

112TH CONGRESS
1ST SESSION

H. R. 244

To prohibit the use of certain stimulus and disaster relief funds for business relocation incentives.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 7, 2011

Mr. LATTA (for himself, Ms. JENKINS, and Mr. TURNER) introduced the following bill; which was referred to the Committee on Oversight and Government Reform, and in addition to the Committees on Financial Services and Transportation and Infrastructure, 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

A BILL

To prohibit the use of certain stimulus and disaster relief funds for business relocation incentives.

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 “Protecting Jobs in
5 Your State Act of 2011”.

1 **SEC. 2. PROHIBITION ON USE OF CERTAIN STIMULUS AND**
2 **DISASTER RELIEF FUNDS FOR BUSINESS RE-**
3 **LOCATION INCENTIVES.**

4 (a) IN GENERAL.—A State or a political subdivision
5 of a State may not use any funds described in subsection
6 (b) as an incentive for a business—

7 (1) to relocate a plant, facility, or other oper-
8 ation, in whole or in part, from one State to an-
9 other; or

10 (2) to expand such an operation in a State in
11 a manner that will result in a reduction in such an
12 operation in another State.

13 (b) FUNDS DESCRIBED.—The funds described in this
14 subsection are the following:

15 (1) Funds made available under any of the fol-
16 lowing:

17 (A) The American Recovery and Reinvest-
18 ment Act of 2009 (Public Law 111–5) or any
19 amendment made by such Act.

20 (B) The Hiring Incentives to Restore Em-
21 ployment Act (Public Law 111–147) or any
22 amendment made by such Act.

23 (C) Public Law 111–226 (relating to edu-
24 cation jobs and Medicaid payments to States)
25 or any amendment made by such Public Law.

1 (D) The Small Business Jobs Act of 2010
2 (H.R. 5297, as enacted into law) or any amend-
3 ment made by such Act.

4 (E) The Robert T. Stafford Disaster Relief
5 and Emergency Assistance Act (42 U.S.C. 5211
6 et seq.).

7 (2) Funds for disaster relief administered by
8 the Secretary of Homeland Security.

9 (c) ENFORCEMENT.—

10 (1) PETITION.—

11 (A) BY POLITICAL SUBDIVISION OF STATE
12 TO GOVERNOR.—A political subdivision of a
13 State may submit to the Governor of such State
14 a petition stating that the political subdivision
15 has been adversely affected by a violation of
16 subsection (a) and requesting that the Governor
17 submit to the Secretary of Commerce a petition
18 for an investigation of whether a violation has
19 occurred.

20 (B) BY GOVERNOR TO SECRETARY OF
21 COMMERCE.—A Governor who receives a peti-
22 tion under subparagraph (A) may submit to the
23 Secretary of Commerce a petition for an inves-
24 tigation of whether a violation of subsection (a)
25 has occurred.

1 (2) INVESTIGATION BY SECRETARY OF COM-
2 MERCE.—Upon receiving a petition from a Governor
3 under paragraph (1)(B), the Secretary of Commerce
4 shall conduct an investigation to determine whether
5 a violation of subsection (a) has occurred.

6 (3) RESULTS OF INVESTIGATION; REFERRAL TO
7 SECRETARY OF THE TREASURY.—If the Secretary of
8 Commerce determines under paragraph (2) that a
9 violation of subsection (a) has occurred, the State
10 that committed the violation (or in the case of a vio-
11 lation by a political subdivision of a State, the State
12 of which such political subdivision is a part) shall be
13 liable to the United States for the amount of funds
14 used in violation of such subsection. The Secretary
15 of Commerce shall inform the Secretary of the
16 Treasury that the United States has a claim against
17 such State.

18 (4) COLLECTION BY SECRETARY OF THE
19 TREASURY.—If the Secretary of the Treasury is in-
20 formed under paragraph (3) that the United States
21 has a claim against a State, the Secretary shall take
22 such action as is necessary to collect on such claim.

23 (5) PROHIBITION ON RECEIPT OF CERTAIN
24 FUNDS UNTIL REPAYMENT MADE.—A State that is
25 determined to be liable to the United States under

1 paragraph (3) shall not receive any funds described
2 in subsection (b) during the period beginning on the
3 date of the determination of liability and ending on
4 the date on which the State fully repays to the
5 United States the amount of funds used in violation
6 of subsection (a).

7 (6) RULE OF CONSTRUCTION.—Nothing in this
8 subsection shall be construed to limit the authority
9 or responsibility of any other Federal official to en-
10 force subsection (a) under other Federal law.

11 (d) GAO REPORT.—Biannually during the 5-year pe-
12 riod that ends on the date that is 5 years after the date
13 of the enactment of this Act, the Comptroller General of
14 the United States shall submit to the Committee on En-
15 ergy and Commerce of the House of Representatives and
16 the Committee on Commerce, Science, and Transportation
17 of the Senate a report on the impact of the preceding pro-
18 visions of this section. Such a report shall include, for the
19 period covered by the report—

20 (1) a statement of the number of petitions re-
21 ceived by the Secretary of Commerce under sub-
22 section (c)(1)(B) and a summary of the disposition
23 of such petitions, including a list of the instances in
24 which the Secretary found violations of subsection
25 (a);

1 (2) a list of any claims of the United States de-
2 scribed in subsection (c)(3) that arose, were out-
3 standing, or were collected in whole or in part; and

4 (3) a list of any funds that were withheld under
5 subsection (c)(5).

6 (e) STATE DEFINED.—In this section, the term
7 “State” includes the District of Columbia, the Common-
8 wealth of Puerto Rico, Guam, the United States Virgin
9 Islands, American Samoa, and the Commonwealth of the
10 Northern Mariana Islands.

11 (f) EFFECTIVE DATE.—This section shall apply with
12 respect to funds obligated by a State or a political subdivi-
13 sion of a State after the date of the enactment of this
14 Act.

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