

1 ment of such components after the date of the enactment
2 of this Act.

3 **SEC. 827. ENHANCEMENT OF WHISTLEBLOWER PROTEC-**
4 **TIONS FOR CONTRACTOR EMPLOYEES.**

5 (a) IN GENERAL.—Subsection (a) of section 2409 of
6 title 10, United States Code, is amended—

7 (1) by inserting “(1)” before “An employee”;

8 (2) in paragraph (1), as so designated—

9 (A) by inserting “or subcontractor” after
10 “employee of a contractor”;

11 (B) by striking “a Member of Congress”
12 and all that follows through “the Department
13 of Justice” and inserting “a person or body de-
14 scribed in paragraph (2)”; and

15 (C) by striking “evidence of” and all that
16 follows and inserting the following: “evidence of
17 the following:

18 “(A) Gross mismanagement of a Department of
19 Defense contract or grant, a gross waste of Depart-
20 ment funds, an abuse of authority relating to a De-
21 partment contract or grant, or a violation of law,
22 rule, or regulation related to a Department contract
23 (including the competition for or negotiation of a
24 contract) or grant.

1 “(B) Gross mismanagement of a National Aero-
2 nautics and Space Administration contract or grant,
3 a gross waste of Administration funds, an abuse of
4 authority relating to an Administration contract or
5 grant, or a violation of law, rule, or regulation re-
6 lated to an Administration contract (including the
7 competition for or negotiation of a contract) or
8 grant.

9 “(C) A substantial and specific danger to public
10 health or safety.”; and

11 (3) by adding at the end the following new
12 paragraphs:

13 “(2) The persons and bodies described in this para-
14 graph are the persons and bodies as follows:

15 “(A) A Member of Congress or a representative
16 of a committee of Congress.

17 “(B) An Inspector General.

18 “(C) The Government Accountability Office.

19 “(D) An employee of the Department of De-
20 fense or the National Aeronautics and Space Admin-
21 istration, as applicable, responsible for contract over-
22 sight or management.

23 “(E) An authorized official of the Department
24 of Justice or other law enforcement agency.

25 “(F) A court or grand jury.

1 “(G) A management official or other employee
2 of the contractor or subcontractor who has the re-
3 sponsibility to investigate, discover, or address mis-
4 conduct.

5 “(3) For the purposes of paragraph (1)—

6 “(A) an employee who initiates or provides evi-
7 dence of contractor or subcontractor misconduct in
8 any judicial or administrative proceeding relating to
9 waste, fraud, or abuse on a Department of Defense
10 or National Aeronautics and Space Administration
11 contract or grant shall be deemed to have made a
12 disclosure covered by such paragraph; and

13 “(B) a reprisal described in paragraph (1) is
14 prohibited even if it is undertaken at the request of
15 a Department or Administration official, unless the
16 request takes the form of a nondiscretionary direc-
17 tive and is within the authority of the Department
18 or Administration official making the request.”.

19 (b) INVESTIGATION OF COMPLAINTS.—Subsection
20 (b) of such section is amended—

21 (1) in paragraph (1), by inserting “fails to al-
22 lege a violation of the prohibition in subsection (a),
23 or has previously been addressed in another Federal
24 or State judicial or administrative proceeding initi-
25 ated by the complainant,” after “is frivolous,”;

1 (2) in paragraph (2)—

2 (A) in subparagraph (A), by inserting “,
3 fails to allege a violation of the prohibition in
4 subsection (a), or has previously been addressed
5 in another Federal or State judicial or adminis-
6 trative proceeding initiated by the complainant”
7 after “is frivolous”; and

8 (B) in subparagraph (B), by inserting “,
9 up to 180 days,” after “such additional period
10 of time”; and

11 (3) by adding at the end the following new
12 paragraphs:

13 “(3) The Inspector General may not respond to any
14 inquiry or disclose any information from or about any per-
15 son alleging the reprisal, except to the extent that such
16 response or disclosure is—

17 “(A) made with the consent of the person alleg-
18 ing the reprisal;

19 “(B) made in accordance with the provisions of
20 section 552a of title 5 or as required by any other
21 applicable Federal law; or

22 “(C) necessary to conduct an investigation of
23 the alleged reprisal.

1 “(4) A complaint may not be brought under this sub-
2 section more than three years after the date on which the
3 alleged reprisal took place.”.

