

## HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30305 .....	42 U.S.C. 17824.	Pub. L. 110-422, title XI, §1107, Oct. 15, 2008, 122 Stat. 4810.

In subsection (c), in the matter before paragraph (1), the date “October 15, 2008” is substituted for “the date of enactment of this Act” to reflect the date of enactment of the National Aeronautics and Space Administration Authorization Act of 2008.

**Statutory Notes and Related Subsidiaries**

## CHANGE OF NAME

Committee on Science and Technology of House of Representatives changed to Committee on Science, Space, and Technology of House of Representatives by House Resolution No. 5, One Hundred Twelfth Congress, Jan. 5, 2011.

**§ 30306. Small business contracting**

(a) PLAN.—In consultation with the Small Business Administration, the Administrator shall develop a plan to maximize the number and amount of contracts awarded to small business concerns (within the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632)) and to meet established contracting goals for such concerns.

(b) PRIORITY.—The Administrator shall establish as a priority meeting the contracting goals developed in conjunction with the Small Business Administration to maximize the amount of prime contracts, as measured in dollars, awarded in each fiscal year by the Administration to small business concerns (within the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632)).

(Pub. L. 111-314, § 3, Dec. 18, 2010, 124 Stat. 3365.)

## HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30306 .....	42 U.S.C. 16821.	Pub. L. 109-155, title VII, §707, Dec. 30, 2005, 119 Stat. 2937.

**§ 30307. Requirement for independent cost analysis**

(a) DEFINITION OF IMPLEMENTATION.—In this section, the term “implementation” means all activity in the life cycle of a project after preliminary design, independent assessment of the preliminary design, and approval to proceed into implementation, including critical design, development, certification, launch, operations, disposal of assets, and, for technology programs, development, testing, analysis, and communication of the results.

(b) REQUIREMENT.—Before any funds may be obligated for implementation of a project that is projected to cost more than \$250,000,000 in total project costs, the Administrator shall conduct and consider an independent life-cycle cost analysis of the project and shall report the results to Congress. In developing cost accounting and reporting standards for carrying out this section, the Administrator shall, to the extent practicable and consistent with other laws, solicit

the advice of experts outside of the Administration.

(Pub. L. 111-314, § 3, Dec. 18, 2010, 124 Stat. 3365.)

## HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30307 .....	42 U.S.C. 2459g.	Pub. L. 106-391, title III, §301, Oct. 30, 2000, 114 Stat. 1591; Pub. L. 109-155, title VII, §704, Dec. 30, 2005, 119 Stat. 2936.

In subsection (b), in the first sentence, the words “the Administrator shall conduct” are substituted for “the Administrator for the National Aeronautics and Space Administration shall conduct” to eliminate unnecessary words.

In subsection (b), in the last sentence, the word “experts” is substituted for “expertise” for clarity.

**Statutory Notes and Related Subsidiaries**

## COST ESTIMATION

Pub. L. 115-10, title VIII, §836, Mar. 21, 2017, 131 Stat. 69, provided that:

“(a) SENSE OF CONGRESS.—It is the sense of Congress that—

“(1) realistic cost estimating is critically important to the ultimate success of major space development projects; and

“(2) the [National Aeronautics and Space] Administration has devoted significant efforts over the past 5 years to improving its cost estimating capabilities, but it is important that the Administration continue its efforts to develop and implement guidance in establishing realistic cost estimates.

“(b) GUIDANCE AND CRITERIA.—The Administrator [of the National Aeronautics and Space Administration] shall provide to its acquisition programs and projects, in a manner consistent with the Administration’s Space Flight Program and Project Management Requirements—

“(1) guidance on when to use an Independent Cost Estimate and Independent Cost Assessment; and

“(2) criteria to use to make a determination under paragraph (1).”

**§ 30308. Cost effectiveness calculations**

(a) DEFINITIONS.—In this section:

(1) COMMERCIAL PROVIDER.—The term “commercial provider” means any person providing space transportation services or other space-related activities, the primary control of which is held by persons other than a Federal, State, local, or foreign government.

(2) STATE.—The term “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States.

(b) IN GENERAL.—Except as otherwise required by law, in calculating the cost effectiveness of the cost of the Administration engaging in an activity as compared to a commercial provider, the Administrator shall compare the cost of the Administration engaging in the activity using full cost accounting principles with the price the commercial provider will charge for such activity.

(Pub. L. 111-314, § 3, Dec. 18, 2010, 124 Stat. 3366.)

## HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30308(a) .....	(no source)	
30308(b) .....	42 U.S.C. 2459h.	Pub. L. 106-391, title III, § 304, Oct. 30, 2000, 114 Stat. 1592.

