

112TH CONGRESS
2^D SESSION

H. R. 4247

To amend the Communications Act of 1934 to prohibit mobile service providers from providing service on mobile electronic devices that have been reported stolen and to require such providers to give consumers the ability to remotely delete data from mobile electronic devices, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 22, 2012

Mr. ENGEL (for himself, Ms. NORTON, and Mr. NADLER) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Communications Act of 1934 to prohibit mobile service providers from providing service on mobile electronic devices that have been reported stolen and to require such providers to give consumers the ability to remotely delete data from mobile electronic 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 “Cell Phone Theft Pre-
5 vention Act of 2012”.

1 **SEC. 2. STOLEN MOBILE ELECTRONIC DEVICES.**

2 (a) IN GENERAL.—Part I of title III of the Commu-
3 nications Act of 1934 (47 U.S.C. 301 et seq.) is amended
4 by adding at the end the following:

5 **“SEC. 343. STOLEN MOBILE ELECTRONIC DEVICES.**

6 “(a) PROHIBITION ON PROVISION OF SERVICE.—

7 “(1) IN GENERAL.—A provider of commercial
8 mobile service or commercial mobile data service
9 may not provide service on a mobile electronic device
10 that has been reported to such provider as stolen—

11 “(A) by the person who holds the account
12 with respect to such service, if such person sub-
13 mits to such provider a copy of a report made
14 to a law enforcement agency regarding the
15 theft; or

16 “(B) by another provider of commercial
17 mobile service or commercial mobile data serv-
18 ice, in accordance with paragraph (2).

19 “(2) REPORTING BY SERVICE PROVIDERS.—A
20 provider of commercial mobile service or commercial
21 mobile data service to which a mobile electronic de-
22 vice is reported stolen as described in paragraph
23 (1)(A) shall inform all other providers of such serv-
24 ice—

25 “(A) that such device has been reported
26 stolen; and

1 “(B) of any information necessary for the
2 identification of such device.

3 “(b) REMOTE DELETION OF DATA.—A provider of
4 commercial mobile service or commercial mobile data serv-
5 ice on a mobile electronic device shall make available to
6 the person who holds the account with respect to such
7 service the capability of deleting from such device, from
8 a remote location, all information that was placed on such
9 device after its manufacture.

10 “(c) DEVICE STANDARDS.—A person may not manu-
11 facture in the United States or import into the United
12 States for sale or resale to the public a mobile electronic
13 device unless such device is—

14 “(1) equipped with a unique identifier (such as
15 a Mobile Equipment Identifier) that allows a pro-
16 vider of commercial mobile service or commercial
17 mobile data service to identify such device for pur-
18 poses of complying with subsections (a) and (b); and

19 “(2) configured in such a manner that the pro-
20 vider of commercial mobile service or commercial
21 mobile data service on the device is able to make
22 available the remote deletion capability required by
23 subsection (b).

24 “(d) DEFINITIONS.—In this section:

1 “(1) COMMERCIAL MOBILE DATA SERVICE.—
2 The term ‘commercial mobile data service’ has the
3 meaning given such term in section 6001 of the Mid-
4 dle Class Tax Relief and Job Creation Act of 2012
5 (Public Law 112–96).

6 “(2) COMMERCIAL MOBILE SERVICE.—The term
7 ‘commercial mobile service’ has the meaning given
8 such term in section 332.

9 “(3) MOBILE ELECTRONIC DEVICE.—The term
10 ‘mobile electronic device’ means a personal electronic
11 device on which commercial mobile service or com-
12 mercial mobile data service is provided, except that
13 such term does not include a device—

14 “(A) for which the consumer purchases
15 service by paying in advance for a specified
16 amount of calling or data usage; or

17 “(B) with respect to which the consumer
18 does not have a direct relationship with the pro-
19 vider of commercial mobile service or commer-
20 cial mobile data service.”.

21 (b) REPORT TO FCC.—Not later than 1 year after
22 the date of the enactment of this Act, each provider of
23 commercial mobile service or commercial mobile data serv-
24 ice that provides such service on a mobile electronic device

1 shall submit to the Federal Communications Commission
2 a report on—

3 (1) the efforts such provider is making in order
4 to be prepared to comply, not later than the effective
5 date described in subsection (c)(1), with the require-
6 ments of subsections (a) and (b) of section 343 of
7 the Communications Act of 1934, as added by sub-
8 section (a) of this section; and

9 (2) the progress of such provider toward being
10 prepared to comply with such requirements by such
11 date.

12 (c) EFFECTIVE DATE.—

13 (1) IN GENERAL.—Such section 343 shall take
14 effect on the date that is 2 years after the date of
15 the enactment of this Act.

16 (2) DEVICES PREVIOUSLY MANUFACTURED OR
17 IMPORTED.—In the case of a mobile electronic device
18 that was manufactured in the United States (or im-
19 ported into the United States, if such device was
20 manufactured outside the United States) before the
21 date that is 2 years after the date of the enactment
22 of this Act, a provider of commercial mobile service
23 or commercial mobile data service shall only be re-
24 quired to comply with subsections (a) and (b) of
25 such section to the extent technologically feasible.

1 (d) DEFINITIONS.—In this section, a term that is de-
2 fined in such section 343 shall have the meaning given
3 such term in such section.

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