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Washington, DC 20546-0001

June 30, 2021

MEMORANDUM FOR THE HONORABLE PAMELA A. MELROY

FROM: Sumara M. Thompson-King, National Aeronautics and Space Administration

SUBJECT: Limited Waiver of Executive Order 13989 for
the Honorable Pamela A. Melroy

Pursuant to Section 3 of Executive Order 13989 (January 20, 2021) (“Executive Order”), and for the reasons stated below, I hereby grant a limited waiver of the requirements of Paragraph 2 of the Executive Order titled “Executive Order on Ethics Commitments by Executive Branch Personnel” (January 20, 2021). I have determined this waiver is necessary and it is in the public interest to grant this waiver to enable Pamela A. Melroy to effectively carry out her duties as the Deputy Administrator of the National Aeronautics and Space Administration (NASA). This waiver will allow Ms. Melroy to participate in certain matters at the policy and program level involving the Aerospace Corporation (“Aerospace”), a non-profit federally funded research and development center (FFRDC) which provides objective technical analyses and assessments for space programs serving the national interest, including the Artemis program; the Johns Hopkins University Applied Physics Laboratory (“APL”), the nation’s largest university affiliated research center which has served as the prime contractor for major NASA robotic missions including the New Horizon’s mission to Pluto and the Parker Solar Probe, and supports NASA’s lunar surface innovation initiative; and Lockheed Martin Corporation (“Lockheed”), the prime contractor for the Orion spacecraft, part of the Artemis program.

Background

Through the Artemis program, NASA aims to land the first woman and first person of color on the Moon using innovative technologies to explore more of the lunar surface than ever before. NASA’s collaboration with the U.S.’s commercial and international partners is intended to establish sustainable exploration by the end of the decade with the audacious goal of aiming lessons learned at the next giant leap – sending astronauts to Mars. The Orion spacecraft, a crew vehicle built to carry four astronauts to lunar orbit, where astronauts will transfer to a human landing system to reach the lunar surface, is an integral part the Artemis program.

As NASA focuses on the Artemis program over the next several years, Ms. Melroy’s depth of experience with aviation, human spaceflight and exploration will be invaluable.

Ms. Melroy has logged more than 6,000 hours of flight time in more than 50 different aircraft. She is a veteran of Operation Just Cause and Operation Desert Shield/Desert Storm, and has served as a co-pilot, aircraft commander, instructor pilot and test pilot for the U.S. Air Force.

Ms. Melroy was selected as an astronaut candidate in 1995 and flew on three NASA space missions, logging over 924 hours in space. She piloted the Orbiter Discovery in October 2000 to configure a critical adapter for the International Space Station (“ISS”). In 2002, Ms. Melroy piloted the Orbiter Atlantis to install another critical component for ISS. For her third and final space mission in 2007, Ms. Melroy served as mission commander for the Orbiter Discovery, delivering key elements to ISS in order to allow for its expansion. She is the second and final woman to command a space shuttle mission.

Following the Orbiter Columbia’s break up and the loss of its crew during reentry on February 1, 2003, Ms. Melroy was designated the Lead for Crew Module Reconstruction during the mishap investigation. After the mishap investigation report was completed, Ms. Melroy was assigned as the Deputy Project Manager, Columbia Crew Survival Investigation. Her efforts supported the first-ever publicly available spacecraft mishap crew survival report. The investigation’s findings supported the development of human spaceflight safety protocols.

Ms. Melroy retired with the rank of Colonel from the U.S. Air Force in 2007. Before departing NASA in 2009, she served as the Orion Branch Chief in the NASA Astronaut Office at Johnson Space Center, where she led 18 astronauts and engineers through Preliminary Design Review of Orion.

In 2009, Ms. Melroy joined Lockheed Martin as a Deputy Program Manager working design and systems for the human spaceflight aspects of Orion. In 2011, she returned to Federal service with the Federal Aviation Administration as Director of Field Operations and acting Deputy Associate Administrator for Commercial Space Transportation. In 2013, she joined the Defense Advanced Research Projects Agency (“DARPA”) as Deputy Director, Tactical Technology Office. Ms. Melroy left DARPA in February 2017.

Since 2017, Ms. Melroy has served as an independent consultant for the space community while also serving the federal government through her 2018 appointment to the Users’ Advisory Group (“UAG”) of the National Space Council, and Chair of the UAG’s Technology and Innovation subcommittee.

Between March 2018 to the present, Ms. Melroy also provided a total of 31 hours of consulting services to APL, 15 of which were delivered during the 2019 calendar year. Her role focused on APL’s Independent Research and Development projects in support of technology. None of Ms. Melroy’s consulting services to APL involved work to support NASA.

In December 2019, Ms. Melroy was elected to the Board of Trustees for Aerospace, a nonprofit corporation. Less than ten percent of the Board’s business involved NASA. Upon confirmation, she will resign from the Aerospace Board.

In January 2018, Ms. Melroy accepted a position with the Lockheed Martin Technology Advisory Group. The entire portfolio of the advisory group was focused on defense related activities. Ms. Melroy resigned from the advisory group in November 2020.

She was selected for induction into the U.S Astronaut Hall of Fame in January 2020.

Analysis

In accordance with Section 3 of Executive Order, it is in the public interest to grant Ms. Melroy a limited waiver of the of the requirements of Paragraph 2 of the Executive Order to enable her to effectively carry out her duties as Deputy Administrator at NASA.

