

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



September 16, 2014

Reply to Attn of:

General Law Practice Group

TO: Distribution

FROM: Alternate Designated Agency Ethics Official

SUBJECT: Determination Regarding Attendance by NASA Employees at the Boys & Girls Clubs of America Congressional Breakfast on September 17, 2014

On September 17, 2014, the Boys & Girls Clubs of America, a nonprofit organization under 501(c)(3) of the Internal Revenue Code, and Tupperware Brands, will host a breakfast at the Dirksen Senate Office Building, Room 106, in Washington, D.C. from 8:00 a.m. to 9:30 a.m. The event is to honor the 2014 Regional Finalists of the National Youth of the Year Program and to name the 2014 National Youth of the Year. This teen will serve as the Boys & Girls Clubs of America's teen spokesperson for the next 12 months.

Approximately 250 guests have been invited to attend. Invitees include members of Congress, congressional staff, NASA personnel, members of the Administration, major corporate donors and family foundations, Boys & Girls Clubs of America's national spokespeople and Boys & Girls Clubs of America's staff leadership. The value of the event, which include all food and refreshments, will be approximately \$16.00 per person. I find that this event meets 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 event is 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 NASA's plans and programs. Accordingly, NASA employees (subject to the exceptions noted below) who have been invited to attend may accept free attendance to this event.

*However, NASA employees whose duties may substantially affect the event sponsors, 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 to*

*attend under the widely attended gathering exception.<sup>1</sup> Moreover, NASA employees who are in non-career positions in which Executive Order 13490 requires signing an ethics pledge may only attend if they reimburse the sponsor the value of the event and any gift items accepted for themselves.*

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 the Boys & Girls Clubs of America will be distributing a goody bag with a total value of \$100. Accordingly, attendees should decline the goody bag or reimburse the Boys & Girls Clubs of America \$100 for its contents.



Adam F. Greenstone

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<sup>1</sup> NASA employees other than non-career employees subject to the ethics pledge of Executive Order 13490 whose duties may substantially affect an event host may also attend the event, under the \$20 gift exception (5 C.F.R. § 2635.204(a)) without reimbursing the organizers if they do not accept gifts worth a total of more than \$20, or worth more than \$50 from the sponsor during the calendar year under the \$20 exception. This would, for example, be the case if an employee only accepted the food and beverages, but did not accept the “goody bag.” Those individuals are, however, reminded: 1) that it is never inappropriate and frequently prudent to reimburse a contractor host for the value of attending even if reimbursement is not required, 2) to ensure that their attendance does not generate any appearance of impropriety, such as appearance of preference or endorsement, and 3) they may contact a local NASA ethics official for advice.