

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—117th Cong., 2d Sess.**

**S. 3905**

To prevent organizational conflicts of interest in Federal acquisition, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. PETERS (for himself and Mr. PORTMAN)

Viz:

1 Strike all after the enacting clause and insert the following:  
2

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Preventing Organizational Conflicts of Interest in Federal Acquisition Act”.

6 **SEC. 2. PREVENTING ORGANIZATIONAL CONFLICTS OF INTEREST IN FEDERAL ACQUISITION.**  
7

8 (a) IN GENERAL.—Not later than 18 months after  
9 the date of the enactment of this Act, the Federal Acquisition Regulatory Council shall revise the Federal Acquisition Regulation—  
10  
11

1 (1) to provide and update—

2 (A) definitions related to specific types of  
3 organizational conflicts of interest, including  
4 unequal access to information, impaired objec-  
5 tivity, and biased ground rules; and

6 (B) definitions, guidance, and illustrative  
7 examples related to relationships of contractors  
8 with public, private, domestic, and foreign enti-  
9 ties that may cause contract support to be sub-  
10 ject to potential organizational conflicts of in-  
11 terest, including undue influence;

12 (2) to provide executive agencies with sollicita-  
13 tion provisions and contract clauses to avoid or miti-  
14 gate organizational conflicts of interest, for agency  
15 use as needed, that require contractors to disclose  
16 information relevant to potential organizational con-  
17 flicts of interest and limit future contracting with re-  
18 spect to potential conflicts of interest with the work  
19 to be performed under awarded contracts;

20 (3) to allow executive agencies to tailor such so-  
21 licitation provisions and contract clauses as nec-  
22 essary to address risks associated with conflicts of  
23 interest and other considerations that may be unique  
24 to the executive agency;

25 (4) to require executive agencies—

1           (A) to establish or update as needed agen-  
2           cy conflict of interest procedures to implement  
3           the revisions to the Federal Acquisition Regula-  
4           tion made under this section; and

5           (B) to periodically assess and update such  
6           procedures as needed to address agency-specific  
7           conflict of interest issues; and

8           (5) to update the procedures set forth in section  
9           9.506 of the Federal Acquisition Regulation to per-  
10          mit contracting officers to take into consideration  
11          professional standards and procedures to prevent or-  
12          ganizational conflicts of interest to which an offeror  
13          or contractor is subject.

14          (b) EXECUTIVE AGENCY DEFINED.—In this section,  
15          the term “executive agency” has the meaning given the  
16          term in section 133 of title 41, United States Code.