

116TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

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

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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

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## **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.

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  
3 (ii) award the plaintiff reasonable at-  
4 torney's fees and costs.

5 (C) PRIVATE RIGHT OF ACTION NOT  
6 WAIVABLE.—Notwithstanding chapter 1 of title  
7 9, United States Code (commonly known as the  
8 “Federal Arbitration Act”), or any other provi-  
9 sion of law, a person may not waive the right  
10 to bring an action under this paragraph except  
11 as part of a settlement or resolution of a claim,  
12 class action, or enforcement action for an al-  
13 leged violation of subsection (b) of this section.

14 (3) ENFORCEMENT BY STATES.—

15 (A) IN GENERAL.—The chief legal officer  
16 of a State, or any other State officer authorized  
17 by law to bring actions on behalf of the resi-  
18 dents of a State, may bring a civil action, as  
19 *parens patriae*, on behalf of the residents of  
20 that State in an appropriate district court of  
21 the United States to enforce subsection (b) or  
22 to impose the civil penalties for violation of sub-  
23 section (b), whenever the chief legal officer or  
24 other State officer has reason to believe that  
25 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.