

Headquarters

Washington, DC 20546-0001



September 13, 2013

Reply to Attn of:

General Law Practice Group

TO: Distribution

FROM: Alternate Designated Agency Ethics Official

**SUBJECT: Determination Regarding Attendance by NASA Employees at an Orbital
Sciences Corporation Reception and Launch Viewing September 16 & 17, 2013**

On September 16, Orbital Sciences Corporation (Orbital) will host an evening reception from 6:00 p.m. to 8:30 p.m. for guests who have arrived at Wallops for the Commercial Orbital Transportation Services (COTS) Demonstration Mission on an Antares launch vehicle. The venue will be AJ's on the Creek Restaurant in Chincoteague, Virginia. The cost of food and drinks will be approximately \$32.00. On launch day, currently anticipated to be on September 17, 2013, Orbital will host a launch viewing along with NASA at U-40, Wallops Island, and the Chincoteague Community Center. Snacks and beverages will cost approximately \$10.00 per person. The total cost for the two days will be \$42.00. Transportation to the launch viewing site will be provided by NASA.

Approximately 1700 people are on the guest invitation list, including members of Congress, Congressional staff, NASA personnel, state and local officials, academia, U.S. and international industry representatives, as well as personnel from other federal agencies involved in space launch activities. All guests are invited to attend any or all events. 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 free attendance at the above mentioned event is in the interest of the Agency because it will further Agency programs and operations. Attendance at this event 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 at the event. They may also accept invitations for accompanying spouses or guests. 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 sponsors the value of the event for themselves and any accompanying guest.

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 this event from their local ethics counselor.

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 the full value of any gift items exceeding these caps. However, non-career NASA employees subject to the ethics pledge restrictions must reimburse Orbital, which is a lobbying organization, the full value of any such gift items accepted even if these caps are not exceeded.

Kathleen T. Spear

for Adam F. Greenstone