

Regulated entities and the public should know what agency guidance says about the laws and programs that affect them. However, guidance documents are not easy to find. They are not consistently posted on agency websites.

This inconsistency burdens regulated entities. It especially burdens small businesses that often lack the resources to hire compliance experts. The problem is so bad that agency guidance documents are known as “regulatory dark matter.”

For a brief time, the prior administration brought needed sunshine to this situation. Following the GOOD Act’s passage by the House during the 115th Congress, the prior administration voluntarily adopted the bill’s reforms through an October 2019 executive order after the Senate failed to act.

Under the executive order, guidance was required to become fully transparent online. Across the government, each agency was directed to make available on its website a single searchable, indexed database with links to all guidance documents in effect.

As a result, for the first time, members of the public could easily find whatever agency guidance they needed online in one central location. The order was in effect during 2019 and 2020 but has since been rescinded.

Ever since, agencies have been pulling down their guidance web pages, and guidance has once again fallen into darkness, increasing the potential for agency abuse.

This is why we need to once again pass the GOOD Act in the House and require agencies to publish their regulatory guidance in a single, easily accessible location. The American public deserves nothing less from their government.

I thank my committee colleague, Representative RO KHANNA, for cosponsoring my legislation. I especially thank the ranking member for working with my staff to strengthen the bill and helping us advance a bipartisan bill here today.

Mr. Speaker, I urge my colleagues to support this simple and necessary transparency bill.

Mr. RASKIN. Mr. Speaker, I am in favor of this legislation. I yield back the balance of my time.

Ms. MACE. Mr. Speaker, I encourage my House colleagues to support this commonsense bill to make agency guidance documents more transparent to the American public, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from South Carolina (Ms. MACE) that the House suspend the rules and pass the bill, H.R. 890, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1930

ALLOWING CONTRACTORS TO CHOOSE EMPLOYEES FOR SELECT SKILLS ACT

Ms. MACE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7887) 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, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 7887

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Allowing Contractors to Choose Employees for Select Skills Act” or the “ACCESS Act”.

SEC. 2. USE OF REQUIREMENTS REGARDING EDUCATION OF CONTRACTOR PERSONNEL.

(a) FLEXIBILITY IN CONTRACTOR EDUCATION REQUIREMENTS.—Chapter 33 of title 41, United States Code, is amended by adding at the end the following new section:

“§ 3313. Flexibility in contractor education requirements

“(a) PROHIBITION.—A solicitation may not set forth any minimum educational requirement for proposed contractor personnel in order for a bidder to be eligible for award of a contract unless the contracting officer includes in the solicitation a written justification that explains why the needs of the executive agency cannot be met without any such requirement and clarifies how the requirement ensures the needs are met.

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

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

“3313. Flexibility in contractor education requirements.”.

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

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

(2) In the case of a solicitation in which education requirements are included, instructions on how alternative certifications, industry-recognized credentials, and work-based learning programs, including apprenticeships, may satisfy such requirements.

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

(e) REPEAL.—Section 813 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106-398; 114 Stat. 1654A-214), as implemented in subpart 39.104 of the Federal Acquisition Regulation,

as in effect on July 1, 2024, is repealed as of the date that the guidance required by subsection (c) becomes effective.

(f) GAO REPORT.—Not later than 36 months after the date of the enactment of this Act, the Comptroller General shall submit to Congress an evaluation of executive agency compliance with section 3313 of title 41, United States Code, as added by subsection (a).

(g) DEFINITIONS.—In this section:

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

(A) education alone;

(B) education or experience; or

(C) a combination of education and experience.

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

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from South Carolina (Ms. MACE) and the gentleman from Maryland (Mr. RASKIN) each will control 20 minutes.

The Chair recognizes the gentlewoman from South Carolina.

GENERAL LEAVE

Ms. MACE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from South Carolina?

There was no objection.

Ms. MACE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Federal contractor workforce is several times larger than the 2 million strong civilian workforce the Federal Government employs today. That is because so much government work is outsourced. That includes, for instance, much of the operation and maintenance of the Federal IT systems and the safeguarding of their cybersecurity.

It was disturbing for me to learn, in the course of my work this Congress as chair of the Oversight Committee’s Subcommittee on Cybersecurity, Information Technology, and Government Innovation, that many Federal contract solicitations bar qualified individuals from performing the work.

What are these barriers? Many Federal solicitations include unnecessary degree requirements mandating that individuals who perform various tasks hold specific education credentials such as a 4-year college degree, but training for many jobs in fields like IT and building construction is increasingly available through nondegree pathways like apprenticeships, boot camps, or certifications.

That is why a slew of major private-sector employees have pared back degree requirements in hiring in recent years. In fact, some of our biggest tech companies offer certification programs within their own companies to help their individuals be even more qualified for jobs that are available to them.

When it comes to cybersecurity, the public and private sectors together face

a shortage of roughly 700,000 workers. Clearly, the Federal Government cannot afford to erect unnecessary hurdles that prohibit those with the necessary technical skills and desire from doing such work simply because they lack a traditional degree.