4 (c) REMEDY AND ENFORCEMENT AUTHORITY.—Sub-
5 section (c) of such section is amended—

6 (1) in paragraph (1)(B), by striking “the com-
7 pensation (including back pay)” and inserting “com-
8 pensatory damages (including back pay)”;

9 (2) in paragraph (2), by adding at the end fol-
10 lowing new sentence: “An action under this para-
11 graph may not be brought more than two years after
12 the date on which remedies are deemed to have been
13 exhausted.”;

14 (3) in paragraph (4), by striking “and compen-
15 satory and exemplary damages.” and inserting “,
16 compensatory and exemplary damages, and reason-
17 able attorney fees and costs. The person upon whose
18 behalf an order was issued may also file such an ac-
19 tion or join in an action filed by the head of the
20 agency.”;

21 (4) in paragraph (5), by adding at the end the
22 following new sentence: “Filing such an appeal shall
23 not act to stay the enforcement of the order of the
24 head of an agency, unless a stay is specifically en-
25 tered by the court.”; and

1 (5) by adding at the end the following new
2 paragraphs:

3 “(6) The legal burdens of proof specified in section
4 1221(e) of title 5 shall be controlling for the purposes of
5 any investigation conducted by an Inspector General, deci-
6 sion by the head of an agency, or judicial or administrative
7 proceeding to determine whether discrimination prohibited
8 under this section has occurred.

9 “(7) The rights and remedies provided for in this sec-
10 tion may not be waived by any agreement, policy, form,
11 or condition of employment.”.

12 (d) NOTIFICATION OF EMPLOYEES.—Such section is
13 further amended—

14 (1) by redesignating subsections (d) and (e) as
15 subsections (f) and (g), respectively; and

16 (2) by inserting after subsection (e) the fol-
17 lowing new subsection (d):

18 “(d) NOTIFICATION OF EMPLOYEES.—The Secretary
19 of Defense and the Administrator of the National Aero-
20 nautics and Space Administration shall ensure that con-
21 tractors and subcontractors of the Department of Defense
22 and the National Aeronautics and Space Administration,
23 as applicable, inform their employees in writing of the
24 rights and remedies provided under this section, in the
25 predominant native language of the workforce.”.

1 (e) EXCEPTIONS FOR INTELLIGENCE COMMUNITY.—

2 Such section is further amended by inserting after sub-
3 section (d), as added by subsection (d)(2) of this section,
4 the following new subsection (e):

5 “(e) EXCEPTIONS.—(1) This section shall not apply
6 to any element of the intelligence community, as defined
7 in section 3(4) of the National Security Act of 1947 (50
8 U.S.C. 401a(4)).

9 “(2) This section shall not apply to any disclosure
10 made by an employee of a contractor, subcontractor, or
11 grantee of an element of the intelligence community if
12 such disclosure—

13 “(A) relates to an activity of an element of the
14 intelligence community; or

15 “(B) was discovered during contract, sub-
16 contract, or grantee services provided to an element
17 of the intelligence community.”.

18 (f) ABUSE OF AUTHORITY DEFINED.—Subsection
19 (g) of such section, as redesignated by subsection (d)(1)
20 of this section, is further amended by adding at the end
21 the following new paragraph:

22 “(6) The term ‘abuse of authority’ means the
23 following:

24 “(A) An arbitrary and capricious exercise
25 of authority that is inconsistent with the mis-

1 sion of the Department of Defense or the suc-
2 cessful performance of a Department contract
3 or grant.

4 “(B) An arbitrary and capricious exercise
5 of authority that is inconsistent with the mis-
6 sion of the National Aeronautics and Space Ad-
7 ministration or the successful performance of
8 an Administration contract or grant.”.

9 (g) ALLOWABILITY OF LEGAL FEES.—Section
10 2324(k) of such title is amended—

11 (1) in paragraph (1), by striking “commenced
12 by the United States or a State” and inserting
13 “commenced by the United States, by a State, or by
14 a contractor employee submitting a complaint under
15 section 2409 of this title”; and

16 (2) in paragraph (2)(C), by striking “the impo-
17 sition of a monetary penalty” and inserting “the im-
18 position of a monetary penalty or an order to take
19 corrective action under section 2409 of this title”.

20 (h) CONSTRUCTION.—Nothing in this section, or the
21 amendments made by this section, shall be construed to
22 provide any rights to disclose classified information not
23 otherwise provided by law.

