

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0957.01 Christopher McMichael x4775

SENATE BILL 24-151

SENATE SPONSORSHIP

Lundeen and Roberts,

HOUSE SPONSORSHIP

(None),

Senate Committees

Business, Labor, & Technology

House Committees

A BILL FOR AN ACT

101 CONCERNING TELECOMMUNICATIONS SECURITY, AND, IN CONNECTION
102 THEREWITH, REQUIRING THE PUBLIC UTILITIES COMMISSION TO
103 PROMULGATE RULES RELATED TO THE REMOVAL,
104 DISCONTINUANCE, OR REPLACEMENT OF CRITICAL
105 TELECOMMUNICATIONS INFRASTRUCTURE THAT UTILIZES
106 EQUIPMENT MANUFACTURED BY A FEDERALLY BANNED ENTITY
107 OR FOREIGN ADVERSARY.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

The bill requires telecommunications providers that operate in Colorado to remove, discontinue, or replace all critical telecommunications infrastructure that utilizes equipment from a federally banned entity or foreign adversary.

The bill requires telecommunications providers to register with the public utilities commission (commission) and certify that the telecommunications provider is:

- Not operating critical telecommunications infrastructure that utilizes equipment from a federally banned entity or foreign adversary; or
- Participating in the federal reimbursement program established by the federal "Secure and Trusted Communications Networks Act of 2019" and is in compliance with the reimbursement program.

The bill grants the commission authority to enforce the requirements established by the bill by administering fines against telecommunications providers for noncompliance. The bill also grants the commission rule-making authority to implement the requirements.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** The general assembly
3 finds and declares that it is in the best interest of the state to secure
4 Colorado's telecommunications network and protect national security by
5 identifying and removing communications hardware and software that is
6 produced by countries of concern or other sanctioned entities from
7 Colorado's telecommunications network.

8 **SECTION 2.** In Colorado Revised Statutes, **add** 40-15-509.7 as
9 follows:

10 **40-15-509.7. Telecommunications security -**
11 **telecommunications network - national security - general provisions**
12 **- registration and enforcement - rules - definitions. (1) Definitions.**

13 AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

14 (a) "CRITICAL TELECOMMUNICATIONS INFRASTRUCTURE" MEANS

1 ALL PHYSICAL TELECOMMUNICATIONS INFRASTRUCTURE AND EQUIPMENT
2 THAT SUPPORTS THE TRANSMISSION OF INFORMATION, REGARDLESS OF THE
3 TRANSMISSION MEDIUM OR TECHNOLOGY EMPLOYED, AND THAT
4 CONNECTS TO A TELECOMMUNICATIONS NETWORK THAT PERMITS THE
5 USER TO ENGAGE IN TELECOMMUNICATIONS SERVICE, INCLUDING
6 TELECOMMUNICATIONS SERVICE PROVIDED DIRECTLY TO THE PUBLIC OR
7 TO SUCH CLASSES OF USES AS TO BE EFFECTIVELY AVAILABLE TO THE
8 PUBLIC.

9 (b) "FEDERALLY BANNED ENTITY" MEANS ANY ENTITY OR
10 EQUIPMENT THAT THE FEDERAL GOVERNMENT HAS BANNED OR IMPOSED
11 SANCTIONS AGAINST, INCLUDING BANNING OR SANCTIONS IMPOSED BY THE
12 FOLLOWING FEDERAL AGENCIES AND ACTS:

13 (I) THE FEDERAL COMMUNICATIONS COMMISSION, INCLUDING:

14 (A) ANY ENTITY, EQUIPMENT, OR SERVICE DEEMED TO POSE A
15 THREAT TO NATIONAL SECURITY IDENTIFIED ON THE COVERED LIST
16 DESCRIBED IN 47 CFR 1.50002; AND

17 (B) ANY ENTITY, EQUIPMENT, OR SERVICE IDENTIFIED ON THE
18 COVERED LIST PUBLISHED BY THE PUBLIC SAFETY AND HOMELAND
19 SECURITY BUREAU PURSUANT TO THE FEDERAL "SECURE AND TRUSTED
20 COMMUNICATIONS NETWORKS ACT OF 2019", 47 U.S.C. SEC. 1601 ET
21 SEQ., AS AMENDED;

22 (II) THE UNITED STATES DEPARTMENT OF COMMERCE;

23 (III) THE UNITED STATES CYBERSECURITY AND INFRASTRUCTURE
24 SECURITY AGENCY;

25 (IV) THE FEDERAL ACQUISITION SECURITY COUNCIL, ESTABLISHED
26 PURSUANT TO THE FEDERAL "SECURE TECHNOLOGY ACT", PUB.L.
27 115-390, 41 U.S.C. SEC. 1322; AND

1 (V) SECTION 889 OF THE FEDERAL "JOHN S. MCCAIN NATIONAL
2 DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2019", PUB.L. 115-232,
3 132 STAT. 1917.

