

National Aeronautics and Space Administration

Headquarters
Washington, DC 20546-0001



February 7, 2020

Reply to Attn of: General Law Practice Group

TO: Distribution

FROM: Agency Counsel for Ethics

SUBJECT: Determination Regarding Attendance by NASA Employees at the SLS-Orion-EGS Suppliers Conference & Reception February 12, 2020

On February 12, 2020, the Aerojet Rocketdyne, Boeing, Jacobs, Lockheed Martin, and Northrop Grumman companies will host the SLS-Orion-EGS Suppliers Conference at the Washington Court Hotel in Washington, DC. The program will include breakfast at 7:15 a.m., a coffee break from 10:00-10:15 a.m. and a lunch from 11:25-12:25 p.m. The cost of the meals and coffee breaks is \$43 per person. The purpose of the event is to educate attendees on the progress of the Nation's deep space exploration program, specifically the Space Launch System, Orion, and Exploration Ground Systems. Approximately 300 people are expected to attend this event. Attendees will have a diversity of views or interests and will include personnel from other federal agencies, representatives from the legislative and executive branches of government, academia, industry, and scientific organizations. Attendance at this event will allow NASA attendees to exchange information regarding various NASA programs with the attendees from other organizations. Although other commercial entities are providing financial support for the event, the five listed sponsors are in control of the planning, organizing, and invitations for the event.

On the evening of February 12, 2020, the Aerojet Rocketdyne, Boeing, Jacobs, Lockheed Martin, and Northrop Grumman companies will host a reception that will be held in the Senate Hart Building, Washington, DC, from 5:30 p.m. – 7:30 p.m. Approximately 300 people are expected to attend the reception. Attendees will have a diversity of views or interests and will include personnel from other federal agencies, representatives from the legislative and executive branches of government, academia, industry, and scientific organizations. The estimated value including all food and beverages for the reception is approximately \$43 per person. Attendance at this event will allow NASA attendees to exchange information regarding various NASA programs. As with the conference, the

five listed sponsors are in control of the planning, organizing, and invitations for the reception.

I find that this event meets the requirements of a "widely attended gathering" as defined at 5 C.F.R. § 2635.204(g)(2). I further determine that there is an Agency interest in having NASA personnel attend this event because it will provide an opportunity for the invited persons to exchange ideas and views pertaining to NASA's policies, programs, and operations. Accordingly, NASA employees who do not have a significant role in a matter affecting the interests of Aerojet Rocketdyne, Boeing, Jacobs, Lockheed Martin, and Northrup Grumman, may accept an invitation for themselves and a spouse or guest for free attendance to the event. In those circumstances, 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 in non-career positions who are required to sign the ethics pledge under Executive order 13770 may only attend the conference, lunch, and reception if they reimburse the organizers the fair market value of the event. Additionally, NASA employees who have a significant role in any pending matter affecting the interests of any of the organizers, such as procurement duties, program management, or negotiating or administering a Space Act Agreement, should seek a separate determination from their local ethics counselor as to whether they may accept the invitation for this event.

Attendees are also reminded of the \$20 gift exception at 5 C.F.R. § 2635.204(a), at 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).

Kathleen T. Apean

for Adam F. Greenstone