



The Honorable John A. Boehner

Speaker of the House
H-232, The Capitol
Washington DC 20515

The Honorable Eric Cantor

Majority Leader
H-329, The Capitol
Washington DC 20515

February 25, 2014

Dear Speaker John Boehner and Majority Leader Eric Cantor,

We the undersigned organizations and individuals are extremely disappointed in the addition of a poison pill amendment to H.R. 1123, the Unlocking Consumer Choice Act, and urge you to pass companion legislation that restores the full rights of all consumers to freely own, unlock, use, and sell their phones and other wireless devices.

Cell phone unlocking allows consumers to keep their cellphone, change carriers, or sell their phone after their contract has expired. It's a critical part of how a dynamic and competitive mobile market functions. This technology was lawful from 2006-2013, when the Librarian of Congress effectively made phone unlocking a crime. Since then, the White House and the Federal Communications Commission (FCC) have come out in opposition to this ruling, even pressuring major wireless carriers to promise to unlock their mobile devices. But it is the responsibility of Congress to permanently fix the problem, not rely on executive agencies and rule-making bodies.

Last summer, the House Judiciary Committee passed the Unlocking Consumer Choice Act, which made the first step toward reversing the ban on phone unlocking, and received support from many of the undersigned organizations. Not a single organization formally came out against the legislation, including representatives of the Competitive Carriers Association (CCA) and The Wireless Association (CTIA) collectively representing the entire wireless industry.

Then, last week when Congress was out of session, lobbyists added a poison pill to legislation that had already passed committee. This incredibly duplicitous move undermined the legal nature of phone unlocking and singled out small businesses through a ban on "bulk unlocking." What is the threshold? No one even knows – that will be decided later.

Copyright is designed to protect content owners and creators, but it can be a powerful weapon when allowed to be a tool by special interest lobbyists to protect their market models. Copyright should not be used to stifle innovation, hurt consumers, or prohibit market models.



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Yet this is precisely what this new language does. This new language uses “copyright infringement” as a justification to exclude certain business models from emerging. Unlocking is an activity completely removed from violating copyright. Why should individual unlocking and resale be legal, but illegal for a small business?

We implore House leadership to bring to the floor the original version of HR 1123 without the poisoned section on “bulk unlocking.” The original supporters and members of the House Judiciary Committee deserve an honest vote.

Sincerely,

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R Street

FreedomWorks

Norm Singleton, Vice President of Policy – Campaign for Liberty

Derek Khanna, Yale Law Fellow – Information Society Project