

“(3) SUPPLIERS OF ELECTRONIC PARTS.—In revising the regulations under paragraph (1), the Administrator shall—

“(A) require NASA and covered contractors, including subcontractors, at all tiers—

“(i) to obtain electronic parts that are in production or currently available in stock from—

“(I) the original manufacturers of the parts or their authorized dealers; or

“(II) suppliers who obtain such parts exclusively from the original manufacturers of the parts or their authorized dealers; and

“(ii) to obtain electronic parts that are not in production or currently available in stock from suppliers that meet qualification requirements established under subparagraph (C);

“(B) establish documented requirements consistent with published industry standards or Government contract requirements for—

“(i) notification of the agency; and

“(ii) inspection, testing, and authentication of electronic parts that NASA or a covered contractor, including a subcontractor, obtains from any source other than a source described in subparagraph (A);

“(C) establish qualification requirements, consistent with the requirements of section 3243 of title 10, United States Code, pursuant to which NASA may identify suppliers that have appropriate policies and procedures in place to detect and avoid counterfeit electronic parts and suspect counterfeit electronic parts; and

“(D) authorize a covered contractor, including a subcontractor, to identify and use additional suppliers beyond those identified under subparagraph (C) if—

“(i) the standards and processes for identifying such suppliers comply with established industry standards;

“(ii) the covered contractor assumes responsibility for the authenticity of parts provided by such suppliers under paragraph (2); and

“(iii) the selection of such suppliers is subject to review and audit by NASA.

“(d) DEFINITIONS.—In this section:

“(1) COVERED CONTRACTOR.—The term ‘covered contractor’ means a contractor that supplies an electronic part, or a product that contains an electronic part, to NASA.

“(2) ELECTRONIC PART.—The term ‘electronic part’ means a discrete electronic component, including a microcircuit, transistor, capacitor, resistor, or diode, that is intended for use in a safety or mission critical application.”

[For definitions of terms used in section 823 of Pub. L. 115–10, set out above, see section 2 of Pub. L. 115–10, set out as a note under section 10101 of this title.]

AVOIDING ORGANIZATIONAL CONFLICTS OF INTEREST IN MAJOR ADMINISTRATION ACQUISITION PROGRAMS

Pub. L. 115–10, title VIII, §830, Mar. 21, 2017, 131 Stat. 66, provided that:

“(a) REVISED REGULATIONS REQUIRED.—Not later than 270 days after the date of enactment of this Act [Mar. 21, 2017], the Administrator [of the National Aeronautics and Space Administration] shall revise the [National Aeronautics and Space] Administration Supplement to the Federal Acquisition Regulation to provide uniform guidance and recommend revised requirements for organizational conflicts of interest by contractors in major acquisition programs in order to address the elements identified in subsection (b).

“(b) ELEMENTS.—The revised regulations under subsection (a) shall, at a minimum—

“(1) address organizational conflicts of interest that could potentially arise as a result of—

“(A) lead system integrator contracts on major acquisition programs and contracts that follow lead system integrator contracts on such programs, particularly contracts for production;

“(B) the ownership of business units performing systems engineering and technical assistance functions, professional services, or management support services in relation to major acquisition programs by contractors who simultaneously own business units competing to perform as either the prime contractor or the supplier of a major subsystem or component for such programs;

“(C) the award of major subsystem contracts by a prime contractor for a major acquisition program to business units or other affiliates of the same parent corporate entity, and particularly the award of subcontracts for software integration or the development of a proprietary software system architecture; or

“(D) the performance by, or assistance of, contractors in technical evaluations on major acquisition programs;

“(2) require the Administration to request advice on systems architecture and systems engineering matters with respect to major acquisition programs from objective sources independent of the prime contractor;

“(3) require that a contract for the performance of systems engineering and technical assistance functions for a major acquisition program contains a provision prohibiting the contractor or any affiliate of the contractor from participating as a prime contractor or a major subcontractor in the development of a system under the program; and

“(4) establish such limited exceptions to the requirement[s] in paragraphs (2) and (3) as the Administrator considers necessary to ensure that the Administration has continued access to advice on systems architecture and systems engineering matters from highly qualified contractors with domain experience and expertise, while ensuring that such advice comes from sources that are objective and unbiased.”

§ 30301. Guaranteed customer base

No amount appropriated to the Administration may be used to fund grants, contracts, or other agreements with an expected duration of more than one year, when a primary effect of the grant, contract, or agreement is to provide a guaranteed customer base for or establish an anchor tenancy in new commercial space hardware or services unless an appropriations Act specifies the new commercial space hardware or services to be developed or used, or the grant, contract, or agreement is otherwise identified in such Act.

(Pub. L. 111–314, §3, Dec. 18, 2010, 124 Stat. 3363.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
30301 .....	42 U.S.C. 2459d.	Pub. L. 102–139, title III, (1st par. under heading “Administrative Provisions”, at 105 Stat. 771), Oct. 28, 1991, 105 Stat. 771.

The words “in this or any other Act with respect to any fiscal year” are omitted as unnecessary.

