

118TH CONGRESS
1ST SESSION

H. R. 6142

To amend the Rural Electrification Act of 1936 to establish a last acre program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 1, 2023

Mr. FINSTAD (for himself and Ms. CARAVEO) introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Rural Electrification Act of 1936 to establish a last acre program, 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 “Linking Access to Spur
5 Technology for Agriculture Connectivity in Rural Environ-
6 ments Act of 2023” or the “LAST ACRE Act of 2023”.

1 **SEC. 2. LAST ACRE PROGRAM.**

2 (a) AMENDMENT.—Title VI of the Rural Electrifica-
3 tion Act of 1936 (7 U.S.C. 950bb et seq.) is amended by
4 adding at the end the following:

5 **“SEC. 607. LAST ACRE PROGRAM.**

6 “(a) PURPOSES.—The purposes of this section are—

7 “(1) to advance precision agriculture
8 connectivity nationwide; and

9 “(2) to augment last mile broadband deploy-
10 ment for agricultural producers by expanding high-
11 speed internet access across the last acre.

12 “(b) DEFINITIONS.—In this section:

13 “(1) BROADBAND INTERNET ACCESS SERV-
14 ICE.—The term ‘broadband internet access service’
15 has the meaning given the term in section 8.1(b) of
16 title 47, Code of Federal Regulations (or any suc-
17 cessor regulation).

18 “(2) BROADBAND MAPS.—The term ‘broadband
19 maps’ means any map created under—

20 “(A) section 802(c)(1) of the Communica-
21 tions Act of 1934 (47 U.S.C. 642(c)(1)); or

22 “(B) section 60105 of the Infrastructure
23 Investment and Jobs Act (47 U.S.C. 1704).

24 “(3) COMMISSION.—The term ‘Commission’
25 means the Federal Communications Commission.

1 “(4) CONFIGURATION MANAGEMENT PLAN.—

2 The term ‘configuration management plan’, with re-
3 spect to a covered provider, means a comprehensive
4 description of the roles, responsibilities, policies, and
5 procedures intended to improve the integrity of the
6 systems and networks of the covered provider.

7 “(5) COVERED PRODUCER.—

8 “(A) IN GENERAL.—The term ‘covered
9 producer’ means a person or entity that is di-
10 rectly engaged in the production of agricultural
11 products, including crops or livestock, on eligi-
12 ble land that is unserved or underserved, such
13 that a majority of the gross income of the per-
14 son or entity is derived from those products.

15 “(B) INCLUSION.—The term ‘covered pro-
16 ducer’ includes agricultural research centers of
17 the Agricultural Research Service.

18 “(6) COVERED PROVIDER.—The term ‘covered
19 provider’ means—

20 “(A) with respect to the provision of quali-
21 fied connectivity to eligible land, a provider of
22 broadband internet access service; or

23 “(B) with respect to the provision of wire-
24 less solutions using or extending the range of
25 network connectivity, a provider of wireless

1 equipment or communications services, in asso-
2 ciation with an entity described in subpara-
3 graph (A).

4 “(7) ELIGIBLE LAND.—The term ‘eligible land’
5 means cropland, grassland, rangeland, pastureland,
6 farm sites, and other agricultural land used for the
7 active production of agricultural commodities or live-
8 stock.

9 “(8) FARM SITE.—The term ‘farm site’ means
10 a portion of land contiguous to land actively devoted
11 to agricultural production and that includes im-
12 provements that are agricultural or horticultural in
13 nature.

14 “(9) LIMITED RESOURCE FARMER OR RANCH-
15 ER.—

16 “(A) IN GENERAL.—Subject to subpara-
17 graphs (B) and (C), the term ‘limited resource
18 farmer or rancher’ means a covered producer—

19 “(i) with direct or indirect gross farm
20 sales in each of the previous 2 years of not
21 more than \$100,000, as adjusted for
22 changes in inflation since 2002 using the
23 Prices Paid by Farmer Index compiled by
24 the National Agricultural Statistics Serv-
25 ice; and

1 “(ii) that has a total household in-
2 come that is—

3 “(I) at or below the national pov-
4 erty level for a family of 4; or

5 “(II) less than 50 percent of the
6 county median household income in
7 each of the previous 2 years.

