

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA)

Statement of Regulatory Priorities

The National Aeronautics and Space Administration's (NASA) aim is to increase human understanding of the solar system and the universe that contains it and to improve American aeronautics ability. NASA's basic organization consists of the Headquarters, nine field Centers, the Jet Propulsion Laboratory (a federally funded research and development center), and several component installations which report to Center Directors. Responsibility for overall planning, coordination, and control of NASA programs is vested in NASA Headquarters, located in Washington, DC.

NASA continues to implement programs according to its 2022 Strategic Plan. The Agency's mission is to "explore the unknown in air and space, innovate for the benefit of humanity, and inspire the world through discovery." The 2022 Strategic Plan (available at 2022 NASA Strategic Plan) guides NASA's program activities through a framework of the following four strategic goals:

- Strategic Goal 1: Expand human knowledge through new scientific discoveries.
- Strategic Goal 2: Extend human presence deeper into space and to the Moon for sustainable long-term exploration and utilization.
- Strategic Goal 3: Catalyze economic growth and drive innovations to address national challenges.
- Strategic Goal 4: Enhance capabilities and operations to catalyze current and future mission success.

NASA's Regulatory Philosophy and Principles

The Agency's rulemaking program strives to be responsive, efficient, and transparent. NASA adheres to the general principles set forth in Executive Order 12866, Regulatory Planning and Review. NASA is a signatory to the Federal Acquisition Regulatory (FAR) Council. The FAR at 48 Code of Federal Regulations (CFR), chapter 1, contains procurement regulations that apply to NASA and other Federal agencies. Pursuant to 41 United States Code (U.S.C.), section 1302, and FAR 1.103(b), the FAR is jointly prepared, issued, and maintained by the Secretary of Defense, the Administrator of General Services, and the Administrator of NASA, under several of their statutory authorities.

NASA is also mindful of the importance of international regulatory cooperation, consistent with domestic law and the United States (U.S.) trade policy, as noted in Executive Order 13609, Promoting

International Regulatory Cooperation. NASA, along with the Departments of State, Commerce, and Defense, engage with other countries in the Wassenaar Arrangement, Nuclear Suppliers Group, Australia Group, and Missile Technology Control Regime through which the international community develops a common list of items that should be subject to export controls. NASA also has been a key participant in interagency efforts to overhaul and streamline the U.S. Munitions List and the Commerce Control List. These efforts help facilitate transfers of goods and technologies to allies and partners while helping prevent transfers to countries of national security and proliferation concerns.

NASA Priority Regulatory Actions

NASA is highlighting the priorities summarized below in this agenda.

Procedures for Implementing the National Environmental Policy Act (NEPA)

NASA is finalizing its regulations for implementing the National Environmental Policy Act of 1969 and the Council on Environmental Quality regulations. These amendments will update 14 CFR subpart 1216.3, Procedures for Implementing the NEPA, to incorporate the Agency's review of its Categorical Exclusions and streamline the NEPA process to better support NASA's evolving mission.

NASA Federal Acquisition Regulation (FAR) Supplement (NFS)

NASA is finalizing its regulations in the NFS at 48 CFR, chapter 18. These amendments will remove the Solicitation Provision and the Determination of Compensation Reasonableness to align with FAR requirements and changes made in 10 U.S.C. pursuant to a section of the William M. (Mac) Thornberry National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2021 (Pub. L. 116-283). The Agency will also issue a proposed rule to amend chapter 18 to align with changes made in the FAR that reflects an updated "commercial item" definition pursuant to a section of the John S. McCain NDAA for FY 2019 (Pub. L. 115-232)

Public Outreach and Engagement

As NASA develops regulations, we seek to increase public participation and community outreach to be better informed of and address issues from members of the public affected by our regulations. For example, our Office of Communications is currently beta testing a revised website to enhance NASA's interactions with the public. The revised site will include a "Doing Business With NASA" page; opportunities and advice on providing public comment on NASA regulations, and

information on forming partnerships with the Agency using NASA's Other Transactional Authorities, such as Space Act Agreements.

NASA uses **Federal Register** notices, website postings, press releases, and social media releases to notify the public of the dates and times for input on NASA programs. NASA offices also work to support roundtables and similar engagements so stakeholder organizations can meet with NASA leaders to discuss and share information about NASA policies and programs. Currently, the Agency sponsors 12 Federal advisory committees providing NASA the opportunity to engage with external subject matter experts on key topics of Agency interest. All advisory meetings are announced in the **Federal Register**, allowing an opportunity for the public to obtain information on committee work before it leads to recommendations for Agency consideration.

