

115TH CONGRESS  
1ST SESSION

# S. 2234

To require the Federal Trade Commission to develop cybersecurity resources for consumer education and awareness regarding the purchase and use of devices that are part of the Internet of Things, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

DECEMBER 14, 2017

Mr. WICKER (for himself and Ms. HASSAN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To require the Federal Trade Commission to develop cybersecurity resources for consumer education and awareness regarding the purchase and use of devices that are part of the Internet of Things, 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 “Internet of Things  
5 Consumer Tips to Improve Personal Security Act of  
6 2017” or the “IOT Consumer TIPS Act of 2017”.

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

1           (1) The term “Internet of Things” refers to de-  
2           vices, applications, and physical objects that are  
3           Internet-enabled, networked, or connected.

4           (2) The devices that are part of the Internet of  
5           Things are equipped with sensors or developed with  
6           automated functionalities that allow them to collect,  
7           send, or receive data, and perform according to con-  
8           sumer preferences that enhance productivity, effi-  
9           ciency, and convenience.

10          (3) The rapid adoption of the Internet of  
11          Things among consumers and businesses is driven  
12          by the wide range of economic and societal benefits  
13          that are generated by such devices across almost  
14          every industry and sector.

15          (4) Consumer trust in the security of the Inter-  
16          net of Things is paramount to the leadership and  
17          competitiveness of the United States in the global  
18          digital economy.

19          (5) It is the policy of the United States to en-  
20          courage innovation in the development and use of  
21          the Internet of Things and empower consumers to  
22          be responsible digital citizens and manage the secu-  
23          rity of their devices in collaboration with manufac-  
24          turers, sellers, and service providers.

1 **SEC. 3. FEDERAL EDUCATIONAL CYBERSECURITY RE-**  
2 **SOURCES FOR CONSUMERS REGARDING DE-**  
3 **VICES THAT ARE PART OF THE INTERNET OF**  
4 **THINGS.**

5 (a) DEFINITIONS.—In this section—

6 (1) COVERED DEVICE.—The term “covered de-  
7 vice”—

8 (A) includes devices, applications, and  
9 physical objects that are—

10 (i) part of the Internet of Things; and

11 (ii) marketed and sold primarily to  
12 consumers; and

13 (B) does not include—

14 (i) devices that are marketed and sold  
15 for use primarily in industrial, business, or  
16 enterprise settings; or

17 (ii) smartphones, tablets, personal  
18 computers, or devices leased to consumers  
19 by multichannel video programming dis-  
20 tributors.

21 (2) CYBERSECURITY THREAT.—The term “cy-  
22 bersecurity threat” has the meaning given to the  
23 term in section 102 of the Cybersecurity Information  
24 Sharing Act of 2015 (6 U.S.C. 1501).

25 (3) SECURITY VULNERABILITY.—The term “se-  
26 curity vulnerability” has the meaning given to the

1 term in section 102 of the Cybersecurity Information  
2 Sharing Act of 2015 (6 U.S.C. 1501).

3 (b) DEVELOPMENT OF EDUCATIONAL CYBERSECURITY  
4 RITY RESOURCES.—Not later than 1 year after the date  
5 of enactment of this Act, the Federal Trade Commission  
6 shall, in coordination with the National Institute of Stand-  
7 ards and Technology and relevant private sector stake-  
8 holders and experts, develop voluntary educational cyber-  
9 security resources for consumers relating to the practices  
10 of consumers with respect to the protection and use of  
11 covered devices, including citing evidence of consumer atti-  
12 tudes and expectations.

13 (c) ELEMENTS.—The voluntary resources developed  
14 under subsection (b) shall be technology-neutral and in-  
15 clude guidance, best practices, and advice for consumers  
16 to protect against, mitigate, and recover from cybersecu-  
17 rity threats or security vulnerabilities, where technically  
18 feasible, including—

19 (1) the scope of possible security support from  
20 a vendor post-purchase;

21 (2) how to initiate or set up a covered device  
22 for use;

23 (3) the use of passwords, available security  
24 tools and settings, appropriate physical controls, and  
25 avoidance of steps that can defeat security;

1           (4) updates to the software of a covered device  
2           during operation or use if applicable;

3           (5) the recovery of compromised devices;

4           (6) end-of-life considerations such as resetting,  
5           deleting, or modifying data collected or retained by  
6           a covered device when it is no longer in use or ex-  
7           pected to be used by the consumer;

8           (7) security services, tools, or platforms for con-  
9           nected devices that may help consumers manage  
10          connected devices; and

11          (8) varying security considerations depending  
12          on factors, including the type of device and setting  
13          of use.

14          (d) AVAILABILITY AND PUBLICATION.—The Federal  
15          Trade Commission shall ensure that the resources devel-  
16          oped under subsection (b) are available to and readily ac-  
17          cessible by the public on the Internet website of the Fed-  
18          eral Trade Commission.

19          (e) PERIODIC UPDATES.—The Federal Trade Com-  
20          mission shall review, and, as necessary update the re-  
21          sources developed under subsection (b), in collaboration  
22          with industry stakeholders, to address changes in cyberse-  
23          curity threats or security vulnerabilities and other tech-  
24          nology developments or challenges.

1 (f) VOLUNTARY USE.—The resources developed  
2 under subsection (b) shall be for voluntary use by con-  
3 sumers.

4 (g) TREATMENT.—No guidelines, best practices, or  
5 advice issued by the Federal Trade Commission with re-  
6 spect to the resources developed under subsection (b) shall  
7 confer any right on any person, State, or locality, nor shall  
8 operate to bind the Federal Trade Commission or any per-  
9 son to the approach recommended in such guidance, best  
10 practice, or advice. The Federal Trade Commission may  
11 not base an enforcement action on, or execute a consent  
12 order based on, any failure to promote or use such guid-  
13 ance, or any practice used for covered device functionality  
14 that is alleged to be inconsistent with any guidance, best  
15 practice, or advice included in the resources developed  
16 under subsection (b), unless the practice allegedly violates  
17 another provision of law. Nothing in this Act is intended  
18 to limit the ability of the Federal Trade Commission to  
19 enforce section 5 of the Federal Trade Commission Act  
20 (15 U.S.C. 45).

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