

119TH CONGRESS
2^D SESSION

H. R. 5235

IN THE SENATE OF THE UNITED STATES

FEBRUARY 24, 2026

Received; read twice and referred to the Committee on Homeland Security and
Governmental Affairs

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Skills-Based Federal
3 Contracting Act of 2025”.

4 **SEC. 2. USE OF REQUIREMENTS REGARDING EDUCATION**
5 **OF CONTRACTOR PERSONNEL.**

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

10 **“§ 3313. Flexibility in contractor education require-**
11 **ments**

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

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

23 (b) **TECHNICAL AND CONFORMING AMENDMENT.**—
24 The table of sections for chapter 33 of title 41, United

1 States Code, is amended by adding at the end the fol-
2 lowing new item:

“3313. Flexibility in contractor education requirements.”.

3 (c) OMB GUIDANCE.—Not later than 180 days after
4 the date of the enactment of this Act, the Director of the
5 Office of Management and Budget shall issue guidance to
6 the heads of executive agencies for implementing the
7 amendment made by subsection (a) that includes the fol-
8 lowing:

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

14 (2) Instructions for contracting officers that en-
15 courages the use of alternatives to education require-
16 ments.

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

21 (e) REPEAL.—Section 813 of the Floyd D. Spence
22 National Defense Authorization Act for Fiscal Year 2001
23 (Public Law 106–398; 114 Stat. 1654A–214), as imple-
24 mented in subpart 39.104 of the Federal Acquisition Reg-
25 ulation, as in effect on January 3, 2025, is repealed as

1 of the date that the guidance required by subsection (c)
2 becomes effective.

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

8 (g) DEFINITIONS.—In this section:

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

19 (2) EDUCATION REQUIREMENT.—The term
20 “education requirement” includes a requirement that
21 can be met either through—

22 (A) education alone;

23 (B) education or experience; or

24 (C) a combination of education and experi-
25 ence.

