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

IN THE SENATE OF THE UNITED STATES

Mr. MERKLEY (for himself, Mr. SANDERS, and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on

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
4 SECTION 1. SHORT TITLE.
5 This Act may be cited as the “Continuing Online
6 Networking, Negating Economic Conditions on Tech-
7 nology at Home Act” or the “CONNECT at Home Act”.
8
9 SEC. 2. MORATORIUM ON DISCONNECTION OF TELEPHONE
10 AND INTERNET SERVICES.
11 (a) DEFINITIONS.—In this section:
(1) **COMMISSION.**—The term “Commission” means the Federal Communications Commission.

(2) **COVID–19 EMERGENCY.**—The term “COVID–19 emergency” means the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to the coronavirus disease 2019 (COVID–19).

(3) **INTERNET SERVICE.**—The term “internet service” includes broadband internet access service, as defined in section 8.1(b) of title 47, Code of Federal Regulations (or any successor regulation).

(4) **LOW-INCOME INDIVIDUAL.**—The term “low-income individual” means an individual with a household income that does not exceed 135 percent of the Federal poverty guidelines issued by the Secretary of Health and Human Services.

(5) **VOICE SERVICE.**—

(A) **IN GENERAL.**—The term “voice service” has the meaning given the term in section 227(e)(8) of the Communications Act of 1934 (47 U.S.C. 227(e)(8)).

(B) **APPLICABILITY.**—During the period beginning on the date of enactment of this Act and ending on the day before the effective date of the amendment made by section...
503(a)(2)(C) of division P of the Consolidated Appropriations Act, 2018 (Public Law 115–141; 132 Stat. 1091), subparagraph (A) of this paragraph shall be applied as if that amend-
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 cus-
tomer.

(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
service in accordance with that subparagraph by the date that is 14 days after the date of enactment of this Act, the provider shall be deemed to be in violation of this subsection on and after such 14th day after the date of enactment of this Act.

(c) EXCEPTIONS.—Subsection (b) shall not apply to the termination of the provision of voice service or internet service to a customer—

(1) at the request of the customer;

(2) to protect the network of the provider from abuse;

(3) in cooperation with a law enforcement agency to protect life and safety in exigent circumstances;

(4) under a valid court order; or

(5) in accordance with section 512 of title 17, United States Code.

(d) ENFORCEMENT.—

(1) CIVIL FORFEITURE.—

(A) IN GENERAL.—Any person that is determined by the Commission, in accordance with paragraphs (3) and (4) of section 503(b) of the Communications Act of 1934 (47 U.S.C. 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 for-
feiture penalty determined under this para-
graph 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 termi-
nation of the provision of service to a single
customer.

(B) Recovery.—Any forfeiture penalty
determined under subparagraph (A) shall be re-
coverable 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 im-
posed against any person under subparagraph
(A) if the violation charged occurred more than
2 years prior to the date of issuance of the re-
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
been or are being threatened or adversely af-

(B) NOTICE.—The chief legal officer or
other State officer shall serve written notice on
the Commission of any civil action under sub-
paragraph (A) prior to initiating the civil ac-
tion. The notice shall include a copy of the com-
plaint to be filed to initiate the civil action, ex-
cept that if it is not feasible for the State to
provide such prior notice, the State shall pro-
vide the notice immediately upon instituting the
civil action.

(C) AUTHORITY TO INTERVENE.—Upon
receiving the notice required under subpara-
graph (B), the Commission may—

(i) intervene in the action;
(ii) upon so intervening, be heard on
all matters arising therein; and
(iii) file petitions for appeal.

(D) CONSTRUCTION.—For purposes of
bringing any civil action under subparagraph
(A), nothing in this paragraph shall prevent the
chief legal officer or other State officer from ex-
ercising the powers conferred on that officer by
the laws of the State to conduct investigations
or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

(E) VENUE; SERVICE OR PROCESS.—

(i) VENUE.—An action brought under subparagraph (A) shall be brought in a district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

(ii) SERVICE OF PROCESS.—In an action brought under subparagraph (A)—

(I) process may be served without regard to the territorial limits of the district or of the State in which the action is instituted; and

(II) a person who participated in an alleged violation that is being litigated in the civil action may be joined in the civil action without regard to the residence of the person.

(c) NO WAIVER OR FORBEARANCE.—Notwithstanding any other provision of law, including the Communications Act of 1934 (47 U.S.C. 151 et seq.), the Commission may not—
(1) waive the application of this section to any person;
(2) forbear from applying this section;
(3) prevent or hinder any person from exercising the private right of action under subsection (d)(2); or
(4) prevent or hinder an officer of a State from carrying out subsection (d)(3).

(f) PREEMPTION.—

(1) IN GENERAL.—This section shall supersede any law of a State to the extent that the law directly conflicts with this section.

(2) FLOOR.—A law of a State shall not be considered to be in direct conflict with this section if the law affords a greater level of protection to customers protected under this section.