

109TH CONGRESS
2^D SESSION

H. R. 5366

To provide for a demonstration project to enhance the ability of Federal agencies to continue to operate during an extended emergency situation, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 11, 2006

Mr. DAVIS of Illinois (for himself, Mr. WAXMAN, Mr. PORTER, Ms. NORTON, Mr. CUMMINGS, Mr. OWENS, Mr. HOYER, Mr. WYNN, and Mr. VAN HOLLEN) introduced the following bill; which was referred to the Committee on Government Reform

A BILL

To provide for a demonstration project to enhance the ability of Federal agencies to continue to operate during an extended emergency situation, 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 “Continuity of Oper-
5 ations Demonstration Project Act”.

6 **SEC. 2. PURPOSES.**

7 The purposes of this Act are—

1 (1) to enhance the ability of Federal agencies to
2 manage their personnel and to otherwise continue to
3 operate during an extended emergency situation;

4 (2) to enhance the ability of Federal employees
5 to carry out their duties and responsibilities from
6 home or other sites removed from their usual and
7 customary workplace;

8 (3) to enhance flexibility in Government oper-
9 ations generally; and

10 (4) to determine what technologies, changes in
11 work processes, or other measures are needed to ac-
12 complish the foregoing, while preserving data secu-
13 rity.

14 **SEC. 3. CONTINUITY OF OPERATIONS DEMONSTRATION**
15 **PROJECT.**

16 (a) **IN GENERAL.**—In order to test the preparedness
17 of the Federal Government to continue to operate in the
18 event of an extended emergency situation, the Chief
19 Human Capital Officers Council and the Interagency Con-
20 tinuity of Operations Working Group shall jointly provide
21 for a demonstration project under which 2 or more agen-
22 cies shall perform a representative range of Government
23 services and operations (both essential and nonessential)
24 under circumstances simulating a situation in which Fed-

1 eral employees are, as a result of a sudden and unexpected
2 contingency, required to work—

3 (1) from locations apart from their usual and
4 customary workplace, including from home and from
5 agency-designated facilities; and

6 (2) for a period of not less than 10 consecutive
7 workdays.

8 (b) OTHER REQUIREMENTS.—In carrying out the
9 demonstration project, the Council and the Working
10 Group shall ensure—

11 (1) that appropriate mechanisms exist so that
12 participating agencies and employees will be able to
13 engage in any necessary communications, and so
14 that appropriate oversight of employees can be main-
15 tained, at all times;

16 (2) that participating employees have received
17 appropriate training relating to what their duties
18 and responsibilities are during an emergency situa-
19 tion and how those duties and responsibilities are to
20 be carried out;

21 (3) that participating employees have available
22 to them or are able to access any technologies, re-
23 sources, information, or other assistance they may
24 require in order to carry out their duties and respon-
25 sibilities effectively and efficiently;

1 (4) that such project is conducted in coordina-
2 tion with the earliest Governmentwide continuity of
3 operations interagency exercise following the date of
4 the enactment of this Act which is conducted by the
5 Department of Homeland Security and as to which
6 the implementation of this paragraph is practicable;

7 (5) that, at least 3 months before such project
8 is implemented, all agencies that are scheduled to
9 participate have developed plans detailing which op-
10 erations will be performed during the simulated
11 emergency, which employees will perform those oper-
12 ations, and how those operations are to be per-
13 formed;

14 (6) that participation will be limited to those
15 employees who, irrespective of this Act, would other-
16 wise have been eligible to telework; and

17 (7) that such project will be conducted in co-
18 ordination with otherwise existing Federal tele-
19 working policies, requirements, and funding, so that
20 no additional resources are needed in order to carry
21 out this Act.

22 **SEC. 4. REPORT TO CONGRESS.**

23 Not later than 12 months after the date of the enact-
24 ment of this Act, the Council and the Working Group shall
25 submit to the Committee on Government Reform of the

1 House of Representatives and the Committee on Home-
2 land Security and Governmental Affairs of the Senate a
3 written evaluation of the demonstration project, including
4 a description of the approaches taken and lessons learned
5 by participating agencies, and recommendations for such
6 legislation or administrative action as the Council and the
7 Working Group consider appropriate.

8 **SEC. 5. DEFINITIONS.**

9 For purposes of this Act—

10 (1) the term “Chief Human Capital Officers
11 Council” or “Council” refers to the Chief Human
12 Capital Officers Council, as established by section
13 1303 of the Homeland Security Act of 2002 (5
14 U.S.C. 1401 note);

15 (2) the term “Interagency Continuity of Oper-
16 ations Working Group” or “Working Group” refers
17 to the Interagency Continuity of Operations Work-
18 ing Group, established by the Federal Emergency
19 Management Agency, Department of Homeland Se-
20 curity, pursuant to Federal Preparedness Circular
21 65, dated June 15, 2004;

22 (3) the term “Federal agency” or “agency”
23 means an Executive agency, as defined by section
24 105 of title 5, United States Code; and

1 (4) the term “Federal employee” or “employee”
2 means an individual employed in or under an agen-
3 cy.

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