

DEPARTMENT OF DEFENSE**GENERAL SERVICES
ADMINISTRATION****NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION**

[Notice 2011; Docket No. 2011-0091;
Sequence 1]

**Review of Regulatory Coverage
Regarding Prevention of Personal
Conflicts of Interest for Contractor
Employees (FAR PCI COMMENT)**

AGENCY: Department of Defense (DOD),
General Services Administration (GSA),
and National Aeronautics and Space
Administration (NASA).

ACTION: Request for information.

SUMMARY: DoD, GSA, and NASA in
consultation with the Office of Federal
Procurement Policy (OFPP) and the
Office of Government Ethics (OGE), are
seeking public comment on the question
of whether additional guidance is
necessary to address personal conflicts
of interest by employees of Government
contractors.

DATES: Interested parties should submit
comments in writing to the Regulatory
Secretariat at the address shown below
on or before January 3, 2012.

ADDRESSES: Submit comments
identified by "FAR PCI COMMENT" by
any of the following methods:

- *Regulations.gov*: <http://www.regulations.gov>. Submit comments
via the Federal eRulemaking portal by
inputting "FAR PCI COMMENT" under
the heading "Comment or Submission."
Select the link "Send a Comment or
Submission" that corresponds with FAR
PCI COMMENT. Follow the instructions
provided to complete the "Public

Comment and Submission Form." Please
include your name, company name (if
any), and "FAR PCI COMMENT" on your
attached document.

- *Fax*: (202) 501-4067.
- *Mail*: General Services

Administration, Regulatory Secretariat
Division (MVCB), ATTN: Hada Flowers,
1275 First Street, NE., Washington, DC
20417.

Instructions: Please submit comments
only and cite "FAR PCI COMMENT" in
all correspondence related to this case.
All comments received will be posted,
without change, to <http://www.regulations.gov>, including any
personal and/or business confidential
information provided.

FOR FURTHER INFORMATION CONTACT: Mr.
Anthony Robinson, Procurement
Analyst, at (202) 501-2658, for
clarification of content. For information
pertaining to status or publication
schedules, contact the Regulatory
Secretariat division at (202) 501-4755.
Please cite FAR PCI COMMENT.

SUPPLEMENTARY INFORMATION: DoD, GSA,
and NASA, in close consultation with
OFPP and OGE, have issued a final rule
to address personal conflicts of interest
by contractor employees performing
acquisition functions closely associated
with inherently governmental functions
for, or on behalf of, a Federal agency or
department. See FAR Case 2008-025,
Preventing Personal Conflicts of Interest
by Contractor Employees Performing
Acquisition Functions, published
concurrently with this notice. The rule
implements provisions in section 841(a)
of the Duncan Hunter National Defense
Authorization Act (NDAA) for Fiscal
Year 2009 (Pub. L. 110-417).

Section 841(b) further requires that
OFPP conduct a review of the Federal

Acquisition Regulation to determine
whether coverage of personal conflicts
of interest should be expanded beyond
contractors whose work supports
acquisition functions closely associated
with inherently governmental functions.
DoD, GSA, and NASA, in consultation
with OFPP and OGE, are working
together to implement this requirement.
As part of their review, they seek public
comment on the issue of expanded
coverage, taking into account the
coverage provided by FAR Case 2008-
025, and especially welcome public
comment in response to the following
questions:

(1) Are there contracting methods,
types, and services (other than those
covered by FAR Case 2008-025) that
raise heightened concerns for potential
personal conflicts of interest?

(2) Should regulatory coverage be
expanded to address personal conflicts
of interest by contractor employees with
respect to functions other than those
covered by FAR Case 2008-025? If so,
what additional functions should be
considered to ensure policies for the
prevention and mitigation of personal
conflicts of interest are sufficiently
rigorous, comprehensive, and uniform?

Responses to this notice will be taken
into consideration by DoD, GSA, and
NASA, in consultation with OFPP and
OGE, as they evaluate the need for
additional guidance on personal
conflicts of interest.

Dated: October 21, 2011.

Laura Auletta,

*Acting Director, Office of Governmentwide
Acquisition Policy, Office of Acquisition
Policy, Office of Governmentwide Policy.*

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