

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 COMMITTEE SUBSTITUTE

4 FOR

HOUSE BILL NO. 1195

By: McCall

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6  
7 COMMITTEE SUBSTITUTE

8 An Act relating to telecommunications; creating the  
9 Secure Telecommunications Act of 2024; stating  
10 legislative intent; defining terms; prohibiting  
11 certain critical telecommunications infrastructure  
12 equipment; requiring removal and replacement of  
13 certain prohibited equipment; stating that removal,  
14 discontinuation, or replacement of prohibited  
15 equipment shall not require additional permits  
16 provided certain conditions are met; requiring the  
17 filing of certain form; requiring payment of certain  
18 registration fee by certain date and then annually;  
19 requiring registration prior to providing service;  
20 authorizing Corporation Commission to prescribe  
21 certain registration form; requiring provider furnish  
22 certain person's contact information; requiring  
23 payment of registration fee at time of submission of  
24 certain form; authorizing Commission to set certain  
fee; limiting amount of fee; requiring certain  
information be kept current; requiring certain  
notification if information changes; requiring  
certain annual certification; providing for  
administrative fines for certain violations;  
providing that failure to comply shall result in  
forfeiture of certain funds; providing for  
codification; providing an effective date; and  
declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

1           SECTION 1.           NEW LAW           A new section of law to be codified  
2 in the Oklahoma Statutes as Section 146.1 of Title 17, unless there  
3 is created a duplication in numbering, reads as follows:

4           A. This act shall be known and may be cited as the "Secure  
5 Telecommunications Act of 2024".

6           B. The purpose of this act is to secure Oklahoma's  
7 telecommunications grid and protect national security by eliminating  
8 communications hardware and software from Oklahoma's  
9 telecommunications grid that comes from countries of concern and  
10 sanctioned entities.

11          SECTION 2.           NEW LAW           A new section of law to be codified  
12 in the Oklahoma Statutes as Section 146.2 of Title 17, unless there  
13 is created a duplication in numbering, reads as follows:

14          As used in this act:

15          1. "Critical telecommunications infrastructure" shall mean all  
16 physical broadband infrastructure and equipment which supports the  
17 transmission of information of a user's choosing, regardless of the  
18 transmission medium or technology employed that connects to a  
19 network which permits the end user to engage in communications  
20 including, but not limited to, service provided directly to:

- 21           a. the public, or
- 22           b. such classes of users as to be effectively available  
23           directly to the public;

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1        2. "Federally banned corporation" shall mean any company or  
2 designated equipment currently banned or at any point hereto banned  
3 at the federal level. This shall include bans resulting from, but  
4 not limited to, the following federal agencies and acts:

- 5            a. the Federal Communications Commission, including, but  
6            not limited, to any equipment or service deemed to  
7            pose a threat to national security identified on the  
8            Covered List developed pursuant to 47 C.F.R., Section  
9            1.50002, as such act existed July 1, 2024, and  
10           published by the Public Safety and Homeland Security  
11           Bureau of the Federal Communications Commission  
12           pursuant to the federal Secure and Trusted  
13           Communications Networks Act of 2019, 47 U.S.C.,  
14           Section 1601 et seq., as such act existed on July 1,  
15           2024,
- 16           b. the U.S. Commerce Department,
- 17           c. the Cybersecurity and Infrastructure Security Agency,
- 18           d. the Federal Acquisition Security Council, and
- 19           e. Section 889 of the John S. McCain National Defense  
20           Authorization Act (NDAA) for Fiscal Year 2019 [Pub. L.  
21           115-232];

22        3. "Foreign adversary" shall mean any country designated by the  
23 United States Secretary of State as hostile or a Country of  
24 Particular Concern (CPC); and

1       4. "Telecommunications provider" shall mean any corporation,  
2 public or private, which operates any system which supports the  
3 transmission of information of a user's choosing regardless of the  
4 transmission medium or technology employed that connects to a  
5 network which permits the end user to engage in communications  
6 including, but not limited to, service provided directly to:

- 7           a. the public, or
- 8           b. such classes of users as to be effectively available  
9           directly to the public.

