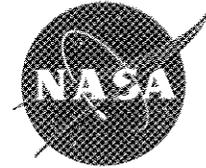


National Aeronautics and Space Administration
Headquarters
Washington, DC 20546-0001



May 26, 2011

Reply to Attn of:

General Law Practice Group

TO: Distribution

FROM: Alternate Designated Agency Ethics Official

SUBJECT: Determination Regarding Attendance by Invited NASA Officials and Employees at the Statuary Hall Memorial Day Reception

On May 30, 2011, Capital Concerts, a non-profit organization under Section 501(c)(3) of the IRS Code, will host a reception in the National Statuary Hall of the United States Capitol at about 9 pm, following the conclusion of the National Memorial Day Concert. About 400 people will attend, including members of Congress, the Joint Chiefs of Staff, civilian executive branch officials, representatives of veterans' organizations and other non-profit entities, and industry. The event will include a buffet of after-dinner fare including cookies and other desserts, mini-burgers, and non-alcoholic and alcoholic beverages. The value of refreshments consumed will vary based on individual preferences but can be estimated at \$20-\$25 per person. Invitations to attend the Statuary Hall Reception may be offered by the Public Broadcasting Service (PBS), a media organization.

I find that the Statuary Hall Reception qualifies as a widely attended gathering as defined in 5 C.F.R. § 2635.204(g)(2) for which NASA employees can accept a gift of free attendance. The event will provide NASA attendees with an opportunity to exchange views on key issues of national space policy, national security, and veterans' affairs. I further finds that because the attendance and value threshold meet the requirements of § 2635.204(g)(2), NASA employees who do not have duties substantially affecting the financial interests of Capital Concerts or PBS may accept an invitation from PBS, an organization other than the sponsor. Finally, because Capital Concerts is a 501(c)(3) non-profit and PBS is a media organization, NASA employees required to sign an ethics pledge under Executive Order 13490 may accept an invitation from those entities.

Accordingly, NASA officials and employees receiving an invitation who do not have duties substantially affecting the financial interests of Capital Concerts or PBS may attend the Statuary Hall Memorial Day Reception free of charge along with any guests who have also been invited.

Invited NASA employees whose duties substantially affect Capital Concerts or PBS, such as by way of procurement duties, should seek an individualized advice from their local ethics counselor.

A handwritten signature in black ink, appearing to read "Adam F. Greenstone".

Adam F. Greenstone