113TH CONGRESS
2D SESSION

S. _____

To require mobile service providers and mobile device manufacturers to give consumers the ability to remotely delete data from mobile devices and render such devices inoperable.

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IN THE SENATE OF THE UNITED STATES

_____

Ms. KLOBUCHAR (for herself, Ms. HIRONO, Ms. MIKULSKI, and Mr. BLUMENTHAL) introduced the following bill; which was read twice and referred to the Committee on _____

_____

A BILL

To require mobile service providers and mobile device manufacturers to give consumers the ability to remotely delete data from mobile devices and render such devices inoperable.

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 "Smartphone Theft Pre-

5 vention Act".

6 **SEC. 2. FINDINGS.**

7   Congress finds that—

1   (1) mobile device theft costs consumers

2   $30,000,000,000 each year, according to the Federal

3   Communications Commission;

4   (2) 1 in 3 robberies include the theft of a mo-

5   bile device;

6   (3) carriers, manufacturers, law enforcement,

7   and the Federal Communications Commission have

8   worked to address the growing trend of mobile de-

9   vice theft, but more remains to be done;

10   (4) consumers deserve to have the most secure

11   technology available to protect them and their infor-

12   mation;

13   (5) technological protections continue to de-

14   velop, evolve, and improve in ways that are good for

15   the economy and the consumers of the United

16   States, and for public safety in the United States;

17   (6) the wireless industry should work with law

18   enforcement to educate consumers about the security

19   tools that are available to them and how to keep

20   their data, their devices, and themselves safe; and

21   (7) because engineering and security needs

22   change rapidly, the mobile device industry, law en-

23   forcement, and consumer advocates are best suited

24   to proactively develop solutions to protect con-

25   sumers, drive innovation, and deter theft.

1 **SEC. 3. FUNCTION FOR STOLEN MOBILE 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. FUNCTION FOR STOLEN MOBILE DEVICES.**

6   "(a) DEFINITIONS.—In this section—

7   "(1) the term 'account holder', with respect to

8   a mobile device—

9   "(A) means the person who holds the ac-

10   count through which commercial mobile service

11   or commercial mobile data service is provided

12   on the device; and

13   "(B) includes a person authorized by the

14   person described in subparagraph (A) to take

15   actions with respect to the device;

16   "(2) the term 'commercial mobile data service'

17   has the meaning given the term in section 6001 of

18   the Middle Class Tax Relief and Job Creation Act

19   of 2012 (47 U.S.C. 1401);

20   "(3) the term 'commercial mobile service' has

21   the meaning given the term in section 332; and

22   "(4) the term 'mobile device' means a personal

23   electronic device on which commercial mobile service

24   or commercial mobile data service is provided.

25   "(b) REQUIREMENTS.—

4

1   "(1) FUNCTION.—A provider of commercial mo-

2   bile service or commercial mobile data service on a

3   mobile device shall make available on the device a

4   function that—

5   "(A) may only be used by the account

6   holder; and

7   "(B) includes the capability to remotely—

8   "(i) delete or render inaccessible from

9   the device all information relating to the

10   account holder that has been placed on the

11   device;

12   "(ii) render the device inoperable on

13   the network of any provider of commercial

14   mobile service or commercial mobile data

15   service globally, even if the device is turned

16   off or has the data storage medium re-

17   moved;

18   "(iii) prevent the device from being

19   reactivated or reprogrammed without a

20   passcode or similar authorization after the

21   device has been—

22   "(I) rendered inoperable as de-

23   scribed in clause (ii); or

24   "(II) subject to an unauthorized

25   factory reset; and

1   "(iv) reverse any action described in

2   clause (i), (ii), or (iii) if the device is recov-

3   ered by the account holder.

4   "(2) DEVICE STANDARDS.—A person may not

5 manufacture in the United States, or import into the

6 United States for sale or resale to the public, a mo-

7 bile device unless the device is configured in such a

8 manner that the provider of commercial mobile serv-

9 ice or commercial mobile data service on the device

10 may make available on the device the function re-

11 quired under subsection (1).

12   "(3) EXEMPTIONS FOR FUNCTIONALLY EQUIVA-

13 LENT TECHNOLOGY.—

14   "(A) MOBILE SERVICE PROVIDERS.—The

15   Commission may exempt a provider of commer-

16   cial mobile service or commercial mobile data

17   service on a mobile device from the requirement

18   under paragraph (1), with respect to that de-

19   vice, if the provider makes available on the de-

20   vice technology that accomplishes the functional

21   equivalent of the function required under para-

22   graph (1).

23   "(B) MANUFACTURERS AND IMPORTERS.—

24   The Commission may exempt a person from the

25   requirement under paragraph (2), with respect

1   to a mobile device that the person manufactures

2   in the United States or imports into the United

3   States for sale or resale to the public, if the de-

4   vice is configured in such a manner that the

5   provider of commercial mobile service or com-

6   mercial mobile data service on the device may

7   make available on the device technology that ac-

8   complishes the functional equivalent of the

9   function required under paragraph (1).

10   "(4) WAIVER FOR LOW-COST, VOICE-ONLY MO-

11   BILE DEVICES.—The Commission may waive the ap-

12   plicability of the requirements under paragraphs (1)

13   and (2) with respect to any low-cost mobile device

14   that—

15   "(A) is intended for primarily voice-only

16   mobile service; and

17   "(B) may have limited data consumption

18   functions focused on text messaging or short

19   message service.

20   "(c) NO FEE.—A provider of commercial mobile serv-

21   ice or commercial mobile data service on a mobile device

22   may not charge the account holder any fee for making the

23   function described in subsection (b)(1), or any equivalent

24   technology described in subsection (b)(3)(A), available to

25   the account holder.

1 ''(d) FORFEITURE PENALTY.—

2 ''(1) IN GENERAL.—Any person that is deter-

3 mined by the Commission, in accordance with para-

4 graphs (3) and (4) of section 503(b), to have vio-

5 lated subsection (b) or (c) of this section shall be lia-

6 ble to the United States for a forfeiture penalty, in

7 an amount to be determined by the Commission.

8 ''(2) OTHER PENALTIES.—A forfeiture penalty

9 under this subsection shall be in addition to any

10 other penalty provided for in this Act.

11 ''(e) RULE OF CONSTRUCTION.—Nothing in this sec-

12 tion shall be construed to prohibit a manufacturer of mo-

13 bile devices, or a provider of commercial mobile service or

14 commercial mobile data service, from taking actions not

15 described in this section to protect consumers from the

16 theft of mobile devices.''.

17 (b) APPLICABILITY OF FUNCTION REQUIREMENT.—

18 (1) DEFINITION.—In this subsection, the term

19 ''mobile device'' has the meaning given the term in

20 section 343 of the Communications Act of 1934, as

21 added by subsection (a).

22 (2) APPLICABILITY.—Except as provided in

23 paragraph (3), section 343 of the Communications

24 Act of 1934, as added by subsection (a), shall apply

1   with respect to any mobile device that, on or after

2   January 1, 2015, is—

3   (A) manufactured in the United States; or

4   (B) imported into the United States for

5   sale to the public.

6   (3) COMPLIANCE EXTENSIONS.—The Federal

7   Communications Commission may exempt a person

8   that is subject to any requirement under section

9   343(b) of the Communications Act of 1934, as

10   added by subsection (a), from that requirement for

11   a temporary period after the date described in para-

12   graph (2) of this subsection, upon a showing by the

13   person that the person requires more time to be able

14   to comply with the requirement.