

116TH CONGRESS
1ST SESSION

S. 2672

To require that the headquarters of certain Federal agencies and permanent duty stations of employees of certain Federal agencies be relocated in order to provide an opportunity to build needed infrastructure in certain areas and to share the benefits of Federal employment with economically distressed regions.

IN THE SENATE OF THE UNITED STATES

OCTOBER 23, 2019

Mr. HAWLEY (for himself and Mrs. BLACKBURN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To require that the headquarters of certain Federal agencies and permanent duty stations of employees of certain Federal agencies be relocated in order to provide an opportunity to build needed infrastructure in certain areas and to share the benefits of Federal employment with economically distressed regions.

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 “Helping Infrastructure
5 Restore the Economy Act” or the “HIRE Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) Infrastructure is vital to the economy.

4 (2) Many areas in the United States have fallen
5 into economic distress.

6 (3) The benefits of Federal employment should
7 be shared widely and should not be concentrated in
8 the Washington metropolitan area.

9 (4) Moving the headquarters of Federal agen-
10 cies and the covered permanent duty stations of em-
11 ployees of Federal agencies out of the Washington
12 metropolitan area and to economically distressed re-
13 gions would provide an opportunity to—

14 (A) build infrastructure in areas of the
15 United States that need the infrastructure; and

16 (B) share employment and other financial
17 benefits of Federal employment with individuals
18 who live in economically distressed regions.

19 (5) Indiana, Kentucky, Michigan, Missouri,
20 New Mexico, Ohio, Pennsylvania, South Carolina,
21 Tennessee, and West Virginia are among the States
22 with regions that have experienced substantial eco-
23 nomic distress during the past 10 years.

24 **SEC. 3. DEFINITIONS.**

25 In this Act:

1 (1) 2020 CENSUS.—The term “2020 census”
2 means the 2020 decennial census of population car-
3 ried out by the Secretary of Commerce under section
4 141 of title 13, United States Code.

5 (2) ADMINISTRATOR.—The term “Adminis-
6 trator” means the Administrator of General Serv-
7 ices.

8 (3) CABINET AGENCY.—The term “Cabinet
9 agency” means—

- 10 (A) the Department of Agriculture;
- 11 (B) the Department of Commerce;
- 12 (C) the Department of Education;
- 13 (D) the Department of Energy;
- 14 (E) the Department of Health and Human
15 Services;
- 16 (F) the Department of Housing and Urban
17 Development;
- 18 (G) the Department of the Interior;
- 19 (H) the Department of Labor;
- 20 (I) the Department of Transportation; and
- 21 (J) the Department of Veterans Affairs.

22 (4) COVERED AGENCY.—The term “covered
23 agency” means—

- 24 (A) a Cabinet agency; or
- 25 (B) a non-Cabinet agency.

1 (5) COVERED PERMANENT DUTY STATION.—

2 The term “covered permanent duty station” means,
3 with respect to employees of a covered agency, the
4 permanent duty station described in section 6(a)(2).

5 (6) DESIGNATED STATE.—The term “des-
6 ignated State” means—

7 (A) with respect to the Department of Ag-
8 riculture, Missouri;

9 (B) with respect to the Department of
10 Commerce, Pennsylvania;

11 (C) with respect to the Department of
12 Education, Tennessee;

13 (D) with respect to the Department of En-
14 ergy, Kentucky;

15 (E) with respect to the Department of
16 Health and Human Services, Indiana;

17 (F) with respect to the Department of
18 Housing and Urban Development, Ohio;

19 (G) with respect to the Department of the
20 Interior, New Mexico;

21 (H) with respect to the Department of
22 Labor, West Virginia;

23 (I) with respect to the Department of
24 Transportation, Michigan;

1 (J) with respect to the Department of Vet-
2 erans Affairs, South Carolina; and

3 (K) with respect to a non-Cabinet agency,
4 a State that has a geographical or industrial
5 nexus to one or more of the principal subjects
6 regulated or studied by the non-Cabinet agency.

7 (7) DIRECTOR.—The term “Director” means
8 the Director of the Office of Management and Budg-
9 et.

10 (8) EXECUTIVE AGENCY.—The term “Executive
11 agency” has the meaning given the term in section
12 105 of title 5, United States Code.

13 (9) EXECUTIVE DEPARTMENT.—The term “Ex-
14 ecutive department” has the meaning given the term
15 in section 101 of title 5, United States Code.

16 (10) HEADQUARTERS.—The term “head-
17 quarters”—

18 (A) means the place or building serving as
19 the managerial and administrative center of a
20 covered agency; and

21 (B) does not include an office that the
22 head of a covered agency may maintain sepa-
23 rately from a place or building in the Wash-
24 ington metropolitan area.

