

plus, and actually adds federalization of policing that's going to be overseen by Federal agencies and special interests.

Mr. Speaker, I urge my colleagues to oppose this bill, and I yield back the balance of my time.

Mr. NADLER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, S. 4003 is bipartisan legislation that would improve training for law enforcement officers, including training using alternatives to force and de-escalation tactics. This training will reduce use-of-force incidents and improve officer and community safety.

It passed the Senate unanimously. The most conservative Republican Senators all voted for it. I read a long list of organizations supporting it. The American Conservative Union is not a group noted for profligate Federal spending.

Mr. Speaker, I urge my colleagues to have some perspective on this bill.

Mr. Speaker, I urge all Members to support it, and I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to House Resolution 1518, the previous question is ordered on the bill.

The question is on the third reading of the bill.

The bill was ordered to be read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BIGGS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

□ 1900

PREVENTING ORGANIZATIONAL CONFLICTS OF INTEREST IN FEDERAL ACQUISITION ACT

Mr. DESAULNIER. Mr. Speaker, pursuant to House Resolution 1518, I call up the bill (S. 3905) to prevent organizational conflicts of interest in Federal acquisition, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1518, the bill is considered read.

The text of the bill is as follows:

S. 3905

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

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

SEC. 2. PREVENTING ORGANIZATIONAL CONFLICTS OF INTEREST IN FEDERAL ACQUISITION.

(a) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act,

the Federal Acquisition Regulatory Council shall revise the Federal Acquisition Regulation—

(1) to provide and update—

(A) definitions related to specific types of organizational conflicts of interest, including unequal access to information, impaired objectivity, and biased ground rules;

(B) 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 of interest, including undue influence; and

(C) illustrative examples of situations related to the potential organizational conflicts of interest identified under this paragraph, including an example of the awarding by a Federal regulatory agency of a contract for consulting services to a contractor if employees of the contractor performing work under such contract are permitted by the contractor to simultaneously perform work under a contract for a private sector client under the regulatory purview of such agency;

(2) to provide executive agencies with solicitation provisions and contract clauses to avoid or mitigate organizational conflicts of interest, for agency use as needed, that require contractors to disclose information relevant to potential organizational conflicts of interest and limit future contracting with respect to potential conflicts of interest with the work to be performed under awarded contracts;

(3) to allow executive 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 executive agency;

(4) to require executive agencies—

(A) to establish or update as needed agency conflict of interest procedures to implement the revisions to the Federal Acquisition Regulation made under this section; and

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

(5) to update the procedures set forth in section 9.506 of the Federal Acquisition Regulation 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.

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

The SPEAKER pro tempore. The bill shall be debatable for 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Oversight and Reform or their respective designees.

The gentleman from California (Mr. DESAULNIER) and the gentleman from Pennsylvania (Mr. KELLER) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. DESAULNIER).

General Leave

Mr. DESAULNIER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the measure before us.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DESAULNIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 3905, the Preventing Organizational Conflicts of Interest in Federal Acquisition Act, which was introduced by Senator GARY PETERS, chairman of the Senate Homeland Security and Governmental Affairs Committee, has strong bipartisan support and passed the Senate this summer with unanimous consent.

In April, we introduced a companion bill, H.R. 7602, following one of the Oversight Committee's investigations, which highlighted the need to strengthen government contracting laws on conflicts of interest.

The committee's investigation found that a consulting contractor advised the Food and Drug Administration at the same time they were advising private-sector clients that were regulated by the FDA. Many times, it was the exact same consultants advising the FDA and private-sector clients on the same issue.

In this case, the consultant failed to follow the rules on disclosing these amazing conflicts, collecting millions of dollars from both the regulator and the private-sector client.

Although this is one extreme example, other organizational conflicts of interest, large and small, occur across government. The Government Accountability Office regularly fields bid protests involving organizational conflicts of interest.

In 2014, a major defense contractor paid a settlement for allegedly failing to disclose conflicts while advising the Nuclear Regulatory Commission.

Organizational conflicts of interest can occur when a contractor's competing interests raise questions about their ability to provide impartial advice to the government. It is crucial that government contractors are providing impartial advice, particularly when the government is paying for their expertise and objectivity on sensitive matters.

The rules on organizational conflicts of interest have not changed significantly since the 1990s. This bill would make long-overdue revisions to strengthen these rules.

The current rules set basic standards to prevent organizational conflicts of interest but leave the details up to individual agencies. The current patchwork system creates the risk of egregious breaches of the public trust.

