



## **National Aeronautics and Space Administration Plan of Action for Implementing Executive Order 13175 2024**

### **Introduction**

The National Aeronautics and Space Administration (NASA) has developed this Plan of Action to implement the [Consultation and Coordination with Indian Tribal Governments, Executive Order \(EO\) 13175](#), dated November 6, 2000, and the [Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships](#), dated January 26, 2021, to ensure meaningful and timely input by Tribal officials in the development of regulatory policies that have Tribal implications as prescribed in the Order. This Plan of Action was informed by Tribal perspectives and is published on the NASA [Tribal Consultation and Coordination webpage](#).

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.

It is unlikely that the Agency's regulations codified in Titles 2, 5, 14, and 48 of the Code of Federal Regulations (CFR) will have Tribal 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 activities concerning the topics of Tribal self-government and sovereignty, Tribal trust resources, or Indian Tribal treaties and other rights, which could conflict with Tribal prerogatives. Nevertheless, NASA has instituted policies and requirements to ensure that should Tribal implications arise in its proposed or final regulations, the Agency will conduct the rulemaking process with sensitivity.

### **Process for Compliance with EO 13175**

Based on feedback received from Tribal officials, an assessment of the Agency's internal practices, and the procedures described in the [Memorandum on Uniform Standards for Tribal Consultation](#), dated November 30, 2022, NASA implemented the following processes to meet the goals of EO 13175 and the 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 as those consultations are carried out in accordance with the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq., the National Historic Preservation Act of 1966, 16 U.S.C. 470, et seq., and other applicable Federal regulations and NASA directives.

- **Semiannual Unified Agenda of Federal Regulatory and Deregulatory Actions and Annual Regulatory Plan.** Pursuant to Regulatory Planning and Review, EO 12866, dated September 30, 1993, and Improving Regulation and Regulatory Review, EO 13563, dated January 18, 2011, the Agency issued internal directives (NASA Policy Directive (NPD) 1400.2, Regulatory Management and NASA Procedural Requirements (NPR) 1400.2, Regulatory Management Procedural Requirements), to govern

its internal processes for responding to the Office of Management and Budget's (OMB) semiannual Unified Agenda and annual Regulatory Plan that is published in the Federal Register (FR) to inform the public of its regulations under development and regulatory priorities. In accordance with [NASA's 2010 Procedures for Consulting with Indian Tribal Governments under EO 13175](#), NPD 1400.2, and NPR 1400.2, the Agency's Tribal Regulatory Review Officer reviews NASA's regulations for Tribal implications, in consultation with the NASA Office of the General Counsel, when these regulations are first reported in the Unified Agenda.

- **Regulations Published in the FR and Codified in the CFR.** NASA publishes its proposed regulatory actions in the FR for a 30-day comment period. Interested persons, including Tribal governments, can submit comments in accordance with the FR's process. Additionally, NASA's codified regulations are published in the Agency's [Regulations Library](#). Interested persons, including Tribal governments, can also submit petitions requesting withdrawal or modifications of regulations and report misapplications, including Tribal implications, as described in NPR 1400.2.
- **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 [Memorandum on Uniform Standards for Tribal Consultation](#) and its internal requirements described in NPR 1400.2.
- **Incorporation of Consultation in the 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 to revise the rulemaking schedule to allow adequate time to consult with affected Tribes and incorporate their views into the rulemaking process to ensure that the outcome of the consultation is documented as part of a final rule.
- **Training.** Pursuant to the [Memorandum on Uniform Standards for Tribal Consultation](#), NASA employees will be required to take 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 any Tribal consultation(s).

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

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