National Aeronautics and Space Administration

Headquarters
Washington, DC 20546-0001

April 11, 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 Commercial Resupply Service Launch Events hosted by SpaceX on or around April 14, 2014

On launch day, currently anticipated to be on or around April 14, 2014, SpaceX is scheduled to launch the Commercial Resupply Service (CRS3) Mission from NASA's Kennedy Space Center (KSC). In conjunction with the launch, SpaceX will be hosting a launch reception at the Operations Support Building II (OSB II), KSC, from 2:30 p.m. to 5:30 p.m., and a post-launch reception at Milliken's Reef, Cape Canaveral, Florida, from 6:30 p.m. to 10:30 p.m. on April 14.

Approximately 500 guests have been invited to attend. Invitees include representatives of the U.S. legislative branch, state and local government organizations, industry, academia, and personnel from other Federal agencies. The value of the events, which include all food, refreshments, and on-location (within KSC) transit, will be approximately $60.00 per person ($30.00 for the OSBII launch reception, and $30.00 for the post-launch Milliken's Reef reception). 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 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. 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 SpaceX will be distributing a custom journal ($7) and a mission patch ($2) with a total value under $20.*

Adam F. Greenstone