In 2009, Congress asked for the organizational conflict of interest rules to be reassessed. Draft rules were issued, but the reform effort was eventually abandoned, and the rules were never finalized.

This bill requires the revisions that were then started to be completed. This bill would also mandate that rules on government contractor conflicts are thoroughly revised and ensure that there is a uniform set of standards.

These reforms will help government contractors as well by ensuring clarity

and consistency across the executive branch. This is especially beneficial to contractors working for multiple agencies.

It is outrageous that a contractor would be allowed to advise government regulators at the same time they are advising the industry that is being regulated.

If we do not take steps to prevent conflicts of interest, and thereby safeguard the integrity of government decisionmaking and operations, then we risk potentially serious breaches in the public trust.

Mr. Speaker, I strongly support this bill, and I reserve the balance of my time.

Mr. KELLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to S. 3905, the Preventing Organizational Conflicts of Interest in Federal Acquisition Act, for the simple reason that it is unnecessary legislation.

The Federal Acquisition Regulation already contains provisions targeting conflicts of interest. The FAR includes specific examples of what is a conflict of interest. The FAR includes guidance for agencies to add contract clauses addressing conflicts that might arise.

Therefore, it seems we are telling the Federal Acquisition Regulation Council, the body responsible for Federal acquisition policy, to do something it is already doing.

As a result, this legislation will cause the FAR Council to do work it does not need to be doing, but they will surely feel compelled to produce something in the way of new regulations. That means it will become even more difficult for companies to do business with the Federal Government, and it is complicated enough as it is.

There are concerns that companies, especially small businesses, are deciding not to do business with the Federal Government because it is just too complicated.

From a process perspective, Oversight Committee Democrats marked up this bill without any hearings with relevant agency officials to determine if this legislation was truly necessary. My Democrat committee colleagues may point to their report regarding one specific company of concern and argue that was proof enough that we need to legislate in this already crowded space, but a simple case study is not a solid foundation for governmentwide legislation impacting all Federal contractors.

If there are issues with agencies enforcing existing conflicts of interest requirements, then Congress needs to conduct oversight over that Federal Government failure, not rush to pass more duplicative laws. In fact, that would be the responsibility of the Oversight Committee, which I could argue has not been doing proper oversight over the past couple of years.

There may be other anecdotes about conflicts of interest, but let's be clear: No matter what we do, there will al-

ways be accusations of conflicts of interest.

Republicans oppose conflicts of interest, but we also support responsible legislating. We also support holding those who are not following the current law or regulation accountable, rather than passing new laws.

With this bill, the most likely outcome is unnecessary work and a more complicated Federal procurement process. It will burden businesses and shrink the pool of eligible contractors, not reduce conflicts of interest.

Mr. Speaker, I urge opposition to this unnecessary, duplicative legislation, and I reserve the balance of my time.

Mr. DESAULNIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will speak briefly on the work we have done on oversight on the opioid crisis, in this case specifically on the role that McKinsey & Company played in, unfortunately, the tragedy that has been the opioid epidemic that led us to introducing this bill for greater oversight.

I will start by saying this is something that, for me, Chairwoman MALONEY and some of my colleagues on both sides expressed a great deal of passion for.

We had hearings on the opioid epidemic and the role of some of these agencies, including requiring the chairman of Johnson & Johnson to come to testify in front of the committee. The committee spent a good deal of time, and I know that there was concern across the aisle, given the devastation that this epidemic has caused.

This particular initiative is directed at some of the things that were the most egregious part of what happened to the American public who suffered under the abuses of the opioid epidemic.

In this case, McKinsey was a contractor for the FDA, Johnson & Johnson, and other people who were making money off of this well-told tragedy of how they were inducing people to be addicted to the drug that was supposed to be relieving their pain.

The contractors play a critical role in supporting the Federal workforce and giving advice to government functions. These are contractors for which this initiative, this bill, would try to make sure the rules were clearer. It would help them, as well.

Taxpayers need to know that work is done ethically and transparently. Unfortunately, loopholes allow contractors, which this initiative, this bill, attempts to close or will close, to advise private-sector clients and the Federal Government at the same time. I think anyone would agree that that is a conflict of interest.

The most notorious example was what I just referred to, this conflict of interest playing out with McKinsey & Company's work on Perdue Pharma's roadmap, in this case, to "turbocharge" opioid sales. They were giving them advice on how to

turbocharge an addictive drug that was causing devastation across this country.

One of the things that led me into this discussion was, when I was in the legislature in California, two parents separately brought tragic cases of how their kids had lost their lives because of this.