§ 30302. Quality assurance personnel

(a) EXCLUSION OF ADMINISTRATION PERSONNEL.—A person providing articles to the Administration under a contract entered into after December 9, 1991, may not exclude Administration quality assurance personnel from work sites except as provided in a contract provision that has been submitted to Congress as provided in subsection (b).

(b) **CONTRACT PROVISIONS.**—The Administration shall not enter into any contract which permits the exclusion of Administration quality assurance personnel from work sites unless the Administrator has submitted a copy of the provision permitting such exclusion to Congress at least 60 days before entering into the contract. (Pub. L. 111-314, § 3, Dec. 18, 2010, 124 Stat. 3363.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30302 .....	42 U.S.C. 2459e.	Pub. L. 102-195, § 19, Dec. 9, 1991, 105 Stat. 1615.

In subsection (a), the date “December 9, 1991” 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, Fiscal Year 1992 (Public Law 102-195, 105 Stat. 1605).

In subsection (a), the words “that has been submitted to Congress as provided” are substituted for “described” for clarity.

**§ 30303. Tracking and data relay satellite services**

(a) **CONTRACTS.**—The Administration is authorized, when so provided in an appropriation Act, to enter into and to maintain a contract for tracking and data relay satellite services. Such services shall be furnished to the Administration in accordance with applicable authorization and appropriations Acts. The Government shall incur no costs under such contract prior to the furnishing of such services except that the contract may provide for the payment for contingent liability of the Government which may accrue in the event the Government should decide for its convenience to terminate the contract before the end of the period of the contract. Facilities which may be required in the performance of the contract may be constructed on Government-owned lands if there is included in the contract a provision under which the Government may acquire title to the facilities, under terms and conditions agreed upon in the contract, upon termination of the contract.

(b) **REPORTS TO CONGRESS.**—The Administrator shall in January of each year report to the Committee on Science and Technology and the Committee on Appropriations of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate the projected aggregate contingent liability of the Government under termination provisions of any contract authorized in this section through the next fiscal year. The authority of the Administration to enter into and to maintain the contract authorized hereunder shall remain in effect unless repealed by legislation enacted by Congress.

(Pub. L. 111-314, § 3, Dec. 18, 2010, 124 Stat. 3363.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30303(a) .....	42 U.S.C. 2463 (1st par.).	Pub. L. 95-76, § 6, July 30, 1977, 91 Stat. 315; Pub. L. 103-437, § 15(c)(3), Nov. 2, 1994, 108 Stat. 4592.
30303(b) .....	42 U.S.C. 2463 (last par.).	

In subsection (b), the words “Committee on Science and Technology” are substituted for “Committee on

Science, Space, and Technology” on authority of section 1(a)(10) of Public Law 104-14 (2 U.S.C. note prec. 21), Rule X(1)(n) of the Rules of the House of Representatives, adopted by House Resolution No. 5 (106th Congress, January 6, 1999), and Rule X(1)(o) of the Rules of the House of Representatives, adopted by House Resolution No. 6 (110th Congress, January 5, 2007).

In subsection (b), the word “hereafter” is omitted as unnecessary.

**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.

**§ 30304. Award of contracts to small businesses and disadvantaged individuals**

The Administrator shall annually establish a goal of at least 8 percent of the total value of prime and subcontracts awarded in support of authorized programs, including the space station by the time operational status is obtained, which funds will be made available to small business concerns or other organizations owned or controlled by socially and economically disadvantaged individuals (within the meaning of paragraphs (5) and (6) of section 8(a) of the Small Business Act (15 U.S.C. 637(a))), including Historically Black Colleges and Universities that are part B institutions (as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2))), Hispanic-serving institutions (as defined in section 502(a)(5) of that Act (20 U.S.C. 1101a(a)(5))), Tribal Colleges or Universities (as defined in section 316(b)(3) of that Act (20 U.S.C. 1059c(b)(3))), Alaska Native-serving institutions (as defined in section 317(b)(2) of that Act (20 U.S.C. 1059d(b)(2))), Native Hawaiian-serving institutions (as defined in section 317(b)(4) of that Act (20 U.S.C. 1059d(b)(4))), and minority educational institutions (as defined by the Secretary of Education pursuant to the General Education Provisions Act (20 U.S.C. 1221 et seq.)).

(Pub. L. 111-314, § 3, Dec. 18, 2010, 124 Stat. 3364.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30304 .....	42 U.S.C. 2473b (1st par.).	Pub. L. 101-144, title III, (1st par. under heading “Small and Disadvantaged Business”, at 103 Stat. 863; Nov. 9, 1989, 103 Stat. 863; Pub. L. 109-155, title VI, § 611, Dec. 30, 2005, 119 Stat. 2932.

The word “Alaska” is substituted for “Alaskan” in the phrase “Alaska Native-serving institutions (as defined in section 317(b)(2) of that Act (20 U.S.C. 1059d(b)(2)))” for consistency with the term defined in section 317(b)(2) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)(2)).

**Editorial Notes**

REFERENCES IN TEXT

The General Education Provisions Act, referred to in text, is title IV of Pub. L. 90-247, Jan. 2, 1968, 81 Stat. 814, which is classified generally to chapter 31 (§ 1221 et