

112TH CONGRESS
1ST SESSION

S. 1363

To amend titles 10 and 41, United States Code, to allow contracting officers to consider information regarding domestic employment before awarding a Federal contract, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 13, 2011

Mr. ROCKEFELLER introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To amend titles 10 and 41, United States Code, to allow contracting officers to consider information regarding domestic employment before awarding a Federal contract, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “American Jobs Matter
5 Act of 2011”.

1 **SEC. 2. CONSIDERATION AND VERIFICATION OF INFORMA-**
2 **TION RELATING TO EFFECT ON DOMESTIC**
3 **EMPLOYMENT OF AWARD OF FEDERAL CON-**
4 **TRACTS.**

5 (a) CIVILIAN AGENCY CONTRACTS.—Section 3306 of
6 title 41, United States Code, is amended by adding at the
7 end the following new subsection:

8 “(g)(1) An executive agency, in issuing a solicitation
9 for competitive proposals, shall state in the solicitation
10 that the agency may consider information (in this sub-
11 section referred to as a ‘jobs impact statement’) that the
12 offeror may include in its offer related to the effects on
13 employment within the United States of the contract if
14 it is awarded to the offeror.

15 “(2) The information that may be included in a jobs
16 impact statement may include the following:

17 “(A) The number of jobs expected to be created
18 in the United States, or the number of jobs retained
19 that otherwise would be lost, if the contract is
20 awarded to the offeror.

21 “(B) The number of jobs created or retained in
22 the United States by the subcontractors expected to
23 be used by the offeror in the performance of the con-
24 tract.

25 “(C) A guarantee from the offeror that jobs
26 created or retained in the United States will not be

1 moved outside the United States after award of the
2 contract.

3 “(3) The contracting officer may consider the infor-
4 mation in the jobs impact statement in the evaluation of
5 the offer and may request further information from the
6 offeror in order to verify the accuracy of any such informa-
7 tion submitted.

8 “(4) In the case of a contract awarded to an offeror
9 that submitted a jobs impact statement with the offer for
10 the contract, the executive agency shall, not later than six
11 months after the award of the contract and annually
12 thereafter for the duration of the contract or contract ex-
13 tension, assess the accuracy of the jobs impact statement.

14 “(5) The head of each executive agency shall submit
15 to Congress an annual report on the frequency of use with-
16 in the agency of jobs impact statements in the evaluation
17 of competitive proposals.

18 “(6) In any contract awarded to an offeror that sub-
19 mitted a jobs impact statement with its offer in response
20 to the solicitation for proposals for the contract, the execu-
21 tive agency shall track the number of jobs created or re-
22 tained during the performance of the contract. If the num-
23 ber of jobs that the agency estimates will be created (by
24 using the jobs impact statement) significantly exceeds the
25 number of jobs created or retained, then the agency may

1 evaluate whether the contractor should be proposed for de-
2 barment.”.

3 (b) DEFENSE CONTRACTS.—Section 2305(a) of title
4 10, United States Code, is amended by adding at the end
5 the following new paragraph:

6 “(6)(A) The head of an agency, in issuing a solicita-
7 tion for competitive proposals, shall state in the solicita-
8 tion that the agency may consider information (in this
9 paragraph referred to as a ‘jobs impact statement’) that
10 the offeror may include in its offer related to the effects
11 on employment within the United States of the contract
12 if it is awarded to the offeror.

13 “(B) The information that may be included in a jobs
14 impact statement may include the following:

15 “(i) The number of jobs expected to be created
16 in the United States, or the number of jobs retained
17 that otherwise would be lost, if the contract is
18 awarded to the offeror.

19 “(ii) The number of jobs created or retained in
20 the United States by the subcontractors expected to
21 be used by the offeror in the performance of the con-
22 tract.

23 “(iii) A guarantee from the offeror that jobs
24 created or retained in the United States will not be

1 moved outside the United States after award of the
2 contract.

3 “(C) The contracting officer may consider the infor-
4 mation in the jobs impact statement in the evaluation of
5 the offer and may request further information from the
6 offeror in order to verify the accuracy of any such informa-
7 tion submitted.

8 “(D) In the case of a contract awarded to an offeror
9 that submitted a jobs impact statement with the offer for
10 the contract, the agency shall, not later than six months
11 after the award of the contract and annually thereafter
12 for the duration of the contract or contract extension, as-
13 sess the accuracy of the jobs impact statement.

14 “(E) The Secretary of Defense shall submit to Con-
15 gress an annual report on the frequency of use within the
16 Department of Defense of jobs impact statements in the
17 evaluation of competitive proposals.

18 “(F) In any contract awarded to an offeror that sub-
19 mitted a jobs impact statement with its offer in response
20 to the solicitation for proposals for the contract, the agen-
21 cy shall track the number of jobs created or retained dur-
22 ing the performance of the contract. If the number of jobs
23 that the agency estimates will be created (by using the
24 jobs impact statement) significantly exceeds the number
25 of jobs created or retained, then the agency may evaluate

1 whether the contractor should be proposed for debar-
2 ment.”.

3 (c) REVISION OF FEDERAL ACQUISITION REGULA-
4 TION.—The Federal Acquisition Regulation shall be re-
5 vised to implement the amendments made by this section.

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