

SENATE BILL 2857

By Roberts

AN ACT to amend Tennessee Code Annotated, Title 4;
Title 7; Title 13; Title 49 and Title 65, relative to
broadband infrastructure and equipment.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 4, is amended by adding the following
as a new chapter:

4-47-101.

As used in this chapter:

(1) "Critical telecommunications infrastructure" means all physical
broadband infrastructure and equipment that supports the transmission of
information of a user's choosing, regardless of the transmission medium or
technology employed, and that connects to a network that permits the end user
to engage in communications, including service provided directly to:

(A) The public; or

(B) Such classes of uses as to be effectively available directly to
the public;

(2) "Department" means the department of safety;

(3) "Entity":

(A) Means the state, a state agency, a local government, a local
government instrumentality, or any other authority, board, district,
instrumentality, or entity created by the state, a state agency, a local
government, a local government instrumentality, or any combination
thereof; and

(B) Includes a state university, community college, or state college of applied technology;

(4) "Federally banned corporation" means a company or designated equipment currently banned by the federal government, including a ban resulting from the following federal agencies or acts:

(A) The federal communications commission, including equipment or service deemed to pose a threat to national security identified on the covered list developed pursuant to 47 CFR 1.50002;

(B) The department of commerce, including the department's bureau of industry and security;

(C) The cybersecurity and infrastructure security agency;

(D) The federal acquisition security council; or

(E) Section 889 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Pub. L. No. 115-232, § 889);

(5) "Foreign adversary" means:

(A) The People's Republic of China;

(B) The Russian Federation;

(C) The Islamic Republic of Iran;

(D) The Democratic People's Republic of Korea;

(E) The Republic of Cuba;

(F) The Venezuelan regime of Nicolás Maduro;

(G) The Syrian Arab Republic;

(H) An agent or another entity under the control of a country listed in subdivisions (a)(4)(A)-(F); or

(l) Another entity designated by the governor in consultation with the department; and

(6) "Telecommunications provider" means an entity that operates a system that supports the transmission of information of a user's choosing, regardless of the transmission medium or technology employed, and that connects to a network that permits the end user to engage in communications, including service provided directly to:

(A) The public; or

(B) Such classes of uses as to be effectively available directly to the public.

4-47-102.

(a) All critical telecommunications infrastructure located within this state must be constructed without the use of equipment or equipment with critical or necessary components manufactured by:

(1) A federally banned corporation; or

(2) A foreign adversary, an entity owned by a foreign adversary, or a company domiciled within a foreign adversary.

(b) Critical telecommunications infrastructure currently operating within this state, including any critical telecommunications infrastructure that is not permanently disabled, must have all equipment prohibited under subdivisions (a)(1) and (2) removed and replaced by December 1, 2025, with equipment that is not prohibited under subdivisions (a)(1) and (2).

(c) A telecommunications provider that removes, discontinues, or replaces any prohibited telecommunications equipment or service is not required to obtain any additional permits from any state agency or political subdivision for the removal,

discontinuance, or replacement of the communications equipment or service as long as the state agency or political subdivision is properly notified of the necessary replacements and the replacement communications equipment is similar to the existing communications equipment.

4-47-103.

(a) By September 1, 2024, and then by January 1 of each subsequent year, a telecommunications provider shall:

(1) Register with the department prior to providing services within this state on a form prescribed by the department; and

(2) Concurrently with the registration required by subdivision (a)(1), pay an annual registration fee, as prescribed by the department, but not to exceed fifty dollars (\$50.00).

(b) In addition to the registration requirements described in subsection (a), a telecommunications provider shall:

(1) Provide the department with the name, address, telephone number, and email address of an individual with managerial responsibility for the provider's operations within this state;

(2) Ensure that the information required under subdivision (b)(1) is current;

(3) Notify the department of any changes to the information required under subdivision (b)(1) within sixty (60) days of the date on which the change occurred; and

(4) Certify to the department by January 1 of each year that all critical telecommunications equipment and infrastructure within its operation do not use or provide any communications equipment prohibited by this section.

4-47-104.

(a) The department shall impose a fine against a telecommunications provider that:

(1) Violates this section, with the fine to be an amount of not less than ten thousand dollars (\$10,000) per day and no greater than one hundred thousand dollars (\$100,000) total per violation; or

(2) Knowingly submits a false registration form, with the fine to be an amount of not less than ten thousand dollars (\$10,000) per day and no greater than one hundred thousand dollars (\$100,000) total per form.

(b) Each day of noncompliance under subdivisions (a)(1) and (a)(2) constitutes a separate violation of this section.

4-47-105.

A telecommunications provider that fails to comply with this chapter is prohibited from receiving any:

(1) State or local funds for the development or support of new or existing critical telecommunications infrastructure; or

(2) Federal funds subject to distribution by state or local governments for the development or support of new or existing critical telecommunications infrastructure.

SECTION 2. The department of safety is authorized to promulgate rules to effectuate this Act. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 3. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that

can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

SECTION 4. For purposes of promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect July 1, 2024, the public welfare requiring it.