

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

# S. 517

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## AN ACT

To promote consumer choice and wireless competition by  
permitting consumers to unlock mobile wireless devices,  
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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Unlocking Consumer  
3 Choice and Wireless Competition Act”.

4 **SEC. 2. REPEAL OF EXISTING RULE AND ADDITIONAL**  
5 **RULEMAKING BY LIBRARIAN OF CONGRESS.**

6 (a) REPEAL AND REPLACE.—As of the date of the  
7 enactment of this Act, paragraph (3) of section 201.40(b)  
8 of title 37, Code of Federal Regulations, as amended and  
9 revised by the Librarian of Congress on October 28, 2012,  
10 pursuant to the Librarian’s authority under section  
11 1201(a) of title 17, United States Code, shall have no  
12 force and effect, and such paragraph shall read, and shall  
13 be in effect, as such paragraph was in effect on July 27,  
14 2010.

15 (b) RULEMAKING.—The Librarian of Congress, upon  
16 the recommendation of the Register of Copyrights, who  
17 shall consult with the Assistant Secretary for Communica-  
18 tions and Information of the Department of Commerce  
19 and report and comment on his or her views in making  
20 such recommendation, shall determine, consistent with the  
21 requirements set forth under section 1201(a)(1) of title  
22 17, United States Code, whether to extend the exemption  
23 for the class of works described in section 201.40(b)(3)  
24 of title 37, Code of Federal Regulations, as amended by  
25 subsection (a), to include any other category of wireless  
26 devices in addition to wireless telephone handsets. The de-

1 termination shall be made in the first rulemaking under  
2 section 1201(a)(1)(C) of title 17, United States Code, that  
3 begins on or after the date of enactment of this Act.

4 (c) UNLOCKING AT DIRECTION OF OWNER.—Cir-  
5 cumvention of a technological measure that restricts wire-  
6 less telephone handsets or other wireless devices from con-  
7 necting to a wireless telecommunications network—

8 (1)(A) as authorized by paragraph (3) of sec-  
9 tion 201.40(b) of title 37, Code of Federal Regula-  
10 tions, as made effective by subsection (a); and

11 (B) as may be extended to other wireless de-  
12 vices pursuant to a determination in the rulemaking  
13 conducted under subsection (b); or

14 (2) as authorized by an exemption adopted by  
15 the Librarian of Congress pursuant to a determina-  
16 tion made on or after the date of enactment of this  
17 Act under section 1201(a)(1)(C) of title 17, United  
18 States Code,

19 may be initiated by the owner of any such handset or other  
20 device, by another person at the direction of the owner,  
21 or by a provider of a commercial mobile radio service or  
22 a commercial mobile data service at the direction of such  
23 owner or other person, solely in order to enable such owner  
24 or a family member of such owner to connect to a wireless

1 telecommunications network, when such connection is au-  
2 thorized by the operator of such network.

3 (d) RULE OF CONSTRUCTION.—

4 (1) IN GENERAL.—Except as expressly provided  
5 herein, nothing in this Act shall be construed to  
6 alter the scope of any party’s rights under existing  
7 law.

8 (2) LIBRARIAN OF CONGRESS.—Nothing in this  
9 Act alters, or shall be construed to alter, the author-  
10 ity of the Librarian of Congress under section  
11 1201(a)(1) of title 17, United States Code.

12 (e) DEFINITIONS.—In this Act:

13 (1) COMMERCIAL MOBILE DATA SERVICE; COM-  
14 Mercial MOBILE RADIO SERVICE.—The terms  
15 “commercial mobile data service” and “commercial  
16 mobile radio service” have the respective meanings  
17 given those terms in section 20.3 of title 47, Code  
18 of Federal Regulations, as in effect on the date of  
19 the enactment of this Act.

20 (2) WIRELESS TELECOMMUNICATIONS NET-  
21 WORK.—The term “wireless telecommunications net-  
22 work” means a network used to provide a commer-  
23 cial mobile radio service or a commercial mobile data  
24 service.

1           (3) WIRELESS TELEPHONE HANDSETS; WIRE-  
2       LESS DEVICES.—The terms “wireless telephone  
3       handset” and “wireless device” mean a handset or  
4       other device that operates on a wireless tele-  
5       communications network.

Passed the Senate July 15, 2014.

Attest:

*Secretary.*

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