24 (i) EFFECTIVE DATE.—

1 (1) IN GENERAL.—The amendments made by
2 this section shall take effect on the date that is 180
3 days after the date of the enactment of this Act, and
4 shall apply to—

5 (A) all contracts awarded on or after such
6 date;

7 (B) all task orders entered on or after such
8 date pursuant to contracts awarded before, on,
9 or after such date; and

10 (C) all contracts awarded before such date
11 that are modified to include a contract clause
12 providing for the applicability of such amend-
13 ments.

14 (2) REVISION OF SUPPLEMENTS TO THE FAR.—
15 Not later than 180 days after the date of the enact-
16 ment of this Act, the Department of Defense Sup-
17 plement to the Federal Acquisition Regulation and
18 the National Aeronautics and Space Administration
19 Supplement to the Federal Acquisition Regulation
20 shall each be revised to implement the requirements
21 arising under the amendments made by this section.

22 (3) INCLUSION OF CONTRACT CLAUSE IN CON-
23 TRACTS AWARDED BEFORE EFFECTIVE DATE.—At
24 the time of any major modification to a contract
25 that was awarded before the date that is 180 days

1 after the date of the enactment of this Act, the head
2 of the contracting agency shall make best efforts to
3 include in the contract a contract clause providing
4 for the applicability of the amendments made by this
5 section to the contract.

6 **SEC. 828. PILOT PROGRAM FOR ENHANCEMENT OF CON-**
7 **TRACTOR EMPLOYEE WHISTLEBLOWER PRO-**
8 **TECTIONS.**

9 (a) WHISTLEBLOWER PROTECTIONS.—

10 (1) IN GENERAL.—Chapter 47 of title 41,
11 United States Code, is amended by adding at the
12 end the following new section:

13 **“§ 4712. Pilot program for enhancement of contractor**
14 **protection from reprisal for disclosure of**
15 **certain information**

16 “(a) PROHIBITION OF REPRISALS.—

17 “(1) IN GENERAL.—An employee of a con-
18 tractor, subcontractor, or grantee may not be dis-
19 charged, demoted, or otherwise discriminated
20 against as a reprisal for disclosing to a person or
21 body described in paragraph (2) information that
22 the employee reasonably believes is evidence of gross
23 mismanagement of a Federal contract or grant, a
24 gross waste of Federal funds, an abuse of authority
25 relating to a Federal contract or grant, a substantial

1 and specific danger to public health or safety, or a
2 violation of law, rule, or regulation related to a Fed-
3 eral contract (including the competition for or nego-
4 tiation of a contract) or grant.

5 “(2) PERSONS AND BODIES COVERED.—The
6 persons and bodies described in this paragraph are
7 the persons and bodies as follows:

8 “(A) A Member of Congress or a rep-
9 resentative of a committee of Congress.

10 “(B) An Inspector General.

11 “(C) The Government Accountability Of-
12 fice.

13 “(D) A Federal employee responsible for
14 contract or grant oversight or management at
15 the relevant agency.

16 “(E) An authorized official of the Depart-
17 ment of Justice or other law enforcement agen-
18 cy.

19 “(F) A court or grand jury.

20 “(G) A management official or other em-
21 ployee of the contractor, subcontractor, or
22 grantee who has the responsibility to inves-
23 tigate, discover, or address misconduct.

24 “(3) RULES OF CONSTRUCTION.—For the pur-
25 poses of paragraph (1)—

1 “(A) an employee who initiates or provides
2 evidence of contractor, subcontractor, or grant-
3 ee misconduct in any judicial or administrative
4 proceeding relating to waste, fraud, or abuse on
5 a Federal contract or grant shall be deemed to
6 have made a disclosure covered by such para-
7 graph; and

8 “(B) a reprisal described in paragraph (1)
9 is prohibited even if it is undertaken at the re-
10 quest of an executive branch official, unless the
11 request takes the form of a non-discretionary
12 directive and is within the authority of the exec-
13 utive branch official making the request.

