

116TH CONGRESS
1ST SESSION

S. 493

To require Federal agencies not performing security functions to relocate throughout the United States by the beginning of fiscal year 2030.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 14, 2019

Mr. YOUNG introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To require Federal agencies not performing security functions to relocate throughout the United States by the beginning of fiscal year 2030.

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 “Decentralize Regu-
5 latory Agencies, Include the Nation Act of 2019” or the
6 “DRAIN Act”.

7 **SEC. 2. RELOCATION OF FEDERAL NONSECURITY AGEN-**
8 **CIES TO LOCATIONS OUTSIDE THE NATIONAL**
9 **CAPITAL REGION.**

10 (a) DEFINITIONS.—In this section—

1 (1) the term “Administrator” means the Ad-
2 ministrator of General Services;

3 (2) the term “agency”—

4 (A) means an Executive department (as
5 defined in section 101 of title 5, United States
6 Code) and an independent establishment (as de-
7 fined in section 104 of title 5, United States
8 Code); and

9 (B) does not include the Government Ac-
10 countability Office;

11 (3) the term “Director” means the Director of
12 the Office of Management and Budget;

13 (4) the term “local government” means a city,
14 town, township, county, parish, village, or other gen-
15 eral purpose political subdivision of a State;

16 (5) the term “National Capital region” has the
17 meaning given that term in section 8702 of title 40,
18 United States Code;

19 (6) the term “nonsecurity agency” means an
20 agency that is not a security agency;

21 (7) the term “security agency” means an agen-
22 cy that receives the majority of the funding for the
23 agency under an appropriation Act making appro-
24 priations—

25 (A) for the Department of Defense;

1 (B) for the Department of Homeland Se-
2 curity; or

3 (C) for the Department of State, foreign
4 operations, and related programs; and

5 (8) the term “State” means each of the several
6 States of the United States.

7 (b) PLAN.—The Director and the Administrator shall
8 jointly develop and implement a plan under which the
9 headquarters of each nonsecurity agency that is not ex-
10 empted under subsection (d) shall be relocated to a loca-
11 tion outside the National Capital region by not later than
12 the later of—

13 (1) October 1, 2029; or

14 (2) if applicable, the date on which the lease in
15 effect on the date of enactment of this Act for the
16 building in which the headquarters of the nonsecu-
17 rity agency is located expires.

18 (c) DETERMINATION OF AREA FOR RELOCATION.—

19 (1) IN GENERAL.—The plan under subsection
20 (b) shall require that the location to which the head-
21 quarters of a nonsecurity agency shall be relocated
22 be determined by the Director, the Administrator,
23 and the head of the nonsecurity agency on a com-
24 petitive basis, in accordance with this subsection.

1 (2) APPLICATION.—A State or local government
2 desiring that a nonsecurity agency relocate the head-
3 quarters of the nonsecurity agency to an area that
4 is under the jurisdiction of the State or local govern-
5 ment shall submit an application at such time, in
6 such manner, and accompanied by such information
7 as the Director and the Administrator shall jointly
8 establish.

9 (3) PRIORITY.—The Director, the Adminis-
10 trator, and the head of the nonsecurity agency shall
11 give priority to an application under this subsection
12 proposing the headquarters of a nonsecurity agency
13 be located in an area—

14 (A) for which the rate of unemployment is
15 higher than the average rate of unemployment
16 in the United States, as determined by the Sec-
17 retary of Labor;

18 (B) with a nexus between the nonsecurity
19 agency and the geographic area in which the
20 nonsecurity agency regulates; or

21 (C) with existing infrastructure to effi-
22 ciently support the size and scope of the reloca-
23 tion of the headquarters of the nonsecurity
24 agency.

1 (4) DETERMINATION.—The location to which
2 the headquarters of a nonsecurity agency shall be re-
3 located shall be determined by a majority vote of the
4 Director, the Administrator, and the head of the
5 nonsecurity agency.

6 (d) EXEMPTIONS.—

7 (1) IN GENERAL.—The President may exempt a
8 nonsecurity agency from the requirement to relocate
9 the headquarters of the nonsecurity agency if the
10 President determines that the headquarters of the
11 nonsecurity agency should remain in the current lo-
12 cation.

13 (2) REPORTING.—If the President exempts a
14 nonsecurity agency under paragraph (1), the Presi-
15 dent shall submit to Congress a report detailing the
16 basis for the determination of the President that the
17 headquarters of the nonsecurity agency should re-
18 main in the current location.

19 (e) CONFORMING AMENDMENT.—Section 72 of title
20 4, United States Code, is amended by striking “All of-
21 fices” and inserting “Except as provided in the DRAIN
22 Act, all offices”.

23 (f) NO ADDITIONAL FUNDS AUTHORIZED.—No addi-
24 tional funds are authorized to carry out the requirements

1 of this Act. Such requirements shall be carried out using
2 amounts otherwise authorized.

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