4 (c) "FOREIGN ADVERSARY" MEANS THE PEOPLE'S REPUBLIC OF
5 CHINA, THE RUSSIAN FEDERATION, THE ISLAMIC REPUBLIC OF IRAN, THE
6 DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA, THE REPUBLIC OF CUBA, THE
7 VENEZUELAN REGIME OF NICOLAS MADURO, AND THE SYRIAN ARAB
8 REPUBLIC, AND INCLUDES ANY AGENT OR ANY ENTITY UNDER SIGNIFICANT
9 CONTROL OF A FOREIGN ADVERSARY, OR OTHER ENTITY DEEMED A
10 FOREIGN ADVERSARY BY THE GOVERNOR IN CONSULTATION WITH THE
11 COMMISSION.

12 (d) "TELECOMMUNICATIONS PROVIDER" MEANS A PERSON OR
13 ENTITY THAT OFFERS TELEPHONE, CABLE, WIRELESS, BROADBAND,
14 INTERNET, OR OTHER TELECOMMUNICATIONS SERVICES DIRECTLY TO THE
15 PUBLIC OR TO SUCH CLASSES OF USES AS TO BE EFFECTIVELY AVAILABLE
16 DIRECTLY TO THE PUBLIC.

17 (2) **General provisions.** (a) ALL CRITICAL TELECOMMUNICATIONS
18 INFRASTRUCTURE LOCATED WITHIN OR PROVIDING TELECOMMUNICATIONS
19 SERVICE TO COLORADO MUST BE CONSTRUCTED TO NOT INCLUDE ANY
20 EQUIPMENT MANUFACTURED BY A FEDERALLY BANNED ENTITY OR ANY
21 OTHER TELECOMMUNICATIONS EQUIPMENT THAT IS BANNED BY THE
22 FEDERAL GOVERNMENT.

23 (b) ALL CRITICAL TELECOMMUNICATIONS INFRASTRUCTURE
24 LOCATED WITHIN OR PROVIDING TELECOMMUNICATIONS SERVICE TO
25 COLORADO MUST BE CONSTRUCTED TO NOT INCLUDE ANY EQUIPMENT,
26 INCLUDING ANY NECESSARY OR CRITICAL PARTS OR COMPONENTS OF SUCH
27 EQUIPMENT, THAT IS MANUFACTURED IN OR BY A:

- 1 (I) FOREIGN ADVERSARY;
- 2 (II) STATE-OWNED ENTERPRISE OF A FOREIGN ADVERSARY; OR
- 3 (III) COMPANY DOMICILED WITHIN A FOREIGN ADVERSARY.

4 (c) (I) ALL CRITICAL TELECOMMUNICATIONS INFRASTRUCTURE
5 LOCATED WITHIN OR PROVIDING TELECOMMUNICATIONS SERVICE TO
6 COLORADO THAT IS CURRENTLY IN OPERATION AND THAT UTILIZES
7 EQUIPMENT THAT IS PROHIBITED BY SUBSECTION (2)(a) OR (2)(b) OF THIS
8 SECTION MUST BE REMOVED AND REPLACED WITH EQUIPMENT THAT IS NOT
9 MANUFACTURED BY A FEDERALLY BANNED ENTITY OR FOREIGN
10 ADVERSARY, IN ACCORDANCE WITH THE FEDERAL "SECURE AND TRUSTED
11 COMMUNICATIONS NETWORKS ACT OF 2019", 47 U.S.C. SEC. 1601 ET
12 SEQ., AS AMENDED.

