

Union Calendar No. 264

113TH CONGRESS
2^D SESSION

H. R. 1123

[Report No. 113-356]

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

IN THE HOUSE OF REPRESENTATIVES

MARCH 13, 2013

Mr. GOODLATTE (for himself, Mr. CONYERS, Mr. COBLE, Mr. WATT, Mr. POE of Texas, and Ms. DELBENE) introduced the following bill; which was referred to the Committee on the Judiciary

FEBRUARY 25, 2014

Additional sponsors: Ms. LOFGREN, Mr. JOHNSON of Georgia, Mr. JEFFRIES, Mr. CHAFFETZ, and Ms. MCCOLLUM

FEBRUARY 25, 2014

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 italic]

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

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

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

8 (a) **REPEAL AND REPLACE.**—Paragraph (3) of sec-
9 tion 201.40(b) of title 37, Code of Federal Regulations,
10 as amended and revised by the Librarian of Congress on
11 October 28, 2012, pursuant to his authority under section
12 1201(a) of title 17, United States Code, shall have no
13 force and effect, and such paragraph shall read, and shall
14 be in effect, as such paragraph was in effect on July 27,
15 2010.

16 (b) **RULEMAKING.**—Not later than 1 year after the
17 date of enactment of this Act, the Librarian of Congress,
18 upon the recommendation of the Register of Copyrights,
19 who shall consult with the Assistant Secretary for Commu-
20 nications and Information of the Department of Com-
21 merce and report and comment on his or her views in mak-
22 ing such recommendation, shall determine, consistent with
23 the requirements set forth under section 1201(a)(1) of
24 title 17, United States Code, whether to extend the exemp-
25 tion for the class of works described in section

1 ~~201.40(b)(3)~~ of title 37, Code of Federal Regulations, as
2 amended by subsection (a), to include any other category
3 of wireless devices in addition to wireless telephone
4 handsets.

5 (e) ~~RULE OF CONSTRUCTION.~~—Nothing in this Act
6 alters, or shall be construed to alter, the authority of the
7 Librarian of Congress under section ~~1201(a)(1)~~ of title
8 17, United States Code.

9 **SECTION 1. SHORT TITLE.**

10 *This Act may be cited as the “Unlocking Consumer*
11 *Choice and Wireless Competition Act”.*

12 **SEC. 2. REPEAL OF EXISTING RULE AND ADDITIONAL RULE-**
13 **MAKING BY LIBRARIAN OF CONGRESS.**

14 (a) *REPEAL AND REPLACE.*—Paragraph (3) of section
15 201.40(b) of title 37, Code of Federal Regulations, as
16 amended and revised by the Librarian of Congress on Octo-
17 ber 28, 2012, pursuant to the Librarian’s authority under
18 section 1201(a) of title 17, United States Code, shall have
19 no force and effect, and such paragraph shall read, and
20 shall be in effect, as such paragraph was in effect on July
21 27, 2010, subject to subsections (c) and (d).

22 (b) *RULEMAKING.*—Not later than 1 year after the date
23 of the enactment of this Act, the Librarian of Congress,
24 upon the recommendation of the Register of Copyrights, who
25 shall consult with the Assistant Secretary for Communica-

1 *tions and Information of the Department of Commerce and*
2 *report and comment on his or her views in making such*
3 *recommendation, shall determine, consistent with the re-*
4 *quirements set forth under section 1201(a)(1) of title 17,*
5 *United States Code, whether to extend the exemption for*
6 *the class of works described in section 201.40(b)(3) of title*
7 *37, Code of Federal Regulations, as amended by subsection*
8 *(a) of this section, to include any other category of wireless*
9 *devices in addition to wireless telephone handsets.*

10 *(c) UNLOCKING AT DIRECTION OF PURCHASER OR*
11 *FAMILY MEMBER.—With respect to paragraph (3) of sec-*
12 *tion 201.40(b) of title 37, Code of Federal Regulations, as*
13 *made effective by subsection (a) of this subsection, and with*
14 *respect to any other category of wireless devices, in addition*
15 *to wireless telephone handsets, with respect to which, as de-*
16 *termined by the Librarian of Congress in a rulemaking con-*
17 *ducted under subsection (b) or otherwise under section*
18 *1201(a)(1)(C) of title 17, United States Code, circumven-*
19 *tion of a computer program by the owner of a copy of the*
20 *program is permitted solely in order to connect to a wireless*
21 *communications network when such connection is author-*
22 *ized by the operator of such network, in the case of a pur-*
23 *chaser of such handset or device for personal use, such cir-*
24 *cumvention may be initiated by the purchaser, by a family*
25 *member of such purchaser, or by another person at the di-*

1 *rection of such purchaser or family member, for the sole*
2 *use or benefit of such purchaser or family member.*

3 *(d) RULE OF CONSTRUCTION.—Nothing in this Act al-*
4 *ters, or shall be construed to alter, the authority of the Li-*
5 *brarian of Congress under section 1201(a)(1) of title 17,*
6 *United States Code, including the authority, with respect*
7 *to the applicable 3-year period, to modify or delete para-*
8 *graph (3) of section 201.40(b) of title 37, Code of Federal*
9 *Regulations, or modify or delete any category of wireless*
10 *devices exempted under subsection (b) of this section.*

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