1 (11) LOCATION.—The term “location” means a
2 geographic area not larger than 100 square miles.

3 (12) NON-CABINET AGENCY.—The term “non-
4 Cabinet agency”—

5 (A) means each Executive agency the
6 headquarters of which is located in the Wash-
7 ington metropolitan area; and

8 (B) does not include—

9 (i) an Executive department;

10 (ii) an Executive agency that is orga-
11 nized under—

12 (I) the Executive Office of the
13 President; or

14 (II) an Executive department;

15 (iii) the Smithsonian Institution or
16 any Executive agency the primary purpose
17 of which is to govern a museum, exhi-
18 bition, or library, preserve one or more
19 buildings, or produce performing arts; or

20 (iv) an Executive agency the primary
21 purpose of which is to—

22 (I) gather intelligence;

23 (II) prosecute criminal offenses;

24 or

25 (III) protect national security.

1 (13) RELOCATION PROPOSAL.—The term “relo-
 2 cation proposal” means a proposal developed by the
 3 Director and the Administrator under section
 4 4(a)(1)(A).

5 (14) STATE.—The term “State” means a State
 6 of the United States.

7 (15) WASHINGTON METROPOLITAN AREA.—The
 8 term “Washington metropolitan area” has the mean-
 9 ing given the term “National Capital region” in sec-
 10 tion 8702 of title 40, United States Code.

11 **SEC. 4. STUDIES AND RELOCATION PROPOSALS.**

12 (a) IN GENERAL.—Not later than 2 years after the
 13 date on which the Secretary of Commerce completes the
 14 2020 census, the Director and the Administrator shall—

15 (1) with respect to each covered agency, carry
 16 out a study to—

17 (A) develop a proposal of 3 locations in the
 18 designated State for the covered agency to
 19 which the headquarters of the covered agency
 20 and the covered permanent duty station of em-
 21 ployees of the covered agency could be relo-
 22 cated; and

23 (B) determine whether the covered agency
 24 should be abolished or merged with another Ex-
 25 ecutive agency, rather than being relocated; and

(2) submit each study carried out under paragraph (1) to—

(A) Congress; and

(B) the designated State to which the relocation proposal included in the study pertains.

(b) CRITERIA.—

(1) PRIORITY CRITERIA.—In selecting the locations to be included in a relocation proposal, the Director and the Administrator shall select locations—

(A) that, during the 10-year period ending on the date on which the Director and the Administrator submit the relocation proposal under subsection (a)(2), have experienced economic distress, which may be demonstrated by, in comparison to locations in other States and locations within the designated State—

(i) a low rate of education;

(ii) a low rate of workforce participation;

(iii) a low median income;

(iv) a high rate of poverty; and

(v) a high rate of housing vacancy, excluding housing properties that are primarily used for seasonal or recreational use; and

1 (B) that, with respect to the 10-year pe-
2 riod ending on the date on which the Director
3 and the Administrator submit the relocation
4 proposal under subsection (a)(2), have an aver-
5 age unemployment rate that is above the aver-
6 age unemployment rate of the United States, as
7 determined by the Secretary of Labor, during
8 that period.

9 (2) SECONDARY CRITERIA.—In selecting the lo-
10 cations to be included in a relocation proposal, the
11 Director and the Administrator may, as secondary
12 criteria, consider—

13 (A) the state of infrastructure in or near
14 a location;

15 (B) the ability to expand infrastructure in
16 or near a location; and

17 (C) the supply of labor in or near a loca-
18 tion.

19 (3) LIMITATION.—In selecting the locations to
20 be included in a relocation proposal, the Director
21 and the Administrator may not select any location
22 that is within 30 miles of a city that has a popu-
23 lation of more than 800,000 individuals, as deter-
24 mined by the Secretary of Commerce under the
25 2020 census.

1 (4) SPECIFICITY.—In selecting the locations to
2 be included in a relocation proposal, the Director
3 and the Administrator shall minimize the geographic
4 size of each location selected to the maximum extent
5 that is reasonably possible.

6 **SEC. 5. SELECTION.**

7 (a) DESIGNATED STATE OFFICIALS SELECTING RE-
8 LOCATION LOCATIONS.—Unless the covered agency to
9 which a relocation proposal pertains is abolished, not later
10 than 1 year after the date on which the Director and the
11 Administrator submit the relocation proposal to the des-
12 ignated State to which the relocation proposal pertains
13 under section 4(a)(2), the designated State may, from the
14 proposed locations included in the relocation proposal and
15 by enacting a law of the designated State stating that a
16 location has been so selected, select 1 location to which
17 the headquarters of the covered agency and the covered
18 permanent duty station of employees of the covered agency
19 shall be relocated under section 6(a).

