

National Aeronautics and Space Administration

Headquarters

Washington, DC 20546-0001



September 19, 2012

General Law Practice Group

Reply to Attn of:

TO: Distribution

FROM: Alternate Designated Agency Ethics Official

SUBJECT: Determination Regarding Attendance by NASA employees at a Breakfast, Luncheon and Reception Hosted by the House and Senate Aerospace Caucuses and Cosponsored by the Aerospace Industries Association (AIA) on September 19, 2012

On September 19, 2012, the House and Senate Aerospace Caucuses will host a breakfast in the Dirksen Senate Office Building in Washington, D.C., from 9:30 a.m. to 10:30 a.m.; and the luncheon will be held at the Library of Congress, in the Member's Room of the Jefferson Building, from 11:30 a.m. to 1 p.m. Both events are cosponsored by the Aerospace Industries Association (AIA), an organization under 501(c)(6) of the Internal Revenue Code. Additionally, AIA will host a reception at the Library of Congress, in Madison Hall, of the James Madison Building, from 6 p.m. to 8 p.m.

The House and Senate Aerospace Caucuses are bipartisan organizations, which serve as a forum for industry briefings to Members of Congress and staff on major issues that impact growth and innovation in the Nation's space, civil aviation, and defense sectors. The purpose of the reception is to present the Wings of Liberty award and recognize members of congress who have made significant contributions to the aerospace industry. Approximately 600 people have been invited to attend, including NASA personnel, Members of Congress and their staff, DoD, the media, and the public. The estimated cost of the reception, including all food and beverages, is \$75 per person.

I find that the event meets the requirements of a "widely attended gathering" as defined in 5 C.F.R. § 2635.204(g)(2). I further determine that there is an Agency interest in having NASA personnel attend the event because it will further Agency programs or operations. Attendance at the event will allow NASA attendees to exchange information regarding various NASA programs.

Accordingly, NASA employees who have been invited to attend may accept free attendance at the event. However, NASA employees whose duties substantially affect the sponsors, such as by way of procurement duties, should seek an individual determination pursuant to 5 C.F.R. § 2635.204(g)(3)(i) regarding participation in this event from their local ethics counselor.

Moreover, NASA employees who are in non-career positions who are required to sign the ethics pledge under Executive Order 13490 requires signing an ethics pledge may only attend if they reimburse the sponsors the cost of the event for themselves and any accompanying guest.

Sometimes sponsors at an event may also provide small gift items. Attendees are reminded of the \$20 gift exception at 5 C.F.R. §2635.204(a) which provides that employees may accept gifts valued at no more than \$20 per occasion and no more than \$50 from one source in a calendar year. Other than for presentation items with little intrinsic value and no additional function, such as pins or patches with mission emblems, NASA invitees must reimburse the sponsor for full value of any gift items exceeding these caps distributed by the sponsors. Moreover, non-career NASA employees subject to the ethics pledge should reimburse sponsors, which are lobbying organizations for purposes of the ethics pledge, the full value of any such gift items accepted even if these monetary caps are not exceeded.

We understand that AIA will be distributing a clock valued at \$8. Career NASA employees attending may accept the gift so long as they will not have received more that \$50 in gifts from AIA during this calendar year.

A handwritten signature in blue ink, appearing to read 'Adam F. Greenstone', is written over the printed name below.

Adam F. Greenstone