The companies who employ them, those that offer apprenticeships and engage in skills-based hiring, should be encouraged to compete for government contracts and not be excluded from competition.

This bill helps ensure that Federal contractors are permitted to hire qualified professionals with the necessary knowledge, the necessary skills, and the necessary drive, even if they lack a traditional 4-year degree.

The bill does this by prohibiting contract officers from stipulating education requirements for contract employees without providing a written justification for doing so. That justification must show that education is necessary in order to perform the work and meet the needs of the agency.

To be clear, this bill in no way tells Federal contractors how to actually hire their staff. Rather, it removes an unnecessary restriction on their ability to hire qualified individuals.

The Federal Government shouldn't be barring from consideration for work qualified individuals who acquire their skills through alternative training. They deserve a chance at a job. They deserve a chance to compete.

Mr. Speaker, I urge my colleagues to support this timely, necessary, and bipartisan bill, and I reserve the balance of my time.

Mr. RASKIN. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 7887, the ACCESS Act, which is intended to address degree inflation, the growing trend of college graduates filling jobs that don't require college degrees. This can lead to reduced earnings for college degree holders, reduced employment opportunities for nondegree holders, and an overall drag on the economy in a time of very low unemployment, like ours, and of labor shortages.

Committee Democrats are supportive of efforts to eliminate minimum education and experience requirements for jobs that don't actually require such associated skills for successful performance, expanding opportunity for the more than 62 percent of the population, age 25 and older, who do not hold a bachelor's degree.

The ACCESS Act would prohibit Federal agencies from specifying minimum educational requirements for contractor personnel in solicitations, unless the solicitation also includes a written justification explaining why such requirements are actually necessary.

I had been concerned that this might create a blanket requirement that could be unnecessarily burdensome for Federal agencies in the instances in which minimum education or experience requirements are commonly and

reasonably understood to be necessary, but changes made to the bill after our committee markup have alleviated those concerns.

There are certainly some jobs for which some minimum education or experience appears to be totally unnecessary. For example, approximately 39 percent of postings for construction managers require a college degree, as do 52 percent of web developer postings and 34 percent of distribution manager postings.

This suggests that these roles are frequently performed in the economy totally successfully without a college degree and that the requirement is more about the subjective preference or traditions of the employer than the actual demands of the job. It makes sense for agency contracting officers to have to provide a written justification for choosing to require that contractors hire only college degree holders for such jobs, as this bill would require.

However, there are also an array of jobs for which some minimum education or experience requirements are indeed necessary. For example, in 2022, the Federal Government spent almost \$30 billion on medical services contracts and another \$29 billion on engineering and technical support services contracts. We do not want our contracting officers to have to provide a written explanation every single time they put out a solicitation that requires healthcare and engineering professionals to have advanced higher education degrees, and the bill has been appropriately and gratefully refined to eliminate this unnecessary burden.

I understand that the North America's Building Trades Unions have expressed concerns about just this point, but in cases where highly trained and educated Federal contractors are required to perform technical, scientific, and professional services, nothing in the bill would prevent the hiring of such individuals.

I am happy to continue supporting this legislation as an important step to expand opportunity to more Americans and to welcome more talent in service to our country.

I thank Chairwoman MACE and Chairman COMER for working with us to improve the bill, and I reserve the balance of my time.

Ms. MACE. Mr. Speaker, I have no further speakers. I am prepared to close, and I reserve the balance of my time.

Mr. RASKIN. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I strongly support H.R. 7887, and I yield back the balance of my time.

Ms. MACE. Mr. Speaker, I urge my colleagues to support this bill to ensure that contract employees with the right skills can work for the Federal Government regardless if they have a traditional 4-year degree.

I thank Ranking Member RASKIN and all of my colleagues on the Oversight Committee who voted this out of the

committee for their bipartisan support. This doesn't hurt jobs. This helps people get jobs, even if they don't have a 4-year degree, whether they are joined to a labor union or not.

Mr. Speaker, I appreciate the support of Mr. RASKIN, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from South Carolina (Ms. MACE) that the House suspend the rules and pass the bill, H.R. 7887, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. NORCROSS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

U.S. CONGRESSMAN SAM JOHNSON MEMORIAL VA CLINIC ACT

Mr. BOST. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4136) to name the Department of Veterans Affairs community-based outpatient clinic in Plano, Texas, as the "U.S. Congressman Sam Johnson Memorial VA Clinic".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4136

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "U.S. Congressman Sam Johnson Memorial VA Clinic Act".

SEC. 2. NAME OF DEPARTMENT OF VETERANS AFFAIRS COMMUNITY-BASED OUTPATIENT CLINIC, PLANO, TEXAS.

The Department of Veterans Affairs community-based outpatient clinic in Plano, Texas, shall after the date of the enactment of this Act be known and designated as the "U.S. Congressman Sam Johnson Memorial VA Clinic". Any reference to such clinic in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the U.S. Congressman Sam Johnson Memorial VA Clinic.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. BOST) and the gentlewoman from Illinois (Ms. BUDZINSKI) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. BOST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4136.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. BOST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 4136, a bill to name the Department of Veterans Affairs community-