13 (II) A TELECOMMUNICATIONS PROVIDER THAT REMOVES,
14 DISCONTINUES, OR REPLACES ANY TELECOMMUNICATIONS EQUIPMENT
15 MANUFACTURED BY A FEDERALLY BANNED ENTITY OR FOREIGN
16 ADVERSARY IS NOT REQUIRED TO OBTAIN ADDITIONAL PERMITS FROM ANY
17 STATE AGENCY OR POLITICAL SUBDIVISION OF THE STATE FOR THE
18 REMOVAL, DISCONTINUANCE, OR REPLACEMENT OF THE
19 TELECOMMUNICATIONS EQUIPMENT IF:

20 (A) THE TELECOMMUNICATIONS PROVIDER NOTIFIES THE
21 COMMISSION OR RELEVANT POLITICAL SUBDIVISION OF THE STATE OF THE
22 NECESSARY REMOVAL, DISCONTINUANCE, OR REPLACEMENT OF THE
23 TELECOMMUNICATIONS EQUIPMENT; AND

24 (B) THE REPLACEMENT TELECOMMUNICATIONS EQUIPMENT IS
25 SUBSTANTIALLY SIMILAR TO THE EXISTING TELECOMMUNICATIONS
26 EQUIPMENT THAT IS BEING REPLACED.

27 (3) **Registration and enforcement - rules.** (a) A

1 TELECOMMUNICATIONS PROVIDER THAT PROVIDES SERVICE TO COLORADO
2 SHALL REGISTER WITH THE COMMISSION AND PAY ANY REGISTRATION FEE,
3 DETERMINED BY THE COMMISSION BY RULE, BY JANUARY 15, 2025, AND
4 BY JANUARY 15 OF EACH SUBSEQUENT YEAR.

5 (b) A TELECOMMUNICATIONS PROVIDER THAT REGISTERS WITH THE
6 COMMISSION PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION SHALL:

7 (I) PROVIDE THE COMMISSION WITH THE NAME, ADDRESS,
8 TELEPHONE NUMBER, AND E-MAIL ADDRESS OF ANY PERSON WHO
9 OVERSEES THE OPERATION OF TELECOMMUNICATIONS SERVICE IN
10 COLORADO BY THE TELECOMMUNICATIONS PROVIDER;

11 (II) PAY ANY REGISTRATION FEE ESTABLISHED BY THE
12 COMMISSION AT THE TIME THE TELECOMMUNICATIONS PROVIDER SUBMITS
13 THE REGISTRATION. THE REGISTRATION FEE MAY BE SET BY THE
14 COMMISSION TO COVER THE COSTS OF ADMINISTERING THE REGISTRATION
15 PROCESS PURSUANT TO THIS SECTION, BUT THE REGISTRATION FEE MUST
16 NOT EXCEED FIFTY DOLLARS.

17 (III) NOTIFY THE COMMISSION OF ANY CHANGES TO THE
18 INFORMATION REQUIRED BY THE COMMISSION IN ACCORDANCE WITH THIS
19 SUBSECTION (3) WITHIN SIXTY DAYS AFTER THE TELECOMMUNICATIONS
20 PROVIDER RECEIVES NOTICE OF THE CHANGE; AND

21 (IV) CERTIFY TO THE COMMISSION BY JANUARY 15 OF EACH YEAR
22 THAT ALL CRITICAL TELECOMMUNICATIONS INFRASTRUCTURE OPERATED
23 BY THE TELECOMMUNICATIONS PROVIDER:

24 (A) DOES NOT USE ANY TELECOMMUNICATIONS EQUIPMENT
25 MANUFACTURED BY A FEDERALLY BANNED ENTITY OR FOREIGN
26 ADVERSARY; OR

27 (B) USES TELECOMMUNICATIONS EQUIPMENT MANUFACTURED BY

1 A FEDERALLY BANNED ENTITY OR FOREIGN ADVERSARY, BUT THE
2 TELECOMMUNICATIONS PROVIDER IS A PARTICIPANT IN THE FEDERAL
3 SECURE AND TRUSTED COMMUNICATIONS NETWORKS REIMBURSEMENT
4 PROGRAM, ESTABLISHED BY THE FEDERAL "SECURE AND TRUSTED
5 COMMUNICATIONS NETWORKS ACT OF 2019", 47 U.S.C. SEC. 1601 ET
6 SEQ., AND IS IN COMPLIANCE WITH THE REIMBURSEMENT PROGRAM.

