

118TH CONGRESS  
1ST SESSION

# S. 2542

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

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## IN THE SENATE OF THE UNITED STATES

JULY 26, 2023

Mrs. FISCHER (for herself and Mr. LUJÁN) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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## 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”.

7 **SEC. 2. LAST ACRE PROGRAM.**

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

1 **“SEC. 607. LAST ACRE PROGRAM.**

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

3 “(1) to advance precision agriculture  
4 connectivity nationwide; and

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

8 “(b) DEFINITIONS.—In this section:

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

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

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

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

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

22 “(4) CONFIGURATION MANAGEMENT PLAN.—  
23 The term ‘configuration management plan’, with re-  
24 spect to a covered provider, means a comprehensive  
25 description of the roles, responsibilities, policies, and

1 procedures intended to improve the integrity of the  
2 systems and networks of the covered provider.

3 “(5) COVERED PRODUCER.—

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

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

14 “(6) COVERED PROVIDER.—The term ‘covered  
15 provider’ means—

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

19 “(B) with respect to the provision of wire-  
20 less solutions using or extending the range of  
21 network connectivity, a provider of wireless  
22 equipment or communications services, in asso-  
23 ciation with an entity described in subpara-  
24 graph (A).

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

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

11           “(9) LIMITED RESOURCE FARMER OR RANCH-  
12 ER.—

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

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

23           “(ii) that has a total household in-  
24 come that is—

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

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

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

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

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

23                  “(11) QUALIFYING CONNECTIVITY.—

24                  “(A) IN GENERAL.—The term ‘qualifying  
25                  connectivity’ means the service offered by a cov-

1           ered provider as a result of assistance under  
2           subsection (c) that—

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

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

7                           “(II) a 20-Mbps upstream trans-  
8                           mission capacity; and

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

11                   “(B) ACTIVITIES DESCRIBED.—The activi-  
12           ties referred to in subparagraph (A)(ii) are—

13                           “(i) providing broadband internet ac-  
14                           cess service by any technology to struc-  
15                           tures and devices on eligible land, includ-  
16                           ing tractors, combines, irrigation systems,  
17                           drones, under-soil sensors, livestock facili-  
18                           ties, and farm offices;

19                           “(ii) providing multipoint wireless net-  
20                           work connectivity that facilitates data  
21                           transmission between structures and de-  
22                           vices on eligible land, including structures  
23                           and devices described in clause (i); and

24                           “(iii) supporting—

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

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

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

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

20                         “(A) a 100-Mbps downstream transmission  
21                         capacity; and

22                         “(B) a 20-Mbps upstream transmission ca-  
23                         pacity.

24                  “(14) UNSERVED.—The term ‘unserved’ means,  
25                  with respect to eligible land, eligible land that lacks

1 access to broadband internet access service that is  
2 capable of a speed of not less than—

3 “(A) a 25-Mbps downstream transmission  
4 capacity; and

5 “(B) a 3-Mbps upstream transmission ca-  
6 pacity.

7 “(c) ESTABLISHMENT.—

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

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

20 “(d) USE OF FUNDS.—

21 “(1) CYBERSECURITY.—The Secretary may  
22 allow a covered provider to use a portion of the as-  
23 sistance provided to the covered provider under sub-  
24 section (c), as necessary, to address the cybersecu-  
25 rity requirements under subsection (g).



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

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

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

10           “(3) FEDERAL SHARE.—

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

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

22           “(e) BID APPLICATIONS.—

23                   “(1) IN GENERAL.—To apply for assistance  
24                   under subsection (c), a covered provider shall submit  
25                   to the Secretary an application in such manner and

1 containing such information as the Secretary may  
2 require, including—

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

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

14 “(C) the amount of the Federal share for  
15 the project and the amount of the non-Federal  
16 share for the project;

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

21 “(E) whether the covered provider has the  
22 financial and managerial capacity to meet the  
23 specific commitments contained in the applica-  
24 tion, including buildout obligations;

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

4           “(G) whether the eligible land of the cov-  
5 ered producer—

6                   “(i) is unserved or underserved; and

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

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

16           “(2) REGISTRATION OF COVERED PRO-  
17 VIDERS.—

18                   “(A) IN GENERAL.—Not later than the  
19 date on which the Secretary establishes the pro-  
20 gram under this section pursuant to subsection  
21 (c), the Secretary shall create an online portal  
22 within which covered providers may register vol-  
23 untarily with the Secretary for purposes of the  
24 program under this section.

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

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

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

16           “(iii) has the technical and oper-  
17 ational capability—

18           “(I) to construct and operate  
19 broadband networks; and

20           “(II) to meet the requirement de-  
21 scribed in paragraph (1) of subsection  
22 (g) and provide the cybersecurity cer-  
23 tification required under paragraph  
24 (2) of that subsection.

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

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

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

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

15           “(3) BIDDING.—

16                   “(A) IN GENERAL.—After the Secretary  
17                   receives a complete initial bid application under  
18                   paragraph (1), the Secretary shall allow covered  
19                   providers registered under paragraph (2)(A)  
20                   that operate contiguous to, near, or partially on  
21                   the eligible land that is the subject of the initial  
22                   bid application to submit competing bid applica-  
23                   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 including 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 such sums as are necessary for each of fiscal years 2024  
 13 through 2028.”.

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

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

19 To provide for the collection and analysis by the Na-  
 20 tional Agricultural Statistics Service of more comprehen-  
 21 sive broadband usage data, the Secretary of Agriculture  
 22 shall update the computer usage and ownership survey  
 23 and the census of agriculture conducted under section 2  
 24 of the Census of Agriculture Act of 1997 (7 U.S.C. 2204g)  
 25 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).

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