

107TH CONGRESS
2^D SESSION

H. R. 3924

To authorize telecommuting for Federal contractors.

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

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 Telecommu-

5 nicate 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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