To amend the Food Security Act of 1985 to modify the delivery of technical assistance, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. BRAUN (for himself, Mr. BENNET, and Mr. MARSHALL) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To amend the Food Security Act of 1985 to modify the delivery of technical assistance, and for other purposes.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Increased TSP Access Act of 2023”.

SEC. 2. DELIVERY OF TECHNICAL ASSISTANCE.

Section 1242 of the Food Security Act of 1985 (16 U.S.C. 3842) is amended—

(1) in subsection (a)—
(A) by redesignating paragraph (2) as paragraph (3); and

(B) by inserting after paragraph (1) the following:

“(2) NON-FEDERAL CERTIFYING ENTITY.—The term ‘non-Federal certifying entity’ means a non-Federal entity or State agency described in subparagraph (A) or (B), respectively, of subsection (e)(4).”;

(2) in subsection (b), by striking “science-based, site-specific practices designed” and inserting “timely, science-based, and site-specific practice design and implementation assistance”;

(3) in subsection (d), by inserting “(including private sector entities)” after “non-Federal entities”;

(4) in subsection (e)—

(A) in paragraph (2), by striking “Food, Conservation, and Energy Act of 2008” and inserting “Increased TSP Access Act of 2023”; 

(B) in paragraph (3)—

(i) in subparagraph (A), by striking “ensure” and all that follows through “engineering,” and inserting “ensure that third-party providers with expertise in the technical aspects of conservation planning, watershed planning, environmental engi-
neering, conservation practice design, im-
plementation, and evaluation, or other
technical skills, as determined by the Sec-
retary,”; and

(ii) in subparagraph (C), by inserting
“by the Secretary” after “established”;
and

(C) by striking paragraphs (4) and (5) and
inserting the following:

“(4) CERTIFICATION.—The Secretary shall cer-

"(A) a certification process administered
by the Secretary, acting through the Chief of
the Natural Resources Conservation Service;

“(B) a non-Federal entity (other than a
State agency) approved by the Secretary to per-
form the certification; or

“(C) a State agency with statutory author-
ity to certify, administer, or license profes-
sionals in one or more fields of natural re-
sources, agriculture, or engineering approved by
the Secretary to perform the certification.

“(5) TIMELY DECISIONS.—Not later than 10
business days after the date on which the Secretary
receives a notification submitted by a non-Federal
certifying entity that the non-Federal certifying entity has certified a third-party provider, the Secretary shall—

“(A) review the certification; and

“(B) if the certification is satisfactory to the Secretary, include the name of the third-party provider on the registry of certified third-party providers maintained by the Secretary.

“(6) NON-FEDERAL CERTIFYING ENTITY PROCESS.—

“(A) Establishment.—Not later than 180 days after the date of enactment of the Increased TSP Access Act of 2023, the Secretary shall establish a process for the certification of third-party providers by non-Federal certifying entities, with the goal of increasing third-party provider capacity, including the certification of qualified agricultural retailers, cooperatives, professional societies, service providers, and organizations described in section 1265A(3)(B)(i).

“(B) Eligibility of non-federal certifying entities.—In determining the eligibility of a non-Federal certifying entity under subparagraph (A), the Secretary shall consider—
“(i) the ability of the non-Federal certifying entity to assess qualifications of a third-party provider and certify third-party providers at scale;

“(ii) the experience of the non-Federal certifying entity in working with third-party providers and eligible participants;

“(iii) the expertise of the non-Federal certifying entity in the technical and science-based aspects of conservation delivery described in paragraph (3)(A);

“(iv) the history of the non-Federal certifying entity in working with agricultural producers; and

“(v) such other qualifications as the Secretary determines to be appropriate.

“(C) Approval.—Not later than 40 business days after the date on which the Secretary receives an application submitted by a non-Federal certifying entity to certify third-party providers under this section, the Secretary shall make a decision on whether to approve the non-Federal certifying entity to certify third-party providers.
“(D) Duties of non-federal certifying entities.—A non-Federal certifying entity approved by the Secretary to certify third-party providers shall—

“(i) assess the ability of a third-party provider to appropriately provide technical assistance to eligible participants;

“(ii) provide training to ensure that a third-party provider certified by the non-Federal certifying entity is qualified to provide that technical assistance;

“(iii) submit to the Secretary a timely notice of—

“(I) each third-party provider certified by the non-Federal certifying entity, for inclusion on the registry of certified third-party providers maintained by the Secretary; and

“(II) each third-party provider the certification of which is withdrawn by the non-Federal certifying entity.

“(7) Streamlined certification.—Not later than 180 days after the date of enactment of the Increased TSP Access Act of 2023, the Secretary shall provide a streamlined certification process for a
third-party provider that has an appropriate specialty certification, including a certified crop advisor certified by the American Society of Agronomy, a professional engineer, or a holder of a technical certification approved by the Secretary.”; and

(5) in subsection (f)—

(A) in paragraph (2), in the matter preceding subparagraph (A), by inserting “or a non-Federal certifying entity” after “third-party provider’’;

(B) by striking paragraph (3) and inserting the following:

“(3) REVIEW.—Not later than 1 year after the date of enactment of the Increased TSP Access Act of 2023, and additionally thereafter at the discretion of the Secretary, the Secretary shall—

“(A) review certification requirements for third-party providers;

“(B) make any adjustments considered necessary by the Secretary to improve participation and the quality and effectiveness of conservation practices implemented and adopted with support from technical service providers;

“(C) conduct outreach to and receive input from third-party providers, both that currently
participate in the program under this section and those that no longer participate in the program, and entities, organizations, and associations providing or supporting consultative services to agriculture, livestock, and forest producers to assess barriers and opportunities for the use of third-party provider assistance for improved conservation program delivery; and

“(D) set a target utilization rate for third-party providers.”;

(C) in paragraph (4)(A)(i), by inserting “maintenance,” after “outreach,”; and

(D) by striking paragraph (5) and inserting the following:

“(5) PAYMENT AMOUNTS.—

“(A) IN GENERAL.—The Secretary shall establish fair and reasonable amounts of payments for technical services provided by third-party providers at rates equivalent to, but that do not exceed, technical assistance provided by the Secretary.

“(B) CONSIDERATIONS.—In determining fair and reasonable payment amounts under subparagraph (A), the Secretary shall consider specialized equipment, frequency of site visits,
training, travel and transportation, and such other factors as the Secretary determines to be appropriate.

“(C) EXCLUSION.—A payment provided under another Federal program directly to an eligible participant for technical assistance provided by a third-party provider certified under this section shall be—

“(i) excluded from cost-sharing requirements under the program under which the payment was provided; and

“(ii) equal to not more than 100 percent of the fair and reasonable payment amount for the applicable technical assistance determined under subparagraph (B).

“(6) TRANSPARENCY.—Not later than 1 year after the date of enactment of the Increased TSP Access Act of 2023, the Secretary shall provide accessible public information on—

“(A) funds obligated to third-party providers through—

“(i) contracts entered into between eligible participants and individual third-party providers; and
“(ii) agreements with public and private sector entities to secure third-party technical assistance;

“(B) certification results, including—

“(i) the number of third-party providers certified by the Secretary;

“(ii) the number of non-Federal certifying entities approved by the Secretary;

“(iii) the number of third-party providers certified by non-Federal certifying entities; and

“(iv) the number of third-party providers certified based on State agency or professional association credentialing;

“(C) how third-party providers contribute to the quality and effectiveness of conservation practices implemented and adopted, and what improvements are needed; and

“(D) the target utilization rate set under paragraph (3)(D) and how actual utilization compares to that target rate.”.