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113TH CONGRESS
2D SESSION

S. 517

AN ACT

To promote consumer choice and wireless competition by permitting consumers to unlock mobile wireless devices, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Unlocking Consumer Choice and Wireless Competition Act''.

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

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

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

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

(c) UNLOCKING AT DIRECTION OF OWNER.—Circumvention of a technological measure that restricts wireless telephone handsets or other wireless devices from connecting to a wireless telecommunications network—

(1)(A) as authorized by paragraph (3) of section 201.40(b) of title 37, Code of Federal Regulations, as made effective by subsection (a); and

(B) as may be extended to other wireless devices pursuant to a determination in the rulemaking conducted under subsection (b); or

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

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

telecommunications network, when such connection is authorized by the operator of such network.

(d) RULE OF CONSTRUCTION.—

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

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

(e) DEFINITIONS.—In this Act:

(1) COMMERCIAL MOBILE DATA SERVICE; COMMERCIAL MOBILE RADIO SERVICE.—The terms ''commercial mobile data service'' and ''commercial mobile radio service'' have the respective meanings given those terms in section 20.3 of title 47, Code of Federal Regulations, as in effect on the date of the enactment of this Act.

(2) WIRELESS TELECOMMUNICATIONS NETWORK.—The term ''wireless telecommunications network'' means a network used to provide a commercial mobile radio service or a commercial mobile data service.

(3) WIRELESS TELEPHONE HANDSETS; WIRELESS DEVICES.—The terms ''wireless telephone handset'' and ''wireless device'' mean a handset or other device that operates on a wireless telecommunications network.

Passed the Senate July 15, 2014.

Attest:

Secretary.

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