

### 116TH CONGRESS 2D SESSION

# S. 3695

To institute a moratorium on disconnections of telephone and internet services.

## IN THE SENATE OF THE UNITED STATES

May 12, 2020

Mr. Merkley (for himself, Mr. Sanders, and Mr. Wyden) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

# A BILL

To institute a moratorium on disconnections of telephone and internet services.

- 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 "Continuing Online
- 5 Networking, Negating Economic Conditions on Tech-
- 6 nology at Home Act" or the "CONNECT at Home Act".
- 7 SEC. 2. MORATORIUM ON DISCONNECTION OF TELEPHONE
- 8 AND INTERNET SERVICES.
- 9 (a) Definitions.—In this section:

1	(1) Commission.—The term "Commission"
2	means the Federal Communications Commission.
3	(2) COVID-19 EMERGENCY.—The term
4	"COVID-19 emergency" means the national emer-
5	gency declared by the President under the National
6	Emergencies Act (50 U.S.C. 1601 et seq.) with re-
7	spect to the coronavirus disease 2019 (COVID-19).
8	(3) Internet service.—The term "internet
9	service" includes broadband internet access service,
10	as defined in section 8.1(b) of title 47, Code of Fed-
11	eral Regulations (or any successor regulation).
12	(4) Low-income individual.—The term "low-
13	income individual" means an individual with a
14	household income that does not exceed 135 percent
15	of the Federal poverty guidelines issued by the Sec-
16	retary of Health and Human Services.
17	(5) Voice service.—
18	(A) In general.—The term "voice serv-
19	ice" has the meaning given the term in section
20	227(e)(8) of the Communications Act of 1934
21	(47 U.S.C. 227(e)(8)).
22	(B) Applicability.—During the period
23	beginning on the date of enactment of this Act
24	and ending on the day before the effective date

amendment made

section

by

of

the

25

1 503(a)(2)(C) of division P of the Consolidated 2 Appropriations Act, 2018 (Public Law 115– 3 141; 132 Stat. 1091), subparagraph (A) of this 4 paragraph shall be applied as if that amend-5 ment had already taken effect.

### (b) Moratorium.—

(1) In General.—Subject to paragraph (2), during the period beginning on March 13, 2020, and ending on the date that is 180 days after the date on which the COVID-19 emergency terminates, a provider of voice service or internet service may not terminate the provision of that service to a customer.

#### (2) Violations prior to enactment.—

- (A) Reinstatement of Service.—Any provider of voice service or internet service that terminated the provision of that service to a customer during the period beginning on March 13, 2020, and ending on the day before the date of enactment of this Act shall immediately resume providing the service upon the date of enactment of this Act.
- (B) Final deadline.—If a provider of voice service or internet service described in subparagraph (A) does not resume providing

1	service in accordance with that subparagraph
2	by the date that is 14 days after the date of en-
3	actment of this Act, the provider shall be
4	deemed to be in violation of this subsection on
5	and after such 14th day after the date of enact-
6	ment of this Act.
7	(c) Exceptions.—Subsection (b) shall not apply to
8	the termination of the provision of voice service or internet
9	service to a customer—
10	(1) at the request of the customer;
11	(2) to protect the network of the provider from
12	abuse;
13	(3) in cooperation with a law enforcement agen-
14	cy to protect life and safety in exigent cir-
15	cumstances;
16	(4) under a valid court order; or
17	(5) in accordance with section 512 of title 17,
18	United States Code.
19	(d) Enforcement.—
20	(1) Civil forfeiture.—
21	(A) In general.—Any person that is de-
22	termined by the Commission, in accordance
23	with paragraphs (3) and (4) of section 503(b)
24	of the Communications Act of 1934 (47 U.S.C.
25	503(b)), to have violated subsection (b) of this

section shall be liable to the United States for a forfeiture penalty. The amount of the forfeiture penalty determined under this paragraph shall not exceed \$100 for each day of the violation, except that the amount assessed shall not exceed a total of \$1,000,000 for the termination of the provision of service to a single customer.

- (B) Recovery.—Any forfeiture penalty determined under subparagraph (A) shall be recoverable in accordance with section 504(a) of the Communications Act of 1934 (47 U.S.C. 504(a)).
- (C) PROCEDURE.—No forfeiture liability shall be determined under subparagraph (A) against any person unless the person receives the notice required under paragraph (3) or (4) of section 503(b) of the Communications Act of 1934 (47 U.S.C. 503(b)).
- (D) 2-YEAR STATUTE OF LIMITATIONS.—
  No forfeiture penalty shall be determined or imposed against any person under subparagraph
  (A) if the violation charged occurred more than 2 years prior to the date of issuance of the required notice or notice or apparent liability.

