National Aeronautics and Space Administration

Kennedy Space Center
Kennedy Space Center, FL 32899

October 17, 2011

Reply to Attn of: CC-A

TO: Distribution

FROM: CC/Chief Counsel

SUBJECT: The National Space Club Florida Committee Space Ball, October 22, 2011

The National Space Club Florida Committee (NSCFC), a 501(c)(3) non-profit organization, will host the Annual Space Ball at the Radisson Resort at the Port in Cape Canaveral, Florida on Saturday, October 22, 2011. The NSCFC provides information on space activities through monthly luncheons, promotes space leadership, stimulates advancement of space applications, sponsors educational activities, and provides recognition for contributions to advancements in aerospace science, operations, research, and education.

The Space Ball will be a widely attended gathering of approximately 225 guests including congressional members and their staffers, representatives of state and local Government, members of the Economic Development Commission, industry representatives, local community and military leaders, NASA personnel and other Federal Government employees and aerospace leaders. Tickets to the dinner, valued at $75 for each attendee, are being offered to NASA KSC personnel at no cost. Although member corporations provide open seating at their tables to accommodate guests invited by NSCFC, the NSCFC is solely responsible for selecting, inviting, and seating NASA guests.

Attendance at the Space Ball will allow NASA representatives to establish an Agency presence at an event celebrating work done by the NSCFC to stimulate young people in the aerospace science and research careers. Attendance will also allow NASA personnel an opportunity to discuss matters of interest with a diverse group of other guests. Through attendance, employees will be able to disseminate information on NASA's ongoing activities and to demonstrate support for the contributions of the American space industry.

Accordingly, NASA employees whose duties do not substantially affect NSCFC or a majority of all of its members, including NASA employees in non-career positions who are required to sign the ethics pledge under the Executive Order 13490, may accept an invitation for free attendance to the event. Additionally, since others in attendance will generally be accompanied by a spouse or other guest, the employee may also accept free attendance for their invited spouse or guest (5 C.F.R. § 2635.204(g)(6)) to the extent that tickets are available to accommodate the guest.

There is a fundraising aspect to the event, a silent auction. As a reminder, Federal employees should avoid participating in any of the fundraising activities, including any promotional, production, or presentation activities. Employees should also avoid making any requests for support for any nonprofit organization.

Note that some NASA contractors may be providing sponsorship for this event and purchasing tables at which NSCFC may seat other attendees. To avoid the appearance of a conflict of interest, NASA employees who attend the dinner should ensure that they do not sit at a table sponsored by a contractor with which they are closely and currently involved or expect to be involved within the next few months, (e.g. by way of source selection or contract administration duties). NASA employees whose duties may substantially affect NSCFC such as by way of procurement duties, should seek an individual determination pursuant to 5 C.F.R. § 2635.205(g)(3)(i) regarding participation in this event from their local ethics counselor.

I find that the Space Ball meets the requirements of a "widely attended gathering" as defined in 5 C.F.R. § 2635.204(g). Consequently, I conclude that NASA's interest in its employees and a guest attending this event outweighs any concern that such free attendance may, or may appear to, improperly influence any NASA personnel in the performance of their official duties.

Jerald D. Stubbs
Agency Designee

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