



**National Aeronautics and Space Administration**

**Plan of Action to Implement the Policies and Directives of  
Executive Order 13175**

September 2023



## Introduction

The National Aeronautics and Space Administration (NASA) has developed this Plan of Action to implement Executive Order (EO) 13175, *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249), and the 2021 *Presidential Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships*, and to “ensure meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications” (Section 5(a) of EO 13175). The Plan of Action has been informed by tribal perspectives, shared with NASA during a virtual forum and listening session on January 11, 2023, and submitted in writing via a NASA website comment form, email, and mail.

NASA carries out its mission through its organizational elements: nine NASA Centers, NASA Headquarters, and the Jet Propulsion Laboratory (JPL) in Pasadena, California, operated by Caltech under a Federal research and development contract and managed by the NASA Office of JPL Management and Oversight (NOJMO).

It is unlikely that NASA regulations published in Title 14 of the Code of Federal Regulations (CFR) will have tribal government implications, as these regulations chiefly concern the conduct of the Agency in achieving its mission of space exploration and aeronautical research, rather than with any regulatory activity affecting the public, which could conflict with tribal prerogatives. Nevertheless, NASA shall institute the following procedures to ensure that should the situation arise where a proposed NASA regulation contains tribal implications, NASA will conduct the rulemaking process with sensitivity to tribal government interests.

## Process for Compliance with EO 13175

Based on the feedback received from Tribal Nations, an assessment of internal practices, and the procedures laid out in the 2022 [Uniform Standards for Tribal Consultation](#) (87 FR 74479), NASA will implement the following processes to meet the goals of Executive Order 13175 and the Presidential Memorandum. These processes do not apply to action-specific consultation with Indian tribal governments or other Native American groups or individuals regarding preservation of, or potential effects on, environmental and cultural resources; those consultations are carried out in accordance with the National Environmental Policy Act, the National Historic Preservation Act, other applicable federal regulations, and NASA policies and directives.

- **Semiannual Regulatory Agenda Review.** Pursuant to EO 12866, dated September 30, 1993, *Regulatory Planning and Review*; EO 13563, dated January 18, 2011, *Improving Regulation and Regulatory Review*; and pursuant to NASA’s internal policy directives, NASA Headquarters submits semiannually to the Office of Management and Budget (OMB) for publication in the FR an agenda of regulatory items under development or review (the NASA Semiannual Regulatory Agenda). In accordance with NASA’s 2010 [Procedures for Consulting with Indian Tribal Governments under EO 13175](#), the Agency EO 13175 Officer will continue to review each proposed regulatory item for tribal implications, in consultation with the NASA Office of the General Counsel, when such item is first proposed for the NASA Semiannual Regulatory Agenda.
- **NASA Consultation Procedures.** If NASA determines that consultation pursuant to EO 13175 is necessary, or if a Tribal government requests consultation pursuant to EO 13175, NASA will, to the extent practicable, follow the processes outlined in the 2022 [Uniform Standards for Tribal Consultation](#), Sections 5 through 7.



- **Incorporation of Consultation into Rulemaking Process.** If NASA determines that consultation pursuant to EO 13175 is necessary, or if a Tribal government requests consultation pursuant to EO 13175, NASA will coordinate internally and with OMB as necessary to revise the rulemaking schedule, to allow adequate time to consult with affected tribes and incorporate their views into the rulemaking process, and to ensure that the outcome of the consultation is documented as part of the final rule.
- **Training.** Pursuant to Section 8 of the 2022 [Uniform Standards for Tribal Consultation](#) , NASA personnel will be required to take the training developed by the Secretary of the Interior and the Director of the Office of Personnel Management, in consultation with Tribal Nations, prior to entering into consultation.

### **Agency Official to Coordinate Implementation**

As required by EO 13175 and the Presidential Memorandum, this plan designates the Agency EO 13175 Officer as the agency official with principal responsibility for the agency’s implementation of the Plan of Action.