

## Union Calendar No.

116<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 1289

[Report No. 116-]

To amend the Communications Act of 1934 to provide for a moratorium on number reassignment after a disaster declaration, and for other purposes.

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### IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 14, 2019

Mr. THOMPSON of California (for himself, Mr. CARSON of Indiana, Mr. DUNN, Ms. ESHOO, Mr. GARAMENDI, Ms. GARCIA of Texas, Ms. KUSTER of New Hampshire, Ms. NORTON, Mr. ROONEY of Florida, and Mr. WEBER of Texas) introduced the following bill; which was referred to the Committee on Energy and Commerce

SEPTEMBER --, 2020

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on February 14, 2019]

# **A BILL**

To amend the Communications Act of 1934 to provide for a moratorium on number reassignment after a disaster declaration, and for other purposes.

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 “Preserving Home and*  
5 *Office Numbers in Emergencies Act of 2020” or the*  
6 *“PHONE Act of 2020”.*

7 **SEC. 2. MORATORIUM ON NUMBER REASSIGNMENT AFTER**  
8 **DISASTER DECLARATION.**

9 *(a) IN GENERAL.—Section 251(e) of the Communica-*  
10 *tions Act of 1934 (47 U.S.C. 251(e)) is amended by adding*  
11 *at the end the following:*

12 *“(4) MORATORIUM ON NUMBER REASSIGNMENT*  
13 *AFTER DISASTER DECLARATION.—*

14 *“(A) IN GENERAL.—In the case of a number*  
15 *assigned to a subscriber for the provision of fixed*  
16 *wireline voice service at a location in a des-*  
17 *ignated area during a covered period—*

18 *“(i) the number may not be reassigned,*  
19 *except at the request of the subscriber; and*

20 *“(ii) the assignment of the number*  
21 *may not be rescinded or otherwise modified,*  
22 *except at the request of the subscriber.*

23 *“(B) EXTENSION AT REQUEST OF SUB-*  
24 *SCRIBER.—During the covered period, at the re-*  
25 *quest of a subscriber described in subparagraph*

1           (A), the prohibition in subparagraph (A) shall be  
2           extended for the number for 1 year after the date  
3           on which the covered period expires.

4                   “(C) *SUBSCRIBER RIGHT TO CANCEL AND*  
5           *RESUBSCRIBE.*—

6                           “(i) *IN GENERAL.*—*In the case of a*  
7                           *number described under subparagraph (A)*  
8                           *or (B), if the subscriber assigned to such*  
9                           *number demonstrates to the provider of the*  
10                           *service (or, under subclause (II), any other*  
11                           *provider of fixed wireline voice service that*  
12                           *serves the local area) that the residence*  
13                           *where the number is located is inaccessible*  
14                           *or uninhabitable—*

15                                   “(I) *the provider may not charge*  
16                                   *the subscriber an early termination or*  
17                                   *other fee in connection with the can-*  
18                                   *cellation of such service, if cancelled*  
19                                   *during the covered period or the exten-*  
20                                   *sion of the period described in sub-*  
21                                   *paragraph (B); and*

22   “(II) *if the subscriber cancels the*  
23   *service during the covered period or the*  
24   *extension of the period described in*  
25   *subparagraph (B), the provider (or*

1                   *any other provider of fixed wireline*  
2                   *voice service that serves the local*  
3                   *area)—*

4                   “*(aa) shall permit the sub-*  
5                   *scriber to subscribe or resubscribe,*  
6                   *as the case may be, to fixed*  
7                   *wireline voice service with the*  
8                   *number at the residence or at a*  
9                   *different residence (if such number*  
10                  *is available in the location of such*  
11                  *different residence); and*

12                  “*(bb) may not charge the*  
13                  *subscriber a connection fee or any*  
14                  *other fee relating to the initiation*  
15                  *of fixed wireline voice service.*