14 “(b) INVESTIGATION OF COMPLAINTS.—

15 “(1) SUBMISSION OF COMPLAINT.—A person
16 who believes that the person has been subjected to
17 a reprisal prohibited by subsection (a) may submit
18 a complaint to the Inspector General of the executive
19 agency involved. Unless the Inspector General deter-
20 mines that the complaint is frivolous, fails to allege
21 a violation of the prohibition in subsection (a), or
22 has previously been addressed in another Federal or
23 State judicial or administrative proceeding initiated
24 by the complainant, the Inspector General shall in-
25 vestigate the complaint and, upon completion of such

1 investigation, submit a report of the findings of the
2 investigation to the person, the contractor or grantee
3 concerned, and the head of the agency.

4 “(2) INSPECTOR GENERAL ACTION.—

5 “(A) DETERMINATION OR SUBMISSION OF
6 REPORT ON FINDINGS.—Except as provided
7 under subparagraph (B), the Inspector General
8 shall make a determination that a complaint is
9 frivolous, fails to allege a violation of the prohi-
10 bition in subsection (a), or has previously been
11 addressed in another Federal or State judicial
12 or administrative proceeding initiated by the
13 complainant or submit a report under para-
14 graph (1) within 180 days after receiving the
15 complaint.

16 “(B) EXTENSION OF TIME.—If the Inspec-
17 tor General is unable to complete an investiga-
18 tion in time to submit a report within the 180-
19 day period specified in subparagraph (A) and
20 the person submitting the complaint agrees to
21 an extension of time, the Inspector General
22 shall submit a report under paragraph (1) with-
23 in such additional period of time, up to 180
24 days, as shall be agreed upon between the In-

1 spector General and the person submitting the
2 complaint.

3 “(3) PROHIBITION ON DISCLOSURE.—The In-
4 spector General may not respond to any inquiry or
5 disclose any information from or about any person
6 alleging the reprisal, except to the extent that such
7 response or disclosure is—

8 “(A) made with the consent of the person
9 alleging the reprisal;

10 “(B) made in accordance with the provi-
11 sions of section 552a of title 5 or as required
12 by any other applicable Federal law; or

13 “(C) necessary to conduct an investigation
14 of the alleged reprisal.

15 “(4) TIME LIMITATION.—A complaint may not
16 be brought under this subsection more than three
17 years after the date on which the alleged reprisal
18 took place.

19 “(c) REMEDY AND ENFORCEMENT AUTHORITY.—

20 “(1) IN GENERAL.—Not later than 30 days
21 after receiving an Inspector General report pursuant
22 to subsection (b), the head of the executive agency
23 concerned shall determine whether there is sufficient
24 basis to conclude that the contractor or grantee con-
25 cerned has subjected the complainant to a reprisal

1 prohibited by subsection (a) and shall either issue an
2 order denying relief or shall take one or more of the
3 following actions:

4 “(A) Order the contractor or grantee to
5 take affirmative action to abate the reprisal.

6 “(B) Order the contractor or grantee to re-
7 instate the person to the position that the per-
8 son held before the reprisal, together with com-
9 pensatory damages (including back pay), em-
10 ployment benefits, and other terms and condi-
11 tions of employment that would apply to the
12 person in that position if the reprisal had not
13 been taken.

14 “(C) Order the contractor or grantee to
15 pay the complainant an amount equal to the
16 aggregate amount of all costs and expenses (in-
17 cluding attorneys’ fees and expert witnesses’
18 fees) that were reasonably incurred by the com-
19 plainant for, or in connection with, bringing the
20 complaint regarding the reprisal, as determined
21 by the head of the executive agency.

22 “(2) EXHAUSTION OF REMEDIES.—If the head
23 of an executive agency issues an order denying relief
24 under paragraph (1) or has not issued an order
25 within 210 days after the submission of a complaint

1 under subsection (b), or in the case of an extension
2 of time under paragraph (b)(2)(B), not later than
3 30 days after the expiration of the extension of time,
4 and there is no showing that such delay is due to
5 the bad faith of the complainant, the complainant
6 shall be deemed to have exhausted all administrative
7 remedies with respect to the complaint, and the com-
8 plainant may bring a de novo action at law or equity
9 against the contractor or grantee to seek compen-
10 satory damages and other relief available under this
11 section in the appropriate district court of the
12 United States, which shall have jurisdiction over
13 such an action without regard to the amount in con-
14 troversy. Such an action shall, at the request of ei-
15 ther party to the action, be tried by the court with
16 a jury. An action under this paragraph may not be
17 brought more than two years after the date on which
18 remedies are deemed to have been exhausted.

