

116TH CONGRESS
1ST SESSION

S. 2269

To establish a competitive bidding process for the relocation of the headquarters of Executive agencies, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 25, 2019

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

A BILL

To establish a competitive bidding process for the relocation of the headquarters of Executive agencies, and for other purposes.

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 “Strategic Withdrawal
5 of Agencies for Meaningful Placement Act of 2019” or
6 the “SWAMP Act”.

7 **SEC. 2. RELOCATION OF HEADQUARTERS OF EXECUTIVE**
8 **AGENCIES.**

9 (a) DEFINITIONS.—In this section:

(1) EXECUTIVE AGENCY.—The term “Executive agency” —

(A) has the meaning given the term in section 105 of title 5, United States Code; and

(B) does not include—

(i) the Executive Office of the President;

(ii) the Department of Defense, including—

(I) the Defense Intelligence Agency;

(II) the National Security Agency; and

(III) the National Geospatial-Intelligence Agency;

(iii) the Department of Energy;

(iv) the Department of Homeland Security;

(v) the Department of State;

(vi) the Office of the Director of National Intelligence; or

(vii) the Central Intelligence Agency.

(2) HEADQUARTERS.—The term “headquarters” —

1 (A) means the place or building serving as
 2 the managerial and administrative center of an
 3 Executive agency; and

4 (B) does not include an office that the
 5 head of an Executive agency may maintain sep-
 6 arately from a place or building in the Wash-
 7 ington metropolitan area.

8 (3) STATE.—The term “State” means each of
 9 the 50 States.

10 (4) WASHINGTON METROPOLITAN AREA.—The
 11 term “Washington metropolitan area” means the ge-
 12 ographic area located within the boundaries of—

13 (A) the District of Columbia;

14 (B) Montgomery and Prince George’s
 15 Counties in the State of Maryland; and

16 (C) Arlington, Fairfax, Loudoun, and
 17 Prince William Counties and the City of Alex-
 18 andria in the Commonwealth of Virginia.

19 (b) REPEAL OF HEADQUARTERS LOCATION RE-
 20 QUIREMENT.—Section 72 of title 4, United States Code,
 21 is repealed.

22 (c) PROHIBITION ON LOCATION OF HEADQUARTERS
 23 IN WASHINGTON METROPOLITAN AREA.—With respect to
 24 a headquarters of an Executive agency that is located in
 25 the Washington metropolitan area as of the date of enact-

1 ment of this Act, no new construction or major renovation
 2 may be undertaken, or lease agreement entered into or
 3 renewed, for the headquarters after the date of enactment
 4 of this Act, except as otherwise expressly provided by law.

5 (d) COMPETITIVE BIDDING PROCESS FOR RELOCA-
 6 TION OF HEADQUARTERS.—

7 (1) IN GENERAL.—Not later than 1 year after
 8 the date of enactment of this Act, the Administrator
 9 of General Services shall establish a process, in ac-
 10 cordance with the requirements under paragraph
 11 (2), through which—

12 (A) the head of an Executive agency may
 13 submit a request for the Administrator of Gen-
 14 eral Services to issue a solicitation for the relo-
 15 cation of the headquarters of the Executive
 16 agency; or

17 (B) if determined necessary, the Adminis-
 18 trator of General Services may issue a solicita-
 19 tion for the relocation of the headquarters of an
 20 Executive agency.

21 (2) REQUIREMENTS.—With respect to any so-
 22 licitation issued for the relocation of the head-
 23 quarters of an Executive agency under paragraph
 24 (1), the Administrator of General Services shall—

1 (A) allow any State and any political sub-
2 division of a State to submit a proposal for the
3 relocation of the headquarters of the Executive
4 agency;

5 (B) provide the public with notice and an
6 opportunity to comment on any proposal sub-
7 mitted under subparagraph (A); and

8 (C) in consultation with the head of the
9 Executive agency, select a State, or a political
10 subdivision of a State, for the relocation of the
11 headquarters using a competitive bidding proce-
12 dure that considers—

13 (i) the extent to which the relocation
14 of the headquarters would impact the econ-
15 omy and workforce development of a State
16 or political subdivision of a State;

17 (ii) whether a State, or a political sub-
18 division of a State, has expertise in car-
19 rying out activities substantially similar to
20 the mission and goals of the Executive
21 agency; and

22 (iii) the extent to which the relocation
23 of the headquarters to a State, or a polit-
24 ical subdivision of a State, would implicate
25 national security interests.

1 (e) RULE OF CONSTRUCTION.—Nothing in this Act
2 shall be construed to prohibit a political subdivision of the
3 State of Maryland or the Commonwealth of Virginia that
4 is located outside the Washington metropolitan area from
5 submitting a proposal under subsection (d)(2)(A).

6 (f) OFFSET ALLOWED.—The Administrator of Gen-
7 eral Services may use the proceeds from the sale of any
8 Federal building or land to offset the cost of relocating
9 the headquarters of an Executive agency.

10 (g) NO ADDITIONAL FUNDS AUTHORIZED.—No ad-
11 ditional funds are authorized to carry out this Act. This
12 Act shall be carried out using amounts otherwise author-
13 ized.

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