NASA engages with the public on procurement-related regulations in several ways. In addition to publishing abstracts and anticipated publication dates for upcoming rules in the biannual Unified Agenda, members of the public can track the progress of any open and pending NASA regulation upon publication of NASA Federal Acquisition Regulations (FAR) Supplement (NFS) rules in the **Federal Register** (FR).

NASA also meets with industry associations on a quarterly basis both for its own regulations and as a signatory to the FAR. Industry associations that regularly participate in these discussions include members of Council of Defense and Space Industry Associations (CODSIA). CODSIA current member associations include:

- Aerospace Industries Association
- American Council of Engineering Companies
- Associated General Contractors
- Computing Technology Industry Association Federal Procurement Council
- Information Technology Industry Council
- National Defense Industrial Association
- Professional Services Council.

During these meetings, NASA often provides information on open FAR rules which is publicly accessible in the FAR Case Status Report at

https://www.acq.osd.mil/dpap/dars/far_case_status.html, and may provide an update on companion

NFS acquisition rules. Occasionally, while NFS or FAR rules are out for public comment, NASA will hold a public meeting to allow the public to provide feedback in an open forum. Information regarding a public meeting is typically provided the rule document upon publication for comment.

NASA's Acquisition also conveys policy changes through publications the following websites:

- Procurement Class Deviations at <https://www.hq.nasa.gov/office/procurement/regs/pcd.pdf>.
- Procurement Notices (<https://www.hq.nasa.gov/office/procurement/regs/pn.pdf>).
- Procurement Information Circulars at <https://www.hq.nasa.gov/office/procurement/regs/pic.pdf>.

NASA actively engages the public through *Federal Register* publications. For example, two Requests for Information [86 FR 31735 and 88 FR 21725] were published to gather input on the obstacles and difficulties hindering involvement of individuals from underserved communities (as defined in Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, and Executive Order 14091 Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government) in NASA's procurement, grants, and cooperative agreements. Currently, public responses are being reviewed by the Agency. In the interim, NASA has taken action to increase its outreach efforts aimed at reaching underserved communities; specifically providing additional virtual training seminars and webinars to engage members of underserved communities on understanding NASA programs and on how to do business with NASA.

In addition to these program-specific efforts, NASA regularly seeks feedback from customers in the form of information collections under the Paperwork Reduction Act (PRA). The Agency maintains several generic PRA clearances allowing the Agency to rapidly engage the public.

2700-0153, Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

This collection of information allows the Agency to engage members of the public and stakeholders through quick surveys, small discussion or focus groups, and can highlight areas where communication, training, or changes in operations which could improve delivery of products or services. For example, the Artemis Student Challenges (ASC) provides foundational learning opportunities to prepare students to learn and engage in Artemis-focused challenges that align with the technological needs of the Artemis missions and/or that will provide the Artemis generation with new, authentic, high-

quality student challenge experiences. ASC provides students with the opportunity to design, build, and test technologies.

2700-0159, Generic Clearance for the NASA Office of Education Performance Measurement and Evaluation (Testing)

This collection supports NASA's Office of STEM Engagement which administers the Agency's national education activities in support of the Space Act. This collection allows the Agency to validate the forms and instruments used by educators, students and NASA interns for program application forms, customer satisfaction questionnaires, focus group protocols, and project activity survey instruments.

2700-0181, Generic Clearance for Improving Customer Experience (OMB Circular A-11, Section 280 Implementation)

This information collection is used to garner customer and stakeholder feedback in accordance with the Administration's commitment to improving customer service delivery as discussed in Section 280 of OMB Circular A-11. The Circular established government-wide standards for mature customer experience organizations in government to identify their highest-impact customer journeys and select touchpoints or transactions within those journeys to collect feedback. These results will be used to improve the delivery of Federal services and programs and will provide government-wide data on customer experience that can be displayed on performance.gov to help build transparency and accountability of Federal programs.

NASA's SBIR/STTR team is currently considering how to leverage this collection to:

- Develop a user-friendly interface for online applications to make it easier for small businesses to navigate the submission process.
- Simplify the application process to reduce administrative burden.
- Seek feedback from applicants and stakeholders to identify areas for improvement.