.....

(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R. _____

To amend the Fair Labor Standards Act of 1938 to impose restrictions relating to prospective employees' educational credentials, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. KRISHNAMOORTHI introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Fair Labor Standards Act of 1938 to impose restrictions relating to prospective employees' educational credentials, and for other purposes.

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 ''Opportunity to Compete Act''.

SEC. 2. RESTRICTIONS RELATING TO PROSPECTIVE EMPLOYEES' EDUCATIONAL CREDENTIALS.

The Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) is amended by inserting after section 7 the following new section:

"SEC. 8. GUIDANCE RELATING TO EDUCATIONAL CREDENTIALS.

''(a) IN GENERAL.—Except as provided in subsection (b), an employer may only use, in the consideration of prospective employees for a position of employment, a computerized hiring system if such system—

''(1) discloses to the prospective employee the median years or expected years of experience required for a position, which may include experience received through military service, community college, training programs, and some college; and

''(2) if the employer requires a bachelor's degree for the position, considers a prospective employee who has the required years of experience described in paragraph (1) as meeting the degree requirement.

''(b) WAIVER OF REQUIREMENT.—

''(1) IN GENERAL.—The Secretary of Labor shall provide an exemption to the requirements under paragraph (2) of subsection (a) with respect to certain positions of employment with an employer

if such employer demonstrates to the satisfaction of the Secretary that—

''(A) the skills and knowledge required for such position of employment cannot reasonably be obtained without a bachelor's degree; and

''(B) the employer discloses the requirement of a bachelor's degree to all prospective employees in a timely manner.

''(2) APPLICATION FOR EXEMPTION.—An employer seeking an exemption under this subsection shall submit an application for such exemption to the Secretary of Labor at such time and in such manner as the Secretary may require.

''(3) TIMELINE FOR EXEMPTION APPLICATION.—The Secretary of Labor shall—

''(A) not later than 7 days after receiving an application for an exemption, notify the employer submitting such application that the Secretary of Labor has received their application; and

''(B) not later than 14 days after receiving such an application, notify such employer whether the application has been accepted or denied.

''(c) EXEMPTION FOR CERTAIN EMPLOYERS.—An employer that employs less than 500 employees shall not be subject to the requirements of this section.

''(d) ENFORCEMENT.—Not later than 1 year after the date of enactment of the Opportunity to Compete Act, the Secretary of Labor shall establish appropriate procedures for the enforcement of this section.

''(e) COMPUTERIZED HIRING SYSTEM DEFINED.—For the purposes of this section, the term 'computerized hiring system' means a recruitment management system, recruitment marketing system, applicant tracking system, or any other computer-based system that receives, manages, tracks, evaluates, or responds to applications for employment.''.