

“(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

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
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 ex-

pansion 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

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

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)¹ 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 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

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

REFERENCES IN TEXT

Section 526(a) of the Energy Independence and Security Act of 2007, referred to in text, probably means sec-

¹ See References in Text note below.