National Aeronautics and Space Administration

Headquarters
Washington, DC 20546-0001

October 9, 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 Antares Orb-3 Launch Events hosted by Orbital Sciences Corporation on or around October 24, 2014

On launch day, currently anticipated to be on or around October 24, 2014, Orbital Sciences Corporation (Orbital) is scheduled to launch the Orb-3 Commercial Resupply Service (CRS) Mission on an Antares launch vehicle from NASA's Wallops Flight Facility at Wallops Island, Virginia. The events include a reception at Jackspot Restaurant in Chincoteague, Virginia, from 6:30 p.m. to 9:00 p.m. the evening before the launch, snacks and beverages in the Guest Information Center at the Chincoteague Community Center, Chincoteague, Virginia, on launch day prior to boarding the bus to Wallops Flight Facility, and a boxed sandwich, snacks and beverages at Wallops Flight Facility, Building U-40, at the viewing site of the launch.

Approximately 1,200 guests have been invited to attend. Invitees include members of Congress, congressional staff, NASA personnel, state and local government officials, representatives from industry and academia, and personnel from other Federal agencies. The value of the events, which include all food and refreshments, will be approximately $58.00 per person ($37.00 for the evening reception, $4.00 for the morning snacks, and $17.00 for the launch day boxed sandwich, snacks and beverages at Building U-40 at Wallops Island). 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 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 these events. They may also accept invitations for accompanying spouses or guests.

However, NASA employees whose duties may substantially affect the 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 to

attend under the widely attended gathering exception.[1] *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 events and any gift items accepted for themselves and an accompanying guest.*

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 will be distributing a mission patch, decal, a swan plush, and a beach towel, the total value of which is $20.*

Adam F. Greenstone

[1] 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 a portion of Orbital's Launch events, under the $20 gift exception (5 C.F.R. § 2635.204(a)) without reimbursing the organizers if they (and any accompanying guest) do not accept refreshments and 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 a moderate amount of launch day snacks served at Building U-40. 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.