

108TH CONGRESS
2D SESSION

H. R. 4797

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

JULY 9, 2004

Mr. DAVIS of Illinois (for himself, Mr. WAXMAN, Mr. HOYER, Ms. NORTON, Mr. CUMMINGS, Mr. WYNN, Mr. RUPPERSBERGER, Mr. OWENS, and Mr. KUCINICH) 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 shall establish a dem-
20 onstration project under which, through agreements with
21 2 or more agencies, a representative range of Government
22 services and operations (both essential and nonessential)
23 shall be performed under circumstances simulating a situ-
24 ation in which Federal employees are, as a result of a sud-
25 den and unexpected contingency, required to work—

1 (1) from home or other sites apart from their
2 usual and customary duty station; and

3 (2) for a continuous period of not less than 30
4 days.

5 (b) OTHER REQUIREMENTS.—In carrying out the
6 demonstration project, the Council shall ensure—

7 (1) that appropriate mechanisms exist so that
8 agencies and employees are able to engage in any
9 necessary communications, and so that appropriate
10 oversight of employees can be maintained, at all
11 times;

12 (2) that employees have available to them or
13 are able to access any technologies, information, or
14 other resources they may require in order to carry
15 out their duties and responsibilities effectively and
16 efficiently;

17 (3) that participation shall be limited to those
18 employees who, irrespective of this Act, would other-
19 wise have been eligible to telework; and

20 (4) that such project be conducted in coordina-
21 tion with otherwise existing Federal teleworking poli-
22 cies, requirements, and funding so that no additional
23 resources are needed in order to carry out this Act.

1 **SEC. 4. REPORT TO CONGRESS.**

2 Not later than 18 months after the date of the enact-
3 ment of this Act, the Council shall submit to the Com-
4 mittee on Government Reform of the House of Represent-
5 atives and the Committee on Governmental Affairs of the
6 Senate a written evaluation of the demonstration project,
7 including a description of the approaches taken and les-
8 sons learned by participating agencies, and recommenda-
9 tions for such legislative or administrative action as the
10 Council considers appropriate.

11 **SEC. 5. DEFINITIONS.**

12 For purposes of this Act—

13 (1) the term “Chief Human Capital Officers
14 Council” or “Council” refers to the Chief Human
15 Capital Officers Council, as established by section
16 1303 of the Homeland Security Act of 2002 (Public
17 Law 107–296; 5 U.S.C. 1401 note);

18 (2) the term “Federal agency” or “agency”
19 means an Executive agency, as defined by section
20 105 of title 5, United States Code; and

21 (3) the term “Federal employee” or “employee”
22 means an individual employed in or under an agen-
23 cy.

○