National Aeronautics and Space Administration

**Headquarters**
Washington, DC 20546-0001

September 28, 2016 (Revised)

Reply to Attn of: General Law Practice Group

TO: Distribution

FROM: Alternate Designated Agency Ethics Official

SUBJECT: Determination Regarding Attendance by NASA Employees at OA-5 Commercial Resupply Service Mission Launch Events hosted by Orbital ATK on or about October 9, 2016

On launch day, currently anticipated to be on or about October 9, 2016, Orbital ATK (Orbital) is scheduled to launch the OA-5 Commercial Resupply Service (CRS) Mission on an Antares launch vehicle from NASA's Wallops Flight Facility at Wallops Island, Virginia. The events include an evening reception at Jackspot Restaurant, Chincoteague, Virginia, from 7:00 p.m. to 9:00 p.m. the evening before the launch, snacks and a beverage prior to boarding the bus to Wallops Flight Facility, a boxed lunch, and dessert and beverages at Wallops Flight Facility, Building U-40, after viewing the launch.

Approximately 800 guests have been invited to attend. Invitees include members of Congress, Congressional staff, NASA personnel, state and local government officials, industry representatives, academia, and personnel from other Federal agencies. The value of the events, which include all food, refreshments, and on-location transit immediately incident to the viewing location, will be approximately $51.00 per person ($37.00 for the evening reception, $7.00 for the prelaunch snacks, and $7.00 for the dessert and beverages at Building U-40 at Wallops Island post-launch). I find that these events meet the requirements of a "widely attended gathering" as defined in 5 C.F.R. § 2635.204(g)(2).

I further determine that free attendance at the above mentioned events are in the interest of the agency because it will further agency programs and operations. Attendance at these events will allow NASA attendees to exchange information regarding various NASA programs. Accordingly, NASA employees (subject to the exceptions noted below) who have been invited to attend may accept free attendance to these events. They may also accept invitations for accompanying spouses or guests.

*However, NASA employees whose duties may substantially affect an event sponsor, such as by way of contracting duties, should seek an individual determination pursuant to 5 C.F.R. § 2635.204(g)(3)(i), regarding participation in these events from their local ethics counselor. Moreover, NASA employees who are in non-career positions in which Executive Order 13490 requires signing an ethics pledge may only attend the evening reception or accept the*

*cake and wine toast if they reimburse the sponsor the value of the events and any gift items accepted for themselves and any accompanying guest. All NASA employees and their accompanying guests may accept the pre-launch snacks and beverages at the Guest Information Center and the launch viewing site.*

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). We understand that Orbital ATK will be distributing a mission patch ($1.50) and decal ($.85), a Cygnus swan plush ($7.15), an Orbital ATK bag ($2.45), and an Antares hat ($7.59), the total value of which is $19.54. NASA employees in non-career positions who have signed the ethics pledge may accept the gifts if they reimburse the sponsor.*

Adam F. Greenstone