

April 28, 2021

The Honorable Maria Cantwell
Chair
Senate Committee on Commerce, Science,
and Transportation
Washington, DC 20515

The Honorable Roger Wicker
Ranking Member
Senate Committee on Commerce, Science,
and Transportation
Washington, DC 20515

Re: S. 120, Safe Connections Act – Support

Dear Chair Cantwell and Ranking Member Wicker:

According to the Center for Disease Control, tens of millions of Americans have survived physical violence, contact sexual violence, or stalking by an intimate partner.¹ A major vulnerability for many of these victims is being unable to effectively escape due to the amount of information shared on family plans with cell phone carriers. Early termination fees, high costs of switching accounts, and even built in “parental” control applications facilitated the abuse within a family plan between survivors and abusers. While some state laws, such as those in Hawaii and New York,² allow survivors to leave shared family plans, most states do not.

As a result, last year the EFF joined with the Clinic to End Tech Abuse and others dedicated to protecting survivors called on Congress³ to pass a federal law that achieves the following goals:

- 1) Give survivors and children in their care a right to get out of family plans immediately, remotely, and for free.
- 2) Require phone companies to apply strong privacy protections to any information about the abuse.
- 3) Not impose burdensome or traumatizing requirements for survivors to give evidence of the abuse to the phone company.
- 4) Let survivors keep their numbers to stay connected.
- 5) Require phone companies to train their employees about these rights and give information to their customers about getting out of family plans in abuse situations.

The legislation before your committee, the Safe Connections Act (S. 120), makes significant progress on achieving many of these goals the victims’ rights advocacy community has called on Congress to pass. We thank the Senate sponsors for their tireless work for the unempowered in this regard despite well-funded telecom industry opposition. We support its passage at the upcoming markup.

¹ Centers for Disease Control, “National Intimate Partner and Sexual Violence Survey: 2015 Data Brief – Updated Release,” Nov. 2018, <https://www.cdc.gov/violenceprevention/pdf/2015data-brief508.pdf>, pp. 7-10.

² N.Y. Gen. Bus. L. § 399-yyy, https://nyassembly.gov/leg/?default_fld=&leg_video=&bn=A05318&term=2019&Summary=Y; Haw. Rev. Stat. § 269, as amended https://www.capitol.hawaii.gov/session2015/bills/HB538_CD1_.HTM.

³ Letter to Chairman Wicker and Ranking Member Cantwell calling for legislation to protect survivors (Aug. 20, 2020), available at https://82beb9a6-b7db-490a-88be-9f149baf221.filesusr.com/ugd/c4e6d5_8e1f1a0110e04e92912ee6fbef347423.pdf.

However, more work specifically on the evidentiary showing required of victims to obtain this benefit, is needed to ensure this is not a protection that is inaccessible to victims unwilling to share their trauma with a phone company. There is little reason a telecommunications carrier, already subject to number line portability requirements when moving accounts between companies, cannot replicate such a seamless process when a paying customer is wants to move an account within the same carrier. There is also little reason such a process cannot be made secure within the carrier without requiring a victim to share their abuse with a corporation. Requiring an affidavit to be handed over to a third party may sound trivial, but there is real concern that this will suppress the use of this law once enacted. Therefore, we ask that the Senate authors and the industry continue to work with the victims' rights community and technologists that support this legislation going forward to come up with a privacy protective process.

Sincerely,

Electronic Frontier Foundation (EFF)
Clinic to End Tech Abuse (CETA)
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