The conflict of interest fueled the opioid crisis that has claimed hundreds of thousands of American lives.

I am grateful and proud of the work that I was able to do with a former chair, Elijah Cummings, who had great passion for this and opening the committee's investigation of Perdue Pharma specifically. I am grateful to current Chair MALONEY for continuing this work.

A vote to pass this bipartisan bill today will send it to the President's desk and will bring much-needed transparency to Federal contracting and help to address some of the things that led to the opioid crisis epidemic in this country.

Mr. Speaker, I reserve the balance of my time.

Mr. KELLER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, despite addressing a valid concern, this legislation is simply unnecessary. Federal contractors are already supposed to provide impartial and objective assistance to Federal clients.

The risks of conflicts of interest are addressed by the Federal Acquisition Regulation. I am confident the American taxpayer and our national interests are already protected in this area of Federal procurement policy.

I know the gentleman mentioned opioids and a drug crisis. That is a concern for all Americans, but so is all the fentanyl that is killing Americans coming across our southern border.

I would hope my colleagues would force the administration to close our southern border and make sure these illegal drugs aren't coming over and killing Americans.

Mr. Speaker, I urge that we oppose this bill, which would burden companies, both large and small, that want to do business with the Federal Government, and I reserve the balance of my time.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I feel very strongly about this bill. It is one that came out of a research project that we had on contracting, where we found a major consulting firm was working for the FDA and the manufacturer at the same time. They didn't even have different people. It was the same people working for the FDA on regulation and for the manufacturer, which wanted easy regulations on the product they were putting out—in this case, opioids, which have killed more Americans than any other drug, probably, in history.

I thank my colleagues in the Senate for introducing it and the staff of the

Oversight and Reform Committee for introducing it here in the House.

It is absolutely outrageous. I think it should be a crime, actually, that a contractor would be allowed to advise government regulators and not tell them that, at the same time, they are advising the industry that is benefiting from weaker regulation.

If we do not take steps to prevent conflicts of interest and thereby safeguard the integrity of government decisionmaking and operations, then we risk potentially serious breaches in the public trust.

I think it is even more serious. You risk having unsafe drugs going into the marketplace, which has happened before.

Most government contractors take this responsibility to disclose conflicts of interest seriously, but many do not. It is even the business model of some consulting firms to go after both the regulator and the manufacturer at the same time, and they have repeatedly done it.

These contractors would benefit from uniformity in rules. Right now, they are patchwork. We need uniform rules. We need clear rules, and the clear rules should be that a consulting firm can only work for a regulator but cannot work for the manufacturer, or they can work for the manufacturer but not the regulator. Too often, they are working for the same positions with the same person, believe it or not.

I think that this bill will save lives. It will make our industries fair and safer. It should be bipartisan, as it is in the Senate.

Mr. Speaker, I urge my colleagues to strongly support the bill, and I reserve the balance of my time.

□ 1915

Mr. KELLER. Mr. Speaker, I yield myself the balance of my time to close.

Mr. Speaker, I would just like to say that it should be—and already is—illegal for people who are providing this guidance and service to misrepresent things under the False Claims Act. So it is our understanding that it is already a crime to do that, and they would be held accountable.

I know the gentlewoman said it should be a crime. It already is, and I don't know anywhere in the bill that it adds to that. So it should be a crime. People should not be doing things inappropriately. But as I mentioned, we already have the FAR that takes care of making sure people are doing the right things.

Mr. Speaker, I urge my colleagues to vote against this unnecessary bill, and I yield back the balance of my time.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I yield myself the balance of my time to close.

Mr. Speaker, I would say it is a very necessary bill because it is happening. If it is against the law, then the Department of Justice should come in and prosecute people. But they have not, and they are busy prosecuting a lot of other things.

So it is life and death when it comes to healthcare.

We know that the FDA originally wrote rules about the opioids saying they were not addictive. They wrote it right into the regulations: not addictive. They are one of the most addictive drugs of all times. They have caused hundreds of thousands of deaths, and we are spending billions of dollars in treatment trying to save the lives of people who have become addicted when the inscription used to be that it was safe. It was safe.

So there are times when laws are abused. This is not about an individual drug company or an individual contractor or an individual consulting firm. It is about a uniformity of rules. We are looking at legislation. We want to stop that abuse.

In a lot of our investigations the Department of Justice has come in and taken action. Maybe they should in this case, too. But if it is illegal, then it is not being enforced; and it is, I would say, dangerous if we don't make it clear—and ironclad clear—that you cannot work for the regulator and the manufacturer at the same time.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to House Resolution 1518, the previous question is ordered on the bill.

