

Suspend the Rules and Pass the Bill, H.R. 7887, With an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

118TH CONGRESS
2^D SESSION

H. R. 7887

To amend title 41, United States Code, to prohibit minimum experience or educational requirements for proposed contractor personnel in certain contract solicitations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 9, 2024

Ms. MACE (for herself and Mr. KRISHNAMOORTHY) introduced the following bill; which was referred to the Committee on Oversight and Accountability

A BILL

To amend title 41, United States Code, to prohibit minimum experience or educational requirements for proposed contractor personnel in certain contract solicitations, 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 “Allowing Contractors
5 to Choose Employees for Select Skills Act” or the “AC-
6 CESS Act”.

1 **SEC. 2. USE OF REQUIREMENTS REGARDING EDUCATION**
2 **OF CONTRACTOR PERSONNEL.**

3 (a) FLEXIBILITY IN CONTRACTOR EDUCATION RE-
4 QUIREMENTS.—Chapter 33 of title 41, United States
5 Code, is amended by adding at the end the following new
6 section:

7 **“§ 3313. Flexibility in contractor education require-**
8 **ments**

9 “(a) PROHIBITION.—A solicitation may not set forth
10 any minimum educational requirement for proposed con-
11 tractor personnel in order for a bidder to be eligible for
12 award of a contract unless the contracting officer includes
13 in the solicitation a written justification that explains why
14 the needs of the executive agency cannot be met without
15 any such requirement and clarifies how the requirement
16 ensures the needs are met.

17 “(b) EXECUTIVE AGENCY DEFINED.—In this sec-
18 tion, the term ‘executive agency’ has the meaning given
19 that term in section 133.”.

20 (b) TECHNICAL AND CONFORMING AMENDMENT.—
21 The table of sections for chapter 33 of title 41, United
22 States Code, is amended by adding at the end the fol-
23 lowing new item:

“3313. Flexibility in contractor education requirements.”.

24 (c) OMB GUIDANCE.—Not later than 180 days after
25 the date of the enactment of this Act, the Director of the

1 Office of Management and Budget shall issue guidance to
2 the heads of executive agencies for implementing the
3 amendment made by subsection (a) that includes the fol-
4 lowing:

5 (1) Instructions for contracting officers for the
6 justifications under section 3313(a) of title 41,
7 United States Code, as added by subsection (a), in-
8 cluding a requirement that each use of an education
9 requirement be determined, justified, and reviewed.

10 (2) In the case of a solicitation in which edu-
11 cation requirements are included, instructions on
12 how alternative certifications, industry-recognized
13 credentials, and work-based learning programs, in-
14 cluding apprenticeships, may satisfy such require-
15 ments.

16 (d) **APPLICABILITY.**—The amendments made by this
17 section shall apply with respect to solicitations issued on
18 or after the date that is 15 months after the date of the
19 enactment of this Act.

20 (e) **REPEAL.**—Section 813 of the Floyd D. Spence
21 National Defense Authorization Act for Fiscal Year 2001
22 (Public Law 106–398; 114 Stat. 1654A-214), as imple-
23 mented in subpart 39.104 of the Federal Acquisition Reg-
24 ulation, as in effect on July 1, 2024, is repealed as of

1 the date that the guidance required by subsection (c) be-
2 comes effective.

3 (f) GAO REPORT.—Not later than 36 months after
4 the date of the enactment of this Act, the Comptroller
5 General shall submit to Congress an evaluation of execu-
6 tive agency compliance with section 3313 of title 41,
7 United States Code, as added by subsection (a).

8 (g) DEFINITIONS.—In this section:

9 (1) EDUCATION REQUIREMENT.—The term
10 “education requirement” includes a requirement that
11 can be met either through—

12 (A) education alone;

13 (B) education or experience; or

14 (C) a combination of education and experi-
15 ence.

16 (2) EXECUTIVE AGENCY.—The term “executive
17 agency” has the meaning given that term in section
18 133 of title 41, United States Code.

Amend the title so as to read: “A bill to amend title
41, United States Code, to prohibit minimum educational
requirements for proposed contractor personnel in certain
contract solicitations, and for other purposes.”.