

National Aeronautics and Space Administration

**Headquarters**

Washington, DC 20546-0001



December 1, 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 Orion Launch Events hosted by Lockheed Martin and others on or around December 2 and 4, 2014

Representatives from NASA have been invited to attend a series of events in conjunction with the Lockheed Martin launch of the Orion module of Exploration Flight Test 1 (EFT-1) on a Delta IV Rocket at the Kennedy Space Center, Florida. Lockheed Martin Corp., together with Alliant Techsystems, Inc. (ATK), Aerojet Rocketdyne, Honeywell International Inc., Bay Area Houston Economic Partnership, A2Research, Huntsville/Madison County Chamber of Commerce, Delaware North Parks and Resorts at KSC Inc., Jacobs Engineering Group Inc., Vencore Inc., Stinger Ghafarian Technologies (SGT), and Abacus Technology Corp. will host a series of events as follows:

1. Reception on December 2, 2014: Lockheed Martin, ATK, Aerojet, Honeywell, and Bay Area Houston Economic Partnership will host a reception at the Hilton Ballroom in Cocoa Beach, Florida, from 5:00 p.m. to 7:00 p.m. Approximately 5,000 people are expected to attend, to include members of Congress, representatives of other Federal agencies, aerospace industry partners, state governmental units, and exhibiting organizations. The reception will include food and beverages valued at approximately \$20 per person.
2. Reception on December 2, 2014: A2Research will host a reception at the Doubletree Cocoa Beach Oceanfront in Cocoa Beach, Florida at 6:00 p.m. Approximately 500 people are expected to attend, to include Congressional delegates, industry partners, and representatives from other Federal agencies. The reception will include food and beverages valued at approximately \$10 per person.
3. Reception on December 2, 2014: Huntsville/Madison County Chamber of Commerce will host a reception at the Doubletree Hotel in Cocoa Beach, Florida at 6:00 p.m. Approximately 200 people are expected to attend, to include state and local government officials, personnel from academia, representatives from local business and industry, and members of the Chamber. The reception will include food and beverages valued at approximately \$15 per person.

4. Reception on December 2, 2014: Jacobs will host a reception at the Cocoa Beach Hilton Pool Deck and Atlantis Grill in Cocoa Beach, Florida from 8:00 p.m. to 11:00 p.m. Approximately 350 people are expected to attend, to include Congressional members, state and local government officials, representatives from industry, and personnel from the hosting corporation. The reception will include food and beverages valued at approximately \$20 per person.
5. Reception on December 2, 2014: Vencore, SGT, and Abacus will host a reception at the Millikens Restaurant in Cape Canaveral, Florida from 6:00 p.m. to 9:00 p.m. Approximately 400 people are expected to attend, to include other Federal agencies and industry representatives. The reception will include food and beverages valued at approximately \$20 per person.
6. Breakfast on December 4, 2014: Delaware North Parks and Resorts will host a breakfast at the Operations Support Building II at Kennedy Space Center, Florida from 4:30 a.m. to 9:00 a.m. Approximately 360-400 people are expected to attend, to include members of Congress and Congressional staff and representatives from state and local government, other Federal agencies, industry partners, academia, heads of space agencies, and members of the public. The breakfast will include food and beverages valued at approximately \$14 per person.
7. Reception on December 4, 2014: Lockheed Martin, ATK, Aerojet, Honeywell, and Bay Area Houston Economic Partnership will host a reception at the Hilton Ballroom in Cocoa Beach, Florida, from 10:00 a.m. to 2:00 p.m. Approximately 5,000 people are expected to attend, to include members of Congress, representatives of other Federal agencies, aerospace industry partners, state governmental units, and exhibiting organizations. The reception will include food and beverages valued at approximately \$20 per person.
8. Viewing Event on December 4, 2014: Lockheed Martin will host a viewing event at the Lockheed Martin Global Vision Center in Arlington, Virginia, from 6:45 a.m. to 2:14 p.m. Approximately 250 people are expected to attend, to include members of Congress and Congressional staff, personnel from the Executive Branch, academia, STEM organizations and schools, and representatives from industry and professional societies. The event will include food and beverages valued at approximately \$15 per person.

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 there is an agency interest in having NASA employees attend the events, as they will have the opportunity to 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.

Moreover, NASA employees who are in non-career positions for which they are required to sign an ethics pledge under Executive Order 13490 may only attend the receptions (including the viewing event) sponsored by Lockheed Martin on December 2 and 4, 2014; the reception sponsored by Jacobs and the reception sponsored by Vencore, SGT, and Abacus both on December 2, 2014 if they reimburse the sponsors for the cost of the refreshments consumed for themselves and any invited guests. They may attend, however, the reception sponsored by A2Research and the reception sponsored by Huntsville/Madison County Chamber of Commerce on December 2, 2014, and the breakfast sponsored by Delaware North Parks and Recreation on December 4, 2014 for free.

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 Lockheed Martin will be distributing a reusable bag, the total value of which is \$1.50; Vencore will be distributing light-up ice cubes, the total value of which is \$2.00.

*Kathleen T. Spear*

*for*

Adam F. Greenstone