

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 1289
OFFERED BY MS. ESHOO OF CALIFORNIA**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Preserving Home and
3 Office Numbers in Emergencies Act of 2020” or the
4 “PHONE Act of 2020”.

**5 SEC. 2. MORATORIUM ON NUMBER REASSIGNMENT AFTER
6 DISASTER DECLARATION.**

7 (a) IN GENERAL.—Section 251(e) of the Commu-
8 nications Act of 1934 (47 U.S.C. 251(e)) is amended by
9 adding at the end the following:

10 “(4) MORATORIUM ON NUMBER REASSIGNMENT
11 AFTER DISASTER DECLARATION.—

12 “(A) IN GENERAL.—In the case of a num-
13 ber assigned to a subscriber for the provision of
14 fixed wireline voice service at a location in a
15 designated area during a covered period—

16 “(i) the number may not be reas-
17 signed, except at the request of the sub-
18 scriber; and

1 “(ii) the assignment of the number
2 may not be rescinded or otherwise modi-
3 fied, except at the request of the sub-
4 scriber.

5 “(B) EXTENSION AT REQUEST OF SUB-
6 SCRIBER.—During the covered period, at the
7 request of a subscriber described in subpara-
8 graph (A), the prohibition in subparagraph (A)
9 shall be extended for the number for 1 year
10 after the date on which the covered period ex-
11 pires.

12 “(C) SUBSCRIBER RIGHT TO CANCEL AND
13 RESUBSCRIBE.—

14 “(i) IN GENERAL.—In the case of a
15 number described under subparagraph (A)
16 or (B), if the subscriber assigned to such
17 number demonstrates to the provider of
18 the service (or, under subclause (II), any
19 other provider of fixed wireline voice serv-
20 ice that serves the local area) that the resi-
21 dence where the number is located is inac-
22 cessible or uninhabitable—

23 “(I) the provider may not charge
24 the subscriber an early termination or
25 other fee in connection with the can-

1 cellation of such service, if cancelled
2 during the covered period or the ex-
3 tension of the period described in sub-
4 paragraph (B); and

5 “(II) if the subscriber cancels the
6 service during the covered period or
7 the extension of the period described
8 in subparagraph (B), the provider (or
9 any other provider of fixed wireline
10 voice service that serves the local
11 area)—

12 “(aa) shall permit the sub-
13 scriber to subscribe or resub-
14 scribe, as the case may be, to
15 fixed wireline voice service with
16 the number at the residence or at
17 a different residence (if such
18 number is available in the loca-
19 tion of such different residence);
20 and

21 “(bb) may not charge the
22 subscriber a connection fee or
23 any other fee relating to the initi-
24 ation of fixed wireline voice serv-
25 ice.

1 “(ii) CANCELLATION WITHOUT DEM-
2 ONSTRATION OF INACCESSIBILITY OR
3 UNINHABITABILITY.—If a subscriber can-
4 cels the provision of service assigned to a
5 number described in subparagraph (A) or
6 (B) and does not demonstrate to the pro-
7 vider of such service that the residence
8 where the number is located is inaccessible
9 or uninhabitable as described under clause
10 (i), the number is no longer subject to the
11 prohibition under subparagraph (A) or
12 (B).

13 “(D) IDENTIFICATION ON COMMISSION
14 WEBSITE.—The Commission shall publicly iden-
15 tify on the website of the Commission each des-
16 ignated area that is in a covered period, not
17 later than 15 days after the submission of a
18 public designation by a State under subpara-
19 graph (E)(iii) with respect to such area. In
20 identifying a designated area under subpara-
21 graph (E)(iii), a State shall consult with pro-
22 viders of fixed wireline voice service that serve
23 such area and coordinate with the Federal
24 Emergency Management Agency to reasonably

1 limit the designated area to areas that have
2 sustained covered damage.

3 “(E) DEFINITIONS.—In this paragraph:

4 “(i) COVERED DAMAGE.—The term
5 ‘covered damage’ means, with respect to an
6 area—

7 “(I) damage that renders resi-
8 dences in such area inaccessible or un-
9 inhabitable; or

10 “(II) damage that otherwise re-
11 sults in the displacement of sub-
12 scribers from or within such area.

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

15 “(I) begins on the date of a dec-
16 laration by the President of a major
17 disaster under section 401 of the Rob-
18 ert T. Stafford Disaster Relief and
19 Emergency Assistance Act (42 U.S.C.
20 5170) with respect to a designated
21 area; and

22 “(II) ends on the date that is 1
23 year after such date.

24 “(iii) DESIGNATED AREA.—The term
25 ‘designated area’ means a geographic area

1 for which a State has submitted a public
2 designation to the Commission, within 15
3 days after a declaration by the President
4 of a major disaster under section 401 of
5 the Robert T. Stafford Disaster Relief and
6 Emergency Assistance Act (42 U.S.C.
7 5170) with respect to such area, stipu-
8 lating that the State has determined
9 that—

10 “(I) covered damage was sus-
11 tained in such area; and

12 “(II) the prohibitions described
13 in this paragraph are necessary and
14 in the public interest.

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

18 (b) AMENDMENT OF FCC RULES REQUIRED.—Not
19 later than 180 days after the date of the enactment of
20 this Act, the Federal Communications Commission shall
21 amend its rules to reflect the requirements of paragraph
22 (4) of section 251(e) of the Communications Act of 1934
23 (47 U.S.C. 251(e)), as added by subsection (a).

24 (c) APPLICABILITY.—Paragraph (4) of section 251(e)
25 of the Communications Act of 1934 (47 U.S.C. 251(e)),

1 as added by subsection (a), shall apply with respect to a
2 major disaster declared by the President under section
3 401 of the Robert T. Stafford Disaster Relief and Emer-
4 gency Assistance Act (42 U.S.C. 5170) after the date that
5 is 180 days after the date on which the Commission an-
6 nounces that the Commission is capable of publicly identi-
7 fying a designated area on the website of the Commission
8 under subparagraph (D) of such paragraph (4).

