

**STATEMENT OF  
COMMISSIONER JESSICA ROSENWORCEL**

Re: *Cellphone Unlocking Presentation* (December 12, 2013)

We are a nation with more wireless phones than people. Many of us count on our mobile phones to do so much more than communicate through voice calls. We download our whole lives into our hand-held digital devices. No wonder they are always in our pockets, in our purses, and on our persons.

So earlier this year many of us were taken aback when a longstanding interpretation of the Digital Millennium Copyright Act was changed. The Librarian of Congress determined that going forward, it would be unlawful for consumers to unlock their mobile phones and take them with them when they want to switch wireless providers. That means that simply taking your wireless phone to another network could subject you to criminal penalties—or even jail.

There is a lot that can be said about this decision. But for starters, I think that is one powerful librarian. I also think this new approach does not make sense. Because if you have a mobile device, want to unlock it, and you are not bound by a service contract—you should be able to use it on another network. That makes our markets for wireless service more competitive—and that benefits consumers.

So today we announce that working with wireless providers, we have forged an agreement that will provide consumers with clear notice of their right to request unlocking of their prepaid and postpaid devices and timely compliance by the provider. I am especially pleased that the agreement gives deployed service members the ability to stay in touch with their loved ones back home. It is also the perfect complement to Servicemembers Civil Relief Act, which allows service members to suspend or cancel long-term their wireless contracts without penalty or extra fees when deployed for 90 days or longer. This is an agreement I support, and I thank the Chairman for bringing it to our attention and making it part of our meeting today.