20 (b) FAILURE BY, OR INABILITY OF, DESIGNATED
21 STATE OFFICIALS TO SELECT AND APPROVE RELOCA-
22 TION LOCATIONS.—If a designated State to which a relo-
23 cation proposal is submitted fails to select a location, or,
24 under Federal or State law, is unable to select a location,
25 from the relocation proposal under subsection (a) by the

1 deadline described in that subsection, the Director and the
2 Administrator shall, from the locations included in the re-
3 location proposal, select the location to which the head-
4 quarters of the covered agency and the covered permanent
5 duty station of employees of the covered agency shall be
6 relocated under section 6(a).

7 **SEC. 6. RELOCATION.**

8 (a) REQUIREMENTS.—As soon as reasonably possible
9 after a location is selected under section 5, but in no event
10 later than 10 years thereafter, the Director, the Adminis-
11 trator, and the head of the covered agency to which the
12 selection pertains shall relocate to the selected location—

13 (1) the headquarters of the covered agency; and

14 (2) the permanent duty station for not less
15 than 90 percent of the positions as an officer or em-
16 ployee of the covered agency for which the perma-
17 nent duty station is located in the Washington met-
18 ropolitan area, without regard to whether the posi-
19 tion is vacant.

20 (b) PENALTIES.—If, on the date that is 10 years
21 after the date on which a location is selected under section
22 5, the headquarters of the covered agency and the covered
23 permanent duty station of employees of the covered agency
24 have not been relocated as required under subsection (a)
25 of this section—

1 (1) for the fiscal year immediately following the
2 fiscal year in which such failure first occurs, and for
3 each fiscal year thereafter in which any such failure
4 continues, the head of the covered agency shall be
5 authorized to use funds made available to the cov-
6 ered agency for the relevant fiscal year in an amount
7 equal to not more than 85 percent of the funds
8 made available to the covered agency for the fiscal
9 year in which the failure first occurs, notwith-
10 standing any other provision of law authorizing the
11 head of the covered agency to use those funds in an
12 amount greater than that percent; and

13 (2) the head of the covered agency may not re-
14 ceive—

15 (A) pay during the period—

16 (i) beginning on the date on which the
17 failure first occurs; and

18 (ii) ending on the date on which the
19 head of the covered agency relocates the
20 headquarters of the covered agency and
21 the covered permanent duty station of em-
22 ployees of the covered agency as required
23 under subsection (a); or

1 (B) backpay for any pay otherwise payable
2 to the head of the covered agency for the period
3 described in subparagraph (A).

4 (c) POINT OF ORDER.—On and after the date that
5 is 10 years after the date on which a location is selected
6 under section 5 with respect to a covered agency, if the
7 head of the covered agency has not relocated the head-
8 quarters of the covered agency and the covered permanent
9 duty station of employees of the covered agency as re-
10 quired under subsection (a) of this section, it shall not
11 be in order in the Senate or the House of Representatives
12 to consider any bill, joint resolution, motion, amendment,
13 amendment between the Houses, or conference report that
14 authorizes the head of the covered agency to use funds
15 made available to the covered agency in violation of sub-
16 section (b)(1) of this section.

17 (d) REPORT.—Not later than 1 year after the date
18 on which a location is selected under section 5, and not
19 less frequently than annually each year thereafter until the
20 date on which the head of the covered agency to which
21 the selection pertains meets the requirements under sub-
22 section (a) of this section, the head of the relevant covered
23 agency shall submit to Congress a report on the progress
24 of the covered agency in meeting the requirements under
25 that subsection.

1 **SEC. 7. NO PRIVATE CAUSE OF ACTION.**

2 Nothing in this Act shall be construed to establish
3 a private cause of action, equitable or otherwise, to chal-
4 lenge any selection or decision made, or action taken,
5 under this Act.

6 **SEC. 8. JURISDICTION OF FEDERAL COURTS OVER CER-**
7 **TAIN CASES.**

8 (a) INFERIOR COURTS AND TRIBUNALS.—An inferior
9 court or tribunal ordained and established by Congress
10 may not exercise jurisdiction over a case or controversy
11 in which a party challenges—

12 (1) a selection or decision made, or action
13 taken, under this Act; or

14 (2) the validity of this Act.

15 (b) SUPREME COURT OF THE UNITED STATES.—The
16 Supreme Court of the United States may not exercise ap-
17 pellate jurisdiction over a case or controversy described in
18 subsection (a).

19 **SEC. 9. OFFSET ALLOWED.**

20 The Administrator may use the proceeds from the
21 sale of any Federal building, land, or asset to offset the
22 cost of relocating the headquarters of the covered agency
23 and the covered permanent duty station of employees of
24 the covered agency under this Act.

1 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated such sums
3 as are necessary to carry out this Act.

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