8 “(B) DOCUMENTATION.—For purposes of
9 determining if a covered producer is a limited
10 resource farmer or rancher, the Secretary may
11 require the submission of sufficient documenta-
12 tion to verify the status of the covered pro-
13 ducer.

14 “(C) EXCLUSION.—For purposes of this
15 paragraph, the term ‘covered producer’ does not
16 include the agricultural research centers de-
17 scribed in paragraph (5)(B).

18 “(10) PRECISION AGRICULTURE.—The term
19 ‘precision agriculture’ means managing, tracking, or
20 reducing crop or livestock production inputs, includ-
21 ing seed, feed, fertilizer, chemicals, water, and time,
22 at a heightened level of spatial and temporal granu-
23 larity to improve efficiencies, reduce waste, and
24 maintain or improve environmental quality.

25 “(11) QUALIFYING CONNECTIVITY.—

“(A) IN GENERAL.—The term ‘qualifying connectivity’ means the service offered by a covered provider as a result of assistance under subsection (c) that—

“(i) is capable of a speed of not less than—

“(I) a 100-Mbps downstream transmission capacity; and

“(II) a 20-Mbps upstream transmission capacity; and

“(ii) carries out not less than 1 of the activities described in subparagraph (B).

“(B) ACTIVITIES DESCRIBED.—The activities referred to in subparagraph (A)(ii) are—

“(i) providing broadband internet access service by any technology to structures and devices on eligible land, including tractors, combines, irrigation systems, drones, under-soil sensors, livestock facilities, and farm offices;

“(ii) providing multipoint wireless network connectivity that facilitates data transmission between structures and devices on eligible land, including structures and devices described in clause (i); and

1 “(iii) supporting—

2 “(I) the construction of wireless
3 infrastructure, including poles, towers,
4 base stations, or other structures, re-
5 gardless of whether the structure has
6 an existing antenna facility, that is
7 used or will be used for the provision
8 of wireless service; or

9 “(II) the retrofitting of existing
10 towers or vertical structures, such as
11 water towers, grain elevators, or cen-
12 ter pivots, to accommodate wireless
13 infrastructure.

14 “(12) REMOTE AREA.—The term ‘remote area’
15 means the frontier and remote ZIP Code areas pub-
16 lished by the Economic Research Service.

17 “(13) UNDERSERVED.—The term ‘underserved’
18 means, with respect to eligible land, that the eligible
19 land lacks access to broadband internet access serv-
20 ice that is capable of a speed of not less than—

21 “(A) a 100-Mbps downstream trans-
22 mission capacity; and

23 “(B) a 20-Mbps upstream transmission
24 capacity.

1 “(14) UNSERVED.—The term ‘unserved’ means,
2 with respect to eligible land, eligible land that lacks
3 access to broadband internet access service that is
4 capable of a speed of not less than—

5 “(A) a 25-Mbps downstream transmission
6 capacity; and

7 “(B) a 3-Mbps upstream transmission ca-
8 pacity.

9 “(c) ESTABLISHMENT.—

10 “(1) IN GENERAL.—Not later than 1 year after
11 the date of enactment of this section, the Secretary
12 shall establish a program, to be known as the ‘Last
13 Acre Program’, to make grants and loans to covered
14 providers on a competitive basis to provide quali-
15 fying connectivity to unserved and underserved eligi-
16 ble land.

17 “(2) LIMITATION.—Of the amounts made avail-
18 able under subsection (k) for a fiscal year for assist-
19 ance under paragraph (1), the Secretary may award
20 not more than 10 percent to agricultural research
21 centers described in subsection (b)(5)(B).