10       SECTION 3.       NEW LAW       A new section of law to be codified  
11 in the Oklahoma Statutes as Section 146.3 of Title 17, unless there  
12 is created a duplication in numbering, reads as follows:

13       A. All critical telecommunications infrastructure located  
14 within or serving this state shall henceforth be constructed not to  
15 include any equipment manufactured by a federally banned  
16 corporation, nor any equipment banned at the federal level.

17       B. All critical telecommunications infrastructure located  
18 within or serving this state shall henceforth be constructed not to  
19 include any equipment manufactured in or by, including any equipment  
20 whose critical or necessary components are manufactured in or by a  
21 foreign adversary, a state-owned enterprise of a foreign adversary,  
22 or a company domiciled within a foreign adversary.

23       C. All critical telecommunications infrastructure in operation  
24 within or serving this state, to include any critical

1 telecommunications infrastructure which is not permanently disabled,  
2 shall have all equipment prohibited by subsection A or B of this  
3 section removed and replaced with equipment which is not prohibited  
4 by subsection A or B of this section. Any telecommunications  
5 provider that removes, discontinues, or replaces any prohibited  
6 telecommunications equipment or service shall not be required to  
7 obtain any additional permits from any state agency or political  
8 subdivision for the removal, discontinuance, or replacement of such  
9 communications equipment or service as long as the state agency or  
10 political subdivision is properly notified of the necessary  
11 replacements and the replacement communications equipment is similar  
12 to the existing communications equipment.

13 SECTION 4. NEW LAW A new section of law to be codified  
14 in the Oklahoma Statutes as Section 146.4 of Title 17, unless there  
15 is created a duplication in numbering, reads as follows:

16 A. Any telecommunications provider providing service in this  
17 state shall file a registration form with and pay a registration fee  
18 to the Oklahoma Corporation Commission by September 1, 2024, and  
19 then on January 1 of each year henceforth. Any communications  
20 provider shall register with the Commission prior to providing  
21 service. The Commission shall prescribe the registration form to be  
22 filed pursuant to this section.

23 B. A telecommunications provider shall provide the Commission  
24 with the name, address, telephone number, and email address of a

1 person with managerial responsibility for the provider's operations  
2 within this state.

3 C. A telecommunications provider shall:

4 1. Submit a registration fee at the time the registration form  
5 is submitted. The Commission shall set the fee in an amount  
6 sufficient to cover the costs of administering the registration  
7 process, but said fee shall not exceed Fifty Dollars (\$50.00);

8 2. Keep the information required by this section current and  
9 notify the Commission of any changes to such information within  
10 sixty (60) days after the change; and

11 3. Certify to the Commission by January 1 each year that all  
12 critical telecommunications equipment and infrastructure within its  
13 operation does not use or provide any communications equipment or  
14 service prohibited pursuant to Section 3 of this act.

15 D. The Commission shall administratively fine any  
16 telecommunications provider which violates this section with a fine  
17 of no less than Ten Thousand Dollars (\$10,000.00) per day and no  
18 greater than One Hundred Thousand Dollars (\$100,000.00) per day of  
19 noncompliance.

20 E. The Commission shall administratively fine any  
21 telecommunications provider which knowingly submits a false  
22 registration form described in this section with a fine of no less  
23 than Ten Thousand Dollars (\$10,000.00) per day and no greater than  
24 One Hundred Thousand Dollars (\$100,000.00) per day of noncompliance.

1 F. Any telecommunications provider that fails to comply with  
2 this section is prohibited from receiving any state or local funds  
3 for the development or support of new or existing critical  
4 telecommunications infrastructure, including the Oklahoma  
5 Telecommunications Universal Service Fund, and is prohibited from  
6 receiving any federal funds subject to distribution by state or  
7 local governments for the development or support of new or existing  
8 critical telecommunications infrastructure.

9 SECTION 5. This act shall become effective July 1, 2024.

10 SECTION 6. It being immediately necessary for the preservation  
11 of the public peace, health or safety, an emergency is hereby  
12 declared to exist, by reason whereof this act shall take effect and  
13 be in full force from and after its passage and approval.

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