

110TH CONGRESS  
2D SESSION

# H. R. 6043

To provide for an evaluation factor for defense contractors employing or subcontracting with recipients of certain special immigrant visas.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 13, 2008

Mr. SKELTON introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committee on Oversight and Government Reform, 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 provide for an evaluation factor for defense contractors employing or subcontracting with recipients of certain special immigrant visas.

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. EVALUATION FACTOR FOR DEFENSE CONTRAC-**  
4 **TORS EMPLOYING OR SUBCONTRACTING**  
5 **WITH RECIPIENTS OF CERTAIN SPECIAL IM-**  
6 **MIGRANT VISAS.**

7 (a) EVALUATION FACTOR FOR CONTRACTORS USING  
8 RECIPIENTS OF CERTAIN IMMIGRATION VISAS.—

1           (1) IN GENERAL.—In evaluating any bid or  
2 proposal for a covered contract, the Secretary of De-  
3 fense may use as an evaluation factor whether an  
4 entity intends to carry out the contract using an em-  
5 ployee or individual subcontractor who is a recipient  
6 of a covered special immigration visa.

7           (2) DOCUMENTATION OF COVERED SPECIAL IM-  
8 MIGRANT VISA.—The Secretary of Defense shall re-  
9 quire any entity claiming intent to carry out a con-  
10 tract using an employee or individual subcontractor  
11 who is a recipient of a covered special immigration  
12 visa to submit documentation to the Department of  
13 Defense of the names of each such recipient that the  
14 entity will employ, or execute personal services con-  
15 tracts with, for the contract concerned.

16           (3) GUIDANCE.—The Secretary of Defense shall  
17 issue such guidance as is required to identify those  
18 contracts for which the evaluation factor may be  
19 used.

20           (4) REGULATIONS.—The Federal Acquisition  
21 Regulation shall be revised as necessary to imple-  
22 ment this subsection.

23           (5) PUBLIC AVAILABILITY OF INFORMATION.—  
24 Upon completion of the revision of the Federal Ac-  
25 quisition Regulation as required by paragraph (4),

1 the Secretary of Defense shall provide notification of  
2 the evaluation factor and regulations governing its  
3 implementation on the FedBizOps website.

4 (6) CONSTRUCTION OF SUBSECTION.—Nothing  
5 in this subsection shall be construed as requiring the  
6 granting of security clearances in violation of any  
7 applicable law or regulation or superseding any reg-  
8 ulation or law intended to protect classified informa-  
9 tion or national security.

10 (b) ASSISTANCE TO RECIPIENTS OF CERTAIN IMMI-  
11 GRATION VISAS TO APPLY FOR EMPLOYMENT WITH DE-  
12 FENSE CONTRACTORS.—

13 (1) REQUIREMENT TO POST INFORMATION.—  
14 Upon request from a contractor, the Secretary of  
15 Defense shall post on a website accessible to the  
16 public, and update as appropriate, such information  
17 as the contractor and the Secretary consider nec-  
18 essary (including name and contact information  
19 about the contractor) to enable recipients of covered  
20 special immigration visas to apply for employment  
21 with the contractor.

22 (2) REQUIREMENT FOR NOTIFICATION.—The  
23 Secretary of Defense, in coordination with the Sec-  
24 retary of State and the Secretary of Homeland Secu-  
25 rity, shall establish a system for notifying recipients

1 of covered special immigration visas about the infor-  
2 mation posted on the website described in subsection  
3 (a). The system shall provide that—

4 (A) in the case of a recipient of a covered  
5 special immigration visa who entered the  
6 United States before the posting of information  
7 required under subsection (a), the notification  
8 shall be provided by United States mail; and

9 (B) in the case of such a recipient who en-  
10 tered the United States after the posting of  
11 such information, the notification shall be pro-  
12 vided in writing at the time of the issuance of  
13 the visa.

14 (c) DEFINITIONS.—In this section:

15 (1) COVERED CONTRACT.—The term “covered  
16 contract” means a contract by the Department of  
17 Defense for the procurement of goods or services in  
18 support of Operation Iraqi Freedom with respect to  
19 which the Secretary of Defense has determined that  
20 proficiency in Arabic or knowledge of Iraq is useful.

21 (2) COVERED SPECIAL IMMIGRANT VISA.—The  
22 term “covered special immigrant visa” means a visa  
23 issued under section 1244 of the National Defense  
24 Authorization Act for Fiscal Year 2008 (Public Law  
25 110–181) or section 1059 of the National Defense

1 Authorization Act for Fiscal Year 2006 (Public Law  
2 109–163).

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