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(Original Signature of Member)

118TH CONGRESS
2D SESSION

H. R. _____

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

Ms. MACE introduced the following bill; which was referred to the Committee
on _____

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

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

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

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

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

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

12 (2) In the case of a solicitation in which edu-
13 cation and work experience requirements are in-
14 cluded, instructions on how alternative certifications,
15 industry-recognized credentials, and work-based
16 learning programs, including apprenticeships, may
17 satisfy such requirements.

18 (d) APPLICABILITY.—The amendments made by this
19 section shall apply with respect to solicitations issued on
20 or after the date that is 180 days after the date of the
21 enactment of this Act.

22 (e) GAO REPORT.—Not later than 18 months after
23 the date of the enactment of this Act, the Comptroller
24 General shall submit to Congress an evaluation of execu-

1 tive agency compliance with section 3313 of title 41,
2 United States Code, as added by subsection (a).

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