

S 3905

Preventing Organizational Conflicts of Interest in Federal Acquisition Act

Congress: 117 (2021–2023, Ended)

Chamber: Senate

Policy Area: Government Operations and Politics

Introduced: Mar 23, 2022

Current Status: Became Public Law No: 117-324.

Latest Action: Became Public Law No: 117-324. (Dec 27, 2022)

Law: 117-324 (Enacted Dec 27, 2022)

Official Text: <https://www.congress.gov/bill/117th-congress/senate-bill/3905>

Sponsor

Name: Sen. Peters, Gary C. [D-MI]

Party: Democratic • **State:** MI • **Chamber:** Senate

Cosponsors (3 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Grassley, Chuck [R-IA]	R · IA		Mar 23, 2022
Sen. Ernst, Joni [R-IA]	R · IA		Mar 24, 2022
Sen. Hassan, Margaret Wood [D-NH]	D · NH		Mar 24, 2022

Committee Activity

Committee	Chamber	Activity	Date
Homeland Security and Governmental Affairs Committee	Senate	Discharged From	Aug 1, 2022

Subjects & Policy Tags

Policy Area:

Government Operations and Politics

Related Bills

Bill	Relationship	Last Action
117 HRES 1518	Related bill	Dec 14, 2022: Motion to reconsider laid on the table Agreed to without objection.
117 HR 7602	Identical bill	Jul 20, 2022: Ordered to be Reported in the Nature of a Substitute (Amended) by the Yeas and Nays: 24 - 17.

Preventing Organizational Conflicts of Interest in Federal Acquisition Act

This act addresses conflicts of interest in federal acquisitions.

Specifically, the act directs the Federal Acquisition Regulatory Council to revise the Federal Acquisition Regulation (FAR) to provide and update

- definitions related to specific types of organizational conflicts of interest;
- definitions, guidance, and illustrative examples related to relationships of contractors with public, private, domestic, and foreign entities that may cause contract support to be subject to potential organizational conflicts; and
- illustrative examples of situations related to the potential organizational conflicts identified.

Further, the council must revise the FAR to

- provide executive agencies with solicitation provisions and contract clauses to avoid or mitigate organizational conflicts, for agency use as needed, that require contractors to disclose information relevant to potential organizational conflicts and limit future contracting with respect to potential conflicts with the work to be performed under awarded contracts;
- allow agencies to tailor such solicitation provisions and contract clauses as necessary to address risks associated with conflicts of interest and other considerations that may be unique to the agency;
- require agencies to establish or update agency conflict of interest procedures to implement the revisions to the FAR made under this act and periodically assess and update such procedures as needed to address agency-specific conflict issues; and
- update FAR procedures to permit contracting officers to take into consideration professional standards and procedures to prevent organizational conflicts of interest to which an offeror or contractor is subject.

Actions Timeline

- **Dec 27, 2022:** Signed by President.
- **Dec 27, 2022:** Became Public Law No: 117-324.
- **Dec 23, 2022:** Presented to President.
- **Dec 14, 2022:** Rules Committee Resolution H. Res. 1518 Reported to House. Rule provides for consideration of H.R. 1948, S. 3905 and S. 4003. Rule provides for one hour of general debate each for H.R. 1948, S. 3905, S. 4003. Rule provides for one hour of general debate on the Senate amendment to H.R. 1437. Rule provides that H. Res. 1516 and H. Con. Res. 124 are adopted. Rule provides that the House shall be considered to have taken from the Speaker's table H.R. 2617, with the Senate amendments thereto, to have concurred in the Senate amendments numbered 1, 2, 3, and 5, and to have concurred in the Senate amendment numbered 4 with an amendment consisting of the text of Rules Committee Print 117-73.
- **Dec 14, 2022:** Considered under the provisions of rule H. Res. 1518. (consideration: CR H9745-9752)
- **Dec 14, 2022:** Rule provides for consideration of H.R. 1948, S. 3905 and S. 4003. Rule provides for one hour of general debate each for H.R. 1948, S. 3905, S. 4003. Rule provides for one hour of general debate on the Senate amendment to H.R. 1437. Rule provides that H. Res. 1516 and H. Con. Res. 124 are adopted. Rule provides that the House shall be considered to have taken from the Speaker's table H.R. 2617, with the Senate amendments thereto, to have concurred in the Senate amendments numbered 1, 2, 3, and 5, and to have concurred in the Senate amendment numbered 4 with an amendment consisting of the text of Rules Committee Print 117-73.
- **Dec 14, 2022:** DEBATE - The House proceeded with one hour of debate on S. 3905.
- **Dec 14, 2022:** The previous question was ordered pursuant to the rule.
- **Dec 14, 2022:** POSTPONED PROCEEDINGS - At the conclusion of debate on S. 3905, the Chair put the question on passage of the bill and by voice vote, announced that the ayes had prevailed. Mr. Keller demanded the yeas and nays and the Chair postponed further proceedings until a time to be announced.
- **Dec 14, 2022:** Considered as unfinished business. (consideration: CR H9840-9841)
- **Dec 14, 2022:** Passed/agreed to in House: On passage Passed by the Yeas and Nays: 219 - 205 (Roll no. 524).
- **Dec 14, 2022:** On passage Passed by the Yeas and Nays: 219 - 205 (Roll no. 524). (text: CR H9837)
- **Dec 14, 2022:** Motion to reconsider laid on the table Agreed to without objection.
- **Aug 2, 2022:** Message on Senate action sent to the House.
- **Aug 2, 2022:** Received in the House.
- **Aug 2, 2022:** Held at the desk.
- **Aug 1, 2022:** Senate Committee on Homeland Security and Governmental Affairs discharged by Unanimous Consent.
- **Aug 1, 2022:** Measure laid before Senate by unanimous consent. (consideration: CR S3825-3826)
- **Aug 1, 2022:** Passed/agreed to in Senate: Passed Senate with an amendment by Unanimous Consent.(text of amendment in the nature of a substitute: CR S3825-3826)
- **Aug 1, 2022:** Passed Senate with an amendment by Unanimous Consent. (text of amendment in the nature of a substitute: CR S3825-3826)
- **May 25, 2022:** Committee on Homeland Security and Governmental Affairs. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Mar 23, 2022:** Introduced in Senate
- **Mar 23, 2022:** Read twice and referred to the Committee on Homeland Security and Governmental Affairs.