

118TH CONGRESS
1ST SESSION

S. 2612

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 27, 2023

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 2023” or
6 the “SWAMP Act of 2023”.

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) PROHIBITION ON LOCATION OF HEADQUARTERS
20 IN WASHINGTON METROPOLITAN AREA.—

21 (1) IN GENERAL.—Subject to paragraph (2),
22 the headquarters of an Executive agency may not be
23 located in the Washington metropolitan area.

24 (2) EXCEPTION.—Subject to paragraph (3), the
25 headquarters of an Executive agency located in the

1 Washington metropolitan area on the date of enact-
 2 ment of this Act may remain in the Washington
 3 metropolitan area.

4 (3) CONDITION.—With respect to the head-
 5 quarters of an Executive agency that remains in the
 6 Washington metropolitan area under paragraph (2),
 7 after the date of enactment of this Act and except
 8 as otherwise expressly provided by law—

9 (A) no new construction or major renova-
 10 tion may be undertaken on the headquarters;

11 (B) a lease agreement for the headquarters
 12 may not be renewed; and

13 (C) a new lease agreement for the head-
 14 quarters may not be entered into.

15 (c) COMPETITIVE BIDDING PROCESS FOR RELOCA-
 16 TION OF HEADQUARTERS.—

17 (1) IN GENERAL.—Not later than 1 year after
 18 the date of enactment of this Act, the Administrator
 19 of General Services shall establish a process, in ac-
 20 cordance with the requirements under paragraph
 21 (2), through which—

22 (A) the head of an Executive agency may
 23 submit a request for the Administrator of Gen-
 24 eral Services to issue a solicitation for the relo-

1 cation of the headquarters of the Executive
2 agency; or

3 (B) if determined necessary, the Adminis-
4 trator of General Services may issue a solicita-
5 tion for the relocation of the headquarters of an
6 Executive agency.

7 (2) REQUIREMENTS.—With respect to any so-
8 licitation issued for the relocation of the head-
9 quarters of an Executive agency under paragraph
10 (1), the Administrator of General Services shall—

11 (A) allow any State and any political sub-
12 division of a State to submit a proposal for the
13 relocation of the headquarters of the Executive
14 agency;

15 (B) provide the public with notice and an
16 opportunity to comment on any proposal sub-
17 mitted under subparagraph (A); and

18 (C) in consultation with the head of the
19 Executive agency, select a State, or a political
20 subdivision of a State, for the relocation of the
21 headquarters using a competitive bidding proce-
22 dure that considers—

23 (i) the extent to which the relocation
24 of the headquarters would impact the econ-

1 omy and workforce development of a State
2 or political subdivision of a State;

3 (ii) whether a State, or a political sub-
4 division of a State, has expertise in car-
5 rying out activities substantially similar to
6 the mission and goals of the Executive
7 agency; and

8 (iii) the extent to which the relocation
9 of the headquarters to a State, or a polit-
10 ical subdivision of a State, would implicate
11 national security interests.

12 (d) RULE OF CONSTRUCTION.—Nothing in this Act
13 shall be construed to prohibit a political subdivision of the
14 State of Maryland or the Commonwealth of Virginia that
15 is located outside the Washington metropolitan area from
16 submitting a proposal under subsection (c)(2)(A).

17 (e) OFFSET ALLOWED.—The Administrator of Gen-
18 eral Services may use the proceeds from the sale of any
19 Federal building or land to offset the cost of relocating
20 the headquarters of an Executive agency.

21 (f) NO ADDITIONAL FUNDS AUTHORIZED.—The Ad-
22 ministrator of General Services shall carry out this Act
23 using amounts otherwise made available to the Adminis-

- 1 trator of General Services, and no additional amounts are
- 2 authorized to be appropriated to carry out this Act.

