

Documents for the record – “Securing Communications Networks from Foreign Adversaries”

1. A discussion draft of “Safeguarding Home and Industrial Electronics from Lethal Dangers IoT Act” or the “SHIELD IoT Act”

[DISCUSSION DRAFT]

118TH CONGRESS  
2D SESSION

**H. R.** \_\_\_\_\_

To amend the Secure and Trusted Communications Networks Act of 2019 to direct the Federal Communications Commission to identify and place on the Covered List published under such Act certain foreign adversary Internet of Things modules, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

M. \_\_\_\_\_ introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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**A BILL**

To amend the Secure and Trusted Communications Networks Act of 2019 to direct the Federal Communications Commission to identify and place on the Covered List published under such Act certain foreign adversary Internet of Things modules, 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 “Safeguarding Home  
5 and Industrial Electronics from Lethal Dangers IoT Act”  
6 or the “SHIELD IoT Act”.

1 **SEC. 2. IDENTIFICATION AND PLACEMENT ON COVERED**  
2 **LIST OF CERTAIN FOREIGN ADVERSARY**  
3 **INTERNET OF THINGS MODULES.**

4 (a) IN GENERAL.—The Secure and Trusted Commu-  
5 nications Networks Act of 2019 (47 U.S.C. 1601 et seq.)  
6 is amended—

7 (1) by redesignating sections 9, 10, and 11 as  
8 sections 10, 11, and 12, respectively; and

9 (2) by inserting after section 8 the following:

10 **“SEC. 9. IDENTIFICATION AND PLACEMENT ON COVERED**  
11 **LIST OF CERTAIN FOREIGN ADVERSARY**  
12 **INTERNET OF THINGS MODULES.**

13 “(a) IN GENERAL.—Not later than 1 year after the  
14 date of the enactment of this section, the Commission  
15 shall identify and place on the list published by the Com-  
16 mission under section 2(a) foreign adversary Internet of  
17 Things modules that the Commission determines—

18 “(1) pose an unacceptable risk to the national  
19 security of the United States or the security and  
20 safety of United States persons based solely on one  
21 or more of the determinations described in para-  
22 graphs (1) through (4) of section 2(c); and

23 “(2) either—

24 “(A) have the capability to be remotely  
25 controlled or accessed by foreign adversary enti-  
26 ties without direct consent of the user;

1           “(B) are designed to or capable of trans-  
2           mitting user data or proprietary information to  
3           servers located in foreign adversaries; or

4           “(C) can receive software or firmware up-  
5           dates from foreign adversary entities without  
6           direct consent of the user.

7           “(b) CONSIDERATION REQUIRED.—In carrying out  
8           subsection (a), the Commission shall consider foreign ad-  
9           versary Internet of Things modules produced or provided  
10          by the following:

11           “(1) Quectel.

12           “(2) Fibocom.

13           “(3) Any successor, affiliate, or subsidiary of an  
14          entity described in paragraph (1) or (2).

15          “(c) INELIGIBILITY FOR REIMBURSEMENT UNDER  
16          SECURE AND TRUSTED COMMUNICATIONS NETWORKS  
17          REIMBURSEMENT PROGRAM.—A provider of advanced  
18          communications service may not use reimbursement funds  
19          to remove, replace, or dispose of any foreign adversary  
20          Internet of Things module that is on the list published  
21          by the Commission under section 2(a) by reason of a de-  
22          termination by the Commission under subsection (a) of  
23          this section.

24          “(d) EXEMPTIONS.—Any restriction or requirement  
25          imposed as a result of a foreign adversary Internet of

1 Things module being on the list published by the Commis-  
2 sion under section 2(a) by reason of a determination by  
3 the Commission under subsection (a) of this section does  
4 not apply—

5 “(1) except as provided in subsection (c) of this  
6 section, to any person with respect to a foreign ad-  
7 versary Internet of Things module that was pur-  
8 chased, rented, leased, or otherwise obtained by such  
9 person before being placed on such list; or

10 “(2) to any individual with respect to a foreign  
11 adversary Internet of Things module purchased,  
12 rented, leased, or otherwise obtained by such indi-  
13 vidual for personal, noncommercial use.”.

14 (b) DEFINITIONS.—Section 10 of the Secure and  
15 Trusted Communications Networks Act of 2019, as so re-  
16 designated, is amended—

17 (1) in paragraph (4)—

18 (A) by striking the period at the end and  
19 inserting “; and”;

20 (B) by striking “The term ‘communica-  
21 tions equipment or service’ means any” and in-  
22 serting the following: “The term ‘communica-  
23 tions equipment or service’—

24 “(A) means any”; and

25 (C) by adding at the end the following:

1 “(B) includes an Internet of Things mod-  
2 ule.”;

3 (2) by redesignating paragraphs (8) through  
4 (12) as paragraphs (12) through (16), respectively;  
5 and

6 (3) by inserting after paragraph (7) the fol-  
7 lowing:

8 “(8) FOREIGN ADVERSARY.—Except for pur-  
9 poses of section 8, the term ‘foreign adversary’  
10 means any of the following:

11 “(A) The People’s Republic of China, in-  
12 cluding all Special Administrative Regions.

13 “(B) The Republic of Cuba.

14 “(C) The Islamic Republic of Iran.

15 “(D) The Democratic People’s Republic of  
16 Korea.

17 “(E) The Russian Federation.

18 “(F) The Bolivarian Republic of Venezuela  
19 during any period of time in which Nicolás  
20 Maduro is President of the Republic.

21 “(9) FOREIGN ADVERSARY ENTITY.—The term  
22 ‘foreign adversary entity’ means any of the fol-  
23 lowing:

24 “(A) The government of a foreign adver-  
25 sary.

1           “(B) A foreign person subject to the juris-  
2           diction of, or organized under the laws of, the  
3           government of a foreign adversary.

4           “(C) A foreign person owned, directed, or  
5           controlled by an entity described in subpara-  
6           graph (A) or (B).

7           “(10) FOREIGN ADVERSARY INTERNET OF  
8           THINGS MODULE.—The term ‘foreign adversary  
9           Internet of Things module’ means an Internet of  
10          Things module that is produced or provided by a  
11          foreign adversary entity.

12          “(11) INTERNET OF THINGS MODULE.—The  
13          term ‘Internet of Things module’ means a hardware  
14          component that enables any device or object to com-  
15          municate, exchange data, and potentially initiate ac-  
16          tions across a network interface, including sensors,  
17          actuators, embedded processors, and communication  
18          hardware.”.

19          (c) CONFORMING AMENDMENT.—Section 4(d)(5)(C)  
20          of the Secure and Trusted Communications Networks Act  
21          of 2019 (47 U.S.C. 1603(d)(5)(C)) is amended by striking  
22          “section 9” each place it appears and inserting “section  
23          10”.