

119TH CONGRESS
1ST SESSION

S. _____

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

Mr. VAN HOLLEN introduced the following bill; which was read twice and referred to the Committee on _____

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 regarding
7 such covered relocation—

8 (1) such agency—

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

11 (B) submits to the Office of Inspector
12 General for such agency an unredacted report
13 on the findings of the benefit-cost analysis and
14 including such other information such Office of
15 Inspector General determines necessary for
16 compliance with subsection (c); and

17 (2) such Office of Inspector General reviews the
18 report and submits to Congress the report described
19 in subsection (c).

20 (b) BENEFIT-COST ANALYSIS.—

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

1 Budget Circular A-4, as in effect on September 17,
2 2003.

3 (2) ANALYSIS REPORT.—

4 (A) CONTENTS.—The report described in
5 subsection (a)(1)(B) shall include, at a min-
6 imum—

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

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

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

19 (iv) a detailed employee engagement
20 plan;

21 (v) a list of stakeholders;

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

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

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

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

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

17 (III) a risk assessment;

18 (IV) a risk mitigation plan; and

19 (V) documentation of ongoing
20 succession and recruiting planning
21 processes;

22 (ix) an analysis of the effect the pro-
23 posed covered relocation may have on the
24 ability of the Federal agency to carry out

1 its mission during the covered relocation
2 and thereafter; and

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

6 (B) PUBLICATION.—A Federal agency
7 shall make publicly available the report de-
8 scribed in subsection (a)(1)(B) in a form that
9 excludes any proprietary information or trade
10 secrets of any person and other confidential in-
11 formation.

12 (c) INSPECTOR GENERAL REPORT TO CONGRESS.—
13 Not later than 90 days after the date on which a Federal
14 agency submits a report under subsection (a)(1)(B), the
15 Office of Inspector General for that agency shall submit
16 to the Committee on Homeland Security and Govern-
17 mental Affairs of the Senate, the Committee on Environ-
18 ment and Public Works of the Senate, the Committee on
19 Oversight and Government Reform of the House of Rep-
20 resentatives, and the Committee on Transportation and
21 Infrastructure of the House of Representatives a report
22 on the findings of the review conducted under subsection
23 (a)(2), including—

24 (1) detailed descriptions of the data used in the
25 benefit-cost analysis described in subsection (a)(1),

1 including the types of data and the time periods cov-
2 ered by the data;

3 (2) the conclusions of the benefit-cost analysis
4 and the analysis underlying such conclusions; and

5 (3) a comprehensive assessment of—

6 (A) the extent to which the Federal agency
7 adhered to the guidance in the Office of Man-
8 agement and Budget Circular A-4, as in effect
9 on September 17, 2003, in conducting the ben-
10 efit-cost analysis, including a determination
11 whether such adherence is sufficient to justify
12 the use of Federal funds for the proposed cov-
13 ered relocation involved; and

14 (B) if the proposed covered relocation in-
15 volves moving positions from inside the Na-
16 tional Capital Region to outside the National
17 Capital Region, the extent to which real estate
18 options in the National Capital Region were
19 compared to those in the destination as part of
20 that analysis.

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 agency and perform the functions
7 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 which together involve the positions
3 of more than the lesser of 5 percent or 100 of
4 the employees of the relevant Federal agency
5 being moved to or replaced with new positions
6 located outside the commuting area of such em-
7 ployees or moved under the jurisdiction of an-
8 other Federal 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 such term in section 8702 of title 40, United States
17 Code.