

115TH CONGRESS
2D SESSION

S. 2592

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

MARCH 22, 2018

Mrs. 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 2018” 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 the Defense Intelligence Agency, the National Security Agency, and 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; and

(vii) the Central Intelligence Agency.

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

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

(B) does not include an office that the head of an Executive agency may maintain sep-

1 arately from a place or building in the Wash-
2 ington metropolitan area.

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

5 (4) WASHINGTON METROPOLITAN AREA.—The
6 term “Washington metropolitan area” means the ge-
7 ographic area located within the boundaries of the
8 following:

9 (A) The District of Columbia.

10 (B) Montgomery and Prince George’s
11 Counties in the State of Maryland.

12 (C) Arlington, Fairfax, Loudoun, and
13 Prince William Counties and the City of Alex-
14 andria in the Commonwealth of Virginia.

15 (b) REPEAL OF HEADQUARTERS LOCATION RE-
16 QUIREMENT.—Section 72 of title 4, United States Code,
17 is repealed.

18 (c) PROHIBITION ON LOCATION OF HEADQUARTERS
19 IN WASHINGTON METROPOLITAN AREA.—With respect to
20 a headquarters of an Executive agency that has the head-
21 quarters of the Executive agency located in the Wash-
22 ington metropolitan area as of the date of enactment of
23 this Act, no new construction or major renovation may be
24 undertaken, or lease agreement entered into or renewed,

1 for the headquarters after the date of enactment of this
 2 Act, except as otherwise expressly provided by law.

3 (d) COMPETITIVE BIDDING PROCESS FOR RELOCA-
 4 TION OF HEADQUARTERS.—

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

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

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

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

24 (A) allow any State and any political sub-
 25 division of a State to submit a bid for the relo-

1 cation of the headquarters of the Executive
2 agency;

3 (B) provide the public with notice and an
4 opportunity to comment on the bid described in
5 subparagraph (A); and

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

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

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

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

24 (e) RULE OF CONSTRUCTION.—Nothing in this Act
25 may be construed to prohibit a political subdivision of the

1 State of Maryland or the Commonwealth of Virginia that
2 is located outside the Washington metropolitan area from
3 submitting a bid under subsection (c)(2)(A).

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

8 (g) NO ADDITIONAL FUNDS AUTHORIZED.—

9 (1) IN GENERAL.—No additional funds are au-
10 thorized to carry out the requirements of this Act.

11 (2) AMOUNTS AUTHORIZED.—The requirements
12 shall be carried out using amounts otherwise author-
13 ized.

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