To require Federal agencies to conduct a benefit-cost analysis on relocations involving the movement of employment positions to different areas, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 16, 2023

Mr. VAN HOLLEN 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 to conduct a benefit-cost analysis on relocations involving the movement of employment positions to different areas, and for other purposes.

Be it enacted by the Senate and House of Representa-

tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Congressional Over-
sight to Secure Transparency of Relocations Act” or the “COST of Relocations Act”.

SEC. 2. BENEFIT-COST ANALYSIS ON CERTAIN RELOCATIONS.

(a) IN GENERAL.—Except as provided in subsection (d), a Federal agency may not carry out a covered relocation unless, prior to any submission to the Office of Management and Budget or other reviewing entity relating to such covered relocation—

(1) the Federal agency—

(A) conducts a benefit-cost analysis on the covered relocation; and

(B) submits to the Inspector General of the Federal agency a report on the findings of the benefit-cost analysis and includes in the report such other information the Inspector General determines necessary for compliance with subsection (c); and

(2) the Inspector General of the Federal agency reviews the report submitted pursuant to paragraph (1) and submits to Congress the report described in subsection (c).

(b) BENEFIT-COST ANALYSIS.—

(1) IN GENERAL.—The benefit-cost analysis described in subsection (a)(1)(A) shall be conducted in a manner consistent with the economic and social science principles articulated in the guidance applicable to relocations in the document of the Office of
Management and Budget entitled “Circular A–4”, as in effect on September 17, 2003.

(2) Analysis report.—

(A) Contents.—Each report submitted by the Inspector General of a Federal agency pursuant to subsection (a)(1)(B) shall include, at a minimum—

(i) the anticipated outcomes and improvements that will result from the proposed covered relocation, quantified in monetary or other appropriate measures to the extent practicable;

(ii) an explanation of how the proposed covered relocation will result in the anticipated outcomes and improvements;

(iii) the metrics for measuring whether the proposed covered relocation results in the anticipated outcomes and improvements;

(iv) a detailed employee engagement plan;

(v) a list of stakeholders;

(vi) a timeline of past and future engagements with stakeholders regarding the proposed covered relocation;
(vii) an assessment of how the proposed covered relocation may affect stakeholders—

(I) served by the positions affected by the proposed covered relocation; and

(II) in the destination agency or region;

(viii) a comprehensive strategy for accomplishing the proposed covered relocation that includes—

(I) staffing, resourcing, and financial needs;

(II) an implementation timeline identifying milestones and the persons accountable for meeting such milestones;

(III) a risk assessment;

(IV) a risk mitigation plan; and

(V) a diversity management strategy including—

(aa) a strategy for sustaining diversity and inclusion;

and
(bb) documentation of ongoing succession and recruiting planning processes;

(ix) an analysis of the effect the proposed covered relocation may have on the ability of the Federal agency to carry out the mission of the Federal agency during the covered relocation and thereafter; and

(x) an assessment of the short- and long-term effects of the proposed covered relocation on the mission of the Federal agency.

(B) PUBLICATION.—A Federal agency shall make publicly available each report submitted by the Inspector General of a Federal agency pursuant to subsection (a)(1)(B) in a form that excludes any proprietary information or trade secrets of any person and other confidential information.

(c) INSPECTOR GENERAL REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 90 days after the date on which the Inspector General of a Federal agency submits a report under subsection (a)(1)(B), the Inspector General of that agency shall submit to the Committee on Homeland Security and
Governmental Affairs of the Senate, the Committee on Environment and Public Works of the Senate, the Committee on Oversight and Accountability of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the review conducted under subsection (a)(1), including—

(A) detailed descriptions of the data used in the benefit-cost analysis carried out pursuant to subsection (a)(1), including the types of data and the time periods covered by the data;

(B) the conclusions of the benefit-cost analysis and the analysis underlying such conclusions; and

(C) a comprehensive assessment of—

(i) the extent to which the Federal agency adhered to the guidance in the document of the Office of Management and Budget entitled “Circular A–4”, as in effect on September 17, 2003, in conducting the benefit-cost analysis, including a determination as to whether such adherence is sufficient to justify the use of Federal funds for the proposed covered relocation involved; and
(ii) if the proposed covered relocation involves moving positions from inside the National Capital Region to outside the National Capital Region, the extent to which real estate options in the National Capital Region were compared to those in the destination as part of that analysis.

(2) EXCLUSIONS.—

(A) IN GENERAL.—The Inspector General of a Federal agency shall exclude from any report described in this subsection any proprietary information or trade secrets of any person and other confidential information.

(B) EXPLANATION AND DESCRIPTION REQUIRED.—For each exclusion under subparagraph (A), the Inspector General of the Federal agency shall include an explanation of the reason for the exclusion and a description of the information excluded in an appropriate location in the relevant report.

(d) OTHER REQUIREMENTS NOT ABROGATED.—Nothing in this Act shall be construed to abrogate, reduce, or eliminate any requirements imposed by law pertaining to any covered relocation of a Federal agency or component of a Federal agency.
(c) Definitions.—In this Act:

(1) Administrative redelegation of function.—The term “administrative redelegation of function” means a Federal agency establishing new positions within the agency that replace existing positions within the Federal agency and perform the functions of the positions replaced.

(2) Covered relocation.—The term “covered relocation” means—

(A) an administrative redelegation of function which, by itself or in conjunction with other related redelegations, involves replacing the existing positions of more than the lesser of 5 percent or 100 of the employees of the relevant Federal agency with new positions located outside the commuting area of such employees;

(B) moving a Federal agency or any component of a Federal agency if such move, by itself or in conjunction with other related moves, involves moving the positions of more than the lesser of 5 percent or 100 of the employees of the Federal agency outside the commuting area of such employees or under the jurisdiction of another Federal agency; or
(C) a combination of related redelegations and moves that together involve the positions of more than the lesser of 5 percent or 100 of the employees of the relevant Federal agency being moved to or replaced with new positions located outside the commuting area of such employees or moved under the jurisdiction of another Federal agency.

(3) Employee.—The term “employee” means an employee or officer of a Federal agency.

(4) Federal agency.—The term “Federal agency” has the meaning given the term “agency” in section 902 of title 5, United States Code.

(5) National Capital region.—The term “National Capital Region” has the meaning given the term in section 8702 of title 40, United States Code.