criminal inves-
15 tigation or civil proceeding;

16 (ii) the ability of providers of wireless
17 communication services or wireline voice
18 services to—

19 (I) identify logs that are con-
20 sumer-facing; and

21 (II) omit certain consumer-facing
22 logs, while maintaining internal
23 records of such calls and text mes-
24 sages; and

1 (iii) any other factors associated with
2 the implementation of clauses (i) and (ii)
3 to protect survivors of domestic violence,
4 including factors that may impact smaller
5 providers.

6 (C) NO EFFECT ON LAW ENFORCEMENT.—
7 Nothing in subparagraph (A) shall be construed
8 to—

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

13 (ii) alter or otherwise expand provider
14 requirements under the Communications
15 Assistance for Law Enforcement Act (Pub-
16 lic Law 103–414; 108 Stat. 4279) or the
17 amendments made by that Act.

18 (D) COMPLIANCE.—If the Commission es-
19 tablishes a central database through the rule-
20 making under subparagraph (A) and a covered
21 provider updates its own databases to match
22 the central database not less frequently than
23 once every 30 days, no cause of action shall lie
24 or be maintained in any court against the cov-
25 ered provider or its officers, employees, or

1 agents for claims deriving from omission from
2 consumer-facing logs of calls or text messages
3 any records of calls or text messages to covered
4 hotlines in the central database.

5 **SEC. 6. EFFECTIVE DATE.**

6 The requirements under section 345 of the Commu-
7 nications Act of 1934, as added by section 4 of this Act,
8 shall take effect 60 days after the date on which the Fed-
9 eral Communications Commission adopts the rules imple-
10 menting that section pursuant to section 5(b)(2) of this
11 Act.

12 **SEC. 7. SAVINGS CLAUSE.**

13 Nothing in this Act or the amendments made by this
14 Act shall be construed to abrogate, limit, or otherwise af-
15 fect the provisions set forth in the Communications Assist-
16 ance for Law Enforcement Act (Public Law 103–414; 108
17 Stat. 4279) and the amendments made by that Act, any
18 authority granted to the Commission pursuant to that Act
19 or the amendments made by that Act, or any regulations
20 promulgated by the Commission pursuant to that Act or
21 the amendments made by that Act.