22 “(d) USE OF FUNDS.—

23 “(1) CYBERSECURITY.—The Secretary may
24 allow a covered provider to use a portion of the as-
25 sistance provided to the covered provider under sub-

1 section (c), as necessary, to address the cybersecu-
2 rity requirements under subsection (g).

3 “(2) PROHIBITION.—The Secretary shall not
4 award any assistance under subsection (c) for
5 broadband internet access service—

6 “(A) to an inhabitable residence that is
7 identified as serviceable or as to be served due
8 to an enforceable commitment to deploy on the
9 broadband maps; or

10 “(B) on a commercial basis to surrounding
11 areas outside the eligible land.

12 “(3) FEDERAL SHARE.—

13 “(A) IN GENERAL.—Except as provided in
14 subparagraph (B), the Federal share of a
15 project carried out using assistance under sub-
16 section (c) shall be not more than 80 percent of
17 the total cost of the project.

18 “(B) LIMITED RESOURCE FARMERS OR
19 RANCHERS.—The Secretary may increase the
20 Federal share of the costs described in subpara-
21 graph (A) to 90 percent if the covered producer
22 of the applicable eligible land is a limited re-
23 source farmer or rancher.

24 “(e) BID APPLICATIONS.—

1 “(1) IN GENERAL.—To apply for assistance
2 under subsection (c), a covered provider shall submit
3 to the Secretary an application in such manner and
4 containing such information as the Secretary may
5 require, including—

6 “(A) the measures by which the covered
7 producer has engaged with the covered provider
8 to identify the appropriate qualifying
9 connectivity plan to serve the eligible land of
10 the covered producer;

11 “(B) a description of how the assistance
12 provided under subsection (c) would be used to
13 establish qualifying connectivity on the
14 unserved or underserved eligible land of a cov-
15 ered producer, including the entire acreage in
16 need of qualifying connectivity;

17 “(C) the amount of the Federal share for
18 the project and the amount of the non-Federal
19 share for the project;

20 “(D) whether the covered provider is capa-
21 ble of carrying out the specific funded activities
22 in compliance with all Federal, State, and local
23 laws;

24 “(E) whether the covered provider has the
25 financial and managerial capacity to meet the

specific commitments contained in the application, including buildout obligations;

“(F) whether the covered provider has the technical and operational capability to construct and operate broadband networks;

“(G) whether the eligible land of the covered producer—

“(i) is unserved or underserved; and

“(ii) is not subject to an enforceable commitment to deploy broadband by the applicant or another covered provider, as determined according to the broadband maps; and

“(H) any additional information that the Secretary determines necessary to ensure the effective function of the program under this section.

“(2) REGISTRATION OF COVERED PROVIDERS.—

“(A) IN GENERAL.—Not later than the date on which the Secretary establishes the program under this section pursuant to subsection (c), the Secretary shall create an online portal within which covered providers may register vol-

1 untarily with the Secretary for purposes of the
2 program under this section.

3 “(B) REGISTRATION REQUIREMENTS.—To
4 register with the Secretary under subparagraph
5 (A), the Secretary shall require a covered pro-
6 vider to submit the minimum amount of infor-
7 mation necessary for the covered provider to
8 demonstrate to the Secretary that the covered
9 provider—

10 “(i) is capable of carrying out activi-
11 ties for which assistance is provided under
12 subsection (c) in compliance with all appli-
13 cable Federal, State, and local laws;

14 “(ii) has the financial and managerial
15 capacity to meet commitments necessary to
16 carry out the projects for which assistance
17 is received under subsection (c); and

18 “(iii) has the technical and oper-
19 ational capability—

20 “(I) to construct and operate
21 broadband networks; and

22 “(II) to meet the requirement de-
23 scribed in paragraph (1) of subsection
24 (g) and provide the cybersecurity cer-

1 tification required under paragraph
2 (2) of that subsection.

