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(Original Signature of Member)

119TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To establish a voluntary compliance assistance initiative at the Equal Employment Opportunity Commission regarding the usage of employment tests and selection procedures by employers.

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IN THE HOUSE OF REPRESENTATIVES

Ms. STEFANIK introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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**A BILL**

To establish a voluntary compliance assistance initiative at the Equal Employment Opportunity Commission regarding the usage of employment tests and selection procedures by employers.

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 “Advancing Skills-  
5       Based Hiring Act of 2025”.

**6 SEC. 2. PURPOSE.**

7       It is the purpose of this Act—

## 14 SEC. 3. REVIEW BY EQUAL EMPLOYMENT OPPORTUNITY

15 COMMISSION OF INFORMATION VOLUN-

16 TARILY SUBMITTED BY EMPLOYERS.

17 (a) VOLUNTARY SUBMISSION AND REVIEW OF EM-  
18 PLOYER INFORMATION.—The Equal Employment Oppor-  
19 tunity Commission (in this Act referred to as the “Com-  
20 mission”) shall—

21 (1) establish a process for employers—

22 (A) to voluntarily submit validity evidence  
23 to the Commission on the use, or prospective  
24 use, of competency-based assessments or other  
25 professionally developed selection procedures

1           that are used to make employment decisions,  
2           and

3           (B) to obtain a determination by the Com-  
4           mission as to whether such use is job-related  
5           for the position in question and consistent with  
6           business necessity within the meaning of section  
7           703(k)(1)(A)(i) of the Civil Rights Act of 1964  
8           (42 U.S.C. 2000e-2(k)(1)(A)(i)),

9           (2) as part of such process, set forth the valid-  
10          ity evidence that participating employers should sub-  
11          mit, which may include—

12           (A) a criterion-related validity study,  
13           (B) a content validity study,  
14           (C) a construct validity study, or  
15           (D) a transportability study that includes  
16          the validity evidence from a study,

17          conducted by another entity, along with evidence  
18          from the employer that shows job similarity, and

19           (3) allow employers to submit validity evidence  
20          for review regardless of the existence of an adverse  
21          impact from the use of the assessment or selection  
22          procedure on protected groups, but require such sub-  
23          mitted evidence to include any information available  
24          on whether the use has resulted in adverse impact.

1       (b) REVIEW OF SUBMITTED EMPLOYER INFORMATION.—Subject to the payment required by subsection (d),  
2 the Commission shall review the information submitted  
3 under subsection (a) and—

5               (1) determine that the use of the assessment or  
6 selection procedure identified by the employer is job-  
7 related and consistent with business necessity, or  
8               (2) provide technical assistance to such em-  
9 ployer that includes, at a minimum—

10                       (A) an explanation of why the Commission  
11 cannot make such a determination, and  
12                       (B) steps the employer could take, or  
13 changes the employer could implement, that will  
14 enable the Commission to make the determina-  
15 tion in subsection (b)(1).

16       (c) SAFE HARBOR.—The determination from the  
17 Commission under subsection (b)(1) that the employer's  
18 use of an assessment is job-related and consistent with  
19 business may be used by the employer to satisfy its burden  
20 of proof under section 703(k)(1)(A)(i) of the Civil Rights  
21 Act of 1964 (42 U.S.C. 2000e-2(k)(1)(A)(i)).

22       (d) FEE PAYABLE FOR REVIEW.—To obtain review  
23 under subsection (b), an employer with more than 100 em-  
24 ployees shall pay to the Commission a reasonable fee de-

1 terminated by the Commission to offset the cost incurred  
2 by the Commission to provide such review.

3 (e) **LIMITATION.**—Any information submitted by the  
4 employer under subsection (a) and any technical assist-  
5 ance provided by the Commission under subsection (b)(2)  
6 regarding the information submitted by the employer re-  
7 lated thereto shall—

8 (1) not be used against such employer as a  
9 basis for a future enforcement action, and

10 (2) shall be inadmissible in a Federal or State  
11 court proceeding without the consent of such em-  
12 ployer.

**13 SEC. 4. EDUCATION AND TECHNICAL ASSISTANCE.**

14 The Commission shall provide education and tech-  
15 nical assistance on the use of employment tests or other  
16 selection procedures, including education and technical as-  
17 sistance on the methods of validation of an employment  
18 test or selection procedure and on the opportunity to vol-  
19 untarily submit validity evidence to the Commission to  
20 seek a determination that use of an employment test or  
21 selection procedure is job-related and consistent with busi-  
22 ness necessity.

**23 SEC. 5. DEFINITION.**

24 For purposes of this Act, the term “competency-  
25 based assessment” means an assessment or selection pro-

1 cedure that purports to measure the knowledge, skills,  
2 abilities, or personal or behavior characteristics that are  
3 necessary for, or shown to predict, successful job perform-  
4 ance.

**5 SEC. 6. EFFECTIVE DATE.**

6 This Act shall take effect 90 days after the date of  
7 the enactment of this Act.