

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.

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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

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

3           (A) has the meaning given the term in sec-  
4 tion 105 of title 5, United States Code; and

5           (B) does not include—

6           (i) the Executive Office of the Presi-  
7 dent;

8           (ii) the Department of Defense, in-  
9 cluding—

10           (I) the Defense Intelligence  
11 Agency;

12           (II) the National Security Agen-  
13 cy; and

14           (III) the National Geospatial-In-  
15 telligence Agency;

16           (iii) the Department of Energy;

17           (iv) the Department of Homeland Se-  
18 curity;

19           (v) the Department of State;

20           (vi) the Office of the Director of Na-  
21 tional Intelligence; or

22           (vii) the Central Intelligence Agency.

23           (2) HEADQUARTERS.—The term “head-  
24 quarters” —

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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