

113TH CONGRESS  
1ST SESSION

# H. R. 1332

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.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 21, 2013

Mrs. BUSTOS introduced the following bill; which was referred to the Committee on Oversight and Government Reform, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## 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 2013”.

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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