1	(E) Use of forfeiture amounts.—Not-
2	withstanding section 504(a) of the Communica-
3	tions Act of 1934 (47 U.S.C. 504(a)), the Com-
4	mission shall use the proceeds of any forfeiture
5	penalty collected under this paragraph to pro-
6	vide assistance to low-income individuals who
7	lack access to affordable broadband service due
8	to the COVID-19 emergency.
9	(2) Private right of action.—
10	(A) IN GENERAL.—A person may, if other-
11	wise permitted by the laws or rules of court of
12	a State, bring in an appropriate court of that
13	State—
14	(i) an action based on a violation of
15	subsection (b) to enjoin the violation;
16	(ii) an action to recover for actual
17	monetary loss from a violation of sub-
18	section (b); or
19	(iii) both such actions.
20	(B) WILLFUL OR KNOWING VIOLATION.—
21	If the court finds that the defendant willfully or
22	knowingly violated subsection (b), the court
23	may, in its discretion—
24	(i) increase the amount of the award
25	to an amount equal to not more than 3

1	times the amount that would otherwise be
2	available under subparagraph (A)(ii); and

- (ii) award the plaintiff reasonable attorney's fees and costs.
- (C) Private right of action not waivable.—Notwithstanding chapter 1 of title 9, United States Code (commonly known as the "Federal Arbitration Act"), or any other provision of law, a person may not waive the right to bring an action under this paragraph except as part of a settlement or resolution of a claim, class action, or enforcement action for an alleged violation of subsection (b) of this section.

### (3) Enforcement by states.—

(A) In General.—The chief legal officer of a State, or any other State officer authorized by law to bring actions on behalf of the residents of a State, may bring a civil action, as parens patriae, on behalf of the residents of that State in an appropriate district court of the United States to enforce subsection (b) or to impose the civil penalties for violation of subsection (b), whenever the chief legal officer or other State officer has reason to believe that the interests of the residents of the State have

1	been or are being threatened or adversely af-
2	fected by a violation of subsection (b).
3	(B) Notice.—The chief legal officer or
4	other State officer shall serve written notice on
5	the Commission of any civil action under sub-
6	paragraph (A) prior to initiating the civil ac-
7	tion. The notice shall include a copy of the com-
8	plaint to be filed to initiate the civil action, ex-
9	cept that if it is not feasible for the State to
10	provide such prior notice, the State shall pro-
11	vide the notice immediately upon instituting the
12	civil action.
13	(C) Authority to intervene.—Upon
14	receiving the notice required under subpara-
15	graph (B), the Commission may—
16	(i) intervene in the action;
17	(ii) upon so intervening, be heard on
18	all matters arising therein; and
19	(iii) file petitions for appeal.
20	(D) Construction.—For purposes of
21	bringing any civil action under subparagraph
22	(A), nothing in this paragraph shall prevent the
23	chief legal officer or other State officer from ex-
24	ercising the powers conferred on that officer by

the laws of the State to conduct investigations

25

1	or to administer oaths or affirmations or to
2	compel the attendance of witnesses or the pro-
3	duction of documentary and other evidence.
4	(E) Venue; service or process.—
5	(i) Venue.—An action brought under
6	subparagraph (A) shall be brought in a
7	district court of the United States that
8	meets applicable requirements relating to
9	venue under section 1391 of title 28,
10	United States Code.
11	(ii) Service of Process.—In an ac-
12	tion brought under subparagraph (A)—
13	(I) process may be served with-
14	out regard to the territorial limits of
15	the district or of the State in which
16	the action is instituted; and
17	(II) a person who participated in
18	an alleged violation that is being liti-
19	gated in the civil action may be joined
20	in the civil action without regard to
21	the residence of the person.
22	(e) No Waiver or Forbearance.—Notwith-
23	standing any other provision of law, including the Commu-
24	nications Act of 1934 (47 U.S.C. 151 et seq.), the Com-
25	mission may not—

1	(1) waive the application of this section to any
2	person;
3	(2) forbear from applying this section;
4	(3) prevent or hinder any person from exer-
5	cising the private right of action under subsection
6	(d)(2); or
7	(4) prevent or hinder an officer of a State from
8	carrying out subsection (d)(3).
9	(f) Preemption.—
10	(1) In general.—This section shall supersede
11	any law of a State to the extent that the law directly
12	conflicts with this section.
13	(2) Floor.—A law of a State shall not be con-
14	sidered to be in direct conflict with this section if the
15	law affords a greater level of protection to customers
16	protected under this section.

 $\bigcirc$