

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
25 of the amendment made by section

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.

6 (b) MORATORIUM.—

7 (1) IN GENERAL.—Subject to paragraph (2),
8 during the period beginning on March 13, 2020, and
9 ending on the date that is 180 days after the date
10 on which the COVID–19 emergency terminates, a
11 provider of voice service or internet service may not
12 terminate the provision of that service to a cus-
13 tomer.

14 (2) VIOLATIONS PRIOR TO ENACTMENT.—

15 (A) REINSTATEMENT OF SERVICE.—Any
16 provider of voice service or internet service that
17 terminated the provision of that service to a
18 customer during the period beginning on March
19 13, 2020, and ending on the day before the
20 date of enactment of this Act shall immediately
21 resume providing the service upon the date of
22 enactment of this Act.

23 (B) FINAL DEADLINE.—If a provider of
24 voice service or internet service described in
25 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

1 section shall be liable to the United States for
2 a forfeiture penalty. The amount of the for-
3 feiture penalty determined under this para-
4 graph shall not exceed \$100 for each day of the
5 violation, except that the amount assessed shall
6 not exceed a total of \$1,000,000 for the termi-
7 nation of the provision of service to a single
8 customer.

9 (B) RECOVERY.—Any forfeiture penalty
10 determined under subparagraph (A) shall be re-
11 coverable in accordance with section 504(a) of
12 the Communications Act of 1934 (47 U.S.C.
13 504(a)).

14 (C) PROCEDURE.—No forfeiture liability
15 shall be determined under subparagraph (A)
16 against any person unless the person receives
17 the notice required under paragraph (3) or (4)
18 of section 503(b) of the Communications Act of
19 1934 (47 U.S.C. 503(b)).

20 (D) 2-YEAR STATUTE OF LIMITATIONS.—
21 No forfeiture penalty shall be determined or im-
22 posed against any person under subparagraph
23 (A) if the violation charged occurred more than
24 2 years prior to the date of issuance of the re-
25 quired notice or notice or apparent liability.

(E) USE OF FORFEITURE AMOUNTS.—Notwithstanding section 504(a) of the Communications Act of 1934 (47 U.S.C. 504(a)), the Commission shall use the proceeds of any forfeiture penalty collected under this paragraph to provide assistance to low-income individuals who lack access to affordable broadband service due to the COVID–19 emergency.

(2) PRIVATE RIGHT OF ACTION.—

(A) IN GENERAL.—A person may, if otherwise permitted by the laws or rules of court of a State, bring in an appropriate court of that State—

(i) an action based on a violation of subsection (b) to enjoin the violation;

(ii) an action to recover for actual monetary loss from a violation of subsection (b); or

(iii) both such actions.

(B) WILLFUL OR KNOWING VIOLATION.—

If the court finds that the defendant willfully or knowingly violated subsection (b), the court may, in its discretion—

(i) increase the amount of the award to an amount equal to not more than 3

times the amount that would otherwise be
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
25 the laws of the State to conduct investigations

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.

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