7 (c) IF A TELECOMMUNICATIONS PROVIDER CERTIFIES TO THE
8 COMMISSION THAT IT IS A PARTICIPANT IN THE FEDERAL SECURE AND
9 TRUSTED COMMUNICATIONS NETWORKS REIMBURSEMENT PROGRAM
10 PURSUANT TO SUBSECTION (3)(b)(IV)(B) OF THIS SECTION, THE
11 TELECOMMUNICATIONS PROVIDER SHALL SUBMIT A STATUS REPORT TO THE
12 COMMISSION EVERY QUARTER THAT DETAILS THE TELECOMMUNICATIONS
13 PROVIDER'S COMPLIANCE WITH THE REIMBURSEMENT PROGRAM.

14 (d) THE COMMISSION MAY FINE A TELECOMMUNICATIONS
15 PROVIDER IN AN AMOUNT NO LESS THAN ONE HUNDRED DOLLARS PER DAY
16 BUT NOT TO EXCEED ONE THOUSAND DOLLARS PER DAY FOR
17 NONCOMPLIANCE IF THE TELECOMMUNICATIONS PROVIDER:

18 (I) FAILS TO REGISTER WITH THE COMMISSION IN ACCORDANCE
19 WITH THIS SUBSECTION (3);

20 (II) KNOWINGLY SUBMITS FALSE INFORMATION TO THE
21 COMMISSION AS PART OF THE TELECOMMUNICATIONS PROVIDER'S
22 REGISTRATION OR QUARTERLY STATUS REPORTS; OR

23 (III) COMMITS ANY OTHER VIOLATION OF THIS SECTION WITH
24 RESPECT TO PROVIDING OR OPERATING TELECOMMUNICATIONS SERVICE IN
25 COLORADO.

26 (e) A TELECOMMUNICATIONS PROVIDER THAT FAILS TO COMPLY
27 WITH THIS SECTION SHALL NOT RECEIVE ANY STATE OR LOCAL MONEY FOR

1 THE DEVELOPMENT OR SUPPORT OF NEW OR EXISTING CRITICAL
2 TELECOMMUNICATIONS INFRASTRUCTURE AND SHALL NOT RECEIVE ANY
3 FEDERAL MONEY SUBJECT TO DISTRIBUTION BY STATE OR LOCAL
4 GOVERNMENTS FOR THE DEVELOPMENT OR SUPPORT OF NEW OR EXISTING
5 CRITICAL TELECOMMUNICATIONS INFRASTRUCTURE.

6 (4) **Rules.** THE COMMISSION SHALL PROMULGATE ANY RULES
7 NECESSARY TO IMPLEMENT THIS SECTION, INCLUDING:

8 (a) DEVELOPING RULES RELATED TO THE REMOVAL,
9 DISCONTINUANCE, OR REPLACEMENT OF ANY CRITICAL
10 TELECOMMUNICATIONS INFRASTRUCTURE THAT UTILIZES EQUIPMENT
11 MANUFACTURED BY A FEDERALLY BANNED ENTITY OR FOREIGN
12 ADVERSARY;

13 (b) DEVELOPING PROCEDURES FOR A TELECOMMUNICATIONS
14 PROVIDER TO NOTIFY ANY RELEVANT STATE AGENCIES OR POLITICAL
15 SUBDIVISIONS OF THE STATE WHEN THE TELECOMMUNICATIONS PROVIDER
16 IS PLANNING TO REMOVE, DISCONTINUE, OR REPLACE ANY
17 TELECOMMUNICATIONS EQUIPMENT FROM A FEDERALLY BANNED ENTITY
18 OR FOREIGN ADVERSARY;

19 (c) ESTABLISHING REGISTRATION PROCEDURES AND FEES IN
20 ACCORDANCE WITH SUBSECTION (3) OF THIS SECTION; AND

21 (d) IMPLEMENTING THE ENFORCEMENT OF THIS SECTION,
22 INCLUDING THE ADMINISTRATION OF FINES TO TELECOMMUNICATIONS
23 PROVIDERS FOR VIOLATIONS PURSUANT TO SUBSECTION (3) OF THIS
24 SECTION.

25 **SECTION 3.** In Colorado Revised Statutes, 40-15-201, **add** (3)
26 as follows:

27 **40-15-201. Regulation by commission - rules.** (3) THE

1 COMMISSION MAY PROMULGATE RULES RELATED TO
2 TELECOMMUNICATIONS SECURITY IN ACCORDANCE WITH SECTION
3 40-15-509.7.

4 **SECTION 4. Safety clause.** The general assembly finds,
5 determines, and declares that this act is necessary for the immediate
6 preservation of the public peace, health, or safety or for appropriations for
7 the support and maintenance of the departments of the state and state
8 institutions.