

115TH CONGRESS
1ST SESSION

S. 88

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

IN THE SENATE OF THE UNITED STATES

JANUARY 10, 2017

Mrs. FISCHER (for herself, Mr. BOOKER, Mr. GARDNER, and Mr. SCHATZ) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

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

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

8 (a) FINDINGS.—Congress finds that—

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

1 (2) estimates indicate that more than
2 50,000,000,000 devices will be connected to the
3 Internet by the year 2020;

4 (3) the Internet of Things has the potential to
5 generate trillions of dollars in new economic activity
6 around the world;

7 (4) businesses across the United States can de-
8 velop new services and products, improve operations,
9 simplify logistics, cut costs, and pass savings on to
10 consumers by utilizing the Internet of Things and
11 related innovations;

12 (5) the United States leads the world in the de-
13 velopment of technologies that support the Internet
14 and the United States technology sector is well-posi-
15 tioned to lead in the development of technologies for
16 the Internet of Things;

17 (6) the United States Government can imple-
18 ment this technology to better deliver services to the
19 public; and

20 (7) the United States Senate unanimously
21 passed Senate Resolution 110, 114th Congress,
22 agreed to March 24, 2015, calling for a national
23 strategy for the development of the Internet of
24 Things.

1 (b) SENSE OF CONGRESS.—It is the sense of Con-
 2 gress that policies governing the Internet of Things should
 3 maximize the potential and development of the Internet
 4 of Things to benefit all stakeholders, including businesses,
 5 governments, and consumers.

6 **SEC. 3. DEFINITIONS.**

7 In this Act:

8 (1) APPROPRIATE COMMITTEES OF CON-
 9 GRESS.—The term “appropriate committees of Con-
 10 gress” means—

11 (A) the Committee on Commerce, Science,
 12 and Transportation of the Senate; and

13 (B) the Committee on Energy and Com-
 14 merce of the House of Representatives.

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

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

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

22 (5) 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 lated 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 the
24 working group performs the examination;

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; and

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

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

15 (1) the Department of Commerce, including—

16 (A) the National Telecommunications and
 17 Information Administration;

18 (B) the National Institute of Standards
 19 and Technology; and

20 (C) the National Oceanic and Atmospheric
 21 Administration;

22 (2) the Department of Transportation;

23 (3) the Department of Homeland Security;

24 (4) the Office of Management and Budget;

25 (5) the National Science Foundation;

- 1 (6) the Commission;
- 2 (7) the Federal Trade Commission;
- 3 (8) the Office of Science and Technology Policy;
- 4 and
- 5 (9) the Department of Energy.

6 (d) NONGOVERNMENTAL STAKEHOLDERS.—The
7 working group shall consult with nongovernmental stake-
8 holders, including—

- 9 (1) the steering committee;
- 10 (2) information and communications technology
- 11 manufacturers, suppliers, service providers, and ven-
- 12 dors;
- 13 (3) subject matter experts representing indus-
- 14 trial sectors other than the technology sector that
- 15 can benefit from the Internet of Things, including
- 16 the agriculture and health care sectors;
- 17 (4) small, medium, and large businesses;
- 18 (5) think tanks and academia;
- 19 (6) nonprofits and consumer groups;
- 20 (7) rural stakeholders; and
- 21 (8) other stakeholders with relevant expertise,
- 22 as determined by the Secretary.
- 23 (e) STEERING COMMITTEE.—

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

4 (2) DUTIES.—The steering committee shall ad-
5 vise the working group with regard to—

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

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

16 (C) policies or programs that—

17 (i) promote or are related to the pri-
18 vacy of individuals who use or are affected
19 by the Internet of Things;

20 (ii) may enhance the security of the
21 Internet of Things;

22 (iii) may protect users of the Internet
23 of Things; and

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

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

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

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

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

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

24 (C) small, medium, and large businesses;

25 (D) think tanks and academia;

1 (E) nonprofit organizations and consumer
2 groups;

3 (F) rural stakeholders; and

4 (G) other stakeholders with relevant exper-
5 tise, as determined by the Secretary.

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

11 (5) INDEPENDENT ADVICE.—

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

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

22 (C) REPORT.—The steering committee
23 shall ensure that the report submitted under
24 paragraph (4) is the result of the independent
25 judgment of the steering committee.

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

8 (f) REPORT TO CONGRESS.—

9 (1) IN GENERAL.—Not later than 18 months
10 after the date of enactment of this Act, the working
11 group shall submit to the appropriate committees of
12 Congress a report that includes—

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

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

19 (C) recommendations for action or reasons
20 for inaction, as applicable, on each rec-
21 ommendation made by the steering committee
22 in the report submitted under subsection (e)(4);
23 and

24 (D) an accounting of any progress made
25 by Federal agencies to implement recommenda-

1 tions made by the working group or the steer-
2 ing committee.

3 (2) COPY OF REPORT.—Any committee of Con-
4 gress, upon request, may obtain a copy of the report
5 submitted under paragraph (1).

6 **SEC. 5. ASSESSING SPECTRUM NEEDS.**

7 (a) IN GENERAL.—The Commission, in consultation
8 with the National Telecommunications and Information
9 Administration, shall issue a notice of inquiry seeking pub-
10 lic comment on the current, as of the date of enactment
11 of this Act, and future spectrum needs of the Internet of
12 Things.

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

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

18 (2) what regulatory barriers may exist to pro-
19 viding any needed spectrum for the Internet of
20 Things; and

21 (3) what the role of licensed and unlicensed
22 spectrum is and will be in the growth of the Internet
23 of Things.

24 (c) REPORT.—Not later than 1 year after the date
25 of enactment of this Act, the Commission shall submit to

1 the appropriate committees of Congress a report summa-
2 rizing the comments submitted in response to the notice
3 of inquiry issued under subsection (a).

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