19 “(3) ADMISSIBILITY OF EVIDENCE.—An Inspec-
20 tor General determination and an agency head order
21 denying relief under paragraph (2) shall be admis-
22 sible in evidence in any de novo action at law or eq-
23 uity brought pursuant to this subsection.

24 “(4) ENFORCEMENT OF ORDERS.—Whenever a
25 person fails to comply with an order issued under

1 paragraph (1), the head of the executive agency con-
2 cerned shall file an action for enforcement of such
3 order in the United States district court for a dis-
4 trict in which the reprisal was found to have oc-
5 curred. In any action brought under this paragraph,
6 the court may grant appropriate relief, including in-
7 junctive relief, compensatory and exemplary dam-
8 ages, and attorney fees and costs. The person upon
9 whose behalf an order was issued may also file such
10 an action or join in an action filed by the head of
11 the executive agency.

12 “(5) JUDICIAL REVIEW.—Any person adversely
13 affected or aggrieved by an order issued under para-
14 graph (1) may obtain review of the order’s conform-
15 ance with this subsection, and any regulations issued
16 to carry out this section, in the United States court
17 of appeals for a circuit in which the reprisal is al-
18 leged in the order to have occurred. No petition
19 seeking such review may be filed more than 60 days
20 after issuance of the order by the head of the execu-
21 tive agency. Review shall conform to chapter 7 of
22 title 5. Filing such an appeal shall not act to stay
23 the enforcement of the order of the head of an exec-
24 utive agency, unless a stay is specifically entered by
25 the court.

1 “(6) BURDENS OF PROOF.—The legal burdens
2 of proof specified in section 1221(e) of title 5 shall
3 be controlling for the purposes of any investigation
4 conducted by an Inspector General, decision by the
5 head of an executive agency, or judicial or adminis-
6 trative proceeding to determine whether discrimina-
7 tion prohibited under this section has occurred.

8 “(7) RIGHTS AND REMEDIES NOT WAIVABLE.—
9 The rights and remedies provided for in this section
10 may not be waived by any agreement, policy, form,
11 or condition of employment.

12 “(d) NOTIFICATION OF EMPLOYEES.—The head of
13 each executive agency shall ensure that contractors, sub-
14 contractors, and grantees of the agency inform their em-
15 ployees in writing of the rights and remedies provided
16 under this section, in the predominant native language of
17 the workforce.

18 “(e) CONSTRUCTION.—Nothing in this section may
19 be construed to authorize the discharge of, demotion of,
20 or discrimination against an employee for a disclosure
21 other than a disclosure protected by subsection (a) or to
22 modify or derogate from a right or remedy otherwise avail-
23 able to the employee.

24 “(f) EXCEPTIONS.—(1) This section shall not apply
25 to any element of the intelligence community, as defined

1 in section 3(4) of the National Security Act of 1947 (50
2 U.S.C. 401a(4)).

3 “(2) This section shall not apply to any disclosure
4 made by an employee of a contractor, subcontractor, or
5 grantee of an element of the intelligence community if
6 such disclosure—

7 “(A) relates to an activity of an element of the
8 intelligence community; or

9 “(B) was discovered during contract, sub-
10 contract, or grantee services provided to an element
11 of the intelligence community.

12 “(g) DEFINITIONS.—In this section:

13 “(1) The term ‘abuse of authority’ means an
14 arbitrary and capricious exercise of authority that is
15 inconsistent with the mission of the executive agency
16 concerned or the successful performance of a con-
17 tract or grant of such agency.

18 “(2) The term ‘Inspector General’ means an In-
19 spector General appointed under the Inspector Gen-
20 eral Act of 1978 and any Inspector General that re-
21 ceives funding from, or has oversight over contracts
22 or grants awarded for or on behalf of, the executive
23 agency concerned.

24 “(h) CONSTRUCTION.—Nothing in this section, or the
25 amendments made by this section, shall be construed to

1 provide any rights to disclose classified information not
2 otherwise provided by law.

3 “(i) DURATION OF SECTION.—This section shall be
4 in effect for the four-year period beginning on the date
5 of the enactment of this section.”.

6 (2) CLERICAL AMENDMENT.—The table of sec-
7 tions at the beginning of such chapter is amended
8 by adding at the end the following new item:

“4712. Pilot program for enhancement of contractor protection from reprisal for
disclosure of certain information.”.

