

National Aeronautics and Space Administration

Headquarters

Washington, DC 20546-0001



July 26, 2011

Reply to Attn of: Office of the Chief Scientist

TO: Officials-in-Charge of Headquarters Offices
Directors, NASA Centers

FROM: Chief Scientist, Chief Engineer, Chief Technologist, and General Counsel

SUBJECT: NASA Employee Participation in Outside Professional Organizations

The professional development of NASA's workforce is critical to carrying out the work at the core of our mission. Accordingly, NASA supports employee participation in outside professional organizations consistent with legal requirements. To facilitate such participation, this memorandum summarizes the requirements and steps interested employees and their managers should follow before beginning these activities.

Opportunities for participation in professional organizations may involve both fiduciary and non-fiduciary roles. Because the financial interest of an organization for which an employee serves as a member of the governing body (e.g., as a director, trustee, or officer) is imputed to the employee, positions of this nature present special challenges that must be carefully addressed. Depending on the situation, employees may be able to discharge these positions in their official or personal capacities. A summary of how these opportunities can be arranged and approved follows.

Non-Fiduciary Positions in Outside Professional Organizations

NASA managers may permit employees to serve in an official capacity in a role properly considered part of their job for an outside professional organization, committee, or substantive interest group where they owe no fiduciary duty to the organization. While there is no formal approval process for such, supervisors and interested employees should consult with their local NASA legal office, as appropriate, to ensure compliance with applicable rules. Instances where consultation is recommended could include questions of: whether the assignment is sufficiently related to NASA's work to justify the use of official time; whether there would be an appearance of impartiality between the individual's regular duties, such as procurement responsibilities and the work performed with the outside organization; whether the individual has a financial interest in connection with the outside organization that could generate a conflict of interest prohibited by law; or whether gifts offered by the outside organization, such as travel or meals, may be accepted.

Sometimes employees may wish to participate in their personal capacity in an outside professional organization where there will be no fiduciary/governance duty, such as would often be the case when participating in a substantive interest group. This may be the case, for example, when the activity is not sufficiently connected to the Agency's mission or the employee's position to justify use of official time or because the employee prefers to pursue the activity in his or her private capacity. The employee must seek approval through NASA's outside activity approval process (described at http://www.nasa.gov/offices/ogc/general_law/outsideactivity.html) when the organization in question is:

- a NASA contractor, subcontractor, or grantee; or
- a party to a Space Act agreement or other agreement to which NASA is a party pursuant to specific statutory authority.

Director/Trustee/Officer/Fiduciary Positions in Outside Professional Organizations

A NASA employee may be permitted to serve in his or her official capacity as a board member, or in another position that creates a fiduciary duty, with certain standard-setting organizations, such as an organization charged with developing or adopting technical standards related to NASA's mission. However, a prohibited conflict of interest may arise where this participation relates to the employee's regular Government duties, such as if the employee's work concerns contracts, grants, or other NASA activities with the organization.

For any other professional organization which is not a standard-setting organization, service in an official capacity in a fiduciary role is automatically considered to be a prohibited conflict of interest and is, therefore, not permitted absent a statutory waiver. There may be instances where the interests of all involved would allow the employee's position with the organization to be realigned to a non-fiduciary role, such as a NASA liaison, so that the assignment becomes permissible without a waiver. The employee may also be able to obtain approval to participate in a personal capacity so long as the employee's official duties do not affect the financial interests of the outside organization.

In cases that do not meet the requirements above, other remedies – such as reassignment of an employee's conflicting duties – should be explored, and, if there is no suitable alternative, a waiver of the Federal conflict of interest prohibition, 18 U.S.C. § 208, may be requested. While obtaining such a waiver requires coordination by the Office of the General Counsel and written approval by the NASA Administrator, NASA will grant waivers to participate in outside professional organizations in situations that advance Agency objectives when the conflict is not substantial enough to bring the integrity of the duties the employee performs into question. Service in a fiduciary role with the outside organization must not occur prior to waiver as it would violate § 208, which carries civil and criminal penalties.

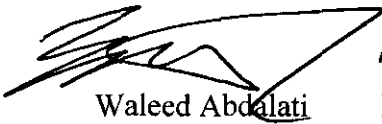
In all cases involving the performance of official duties in a director/ trustee/officer/fiduciary role with an outside organization, a local NASA ethics official should be consulted to ascertain

appropriate steps to ensure compliance. Contact information for NASA's ethics offices is provided at http://www.nasa.gov/offices/ogc/about/CCC_directory.html. Once service with an outside organization commences, other issues may arise, such as the individual's ability to accept meals and travel costs offered in conjunction with the position, for which a NASA ethics official should also be consulted.

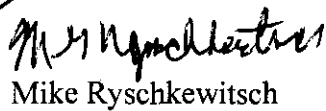
Sometimes NASA employees may want to participate in a fiduciary role with a professional organization in their personal capacity. This may be because of the individual's preference or because participation would pose a conflict of interest with official duties as described above. The employee must seek approval through NASA's outside activity review process as described above when the organization in question is:

- a NASA contractor, subcontractor, or grantee; or
- a party to a Space Act agreement or other agreement to which NASA is a party pursuant to specific statutory authority.

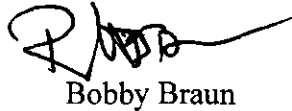
NASA is firmly committed to the professional development of all of NASA employees, and we hope that the information provided here will help our team take advantage of opportunities offered by service as leaders of professional organizations.



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