

117TH CONGRESS
1ST SESSION

S. 392

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 23, 2021

Mr. VAN HOLLEN (for himself, Mr. KAINE, Mr. CARDIN, and Mr. WARNER) 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”.

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

9 (a) DEFINITIONS.—In this Act:

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

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

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

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

24 (C) a combination of related redelegations
25 and moves which together involve the positions

1 of more than the lesser of 5 percent or 100 of
2 the employees of the relevant Federal agency
3 being moved to or replaced with new positions
4 located outside the commuting area of those
5 employees or moved under the jurisdiction of
6 another Federal agency.

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

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

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

16 (b) REQUIREMENT.—Except as provided in sub-
17 section (e), a Federal agency may not carry out a covered
18 relocation unless, before any submission to the Office of
19 Management and Budget or other reviewing entity regard-
20 ing the relocation—

21 (1) the Federal agency—

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

24 (B) submits to the Office of Inspector
25 General of the Federal agency a report on the

findings of the benefit-cost analysis and including such other information as the Office of Inspector General determines necessary for compliance with subsection (d); and

(2) the Office of Inspector General of the Federal agency reviews the report and submits to Congress the report described in subsection (d).

(c) BENEFIT-COST ANALYSIS.—

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

(2) ANALYSIS REPORT.—

(A) CONTENTS.—The report described in subsection (b)(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;

1 (ii) an explanation of how the pro-
2 posed covered relocation will result in the
3 anticipated outcomes and improvements;

4 (iii) the metrics for measuring wheth-
5 er the proposed covered relocation results
6 in the anticipated outcomes and improve-
7 ments;

8 (iv) a detailed employee engagement
9 plan;

10 (v) a list of stakeholders;

11 (vi) a timeline of past and future en-
12 gagements with stakeholders regarding the
13 proposed covered relocation;

14 (vii) an assessment of how the pro-
15 posed covered relocation may affect stake-
16 holders—

17 (I) served by the positions af-
18 fected by the covered relocation; and

19 (II) in the destination Federal
20 agency or region;

21 (viii) a comprehensive strategy for ac-
22 complishing the proposed covered reloca-
23 tion that includes—

24 (I) staffing, resourcing, and fi-
25 nancial needs;

1 (II) an implementation timeline
2 identifying milestones and the persons
3 accountable for meeting those mile-
4 stones;

5 (III) a risk assessment; and

6 (IV) a risk mitigation plan;

7 (ix) an analysis of the effect the pro-
8 posed covered relocation may have on the
9 ability of the Federal agency to carry out
10 the mission of the Federal agency during
11 the covered relocation and thereafter; and

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

16 (B) PUBLICATION.—A Federal agency
17 shall make publicly available the report de-
18 scribed in subsection (b)(1)(B) in a form that
19 excludes any proprietary information or trade
20 secrets of any person and other confidential in-
21 formation.

22 (d) INSPECTOR GENERAL REPORT TO CONGRESS.—

23 (1) IN GENERAL.—Not later than 90 days after
24 the date on which a Federal agency submits a report
25 under subsection (b)(1)(B), the Office of Inspector

1 General of that Federal agency shall submit to the
2 Committee on Homeland Security and Governmental
3 Affairs of the Senate, the Committee on Environ-
4 ment and Public Works of the Senate, the Com-
5 mittee on Oversight and Reform of the House of
6 Representatives, and the Committee on Transpor-
7 tation and Infrastructure of the House of Represent-
8 atives a report on the findings of the review con-
9 ducted under subsection (b)(2), including—

10 (A) detailed descriptions of the data used
11 in the benefit-cost analysis described in sub-
12 section (b)(1), including the types of data and
13 the time periods covered by the data;

14 (B) the conclusions of the benefit-cost
15 analysis and the analysis underlying those con-
16 clusions; and

17 (C) a comprehensive assessment of—

18 (i) the extent to which the Federal
19 agency adhered to the guidance in the Of-
20 fice of Management and Budget Circular
21 A-4, as in effect on September 17, 2003,
22 in conducting the benefit-cost analysis, in-
23 cluding a determination whether that ad-
24 herence is sufficient to justify the use of

1 Federal funds for the covered relocation in-
2 volved; and

3 (ii) if the covered relocation involves
4 moving positions from inside the National
5 Capital Region to outside the National
6 Capital Region, the extent to which real es-
7 tate options in the National Capital Region
8 were compared to those in the destination
9 as part of that analysis.

10 (2) EXCLUSIONS.—

11 (A) IN GENERAL.—The Office of Inspector
12 General of a Federal agency shall exclude from
13 any report described in this subsection any pro-
14 prietary information or trade secrets of any per-
15 son and other confidential information.

16 (B) EXPLANATION AND DESCRIPTION RE-
17 QUIRED.—For each exclusion under subpara-
18 graph (A), the Office of Inspector General shall
19 include—

20 (i) an explanation of the reason for
21 the exclusion; and

22 (ii) a description of the information
23 excluded in an appropriate location in the
24 relevant report.

1 (e) OTHER REQUIREMENTS NOT ABROGATED.—
2 Nothing in this Act shall be construed to abrogate, reduce,
3 or eliminate any requirements imposed by law pertaining
4 to any relocation of a Federal agency or component of a
5 Federal agency.

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