3 “(C) PROHIBITIONS.—In registering cov-
4 ered providers under subparagraph (A), the
5 Secretary shall not—

6 “(i) require a covered provider to pro-
7 vide any proprietary business information
8 for purposes of registering under that sub-
9 paragraph; or

10 “(ii) require a covered provider to
11 participate in the program under this sec-
12 tion.

13 “(D) PUBLIC AVAILABILITY.—The Sec-
14 retary may make a list of covered providers reg-
15 istered under subparagraph (A) publicly avail-
16 able.

17 “(3) BIDDING.—

18 “(A) IN GENERAL.—After the Secretary
19 receives a complete initial bid application under
20 paragraph (1), the Secretary shall allow covered
21 providers registered under paragraph (2)(A)
22 that operate contiguous to, near, or partially on
23 the eligible land that is the subject of the initial
24 bid application to submit competing bid applica-
25 tions for the proposed service area.

1 “(B) NOTIFICATION TO COVERED PRO-
2 VIDERS.—Not less frequently than once every
3 30 days, the Secretary shall—

4 “(i) post on an internet website of the
5 Secretary that is accessible to covered pro-
6 viders the necessary identifying informa-
7 tion of eligible land contained in a com-
8 plete initial bid application; and

9 “(ii) not later than 24 hours after the
10 time at which the information described in
11 clause (i) is posted, send notice of that
12 post to covered providers registered under
13 paragraph (2)(A) by electronic mail.

14 “(C) CHALLENGES.—

15 “(i) IN GENERAL.—Not later than 45
16 business days after the date on which the
17 Secretary posts the information described
18 in subparagraph (B)(i), a covered provider
19 may submit to the Secretary notice of a
20 challenge of any posted eligible land at
21 which—

22 “(I) the qualifying connectivity of
23 the covered provider is available to the
24 entire portion of land in the initial bid

1 application without assistance under
2 subsection (c);

3 “(II) the covered provider could
4 initiate qualifying connectivity
5 through a routine installation within
6 10 business days of a request with no
7 extraordinary monetary charges or
8 delays attributable to the extension of
9 the network of the covered provider;
10 or

11 “(III) the covered provider has
12 an enforceable commitment to deploy
13 broadband to the eligible land.

14 “(ii) ADJUDICATION OF CHAL-
15 LENGES.—

16 “(I) PROCESS.—The Secretary
17 shall establish a transparent, evi-
18 dence-based, and expeditious process
19 for adjudicating a challenge submitted
20 under clause (i) with respect to a loca-
21 tion within 90 business days of the
22 date on which the Secretary posts the
23 information described in subpara-
24 graph (B)(i).

1 “(II) REQUIREMENT.—The proc-
2 ess established by the Secretary under
3 subclause (I) shall include making
4 publicly available on the website of the
5 Secretary a written notice describing
6 the outcome and reason for the deci-
7 sion of the Secretary with respect to
8 each challenge submitted under clause
9 (i).

10 “(III) LIMITATION.—The Sec-
11 retary may not award any assistance
12 under subsection (c) for a particular
13 application until all challenges with
14 respect to the eligible land described
15 in that application have been fully ad-
16 judicated.

17 “(iii) NEW SOLICITATION.—If, after
18 adjudicating a challenge under clause (i),
19 the Secretary determines that the land
20 subject to the challenge is eligible land that
21 is unserved or underserved, the Secretary
22 shall transmit to each covered provider
23 registered under paragraph (2)(A) a bid
24 notification for the provision of qualifying
25 connectivity to the eligible land.

1 “(D) COMPETING BID APPLICATIONS.—A
2 covered provider registered under paragraph
3 (2)(A) that receives a notification under sub-
4 paragraph (B)(ii) or a notification under sub-
5 paragraph (C)(iii) and wishes to submit a com-
6 peting bid application for provision of qualifying
7 connectivity to the eligible land described in
8 that notification shall, not later than 120 days
9 after the date on which the covered provider
10 registered under paragraph (2)(A) receives the
11 notification, submit to the Secretary a com-
12 peting bid application to provide that qualifying
13 connectivity in accordance with paragraph (1).

