

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 3924

To authorize telecommuting for Federal contractors.

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IN THE HOUSE OF REPRESENTATIVES

MARCH 12, 2002

Mr. TOM DAVIS of Virginia (for himself and Mr. BURTON of Indiana) introduced the following bill; which was referred to the Committee on Government Reform

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## A BILL

To authorize telecommuting for Federal contractors.

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 “Freedom to Telecom-  
5       mute Act of 2002”.

6       **SEC. 2. AUTHORIZATION OF TELECOMMUTING FOR FED-**  
7       **ERAL CONTRACTORS.**

8       (a) **AMENDMENT TO THE FEDERAL ACQUISITION**  
9       **REGULATION.**—Not later than 180 days after the date of  
10       the enactment of this Act, the Federal Acquisition Regula-  
11       tion issued in accordance with sections 6 and 25 of the

1 Office of Federal Procurement Policy Act (41 U.S.C. 405  
2 and 421) shall be amended to permit the use of telecom-  
3 muning by employees of Federal contractors in the per-  
4 formance of contracts with executive agencies.

5 (b) CONTENT OF AMENDMENT.—(1) The amendment  
6 issued pursuant to subsection (a) shall, at a minimum,  
7 provide that solicitations for the acquisition of goods or  
8 services shall not set forth any requirement or evaluation  
9 criteria described in paragraph (2) unless the contracting  
10 officer first—

11 (A) determines that the needs of the agency, in-  
12 cluding the security needs of the agency, cannot be  
13 met without any such requirement; and

14 (B) explains in writing the basis for that deter-  
15 mination.

16 (2) A requirement or evaluation criteria under this  
17 paragraph is a requirement or evaluation criteria that  
18 would—

19 (A) render an offeror ineligible to receive a con-  
20 tract award based on the offeror's plan to allow its  
21 employees to telecommute; or

22 (B) reduce the scoring of an offeror's proposal  
23 based upon the contractor's plan to allow its employ-  
24 ees to telecommute.

1           (c) GAO REPORT.—Not later than one year after the  
2 date on which the amendment required by subsection (a)  
3 is published in the Federal Register, the Comptroller Gen-  
4 eral shall submit to Congress an evaluation of—

5           (1) compliance by executive agencies with the  
6 regulations; and

7           (2) conformance of the regulations with existing  
8 law, together with any recommendations that the  
9 Comptroller General considers appropriate.

10          (d) DEFINITION.—In this section, the term “execu-  
11 tive agency” has the meaning given that term in section  
12 105 of title 5, United States Code.

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