16                  “*(ii) CANCELLATION WITHOUT DEM-*  
17                  *ONSTRATION OF INACCESSIBILITY OR*  
18                  *UNINHABITABILITY.—If a subscriber cancels*  
19                  *the provision of service assigned to a num-*  
20                  *ber described in subparagraph (A) or (B)*  
21                  *and does not demonstrate to the provider of*  
22                  *such service that the residence where the*  
23                  *number is located is inaccessible or un-*  
24                  *inhabitable as described under clause (i),*

1           *the number is no longer subject to the prohi-*  
2           *bition under subparagraph (A) or (B).*

3           “(D) *IDENTIFICATION ON COMMISSION*  
4           *WEBSITE.—The Commission shall publicly iden-*  
5           *tify on the website of the Commission each des-*  
6           *ignated area that is in a covered period, not*  
7           *later than 15 days after the submission of a pub-*  
8           *lic designation by a State under subparagraph*  
9           *(E)(iii) with respect to such area. In identifying*  
10          *a designated area under subparagraph (E)(iii),*  
11          *a State shall consult with providers of fixed*  
12          *wireline voice service that serve such area and*  
13          *coordinate with the Federal Emergency Manage-*  
14          *ment Agency to reasonably limit the designated*  
15          *area to areas that have sustained covered dam-*  
16          *age.*

17          “(E) *DEFINITIONS.—In this paragraph:*

18                 “(i) *COVERED DAMAGE.—The term*  
19                 *‘covered damage’ means, with respect to an*  
20                 *area—*

21                         “(I) *damage that renders resi-*  
22                         *dences in such area inaccessible or un-*  
23                         *inhabitable; or*

1                   “(II) damage that otherwise re-  
2                   sults in the displacement of subscribers  
3                   from or within such area.

4                   “(ii) COVERED PERIOD.—The term  
5                   ‘covered period’ means a period that—

6                   “(I) begins on the date of a dec-  
7                   laration by the President of a major  
8                   disaster under section 401 of the Rob-  
9                   ert T. Stafford Disaster Relief and  
10                  Emergency Assistance Act (42 U.S.C.  
11                  5170) with respect to a designated  
12                  area; and

13                  “(II) ends on the date that is 1  
14                  year after such date.

15                  “(iii) DESIGNATED AREA.—The term  
16                  ‘designated area’ means a geographic area  
17                  for which a State has submitted a public  
18                  designation to the Commission, within 15  
19                  days after a declaration by the President of  
20                  a major disaster under section 401 of the  
21                  Robert T. Stafford Disaster Relief and  
22                  Emergency Assistance Act (42 U.S.C. 5170)  
23                  with respect to such area, stipulating that  
24                  the State has determined that—

1                   “(I) covered damage was sus-  
2                   tained in such area; and

3                   “(II) the prohibitions described in  
4                   this paragraph are necessary and in  
5                   the public interest.

6                   “(iv) VOICE SERVICE.—The term ‘voice  
7                   service’ has the meaning given the term  
8                   ‘voice service’ in section 227(e)(8).”.

9           (b) AMENDMENT OF FCC RULES REQUIRED.—Not  
10 later than 180 days after the date of the enactment of this  
11 Act, the Federal Communications Commission shall amend  
12 its rules to reflect the requirements of paragraph (4) of sec-  
13 tion 251(e) of the Communications Act of 1934 (47 U.S.C.  
14 251(e)), as added by subsection (a).

15           (c) APPLICABILITY.—Paragraph (4) of section 251(e)  
16 of the Communications Act of 1934 (47 U.S.C. 251(e)), as  
17 added by subsection (a), shall apply with respect to a major  
18 disaster declared by the President under section 401 of the  
19 Robert T. Stafford Disaster Relief and Emergency Assist-  
20 ance Act (42 U.S.C. 5170) after the date that is 180 days  
21 after the date on which the Commission announces that the  
22 Commission is capable of publicly identifying a designated  
23 area on the website of the Commission under subparagraph  
24 (D) of such paragraph (4).