

National Aeronautics and Space Administration

**Headquarters**  
Washington, DC 20546-0001



May 4, 2021

MEMORANDUM FOR THE HONORABLE C. WILLIAM "BILL" NELSON

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

SUBJECT: Limited Waiver of Executive Order 13989 for the Honorable C. William "Bill" Nelson II

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 Senator Nelson to effectively carry out his duties as the Administrator of the National Aeronautics and Space Administration (NASA). This waiver will allow Senator Nelson to participate in certain matters at the policy and program level involving Lockheed Martin Corporation ("Lockheed"), the prime contractor for the Orion spacecraft, part of NASA's 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, Senator Nelson's personal history with space flight and deep knowledge of space policy as it has evolved over the last several decades will be invaluable. Having served in the U.S. Senate for 18 years and the U.S. House of Representatives for 12 years, Senator Nelson was directly involved in major legislation on U.S. foreign policy, U.S. space policy, economic competitiveness, and the environment. During his legislative service, Senator Nelson served as Chair of the House Space Subcommittee, the Senate's Subcommittee on Science and Space, and as ranking member of the Senate Committee on Commerce, Science and Transportation. He is also directly familiar with spaceflight operations, having served as a payload specialist on flight STS-61-C, the 24th Space Shuttle program mission and seventh mission of the Orbiter

Columbia in January 1986, where he logged six days in space. Following his legislative service, since 2019, Senator Nelson served as a member of NASA's Advisory Council.

Within the last two years, concurrent to his service on the NASA Advisory Council, Senator Nelson also served as a consultant to Lockheed. His consulting services for Lockheed were limited in duration and frequency for a total of only four meetings during 2019-2020. He never served as an employee or fiduciary of Lockheed.

### Analysis

In accordance with Section 3 of Executive Order, it is in the public interest to grant Senator Nelson a limited waiver of the of the requirements of Paragraph 2 of the Executive Order to enable him to effectively carry out his duties as 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 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 flourish in the evolving space sector. NASA's utilization of privately-owned spacecraft transporting crew and cargo to the International Space Station (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 Administrator, Senator Nelson's full knowledge of and expertise in current NASA programs are essential to making informed and timely decisions about the future of NASA and its programs. His ability to engage in such decision-making as the head 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 Senator Nelson'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 official's participation would further the public interest. This is such a case. Senator Nelson's consulting relationship with Lockheed was of limited duration and scope. His experience and expertise are unique and the government's need to have his services and the Administrator's personal involvement in policy and programmatic matters that may involve Lockheed is substantial. This waiver is narrow in scope and expressly excludes his participation in contract administration matters, including selections, award fee decisions, and other contract determinations involving Lockheed as a party, or to participate in any particular matter involving specific parties in which he participated as consultant to Lockheed. I find these limitations to satisfy the purposes of the restrictions in Paragraph 2 of Executive Order 13989.

#### Conclusion

For the foregoing reasons, I grant Senator Bill Nelson a limited waiver of the restrictions in Paragraph 2 of the Executive Order to enable him to effectively carry out his duties as the Administrator of NASA.

Pursuant to this waiver, Senator Nelson may participate in certain matters at the policy and program level involving Lockheed Martin Corporation ("Lockheed"), the prime contractor for the Orion spacecraft, part of NASA's Artemis program. This waiver is hereby granted with the understanding that Senator Nelson 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:

May 4, 2021

  
Sumara M. Thompson-King  
Designated Agency Ethics Official

cc:

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