The question is on the third reading of the bill.

The bill was ordered to be read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. KELLER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

Proceedings will resume on questions previously postponed. Votes will be taken in the following order:

Motion to concur with an amendment on H.R. 1437;

Passage of S. 3905;

Passage of S. 4003; and

Motion to suspend the rules and pass S. 5230.

The first electronic vote will be conducted as a 15-minute vote. Pursuant to clause 9 of rule XX, remaining electronic votes will be conducted as 5-minute votes.

PROVIDING RESEARCH AND ESTIMATES OF CHANGES IN PRECIPITATION ACT

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the motion to concur in the Senate amendment on the bill (H.R. 1437) to amend the Weather Research and Forecasting Innovation Act of 2017 to

direct the National Oceanic and Atmospheric Administration to provide comprehensive and regularly updated Federal precipitation information, and for other purposes, with an amendment offered by the gentlewoman from Connecticut (Ms. DELAURO), on which the yeas and nays were ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to concur.

The vote was taken by electronic device, and there were—yeas 224, nays 201, not voting 5, as follows:

[Roll No. 523]

YEAS—224

Adams	Golden	Neguse
Aguilar	Gomez	Newman
Allred	Gonzalez (OH)	Norcross
Auchincloss	Gonzalez,	O'Halleran
Axne	Vicente	Ocasio-Cortez
Barragán	Gottheimer	Omar
Beatty	Green, Al (TX)	Pallone
Bera	Grijalva	Panetta
Beyer	Harder (CA)	Pappas
Bishop (GA)	Hayes	Pascrell
Blumenauer	Herrera Beutler	Payne
Blunt Rochester	Higgins (NY)	Peltola
Bonamici	Himes	Perlmutter
Bourdeaux	Horsford	Peters
Bowman	Houlihan	Phillips
Boyle, Brendan	Hoyer	Pingree
F.	Huffman	Pocan
Brown (MD)	Jackson Lee	Porter
Brown (OH)	Jacobs (CA)	Pressley
Brownley	Jacobs (NY)	Price (NC)
Bush	Jayapal	Quigley
Bustos	Jeffries	Raskin
Butterfield	Johnson (GA)	Rice (NY)
Carbajal	Johnson (TX)	Ross
Cárdenas	Jones	Roybal-Allard
Carson	Kahele	Ruiz
Carter (LA)	Kaptur	Ruppersberger
Cartwright	Katko	Rush
Case	Kelly (IL)	Ryan (NY)
Casten	Khanna	Ryan (OH)
Castor (FL)	Kildee	Sánchez
Castro (TX)	Kilmer	Sarbanes
Cheney	Kim (NJ)	Scanlon
Cherfilus-	Kind	Schakowsky
McCormick	Kinzinger	Schiff
Chu	Kirkpatrick	Schneider
Ciçilline	Krishnamoorthi	Schrader
Clark (MA)	Kuster	Schrier
Clarke (NY)	Lamb	Scott (VA)
Cleaver	Langevin	Scott, David
Clyburn	Larsen (WA)	Sewell
Cohen	Larson (CT)	Sherman
Connolly	Lawrence	Sherrill
Cooper	Lawson (FL)	Sires
Correa	Lee (CA)	Slotkin
Costa	Lee (NV)	Smith (WA)
Courtney	Leger Fernandez	Soto
Craig	Levin (CA)	Spanberger
Crow	Levin (MI)	Speier
Cuellar	Lieu	Stansbury
Davids (KS)	Lofgren	Stanton
Davis, Danny K.	Lowenthal	Stevens
Dean	Luria	Strickland
DeFazio	Lynch	Suozi
DeGette	Malinowski	Swalwell
DeLauro	Maloney,	Takano
DelBene	Carolyn B.	Thompson (CA)
Demings	Maloney, Sean	Thompson (MS)
DeSaulnier	Manning	Titus
Dingell	Matsui	Tlaib
Doggett	McBath	Tonko
Doyle, Michael	McCollum	Torres (CA)
F.	McGovern	Torres (NY)
Escobar	McNerney	Trahan
Eshoo	Meeks	Trone
Espallat	Meng	Underwood
Evans	Mfume	Upton
Fitzpatrick	Moore (WI)	Veasey
Fletcher	Morelle	Velázquez
Foster	Moulton	Wasserman
Frankel, Lois	Mirman	Schultz
Gallego	Murphy (FL)	Nadler
Garamendi	Nadler	Waters
Garcia (IL)	Napolitano	Watson Coleman
Garcia (TX)	Neal	Welch