In making this assessment, I have considered the factors set forth in Section 3 of the Executive Order, which include: (i) the government's need for the individual's services, including the existence of special circumstances related to national security, the economy, public health, or the environment; (ii) the uniqueness of the individual's qualifications to meet the government's needs; (iii) the scope and nature of the individual's prior lobbying activities, including whether such activities were de minimis or rendered on behalf of a nonprofit organization; and (iv) the extent to which the purposes of the restriction may be satisfied through other limitations on the individual's services. I have considered the following:

1. NASA's mission is vital to U.S. national security, economic prosperity, and environmental sustainability. NASA's continued leadership in the peaceful and safe exploration of space advances vital U.S. national security interests. NASA's ability to work with international partners and advance international cooperation in peaceful space exploration, aeronautics and scientific research builds trust and creates interdependencies strongly supporting national security. As the commercial space industry continues to grow, it is imperative that U.S. Government policy enable U.S. industry to safely flourish in the evolving space sector. NASA's utilization of privately-owned spacecraft transporting crew and cargo to the ISS and other eventual space destinations, and NASA's activities to catalyze U.S. commercial activity in Low Earth Orbit (LEO) are key to this objective.
2. As NASA Deputy Administrator, Ms. Melroy's full knowledge of and expertise in space flight, aeronautics, the Orion program, and current NASA programs are essential to support the NASA Administrator in making informed and timely decisions about the future of NASA and its programs, and ensure spaceflight safety and mission success. The Deputy Administrator serves as NASA's second in command and directly supports the Administrator for providing overall leadership, planning, and policy direction for the Agency. Further the Deputy Administrator represents NASA to the Executive Office of the President, Congress, heads of federal and other appropriate government agencies, international organizations, and external organizations and communities, where NASA's policies and plans for crewed and robotic space missions are frequently discussed. Ms. Melroy's experience with the Orbiter Columbia crew module reconstruction and crew survival investigation, as a space shuttle commander, and as the Orion Branch Chief in the Astronaut Office give her a genuinely

unique perspective on space flight safety. Her ability to engage in such decision-making discussions as the Deputy Administrator of NASA is in the public interest and fundamental to NASA's ability to remain in the forefront of space exploration, aeronautical research, and scientific discovery. Accordingly, the government has a critical need for Ms. Melroy's services under this waiver.

3. The purpose of Paragraph 2 of the Ethics Pledge is to ensure public trust in government by restricting the participation of government officials in matters that may create the appearance of a loss of impartiality in the performance of official duties. The Pledge recognizes, however, that there are circumstances where the risk of such an appearance is minimal and the public's interest would benefit more from the official's participation than their exclusion. This is such a case.

4. All three organizations covered by this limited waiver are involved in central aspects of NASA's work, and as the Deputy Administrator, it will be essential for Ms. Melroy to interact with them. Aerospace is a non-profit FFRDC which provides objective technical analyses and assessments for space programs serving the national interest. Aerospace touches a number of important NASA projects including the Artemis program. APL is the nation's largest university affiliated research center which has served as the prime contractor for major NASA robotic missions including the New Horizon's mission to Pluto and the Parker Solar Probe, and supports NASA's lunar surface innovation initiative. Lockheed is the lead contractor designing and building the Orion spacecraft, which is a critical part of the Artemis program. Lockheed has been working on the Orion spacecraft, and been involved with the Artemis project, for more than a dozen years.

5. Ms. Melroy's professional relationships with Aerospace, APL and Lockheed were all attenuated compared to her long record of U.S. Government service. Ms. Melroy's consulting work for APL was limited to 31 hours over a period of three years, did not support NASA and did not result in employment or fiduciary responsibilities with Johns Hopkins University. Aerospace is a non-profit FFRDC which serves as a highly established technical advisor to the United States Government. Ms. Melroy's association with the Lockheed Technology Advisory Group was completely focused on the company's defense portfolio. At this critical juncture when the Artemis program prepares for the first uncrewed test of the Space Launch System and the Orion spacecraft, Ms. Melroy's understanding of Orion and its operational readiness will be essential to future mission success.

6. With significant experience in space, including a 15-day mission as the commander of STS-120, and vast experience with Orion and space project research and development, Ms. Melroy offers unique expertise, knowledge and understanding in spaceflight operations. The government's need to have her services and the NASA Deputy Administrator's personal involvement in policy and programmatic matters that may involve Aerospace, APL or Lockheed is substantial. This waiver is narrow in scope and expressly excludes Ms. Melroy's participation in contract administration matters, including selections, award fee decisions, and other contract determinations involving Aerospace, APL or Lockheed as a party, or to participate in any particular matter involving specific parties in which she participated on behalf of those former employers and former client at times defined in Section 2, Paragraphs

(k) and (l) of Executive Order 13989. Accordingly, I find these limitations to satisfy the purposes of the restrictions in Section 1, Paragraph 2 of Executive Order 13989.


Conclusion

For the foregoing reasons, I grant Pamela Melroy a limited waiver of the restrictions in Paragraph 2 of the Executive Order to enable her to effectively carry out her duties as the Deputy Administrator of NASA.

Pursuant to this waiver, Ms. Melroy may participate in certain matters at the policy and program level involving Aerospace, APL or Lockheed. This waiver is hereby granted with the understanding that Ms. Melroy will comply with all the limitations set forth above, all remaining applicable provisions of Executive Order 13989, and with all pre-existing government ethics rules.

Dated: June 30, 2021

Designated Agency Ethics Official


Sumara M. Thompson-King

CC: Dana A. Remus, Counsel to the President, Office of the White House Counsel