

119TH CONGRESS
1ST SESSION

S. 79

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

IN THE SENATE OF THE UNITED STATES

JANUARY 13, 2025

Mr. LANKFORD (for himself and Mr. PETERS) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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.

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 education 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 of this title.”.

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) Instructions for contracting officers that en-
11 courages the use of alternatives to education require-
12 ments.

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

17 (e) REPEAL.—Section 813 of the Floyd D. Spence
18 National Defense Authorization Act for Fiscal Year 2001
19 (Public Law 106–398; 114 Stat. 1654A–214), as imple-
20 mented in subpart 39.104 of the Federal Acquisition Reg-
21 ulation, as in effect on January 3, 2025, is repealed as
22 of the date that the guidance required by subsection (c)
23 becomes effective.

24 (f) GAO REPORT.—Not later than 3 years after the
25 date of the enactment of this Act, the Comptroller General

1 shall submit to Congress an evaluation of executive agency
 2 compliance with section 3313 of title 41, United States
 3 Code, as added by subsection (a).

4 (g) DEFINITIONS.—In this section:

5 (1) EDUCATION.—The term “education” means
 6 an associate, baccalaureate, graduate, or profes-
 7 sional degree, specified coursework, or other form of
 8 educational attainment awarded by a junior or com-
 9 munity college, college, or university that is accred-
 10 ited as a collegiate institution by a recognized ac-
 11 crediting agency or approved by the appropriate
 12 State education authority under State law to grant
 13 associate or higher degrees.

14 (2) EDUCATION REQUIREMENT.—The term
 15 “education requirement” includes a requirement that
 16 can be met either through—

17 (A) education alone;

18 (B) education or experience; or

19 (C) a combination of education and experi-
 20 ence.

21 (3) EXECUTIVE AGENCY.—The term “executive
 22 agency” has the meaning given that term in section
 23 133 of title 41, United States Code.

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