

118TH CONGRESS  
2D SESSION

# S. 4631

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

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## IN THE SENATE OF THE UNITED STATES

JULY 8, 2024

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

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## A BILL

To amend title 41, United States Code, to prohibit minimum education 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 EXPERIENCE**  
2 **AND EDUCATION OF CONTRACTOR PER-**  
3 **SONNEL.**

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

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

10 “(a) DEFINITIONS.—In this section:

11 “(1) EDUCATION REQUIREMENT.—The term  
12 ‘education requirement’ includes a requirement that  
13 can be met through—

14 “(A) education;

15 “(B) experience; or

16 “(C) a combination of education and expe-  
17 rience.

18 “(2) EXECUTIVE AGENCY.—The term ‘executive  
19 agency’ has the meaning given that term in section  
20 133.

21 “(b) PROHIBITION.—A solicitation may not set forth  
22 any minimum education requirement for proposed con-  
23 tractor personnel in order for a bidder to be eligible for  
24 award of a contract unless the contracting officer includes  
25 in the solicitation a written justification that explains why  
26 the needs of the executive agency cannot be met without

1 such requirement and clarifies how the requirement en-  
2 sures the needs are met.”.

3 (b) TECHNICAL AND CONFORMING AMENDMENT.—

4 The table of sections for chapter 33 of title 41, United  
5 States Code, is amended by adding at the end the fol-  
6 lowing new item:

“Sec. 3313. Flexibility in contractor education requirements.”.

7 (c) OMB GUIDANCE.—Not later than 60 days after  
8 the date of the enactment of this Act, the Director of the  
9 Office of Management and Budget shall issue guidance to  
10 executive agencies for implementing the amendment made  
11 by subsection (a) that includes the following:

12 (1) Instructions for contracting officers on the  
13 manner in which the written justification require-  
14 ment of section 3313(b) of title 41, United States  
15 Code, as added by subsection (a), may be met, in-  
16 cluding a requirement that each use of an education  
17 requirement be separately determined, justified, and  
18 reviewed.

19 (2) In the case of a solicitation in which edu-  
20 cation requirements are included, instructions on  
21 how alternative certifications, industry-recognized  
22 credentials, and work-based learning programs, in-  
23 cluding apprenticeships, may satisfy such require-  
24 ments.

1 (d) APPLICABILITY.—The amendments made by this  
2 section shall apply with respect to solicitations issued on  
3 or after the date that is 180 days after the date of the  
4 enactment of this Act.

5 (e) GAO REPORT.—Not later than 18 months after  
6 the date of the enactment of this Act, the Comptroller  
7 General shall submit to Congress an evaluation of execu-  
8 tive agency compliance with section 3313 of title 41,  
9 United States Code, as added by subsection (a).

10 (f) DEFINITIONS.—In this section:

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

14 (A) education;

15 (B) experience; or

16 (C) a combination of education and experi-  
17 ence.

18 (2) EXECUTIVE AGENCY.—The term “executive  
19 agency” has the meaning given that term in section  
20 133 of title 41, United States Code.

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