In subsection (a), definitions of “commercial provider” and “State” are added to carry forward the appropriate definitions from section 3 of the National Aeronautics and Space Administration Authorization Act of 2000 (Public Law 106-391, 114 Stat. 1579, 1580).

### § 30309. Use of abandoned and underutilized buildings, grounds, and facilities

(a) DEFINITION OF DEPRESSED COMMUNITIES.—In this section, the term “depressed communities” means rural and urban communities that are relatively depressed, in terms of age of housing, extent of poverty, growth of per capita income, extent of unemployment, job lag, or surplus labor.

(b) IN GENERAL.—In any case in which the Administrator considers the purchase, lease, or expansion of a facility to meet requirements of the Administration, the Administrator shall consider whether those requirements could be met by the use of one of the following:

(1) Abandoned or underutilized buildings, grounds, and facilities in depressed communities that can be converted to Administration usage at a reasonable cost, as determined by the Administrator.

(2) Any military installation that is closed or being closed, or any facility at such an installation.

(3) Any other facility or part of a facility that the Administrator determines to be—

(A) owned or leased by the United States for the use of another agency of the Federal Government; and

(B) considered by the head of the agency involved to be—

(i) excess to the needs of that agency; or

(ii) underutilized by that agency.

(Pub. L. 111-314, § 3, Dec. 18, 2010, 124 Stat. 3366.)

## HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30309 .....	42 U.S.C. 2473d.	Pub. L. 106-391, title III, § 325, Oct. 30, 2000, 114 Stat. 1600.

## Editorial Notes

## PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation authorization act:

Pub. L. 102-588, title II, § 220, Nov. 4, 1992, 106 Stat. 5118.

### § 30310. Exception to alternative fuel procurement requirement

Section 526(a)<sup>1</sup> of the Energy Independence and Security Act of 2007 (42 U.S.C. 17142(a)) does not prohibit the Administration from entering into a contract to purchase a generally available

<sup>1</sup> See References in Text note below.

fuel that is not an alternative or synthetic fuel or predominantly produced from a nonconventional petroleum source, if—

(1) the contract does not specifically require the contractor to provide an alternative or synthetic fuel or fuel from a nonconventional petroleum source;

(2) the purpose of the contract is not to obtain an alternative or synthetic fuel or fuel from a nonconventional petroleum source; and

(3) the contract does not provide incentives for a refinery upgrade or expansion to allow a refinery to use or increase its use of fuel from a nonconventional petroleum source.

(Pub. L. 111-314, § 3, Dec. 18, 2010, 124 Stat. 3366.)

## HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30310 .....	42 U.S.C. 17827.	Pub. L. 110-422, title XI, § 1112, Oct. 15, 2008, 122 Stat. 4811.

## Editorial Notes

## REFERENCES IN TEXT

Section 526(a) of the Energy Independence and Security Act of 2007, referred to in text, probably means section 526 of Pub. L. 110-140, which is classified to section 17142 of Title 42, The Public Health and Welfare, but does not contain subsecs.

## CHAPTER 305—MANAGEMENT AND REVIEW

Sec.

- 30501. Lessons learned and best practices.
- 30502. Whistleblower protection.
- 30503. Performance assessments.
- 30504. Assessment of science mission extensions.

## Statutory Notes and Related Subsidiaries

ASSESSMENT OF IMPEDIMENTS TO SPACE SCIENCE AND ENGINEERING WORKFORCE DEVELOPMENT FOR MINORITY AND UNDERREPRESENTED GROUPS AT NASA

Pub. L. 111-358, title II, § 203, Jan. 4, 2011, 124 Stat. 3994, provided that:

“(a) ASSESSMENT.—The Administrator [of NASA] shall enter into an arrangement for an independent assessment of any impediments to space science and engineering workforce development for minority and underrepresented groups at NASA [National Aeronautics and Space Administration], including recommendations on—

“(1) measures to address such impediments;

“(2) opportunities for augmenting the impact of space science and engineering workforce development activities and for expanding proven, effective programs; and

“(3) best practices and lessons learned, as identified through the assessment, to help maximize the effectiveness of existing and future programs to increase the participation of minority and underrepresented groups in the space science and engineering workforce at NASA.

“(b) REPORT.—A report on the assessment carried out under subsection (a) shall be transmitted to the House of Representatives Committee on Science and Technology [now Committee on Science, Space, and Technology] and the Senate Committee on Commerce, Science, and Transportation not later than 15 months after the date of enactment of this Act [Jan. 4, 2011].

“(c) IMPLEMENTATION.—To the extent practicable, the Administrator shall take all necessary steps to address any impediments identified in the assessment.”