

113TH CONGRESS
1ST SESSION

H. R. 1730

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

IN THE HOUSE OF REPRESENTATIVES

APRIL 25, 2013

Mr. ENGEL (for himself and Ms. NORTON) 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 devices that have been reported stolen, to require such providers to give consumers the ability to remotely delete data from mobile devices, to prohibit the alteration or removal of mobile device identification numbers, 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 2013”.

1 **SEC. 2. MOBILE DEVICE THEFT PREVENTION.**

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. MOBILE DEVICE THEFT PREVENTION.**

6 “(a) PROVISION OF SERVICE ON STOLEN DEVICE.—

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

11 “(A) by the person who holds the account
 12 with respect to such service; or

13 “(B) by another provider of commercial
 14 mobile service or commercial mobile data serv-
 15 ice, in accordance with paragraph (2).

16 “(2) REPORTING BY SERVICE PROVIDERS.—A
 17 provider of commercial mobile service or commercial
 18 mobile data service to which a mobile device is re-
 19 ported stolen as described in paragraph (1)(A) shall
 20 inform all other providers of such service—

21 “(A) that such device has been reported
 22 stolen; and

23 “(B) of any information necessary for the
 24 identification of such device.

25 “(b) REMOTE DELETION OF DATA.—A provider of
 26 commercial mobile service or commercial mobile data serv-

1 ice on a mobile device shall make available to the person
2 who holds the account with respect to such service the ca-
3 pability of deleting from such device, from a remote loca-
4 tion, all information that was placed on such device after
5 its manufacture.

6 “(c) DEVICE STANDARDS.—A person may not manu-
7 facture in the United States or import into the United
8 States for sale or resale to the public a mobile device un-
9 less such device is—

10 “(1) equipped with a mobile device identifica-
11 tion number; and

12 “(2) configured in such a manner that the pro-
13 vider of commercial mobile service or commercial
14 mobile data service on the device is able to make
15 available the remote deletion capability required by
16 subsection (b).

17 “(d) ALTERATION OR REMOVAL OF MOBILE DEVICE
18 IDENTIFICATION NUMBER.—

19 “(1) PROHIBITION.—It shall be unlawful to—

20 “(A) knowingly remove, obliterate, tamper
21 with, or alter a mobile device identification
22 number; or

23 “(B) knowingly use, produce, traffic in,
24 have control or custody of, or possess hardware
25 or software, knowing it has been configured to

1 engage in the conduct described in subpara-
2 graph (A).

3 “(2) PENALTY.—Any person who violates para-
4 graph (1) shall be fined under title 18, United
5 States Code, imprisoned not more than 5 years, or
6 both.

7 “(e) DEFINITIONS.—In this section:

8 “(1) COMMERCIAL MOBILE DATA SERVICE.—
9 The term ‘commercial mobile data service’ has the
10 meaning given such term in section 6001 of the Mid-
11 dle Class Tax Relief and Job Creation Act of 2012
12 (47 U.S.C. 1401).

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

16 “(3) MOBILE DEVICE.—The term ‘mobile de-
17 vice’ means a personal electronic device on which
18 commercial mobile service or commercial mobile data
19 service is provided.

20 “(4) MOBILE DEVICE IDENTIFICATION NUM-
21 BER.—The term ‘mobile device identification num-
22 ber’ means an international mobile equipment iden-
23 tity number, electronic serial number, or any other
24 number or signal that identifies a specific mobile de-
25 vice.”.

1 (b) REPORT TO FCC.—Not later than 1 year after
2 the date of the enactment of this Act, each provider of
3 commercial mobile service or commercial mobile data serv-
4 ice that provides such service on a mobile device shall sub-
5 mit to the Federal Communications Commission a report
6 on—

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

13 (2) the progress of such provider toward being
14 prepared to comply with such requirements by such
15 date.

16 (c) EFFECTIVE DATE.—

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

20 (2) DEVICES PREVIOUSLY MANUFACTURED OR
21 IMPORTED.—In the case of a mobile device that was
22 manufactured in the United States (or imported into
23 the United States, if such device was manufactured
24 outside the United States) before the date that is 2
25 years after the date of the enactment of this Act, a

1 provider of commercial mobile service or commercial
2 mobile data service shall only be required to comply
3 with subsections (a) and (b) of such section to the
4 extent technologically feasible.

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

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