

PRECISION AGRICULTURE CONNECTIVITY ACT OF 2018

JULY 18, 2018.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. WALDEN, from the Committee on Energy and Commerce, submitted the following

R E P O R T

[To accompany H.R. 4881]

The Committee on Energy and Commerce, to whom was referred the bill (H.R. 4881) to require the Federal Communications Commission to establish a task force for meeting the connectivity and technology needs of precision agriculture in the United States, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

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The amendments are as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Precision Agriculture Connectivity Act of 2018”.

SEC. 2. FINDINGS.

Congress finds the following:

- (1) Precision agriculture technologies and practices allow farmers to significantly increase crop yields, eliminate overlap in operations, and reduce inputs such as seed, fertilizer, pesticides, water, and fuel.
- (2) These technologies allow farmers to collect data in real time about their fields, automate field management, and maximize resources.
- (3) Studies estimate that precision agriculture technologies can reduce agricultural operation costs by up to 25 dollars per acre and increase farm yields by up to 70 percent by 2050.
- (4) The critical cost savings and productivity benefits of precision agriculture cannot be realized without the availability of reliable broadband Internet access service delivered to the agricultural land of the United States.
- (5) The deployment of broadband Internet access service to unserved agricultural land is critical to the United States economy and to the continued leadership of the United States in global food production.
- (6) Despite the growing demand for broadband Internet access service on agricultural land, broadband Internet access service is not consistently available where needed for agricultural operations.
- (7) The Federal Communications Commission has an important role to play in the deployment of broadband Internet access service on unserved agricultural land to promote precision agriculture.

SEC. 3. TASK FORCE.

(a) **DEFINITIONS.**—In this section—

(1) the term “broadband Internet access service”—

(A) means a mass-market retail service by wire or radio that provides the capability to transmit data to and receive data from all or substantially all Internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up Internet access service; and

(B) also encompasses any service that the Commission finds to be providing a functional equivalent of the service described in subparagraph (A);

(2) the term “Commission” means the Federal Communications Commission;

(3) the term “Department” means the Department of Agriculture;

(4) the term “Secretary” means the Secretary of Agriculture; and

(5) the term “Task Force” means the Task Force for Reviewing the Connectivity and Technology Needs of Precision Agriculture in the United States established under subsection (b).

(b) **ESTABLISHMENT.**—Not later than 1 year after the date of enactment of this Act, the Commission shall establish the Task Force for Reviewing the Connectivity and Technology Needs of Precision Agriculture in the United States.

(c) **DUTIES.**—

(1) **IN GENERAL.**—The Task Force shall consult with the Secretary, or a designee of the Secretary, and collaborate with public and private stakeholders in the agriculture and technology fields to—

(A) identify and measure current gaps in the availability of broadband Internet access service on agricultural land;

(B) develop policy recommendations to promote the rapid, expanded deployment of broadband Internet access service on unserved agricultural land, with a goal of achieving reliable capabilities on 95 percent of agricultural land in the United States by 2025;

(C) promote effective policy and regulatory solutions that encourage the adoption of broadband Internet access service on farms and ranches and promote precision agriculture;

(D) recommend specific new rules or amendments to existing rules of the Commission that the Commission should issue to achieve the goals and purposes of the policy recommendations described in subparagraph (B);

(E) recommend specific steps that the Commission should take to obtain reliable and standardized data measurements of the availability of broadband Internet access service as may be necessary to target funding support, from future programs of the Commission dedicated to the deployment of broadband Internet access service, to unserved agricultural land in need of broadband Internet access service; and

(F) recommend specific steps that the Commission should consider to ensure that the expertise of the Secretary and available farm data are reflected in future programs of the Commission dedicated to the infrastructure deployment of broadband Internet access service and to direct available funding to unserved agricultural land where needed.

(2) NO DUPLICATE DATA REPORTING.—In performing the duties of the Commission under paragraph (1), the Commission shall ensure that no provider of broadband Internet access service is required to report data to the Commission that is, on the day before the date of enactment of this Act, required to be reported by the provider of broadband Internet access service.

(3) HOLD HARMLESS.—The Task Force and the Commission shall not interpret the phrase “future programs of the Commission”, as used in subparagraphs (E) and (F) of paragraph (1), to include the universal service programs of the Commission established under section 254 of the Communications Act of 1934 (47 U.S.C. 254).

