

115TH CONGRESS
1ST SESSION

S. 88

AN ACT

To ensure appropriate spectrum planning and interagency coordination to support the Internet of Things.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Developing Innovation
3 and Growing the Internet of Things Act” or “DIGIT
4 Act”.

5 **SEC. 2. FINDINGS; SENSE OF CONGRESS.**

6 (a) FINDINGS.—Congress finds that—

7 (1) the Internet of Things refers to the growing
8 number of connected and interconnected devices;

9 (2) estimates indicate that more than
10 50,000,000,000 devices will be connected to the
11 Internet by 2020;

12 (3) the Internet of Things has the potential to
13 generate trillions of dollars in new economic activity
14 around the world;

15 (4) businesses across the United States can de-
16 velop new services and products, improve operations,
17 simplify logistics, cut costs, and pass savings on to
18 consumers by utilizing the Internet of Things and
19 related innovations;

20 (5) the United States leads the world in the de-
21 velopment of technologies that support the Internet
22 and the United States technology sector is well-posi-
23 tioned to lead in the development of technologies for
24 the Internet of Things;

1 (6) the United States Government can imple-
2 ment this technology to better deliver services to the
3 public; and

4 (7) the Senate unanimously passed Senate Res-
5 olution 110, 114th Congress, agreed to March 24,
6 2015, calling for a national strategy for the develop-
7 ment of the Internet of Things.

8 (b) SENSE OF CONGRESS.—It is the sense of Con-
9 gress that policies governing the Internet of Things should
10 maximize the potential and development of the Internet
11 of Things to benefit all stakeholders, including businesses,
12 governments, and consumers.

13 **SEC. 3. DEFINITIONS.**

14 In this Act:

15 (1) COMMISSION.—The term “Commission”
16 means the Federal Communications Commission.

17 (2) SECRETARY.—The term “Secretary” means
18 the Secretary of Commerce.

19 (3) STEERING COMMITTEE.—The term “steer-
20 ing committee” means the steering committee estab-
21 lished under section 4(e)(1).

22 (4) WORKING GROUP.—The term “working
23 group” means the working group convened under
24 section 4(a).

1 **SEC. 4. FEDERAL WORKING GROUP.**

2 (a) IN GENERAL.—The Secretary shall convene a
3 working group of Federal stakeholders for the purpose of
4 providing recommendations and a report to Congress re-
5 lating to the aspects of the Internet of Things described
6 in subsection (b).

7 (b) DUTIES.—The working group shall—

8 (1) identify any Federal regulations, statutes,
9 grant practices, budgetary or jurisdictional chal-
10 lenges, and other sector-specific policies that are in-
11 hibiting, or could inhibit, the development of the
12 Internet of Things;

13 (2) consider policies or programs that encour-
14 age and improve coordination among Federal agen-
15 cies with jurisdiction over the Internet of Things;

16 (3) consider any findings or recommendations
17 made by the steering committee and, where appro-
18 priate, act to implement those recommendations; and

19 (4) examine—

20 (A) how Federal agencies can benefit from
21 utilizing the Internet of Things;

22 (B) the use of Internet of Things tech-
23 nology by Federal agencies as of the date on
24 which the working group performs the examina-
25 tion;

1 (C) the preparedness and ability of Federal
2 agencies to adopt Internet of Things technology
3 in the future; and

4 (D) any additional security measures that
5 Federal agencies may need to take to—

6 (i) safely and securely use the Inter-
7 net of Things, including measures that en-
8 sure the security of critical infrastructure;
9 and

10 (ii) enhance the resiliency of Federal
11 systems against cyber threats to the Inter-
12 net of Things.

13 (c) AGENCY REPRESENTATIVES.—In convening the
14 working group under subsection (a), the Secretary shall
15 have discretion to appoint representatives and shall spe-
16 cifically consider seeking representation from—

17 (1) the Department of Commerce, including—

18 (A) the National Telecommunications and
19 Information Administration;

20 (B) the National Institute of Standards
21 and Technology; and

22 (C) the National Oceanic and Atmospheric
23 Administration;

24 (2) the Department of Transportation;

25 (3) the Department of Homeland Security;

- 1 (4) the Office of Management and Budget;
- 2 (5) the National Science Foundation;
- 3 (6) the Commission;
- 4 (7) the Federal Trade Commission;
- 5 (8) the Office of Science and Technology Policy;
- 6 (9) the Department of Energy; and
- 7 (10) the Federal Energy Regulatory Commis-
- 8 sion.

9 (d) NONGOVERNMENTAL STAKEHOLDERS.—The
10 working group shall consult with nongovernmental stake-
11 holders, including—

- 12 (1) the steering committee;
- 13 (2) information and communications technology
14 manufacturers, suppliers, service providers, and ven-
15 dors;
- 16 (3) subject matter experts representing indus-
17 trial sectors other than the technology sector that
18 can benefit from the Internet of Things, including
19 the energy, agriculture, and health care sectors;
- 20 (4) small, medium, and large businesses;
- 21 (5) think tanks and academia;
- 22 (6) nonprofit organizations and consumer
23 groups;
- 24 (7) rural stakeholders; and

1 (8) other stakeholders with relevant expertise,
2 as determined by the Secretary.

3 (e) STEERING COMMITTEE.—

4 (1) ESTABLISHMENT.—There is established
5 within the Department of Commerce a steering com-
6 mittee to advise the working group.