14 “(E) EVALUATION.—Not later than 30
15 business days after the date on which the 120-
16 day period described in subparagraph (D) ends,
17 the Secretary shall evaluate the bid applications
18 received and select the applicant that—

19 “(i) presents the lowest cost to the
20 Secretary for the provision of qualifying
21 connectivity to the eligible land that is
22 unserved or underserved; and

23 “(ii) best demonstrates to the covered
24 producer the ability to provide downstream
25 and upstream transmission capacity that

1 can reliably support the specific
2 connectivity needs of all on-farm applica-
3 tions described in the bid application, in-
4 cluding mobility, if mobility was included
5 in the bid application.

6 “(F) ENHANCED SPEEDS.—

7 “(i) FINDING.—Congress finds that
8 there are unique connectivity needs to sup-
9 port the adoption of precision agriculture.

10 “(ii) PRIORITIZATION.—In selecting
11 bid applicants under subparagraph (E),
12 the Secretary may give priority to a cov-
13 ered provider that offers enhanced service
14 speeds that are greater than those de-
15 scribed in subsection (b)(11)(A)(i), if the
16 applicant demonstrates that the proposal
17 to serve the eligible land of a covered pro-
18 ducer that is unserved or underserved re-
19 quires such enhanced service speeds.

20 “(G) TREATMENT OF PROPRIETARY IN-
21 FORMATION.—

22 “(i) IN GENERAL.—The prohibition
23 under paragraph (2)(C)(i) shall not apply
24 to a covered provider in the submission of
25 a bid application under this subsection, in-

1 cluding a competing bid application under
2 subparagraph (D) or a challenge under
3 subparagraph (C), if the proprietary infor-
4 mation is necessary for the Secretary—

5 “(I) to determine the eligibility of
6 a covered provider; or

7 “(II) to evaluate an initial bid
8 application, competing bid application,
9 or challenge.

10 “(ii) DISCLOSURE IN NOTIFICA-
11 TION.—

12 “(I) IN GENERAL.—In the notifi-
13 cation required under subparagraph
14 (B), the Secretary—

15 “(aa) shall only disclose the
16 necessary and appropriate infor-
17 mation contained within an ini-
18 tial bid application for the pur-
19 poses of facilitating competing
20 bid applications; and

21 “(bb) shall not divulge pro-
22 prietary information of the appli-
23 cable covered provider and cov-
24 ered producer in the application.

1 “(II) REQUIREMENT.—In a bid
2 application under this subsection, in-
3 cluding a competing bid application
4 under subparagraph (D) or a chal-
5 lenge under subparagraph (C), an ap-
6 plicant shall clearly mark any propri-
7 etary information with the term ‘con-
8 fidential proprietary information’.

9 “(iii) TREATMENT.—If a covered pro-
10 vider provides in a bid application under
11 this subsection, including a competing bid
12 application under subparagraph (D) or a
13 challenge under subparagraph (C), propri-
14 etary information that constitutes a trade
15 secret, proprietary commercial or financial
16 information, confidential business informa-
17 tion, or data affecting national security,
18 the Secretary shall treat the information in
19 confidence to the greatest extent permitted
20 by law.

21 “(iv) PRIVACY.—Nothing in this sec-
22 tion affects the applicability to this section
23 of section 1619 of the Food, Conservation,
24 and Energy Act of 2008 (7 U.S.C. 8791).

25 “(4) TIMELINE.—

1 “(A) IN GENERAL.—For each project for
2 which assistance under subsection (c) is pro-
3 vided, the Secretary shall establish service
4 buildout milestones and periodic certifications
5 by recipients of the assistance for purposes of
6 project compliance and implementation.