(4) CONSULTATION.—The Secretary, or a designee of the Secretary, shall explain and make available to the Task Force the expertise, data mapping information, and resources of the Department that the Department uses to identify cropland, rangeland, and other areas with agricultural operations that may be helpful in developing the recommendations required under paragraph (1).

(5) LIST OF AVAILABLE FEDERAL PROGRAMS AND RESOURCES.—Not later than 180 days after the date of enactment of this Act, the Secretary and the Commission shall jointly submit to the Task Force a list of all Federal programs or resources available for the expansion of broadband Internet access service on unserved agricultural land to assist the Task Force in carrying out the duties of the Task Force.

(d) MEMBERSHIP.—

(1) IN GENERAL.—The Task Force shall be—

(A) composed of not more than 15 voting members who shall—

(i) be selected by the Chairman of the Commission, in consultation with the Secretary; and

(ii) include—

(I) agricultural producers representing diverse geographic regions and farm sizes, including owners and operators of farms of less than 100 acres;

(II) an agricultural producer representing tribal agriculture;

(III) Internet service providers, including regional or rural fixed and mobile broadband Internet access service providers and telecommunications infrastructure providers;

(IV) representatives from the electric cooperative industry;

(V) representatives from the satellite industry;

(VI) representatives from precision agriculture equipment manufacturers, including drone manufacturers, manufacturers of autonomous agricultural machinery, and manufacturers of farming robotics technologies;

(VII) representatives from State and local governments; and

(VIII) representatives with relevant expertise in broadband network data collection, geospatial analysis, and coverage mapping; and

(B) fairly balanced in terms of technologies, points of view, and fields represented on the Task Force.

(2) PERIOD OF APPOINTMENT; VACANCIES.—

(A) IN GENERAL.—A member of the Task Force appointed under paragraph (1)(A) shall serve for a single term of 2 years.

(B) VACANCIES.—Any vacancy in the Task Force—

(i) shall not affect the powers of the Task Force; and

(ii) shall be filled in the same manner as the original appointment.

(3) EX-OFFICIO MEMBER.—The Secretary, or a designee of the Secretary, shall serve as an ex-officio, nonvoting member of the Task Force.

(e) REPORTS.—Not later than 1 year after the date on which the Commission establishes the Task Force, and annually thereafter, the Task Force shall submit to the Chairman of the Commission a report, which shall be made public not later than 30 days after the date on which the Chairman receives the report, that details—

(1) the status of fixed and mobile broadband Internet access service coverage of agricultural land;

(2) the projected future connectivity needs of agricultural operations, farmers, and ranchers; and

(3) the steps being taken to accurately measure the availability of broadband Internet access service on agricultural land and the limitations of current, as of the date of the report, measurement processes.

(f) TERMINATION.—The Commission shall renew the Task Force every 2 years until the Task Force terminates on January 1, 2025.

Amend the title so as to read:

A bill to require the Federal Communications Commission to establish a task force for reviewing the connectivity and technology needs of precision agriculture in the United States.

PURPOSE AND SUMMARY

H.R. 4881, the “Precision Agriculture Connectivity Act of 2018” was introduced on January 25, 2018, by Representative Robert E. Latta (R–OH). H.R. 4881 would require the Federal Communications Commission (FCC), in collaboration with the U.S. Department of Agriculture (USDA), to form a task force to evaluate the best ways to meet the broadband needs of precision agriculture in the United States. The task force would focus on identifying and measuring gaps in broadband coverage, and developing policy recommendations to promote rapid, expanded deployment of broadband in agricultural areas.

BACKGROUND AND NEED FOR LEGISLATION

The Committee on Energy and Commerce has prioritized policies that facilitate the deployment of broadband across America, especially to rural America. Witness testimony has indicated broadband access provides numerous benefits to consumers, as the benefits of broadband access in rural America provides an essential anchor to economic growth. Broadband networks have been disproportionately rolled out to urban areas, and many rural businesses do not have access to broadband services.. Both the FCC and the U.S. Department of Agriculture, through the Rural Utilities Service (RUS), provide Federal support to bring broadband to rural areas. In rural areas, broadband has the potential to enable precision agriculture for farmers and ranchers by integrating emerging technologies and global position systems (GPS) to assist in the most efficient use of their land.

