

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. _____
OFFERED BY MR. COMER OF KENTUCKY**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Allowing Contractors
3 to Choose Employees for Select Skills Act” or the “AC-
4 CESS Act”.

**5 SEC. 2. USE OF REQUIREMENTS REGARDING EXPERIENCE
6 AND EDUCATION OF CONTRACTOR PER-
7 SONNEL.**

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

**12 “§ 3313. Flexibility in contractor education require-
13 ments**

14 “(a) PROHIBITION.—A solicitation may not set forth
15 any minimum experience or educational requirement for
16 proposed contractor personnel in order for a bidder to be
17 eligible for award of a contract unless the contracting offi-
18 cer includes in the solicitation a written justification that

1 explains why the needs of the executive agency cannot be
2 met without any such requirement and clarifies how the
3 requirement ensures the needs are met.

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

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

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

11 (c) OMB GUIDANCE.—Not later than 60 days after
12 the date of the enactment of this Act, the Director of the
13 Office of Management and Budget shall issue guidance to
14 the heads of executive agencies for implementing the
15 amendment made by subsection (a) that includes the fol-
16 lowing:

17 (1) Instructions for contracting officers for the
18 justifications under section 3313(a) of title 41,
19 United States Code, as added by subsection (a), in-
20 cluding a requirement that each use of an education
21 or experience requirement be separately determined,
22 justified, and reviewed.

23 (2) In the case of a solicitation in which edu-
24 cation and work experience requirements are in-
25 cluded, instructions on how alternative certifications,

1 industry-recognized credentials, and work-based
2 learning programs, including apprenticeships, may
3 satisfy such requirements.

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

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

13 (f) EXECUTIVE AGENCY DEFINED.—In this section,
14 the term “executive agency” has the meaning given that
15 term in section 133 of title 41, United States Code.