9 (b) EFFECTIVE DATE.—

10 (1) IN GENERAL.—The amendments made by
11 subsection (a) shall take effect on the date that is
12 180 days after the date of the enactment of this Act,
13 and shall, during the period section 4712 of title 41,
14 United States Code, as added by such subsection, is
15 in effect, apply to—

16 (A) all contracts and grants awarded on or
17 after such date;

18 (B) all task orders entered on or after such
19 date pursuant to contracts awarded before, on,
20 or after such date; and

21 (C) all contracts awarded before such date
22 that are modified to include a contract clause
23 providing for the applicability of such amend-
24 ments.

1 (2) REVISION OF FEDERAL ACQUISITION REGU-
2 LATION.—Not later than 180 days after the date of
3 the enactment of this Act, the Federal Acquisition
4 Regulation shall be revised to implement the require-
5 ments arising under the amendments made by this
6 section.

7 (3) INCLUSION OF CONTRACT CLAUSE IN CON-
8 TRACTS AWARDED BEFORE EFFECTIVE DATE.—At
9 the time of any major modification to a contract
10 that was awarded before the date that is 180 days
11 after the date of the enactment of this Act, the head
12 of the contracting agency shall make best efforts to
13 include in the contract a contract clause providing
14 for the applicability of the amendments made by this
15 section to the contract.

16 (c) SUSPENSION OF EFFECTIVENESS OF SECTION
17 4705 OF TITLE 41, UNITED STATES CODE, WHILE PILOT
18 PROGRAM IS IN EFFECT.—Section 4705 of title 41,
19 United States Code, is amended by adding at the end the
20 following new subsection:

21 “(f) FOUR-YEAR SUSPENSION OF EFFECTIVENESS
22 WHILE PILOT PROGRAM IS IN EFFECT.—While section
23 4712 of this title is in effect, this section shall not be in
24 effect.”.

1 (d) ALLOWABILITY OF LEGAL FEES.—Section 4310
2 of title 41, United States Code, is amended—

3 (1) in subsection (b), by striking “commenced
4 by the Federal Government or a State” and insert-
5 ing “commenced by the Federal Government, by a
6 State, or by a contractor or grantee employee sub-
7 mitting a complaint under section 4712 of this
8 title”; and

9 (2) in subsection (c)(3), by striking “the im-
10 position of a monetary penalty” and inserting “the im-
11 position of a monetary penalty or an order to take
12 corrective action under section 4712 of this title”.

13 (e) GOVERNMENT ACCOUNTABILITY OFFICE STUDY
14 AND REPORT.—

15 (1) STUDY.—Not later than three years after
16 the date of the enactment of this Act, the Comp-
17 troller General of the United States shall begin con-
18 ducting a study to evaluate the implementation of
19 section 4712 of title 41, United States Code, as
20 added by subsection (a).

21 (2) REPORT.—Not later than four years after
22 the date of the enactment of this Act, the Comp-
23 troller General shall submit to Congress a report on
24 the results of the study required by paragraph (1),

1 with such findings and recommendations as the
2 Comptroller General considers appropriate.

3 **SEC. 829. EXTENSION OF CONTRACTOR CONFLICT OF IN-**
4 **TEREST LIMITATIONS.**

5 (a) ASSESSMENT OF EXTENSION OF LIMITATIONS TO
6 CERTAIN ADDITIONAL FUNCTIONS AND CONTRACTS.—
7 Not later than 180 days after the date of the enactment
8 of this Act, the Secretary of Defense shall review the guid-
9 ance on personal conflicts of interest for contractor em-
10 ployees issued pursuant to section 841(a) of the Duncan
11 Hunter National Defense Authorization Act for Fiscal
12 Year 2009 (Public Law 110–417; 122 Stat. 4537) in
13 order to determine whether it would be in the best interest
14 of the Department of Defense and the taxpayers to extend
15 such guidance to personal conflicts of interest by con-
16 tractor personnel performing any of the following:

17 (1) Functions other than acquisition functions
18 that are closely associated with inherently govern-
19 mental functions (as that term is defined in section
20 2383(b)(3) of title 10, United States Code).

21 (2) Personal services contracts (as that term is
22 defined in section 2330a(g)(5) of title 10, United
23 States Code).

24 (3) Contracts for staff augmentation services
25 (as that term is defined in section 808(d)(3) of the