

National Aeronautics and Space Administration



Headquarters
Washington, DC 20546-0001

December 18, 2019

Reply to Attn of: General Law Practice Group

TO: Distribution

FROM: Alternate Designated Agency Ethics Official

SUBJECT: Determination Regarding Attendance by NASA Employees at Boeing Orbital Flight Test Launch Events on or about December 20, 2019

The Boeing Company is scheduled to launch an Orbital Flight Test (OFT), the first orbital mission of the CST-100 Starliner crew capsule from Kennedy Space Center, Florida currently scheduled for December 20, 2019. The events include an evening pre-launch reception at the Apollo Visitor Center in Banana Creek, Florida, from 6:00 p.m. to 8:00 p.m. the day before launch, and a post-launch breakfast reception at the Kennedy Space Center Launch Gantry from 8:00 a.m. to 10:00 a.m. Dates and times may change due to launch decisions.

Approximately 250 guests have been invited to attend both events. Invitees include representatives from state and local government, U.S. industry, news media, the U.S. legislative branch, and the U.S. executive branch. The value of the events, which includes all food and refreshments, and for the post-launch reception on-location transit within Kennedy Space Center to access the transit restricted event location will be approximately \$70 for the pre-launch reception, and \$52 for the post-launch 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).

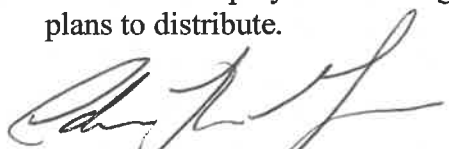
I further determine that free attendance at the above mentioned events are in the interest of the Agency because they will further Agency programs and operations. Attendance at these events will allow NASA attendees to exchange information regarding various NASA programs, and to learn perspectives from different communities on NASA's plans and activities. Accordingly, NASA employees (subject to the exceptions noted below) who have been invited to attend may accept free attendance for themselves and a guest to the events. I find that the Agency's interest in attendance outweighs any concern that the individual may be, or may appear to be, improperly influenced in the performance of their duties.

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), from their local ethics counselor. Moreover, NASA employees who are

in non-career positions in which Executive Order 13770 requires signing an ethics pledge may only attend the events if they reimburse the sponsor the value of the event(s) they attend, and any gift items accepted for themselves and their guest.¹

Attendees other than non-career NASA employees subject to the ethics pledge of Executive Order 13770 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). Boeing also plans to distribute a Tervis Cup worth \$16.50 and a tote bag worth \$11. Further, Boeing may offer bus transportation to and from local hotels for the pre-launch reception estimated to be worth, per round trip, \$10, and for the post-launch reception \$14. NASA employees who are not subject to the ethics pledge (and who will remain in compliance with the \$50 limit to the \$20 rule) may accept one of these offerings for the employee and his/her guest in total—the Tervis Cup, tote bag, or round trip bus transportation for one event—without reimbursing Boeing, and should reimburse for the other(s) of such offerings received by the employee and guest. NASA employees in non-career positions who have signed the ethics pledge must reimburse Boeing for any of these offerings they choose to accept.

All NASA employees attending may accept the gift of an OFT commemorative coin Boeing plans to distribute.



Adam F. Greenstone

¹ A NASA employee in a non-career position subject to the Ethics Pledge of Executive Order 13770 who delivers a scheduled presentation, or is determined by NASA to be necessary to accompanying a presenting employee, at either event may accept free attendance to that event pursuant to 5 C.F.R. § 2635.203(b)(8)(i).