7 “(B) REQUIREMENT.—The milestones re-
8 quired under subparagraph (A) shall establish a
9 maximum buildout timeframe of not more than
10 4 years from the date on which the assistance
11 is provided.

12 “(C) PENALTIES.—The Secretary shall es-
13 tablish and enforce standardized penalties,
14 fines, and sanctions for noncompliance with a
15 milestone or certification established under sub-
16 paragraph (A).

17 “(f) PRIORITY.—In providing assistance under sub-
18 section (c), the Secretary shall give priority to applications
19 to carry out projects in the following order:

20 “(1) Unserved eligible land in remote areas.

21 “(2) Other unserved eligible land.

22 “(3) Underserved eligible land in remote areas.

23 “(4) Other underserved eligible land.

24 “(g) CYBERSECURITY.—As a condition on receipt of
25 assistance under subsection (c), a covered provider shall—

1 “(1) ensure that any structure, device, or sys-
2 tem provided or constructed using the assistance in-
3 corporates a layered defense strategy as a means of
4 defensible security architecture; and

5 “(2) certify to the Secretary that the covered
6 provider maintains a regularly updated configuration
7 management plan.

8 “(h) PROHIBITION.—In selecting recipients of assist-
9 ance under subsection (c), the Secretary shall not advan-
10 tage or disadvantage the selection of a recipient under this
11 section based on consideration of the existence, or lack
12 thereof, of any State law.

13 “(i) REPORT TO CONGRESS.—The Secretary shall, on
14 an annual basis—

15 “(1) submit to the Committee on Agriculture,
16 Nutrition, and Forestry of the Senate and the Com-
17 mittee on Agriculture of the House of Representa-
18 tives a report that describes the outcome of the bids
19 that occurred during the previous fiscal year, includ-
20 ing the number of parcels of eligible land for which
21 initial bid applications were submitted during the
22 previous fiscal year, the number of challenges filed
23 under subsection (e)(3)(C) during the previous fiscal
24 year, the outcomes of those challenges, the number
25 of competing bid applications received under this

1 section, and the respective amounts awarded for eli-
 2 gible land; and

3 “(2) make the report required under paragraph
 4 (1) publicly available on the website of the Sec-
 5 retary.

6 “(j) PROVISION OF DATA TO FCC.—The Secretary
 7 shall, on an annual basis, make the necessary data avail-
 8 able to the Commission for inclusion on the broadband
 9 maps.

10 “(k) AUTHORIZATION OF APPROPRIATIONS.—There
 11 is authorized to be appropriated to carry out this section
 12 \$10,000,000 for each of fiscal years 2024 through 2028.”.

13 (b) REPEAL.—Section 602 of the Rural Electrifica-
 14 tion Act of 1936 (7 U.S.C. 950bb–1) is repealed.

15 **SEC. 3. NATIONAL AGRICULTURAL STATISTICS SERVICE**
 16 **DATA COLLECTION ON BROADBAND ADOPTI-**
 17 **ON.**

18 To provide for the collection and analysis by the Na-
 19 tional Agricultural Statistics Service of more comprehen-
 20 sive broadband usage data, the Secretary of Agriculture
 21 shall update the computer usage and ownership survey
 22 and the census of agriculture conducted under section 2
 23 of the Census of Agriculture Act of 1997 (7 U.S.C. 2204g)
 24 to contain questions relating to—

1 (1) whether the respondent subscribes to a
2 broadband internet access service for a farm site (as
3 defined in section 607(b) of the Rural Electrification
4 Act of 1936); and

5 (2) if the respondent subscribes to the
6 broadband internet access service described in para-
7 graph (1)—

8 (A) the download and upload speeds of the
9 broadband internet access service to which the
10 respondent is subscribed; and

11 (B) the purposes for which the internet ac-
12 cess is used, including the use of precision agri-
13 culture (as defined in section 607(b) of the
14 Rural Electrification Act of 1936).

○