7 (2) DUTIES.—The steering committee shall ad-
8 vise the working group with respect to—

9 (A) the identification of any Federal regu-
10 lations, statutes, grant practices, programs,
11 budgetary or jurisdictional challenges, and
12 other sector-specific policies that are inhibiting,
13 or could inhibit, the development of the Internet
14 of Things;

15 (B) whether adequate spectrum is available
16 to support the growing Internet of Things and
17 what legal or regulatory barriers may exist to
18 providing any spectrum needed in the future;

19 (C) policies or programs that—

20 (i) promote or are related to the pri-
21 vacy of individuals who use or are affected
22 by the Internet of Things;

23 (ii) may enhance the security of the
24 Internet of Things, including the security
25 of critical infrastructure;

1 (iii) may protect users of the Internet
2 of Things; and

3 (iv) may encourage coordination
4 among Federal agencies with jurisdiction
5 over the Internet of Things;

6 (D) the opportunities and challenges asso-
7 ciated with the use of Internet of Things tech-
8 nology by small businesses; and

9 (E) any international proceeding, inter-
10 national negotiation, or other international mat-
11 ter affecting the Internet of Things to which
12 the United States is or should be a party.

13 (3) MEMBERSHIP.—The Secretary shall appoint
14 to the steering committee members representing a
15 wide range of stakeholders outside of the Federal
16 Government with expertise relating to the Internet
17 of Things, including—

18 (A) information and communications tech-
19 nology manufacturers, suppliers, service pro-
20 viders, and vendors;

21 (B) subject matter experts representing in-
22 dustrial sectors other than the technology sector
23 that can benefit from the Internet of Things,
24 including the energy, agriculture, and health
25 care sectors;

- 1 (C) small, medium, and large businesses;
2 (D) think tanks and academia;
3 (E) nonprofit organizations and consumer
4 groups;
5 (F) rural stakeholders; and
6 (G) other stakeholders with relevant exper-
7 tise, as determined by the Secretary.

8 (4) REPORT.—Not later than 1 year after the
9 date of enactment of this Act, the steering com-
10 mittee shall submit to the working group a report
11 that includes any findings or recommendations of
12 the steering committee.

13 (5) INDEPENDENT ADVICE.—

14 (A) IN GENERAL.—The steering committee
15 shall set the agenda of the steering committee
16 in carrying out the duties of the steering com-
17 mittee under paragraph (2).

18 (B) SUGGESTIONS.—The working group
19 may suggest topics or items for the steering
20 committee to study, and the steering committee
21 shall take those suggestions into consideration
22 in carrying out the duties of the steering com-
23 mittee.

24 (C) REPORT.—The steering committee
25 shall ensure that the report submitted under

1 paragraph (4) is the result of the independent
2 judgment of the steering committee.

3 (6) TERMINATION.—The steering committee
4 shall terminate on the date on which the working
5 group submits the report under subsection (f) un-
6 less, on or before that date, the Secretary files a new
7 charter for the steering committee under section 9(c)
8 of the Federal Advisory Committee Act (5 U.S.C.
9 App.).

10 (f) REPORT TO CONGRESS.—

11 (1) IN GENERAL.—Not later than 18 months
12 after the date of enactment of this Act, the working
13 group shall submit to Congress a report that in-
14 cludes—

15 (A) the findings and recommendations of
16 the working group with respect to the duties of
17 the working group under subsection (b);

18 (B) the report submitted by the steering
19 committee under subsection (e)(4), as the re-
20 port was received by the working group;

21 (C) recommendations for action or reasons
22 for inaction, as applicable, with respect to each
23 recommendation made by the steering com-
24 mittee in the report submitted under subsection
25 (e)(4); and

1 (D) an accounting of any progress made
2 by Federal agencies to implement recommenda-
3 tions made by the working group or the steer-
4 ing committee.

5 (2) COPY OF REPORT.—The working group
6 shall submit a copy of the report described in para-
7 graph (1) to—

8 (A) the Committee on Commerce, Science,
9 and Transportation and the Committee on En-
10 ergy and Natural Resources of the Senate;

11 (B) the Committee on Energy and Com-
12 merce of the House of Representatives; and

13 (C) any other committee of Congress, upon
14 request to the working group.

15 **SEC. 5. ASSESSING SPECTRUM NEEDS.**

16 (a) IN GENERAL.—The Commission, in consultation
17 with the National Telecommunications and Information
18 Administration, shall issue a notice of inquiry seeking pub-
19 lic comment on the current, as of the date of enactment
20 of this Act, and future spectrum needs of the Internet of
21 Things.

22 (b) REQUIREMENTS.—In issuing the notice of inquiry
23 under subsection (a), the Commission shall seek comments
24 that consider and evaluate—

1 (1) whether adequate spectrum is available to
2 support the growing Internet of Things;

3 (2) what regulatory barriers may exist to pro-
4 viding any needed spectrum for the Internet of
5 Things; and

6 (3) what the role of licensed and unlicensed
7 spectrum is and will be in the growth of the Internet
8 of Things.

9 (c) REPORT.—Not later than 1 year after the date
10 of enactment of this Act, the Commission shall submit to
11 the Committee on Commerce, Science, and Transportation
12 of the Senate and the Committee on Energy and Com-
13 merce of the House of Representatives a report summa-
14 rizing the comments submitted in response to the notice
15 of inquiry issued under subsection (a).

Passed the Senate August 3, 2017.

Attest:

Secretary.

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