

November 2, 2009

LS01(KRS)

MEMORANDUM FOR RECORD

FROM: LS01/William J. Bierbower

SUBJECT: Approval for James R. Frees to Attend a Speaker's Dinner Sponsored by the North Alabama Chapter of the Federal Bar Association

Each year the North Alabama Chapter (NAC) of the Federal Bar Association (FBA) sponsors a symposium on new developments in federal acquisition law. The symposium capitalizes on the expertise from renowned private and federal sector attorneys and permits local private and federal sector attorneys and other members of the acquisition community to further develop their technical skills while earning continuing legal and acquisition education credits. This year the event is scheduled for November 4-5, 2009 at the Huntsville Marriott, Huntsville, AL.

On November 4, 2009 the NAC FBA is hosting a Speaker's Dinner at a Huntsville restaurant. Invitees include seven NAC FBA officers, fifteen symposium speakers (ten of whom are from federal agencies and five from the private sector), and chief counsels from the U. S. Army Space and Missile Defense Command, U.S. Army Aviation and Missile Command, U. S. Army Engineering and Support Center, and NASA's Marshall Space Flight Center (MSFC). Each invitee may also bring a spouse or another guest. The NCA FBA has extended an invitation to the dinner to James Frees, who is Acting Chief Counsel in the absence of the Chief Counsel. The estimated cost is \$25.00 to \$30.00 per person.

In accordance with 5 C.F.R. 2635.204(g)(3), 14 CFR 1207.103 (c)(4), and pursuant to a memorandum of delegation to the Chief Counsel dated January 11, 2000, I have determined that it is in the best interest of NASA to permit Mr. Frees to attend the dinner. Each year, the NAC FBA sponsors the Federal Acquisition Symposium and the Federal Labor Law Symposium. Attorneys from the MSFC's Office of Chief Counsel (OCC) typically attend one or both symposia. Funds for such attendance are approved by the Chief Counsel or the Acting Chief Counsel. The total cost to send attorneys to the symposia is only a small part of OCC's annual training budget. Likewise, while the NAC FBA relies on attendance fees to sponsor the symposia, it receives other sources of funding and would continue to exist as a professional organization without the attendance of MSFC attorneys at the two symposia.

Because the dinner will be attended by chief counsels from other federal agencies and legal experts in the federal procurement profession, I have determined that NASA's interest in Mr. Frees participation in the event outweighs the concern that acceptance of the dinner may improperly influence him in the performance of his official duties. Therefore, he and his wife, or another guest, may attend the dinner.

FBA is not a lobbying organization and is not registered as such under the Lobbying Disclosure Act.

A handwritten signature in black ink, appearing to read 'W. Bierbower', with a long horizontal flourish extending to the right.

William J. Bierbower
Chief Counsel