

**AMENDMENT TO THE RULES COMMITTEE PRINT  
FOR H.R. 4909  
OFFERED BY MS. ESTY OF CONNECTICUT**

Page 326, after line 4, insert the following new section:

1 **SEC. 843. CONSIDERATION AND VERIFICATION OF INFOR-**  
2 **MATION RELATING TO EFFECT ON DOMESTIC**  
3 **EMPLOYMENT OF AWARD OF FEDERAL DE-**  
4 **FENSE CONTRACTS.**

5 (a) IN GENERAL.—Section 2305(a)(3) of title 10,  
6 United States Code, is amended by adding at the end the  
7 following new subparagraph:

8 “(C)(i) In prescribing the evaluation fac-  
9 tors to be included in each solicitation for com-  
10 petitive proposals for covered contracts, an  
11 agency shall include the effects on employment  
12 within the United States of the contract as an  
13 evaluation factor that must be considered in the  
14 evaluation of proposals.

15 “(ii) In this subparagraph, the term  
16 ‘covered contract’ means—

1                   “(I) a contract in excess of  
2                   \$1,000,000 for the procurement of  
3                   manufactured goods;

4                   “(II) a contract in excess of  
5                   \$1,000,000 for the procurement of  
6                   goods or services listed in the report  
7                   of industrial base capabilities required  
8                   by section 2504 of title 10; and

9                   “(III) a contract in excess of  
10                  \$1,000,000 for the procurement of  
11                  any item procured as part of a major  
12                  defense acquisition program.

13                  “(iii) The head of an agency, in  
14                  issuing a solicitation for competitive pro-  
15                  posals, shall state in the solicitation that  
16                  the agency may consider, and in the case  
17                  of a covered contract will consider as an  
18                  evaluation factor under subparagraph (A),  
19                  information (in this subsection referred to  
20                  as a ‘jobs impact statement’) that the of-  
21                  feror includes in its offer related to the ef-  
22                  fects on employment within the United  
23                  States of the contract if it is awarded to  
24                  the offeror.

1                   “(iv) The information that may be in-  
2                   cluded in a jobs impact statement may in-  
3                   clude the following:

4                               “(I) The number of jobs expected  
5                               to be created or retained in the  
6                               United States if the contract is  
7                               awarded to the offeror.

8                               “(II) The number of jobs created  
9                               or retained in the United States by  
10                              the subcontractors expected to be used  
11                              by the offeror in the performance of  
12                              the contract.

13                             “(III) A guarantee from the of-  
14                             feror that jobs created or retained in  
15                             the United States will not be moved  
16                             outside the United States after award  
17                             of the contract unless doing so is re-  
18                             quired to provide the goods or services  
19                             stipulated in the contract or is in the  
20                             best interest of the Federal Govern-  
21                             ment.

22                             “(v) The contracting officer may con-  
23                             sider, and in the case of a covered contract  
24                             will consider, the information in the jobs  
25                             impact statement in the evaluation of the

1 offer and may request further information  
2 from the offeror in order to verify the ac-  
3 curacy of any such information submitted.

4 “(vi) In the case of a contract award-  
5 ed to an offeror that submitted a jobs im-  
6 pact statement with the offer for the con-  
7 tract, the agency shall, not later than one  
8 year after the award of the contract and  
9 annually thereafter for the duration of the  
10 contract or contract extension, assess the  
11 accuracy of the jobs impact statement.

12 “(vii) The Secretary of Defense shall  
13 submit to Congress an annual report on  
14 the frequency of use within the Depart-  
15 ment of Defense of jobs impact statements  
16 in the evaluation of competitive proposals.

17 “(viii)(I) In any contract awarded to  
18 an offeror that submitted a jobs impact  
19 statement with its offer in response to the  
20 solicitation for proposals for the contract,  
21 the agency shall track the number of jobs  
22 created or retained during the performance  
23 of the contract.

24 “(II) If the number of jobs that  
25 the agency estimates will be created

1 (by using the jobs impact statement)  
2 significantly exceeds the number of  
3 jobs created or retained, then the  
4 agency may consider this as a factor  
5 that affects a contractor's past per-  
6 formance in the award of future con-  
7 tracts.

8 “(III) Contractors shall be pro-  
9 vided an opportunity to explain any  
10 differences between their original jobs  
11 impact statement and the actual  
12 amount of jobs created or retained be-  
13 fore the discrepancy affects the agen-  
14 cy's assessment of the contractor's  
15 past performance.”.

16 (b) REVISION OF FEDERAL ACQUISITION REGULA-  
17 TION.—The Department of Defense Supplement to the  
18 Federal Acquisition Regulation shall be revised to imple-  
19 ment the amendment made by subsection (a).

