

118TH CONGRESS
1ST SESSION

S. 487

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.

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 “Congressional Over-
5 sight to Secure Transparency of Relocations Act” or the
6 “COST of Relocations Act”.

1 **SEC. 2. BENEFIT-COST ANALYSIS ON CERTAIN RELOCA-**
2 **TIONS.**

3 (a) IN GENERAL.—Except as provided in subsection
4 (d), a Federal agency may not carry out a covered reloca-
5 tion unless, prior to any submission to the Office of Man-
6 agement and Budget or other reviewing entity relating to
7 such covered relocation—

8 (1) the Federal agency—

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

11 (B) submits to the Inspector General of
12 the Federal agency a report on the findings of
13 the benefit-cost analysis and includes in the re-
14 port such other information the Inspector Gen-
15 eral determines necessary for compliance with
16 subsection (c); and

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

21 (b) BENEFIT-COST ANALYSIS.—

22 (1) IN GENERAL.—The benefit-cost analysis de-
23 scribed in subsection (a)(1)(A) shall be conducted in
24 a manner consistent with the economic and social
25 science principles articulated in the guidance appli-
26 cable to relocations in the document of the Office of

1 Management and Budget entitled “Circular A–4”,
2 as in effect on September 17, 2003.

3 (2) ANALYSIS REPORT.—

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

8 (i) the anticipated outcomes and im-
9 provements that will result from the pro-
10 posed covered relocation, quantified in
11 monetary or other appropriate measures to
12 the extent practicable;

13 (ii) an explanation of how the pro-
14 posed covered relocation will result in the
15 anticipated outcomes and improvements;

16 (iii) the metrics for measuring wheth-
17 er the proposed covered relocation results
18 in the anticipated outcomes and improve-
19 ments;

20 (iv) a detailed employee engagement
21 plan;

22 (v) a list of stakeholders;

23 (vi) a timeline of past and future en-
24 gagements with stakeholders regarding the
25 proposed covered relocation;

1 (vii) an assessment of how the pro-
2 posed covered relocation may affect stake-
3 holders—

4 (I) served by the positions af-
5 fected by the proposed covered reloca-
6 tion; and

7 (II) in the destination agency or
8 region;

9 (viii) a comprehensive strategy for ac-
10 complishing the proposed covered reloca-
11 tion that includes—

12 (I) staffing, resourcing, and fi-
13 nancial needs;

14 (II) an implementation timeline
15 identifying milestones and the persons
16 accountable for meeting such mile-
17 stones;

18 (III) a risk assessment;

19 (IV) a risk mitigation plan; and

20 (V) a diversity management
21 strategy including—

22 (aa) a strategy for sus-
23 taining diversity and inclusion;

24 and

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

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

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

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

11 (c) INSPECTOR GENERAL REPORT TO CONGRESS.—

12 (1) IN GENERAL.—Not later than 90 days after the date on which the Inspector General of a Federal
13 agency submits a report under subsection (a)(1)(B), the Inspector General of that agency shall
14 submit to the Committee on Homeland Security and

1 Governmental Affairs of the Senate, the Committee
2 on Environment and Public Works of the Senate,
3 the Committee on Oversight and Accountability of
4 the House of Representatives, and the Committee on
5 Transportation and Infrastructure of the House of
6 Representatives a report on the findings of the re-
7 view conducted under subsection (a)(1), including—

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

12 (B) the conclusions of the benefit-cost
13 analysis and the analysis underlying such con-
14 clusions; and

15 (C) a comprehensive assessment of—

16 (i) the extent to which the Federal
17 agency adhered to the guidance in the doc-
18 ument of the Office of Management and
19 Budget entitled “Circular A-4”, as in ef-
20 fect on September 17, 2003, in conducting
21 the benefit-cost analysis, including a deter-
22 mination as to whether such adherence is
23 sufficient to justify the use of Federal
24 funds for the proposed covered relocation
25 involved; and

1 (ii) if the proposed covered relocation
2 involves moving positions from inside the
3 National Capital Region to outside the Na-
4 tional Capital Region, the extent to which
5 real estate options in the National Capital
6 Region were compared to those in the des-
7 tination as part of that analysis.

8 (2) EXCLUSIONS.—

9 (A) IN GENERAL.—The Inspector General
10 of a Federal agency shall exclude from any re-
11 port described in this subsection any propri-
12 etary information or trade secrets of any person
13 and other confidential information.

14 (B) EXPLANATION AND DESCRIPTION RE-
15 QUIRED.—For each exclusion under subpara-
16 graph (A), the Inspector General of the Federal
17 agency shall include an explanation of the rea-
18 son for the exclusion and a description of the
19 information excluded in an appropriate location
20 in the relevant report.

21 (d) OTHER REQUIREMENTS NOT ABROGATED.—
22 Nothing in this Act shall be construed to abrogate, reduce,
23 or eliminate any requirements imposed by law pertaining
24 to any covered relocation of a Federal agency or compo-
25 nent of a Federal agency.

1 (e) DEFINITIONS.—In this Act:

2 (1) ADMINISTRATIVE REDELEGATION OF FUNC-
3 TION.—The term “administrative redelegation of
4 function” means a Federal agency establishing new
5 positions within the agency that replace existing po-
6 sitions within the Federal agency and perform the
7 functions of the positions replaced.

8 (2) COVERED RELOCATION.—The term “cov-
9 ered relocation” means—

10 (A) an administrative redelegation of func-
11 tion which, by itself or in conjunction with
12 other related redelegations, involves replacing
13 the existing positions of more than the lesser of
14 5 percent or 100 of the employees of the rel-
15 evant Federal agency with new positions located
16 outside the commuting area of such employees;

17 (B) moving a Federal agency or any com-
18 ponent of a Federal agency if such move, by
19 itself or in conjunction with other related
20 moves, involves moving the positions of more
21 than the lesser of 5 percent or 100 of the em-
22 ployees of the Federal agency outside the com-
23 muting area of such employees or under the ju-
24 risdiction of another Federal agency; or

1 (C) a combination of related re delegations
2 and moves that together involve the positions of
3 more than the lesser of 5 percent or 100 of the
4 employees of the relevant Federal agency being
5 moved to or replaced with new positions located
6 outside the commuting area of such employees
7 or moved under the jurisdiction of another Fed-
8 eral agency.

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

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

14 (5) NATIONAL CAPITAL REGION.—The term
15 “National Capital Region” has the meaning given
16 the term in section 8702 of title 40, United States
17 Code.

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