

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 5235
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 “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

1 any such requirement and clarifies how the requirement
2 ensures the needs are met.

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

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

“3313. Flexibility in contractor education requirements.”.

10 (c) OMB GUIDANCE.—Not later than 180 days after
11 the date of the enactment of this Act, the Director of the
12 Office of Management and Budget shall issue guidance to
13 the heads of executive agencies for implementing the
14 amendment made by subsection (a) that includes the fol-
15 lowing:

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

21 (2) Instructions for contracting officers that en-
22 courages the use of alternatives to education require-
23 ments.

24 (d) APPLICABILITY.—The amendments made by this
25 section shall apply with respect to solicitations issued on

1 or after the date that is 15 months after the date of the
2 enactment of this Act.

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7 ulation, as in effect on January 3, 2025, is repealed as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

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

15 (g) DEFINITIONS.—In this section:

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

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

4 (A) education alone;

5 (B) education or experience; or

6 (C) a combination of education and experi-
7 ence.

8 (3) EXECUTIVE AGENCY.—The term “executive
9 agency” has the meaning given that term in section
10 133 of title 41, United States Code.

