

United States Senate

WASHINGTON, DC 20510-2309

January 21, 2014

The Honorable Tom Wheeler
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

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Dear Chairman Wheeler:

I am writing to call your attention to a serious and growing safety problem that is plaguing communities in Minnesota and across the nation: the theft of smartphones and other mobile devices.

Mobile device theft is the fastest-growing street crime in America, accounting for one out of every three robberies, according to your agency's latest estimates. Law enforcement authorities have coined the term "Apple-picking" to describe the theft of iPhones and other Apple devices, but the problem is not limited to Apple products—and the term belies the increasingly violent character of these crimes. For example, last month a group of individuals brutally beat a man at the Mall of America in Minnesota, amid crowds of holiday shoppers, in an attempt to steal his smartphone. Such brazen attacks are becoming all too common, particularly in urban areas, on public transportation, and on college campuses.

The FCC has taken important steps to help consumers combat smartphone theft. The PROTECTS Initiative, which then-Chairman Julius Genachowski launched in 2012 with the wireless industry and local law enforcement, was a promising start. One of this initiative's signature achievements was working with CTIA, the wireless industry trade group, to launch a database of stolen phones. Carriers check against the database before reactivating phones, refusing to activate phones registered as stolen. This "blacklist" database is an important tool in deterring theft because it helps undermine the market for stolen phones by decreasing the value of blacklisted devices.

While I applaud the FCC's efforts to create this database, it must be improved. The black market for stolen phones is global, with devices often being shipped to foreign countries in bulk soon after they are stolen. To be truly effective, the database must include participation from both foreign governments and foreign carriers. The FCC recognized this necessity in November 2012, when it reached a bilateral accord with Mexico to combat cross-border trafficking of stolen phones. Mexico's participation in the database has undoubtedly improved its effectiveness, but more must be done.

Accordingly, I urge the FCC to expand the database's global reach. Specifically, the FCC should (1) broker agreements similar to the 2012 Mexican accord with additional countries, and (2) establish cooperative relationships with international standard-setting organizations such as the GSM Association and the Inter-American Telecommunication Commission (CITEL), through

formalized agreements where appropriate. These actions would strengthen the effectiveness of the database.

In light of that fact, I respectfully request that you let me know what steps your agency has taken in pursuit of these goals, and what action you intend to take.

There is no one silver-bullet solution to combating smartphone theft. Authorities are engaged in an arms race against smartphone thieves who quickly find ways to circumvent new anti-theft tactics. A multi-pronged approach is necessary, which is why I have also written CTIA about the use of “kill switch” technology, as well as writing the Department of Justice to ask the Department to step up its enforcement actions. Strengthening the stolen phone database is a vital part of this strategy.

Thank you for your time and attention to this matter. I look forward to working with you and your staff to combat this serious threat to public safety.

Sincerely,



Al Franken
Chairman, Subcommittee on Privacy,
Technology, and the Law

CC: Mindel De La Torre
International Bureau Chief
Federal Communications Commission