

107TH CONGRESS  
2D SESSION

# H. R. 3924

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IN THE SENATE OF THE UNITED STATES

MARCH 21, 2002

Received; read twice and referred to the Committee on Governmental Affairs

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## AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Freedom to Telecom-  
3       mute Act of 2002”.

4 **SEC. 2. AUTHORIZATION OF TELECOMMUTING FOR FED-**  
5 **ERAL CONTRACTORS.**

6       (a) AMENDMENT TO THE FEDERAL ACQUISITION  
7 REGULATION.—Not later than 180 days after the date of  
8 the enactment of this Act, the Federal Acquisition Regula-  
9 tion issued in accordance with sections 6 and 25 of the  
10 Office of Federal Procurement Policy Act (41 U.S.C. 405  
11 and 421) shall be amended to permit the use of telecom-  
12 muting by employees of Federal contractors in the per-  
13 formance of contracts with executive agencies.

14       (b) CONTENT OF AMENDMENT.—(1) The amendment  
15 issued pursuant to subsection (a) shall, at a minimum,  
16 provide that solicitations for the acquisition of goods or  
17 services shall not set forth any requirement or evaluation  
18 criteria described in paragraph (2) unless the contracting  
19 officer first—

20               (A) determines that the needs of the agency, in-  
21       cluding the security needs of the agency, cannot be  
22       met without any such requirement; and

23               (B) explains in writing the basis for that deter-  
24       mination.

1       (2) A requirement or evaluation criteria under this  
2 paragraph is a requirement or evaluation criteria that  
3 would—

4           (A) render an offeror ineligible to receive a con-  
5 tract award based on the offeror’s plan to allow its  
6 employees to telecommute; or

7           (B) reduce the scoring of an offeror’s proposal  
8 based upon the contractor’s plan to allow its employ-  
9 ees to telecommute.

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

14           (1) compliance by executive agencies with the  
15 regulations; and

16           (2) conformance of the regulations with existing  
17 law, together with any recommendations that the  
18 Comptroller General considers appropriate.

19       (d) DEFINITION.—In this section, the term “execu-  
20 tive agency” has the meaning given that term in section  
21 105 of title 5, United States Code.

Passed the House of Representatives March 20,  
2002.

Attest:

JEFF TRANDAHL,

*Clerk.*