National Aeronautics and Space Administration

Headquarters
Washington, DC 20546-0001

May 13, 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-2 Launch Events hosted by Orbital Sciences Corporation on or around June 10, 2014

On launch day, currently anticipated to be on or around June 10, 2014, Orbital Sciences Corporation (Orbital) is scheduled to launch the Orb-2 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 Fairfield Inn, 3913 Main Street, Chincoteague, Virginia 23336, from 6:00 p.m. to 8:30 p.m. the evening before the launch, snacks and beverages in the Guest Information Center at the Chincoteague Community Center, 6155 Community Drive, Chincoteague, Virginia, on launch day prior to boarding the bus to Wallops Flight Facility, and snacks and beverages at Wallops Flight Facility, Building U-40, after viewing the launch.

Approximately 1,400 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 $49.00 per person ($39.00 for the welcome snacks and evening reception, $10.00 for the launch day snacks 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 if they reimburse the sponsor the value of the events and any gift items accepted for themselves and any 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, magnet, and decal, a swan plush, and a beach towel, the total value is $20.*

Adam F. Greenstone