COMMITTEE ACTION

On January 30, 2018, the Subcommittee on Communications and Technology held a hearing on H.R. 4881. The Subcommittee received testimony from:

- Jonathan Spalter, President and CEO, USTelecom;
 - Brad Gillen, Executive Vice President, CTIA;
 - Matthew Polka, President and CEO, American Cable Association;
 - Shirley Bloomfield, CEO, NTCA—The Rural Broadband Association;
 - Scott Slesinger, Legislative Director, National Resources Defense Council;
 - Joanne S. Hovis, President, CTC Technology and Energy;
- and
- Elin Swanson Katz, Consumer Counsel, Connecticut Consumer Counsel.

On June 13, 2018, the Subcommittee on Communications and Technology met in open markup session and forwarded H.R. 4881, as amended, to the full Committee by a voice vote. On July 12, 2018, the full Committee on Energy and Commerce met in open

markup session and ordered H.R. 4881, as amended, favorably reported to the House by a voice vote.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the record votes on the motion to report legislation and amendments thereto. There were no recorded votes taken in connection with ordering H.R. 4881 reported.

OVERSIGHT FINDINGS AND RECOMMENDATIONS

Pursuant to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee held a hearing and made findings that are reflected in this report.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee finds that H.R. 4881 would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, at the time this report was filed, the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974 was not available.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII, the general performance goal or objective of this legislation is to form a task force at the FCC, in cooperation with the USDA, to promote rapid, expanded deployment of broadband in agricultural areas.

DUPLICATION OF FEDERAL PROGRAMS

No provision of H.R. 4881 establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

COMMITTEE COST ESTIMATE

The Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974. At the time this report was filed, the estimate was not available.

EARMARK, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

Pursuant to clause 9(e), 9(f), and 9(g) of rule XXI, the Committee finds that H.R. 4881 contains no earmarks, limited tax benefits, or limited tariff benefits.

DISCLOSURE OF DIRECTED RULE MAKINGS

Pursuant to section 3(i) of H. Res. 5, the Committee finds that H.R. 4881 contains no directed rule makings.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

Section 1 provides that the Act may be cited as the “Precision Agriculture Connectivity Act of 2018.”

Section 2. Findings

Section 2 finds that precision agriculture technologies and practices allow farmers to increase significantly crop yields, eliminate overlap in operations, and reduce inputs such as seed, fertilizer, pesticides, water, and fuel; that these technologies allow farmers to collect data in real time; that studies estimate that precision agriculture can reduce agricultural operation costs by up to 25 dollars per acre and increase farm yields by up to 70 percent by 2050; that the critical cost savings and productivity benefits of precision agriculture cannot be realized without the availability of reliable broadband Internet access service; that the deployment of broadband Internet access service to unserved agricultural land is critical to the U.S. economy and to continued leadership of the U.S. in global food production; that broadband Internet access service is not consistently available where needed for agricultural operations; and that the FCC has an important role to play in the deployment of broadband Internet access service in unserved agricultural land to promote precision agriculture.

Section 3. Task Force

Section 3 requires the Commission to establish the Task Force for Reviewing the Connectivity and Technology Needs of Precision Agriculture not later than 1 year after enactment.

Section 3 also requires the Commission to consult with the Secretary of Agriculture and collaborate with public and private stakeholders to identify and measure current gaps in broadband on agricultural lands; to develop policy recommendations to promote the rapid, expanded deployment of broadband on unserved agricultural land; to promote effective policy and regulatory solutions that en-

courage the adoption of broadband Internet access service on farms and ranches and promote precision agriculture; to recommend specific new rules or amendments to existing rules of the Commission to achieve the goals and purposes of the policy recommendations above; to recommend specific steps that the Commission should take to obtain reliable and standardized data measurements of the availability of broadband; and to recommend specific steps that the Commission should consider to ensure that the expertise of the Secretary of Agriculture and available farm data are reflected in future programs of the Commission dedicated to infrastructure deployment of broadband.

Section 3 further requires the FCC and the Secretary of Agriculture to submit to the task force a list of all Federal programs or resources available for the expansion of broadband access on unserved agricultural land within 180 days of enactment.

Finally, Section 3 establishes the membership of the task force, and provides that the task force shall be renewed by the FCC every two years until it terminates on January 1, 2025.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

This legislation does not amend any existing Federal statute.

