
Ethics Briefing
for
Special Government Employees
Serving on
NASA Advisory Committees

Service on NASA Advisory Committees

- Appointment as Special Government Employee (SGE)
- Defined at 18 U.S.C. 202(a)
 - Anyone who is retained, designated, appointed, or employed to perform temporary duties, with or without compensation, for a period not to exceed 130 days out of any 365 days
 - Includes advisory committees

SGE Ethics Rules

- Ethics Principles:
 - Public service is a public trust
 - May not have conflicting financial interests
 - May not improperly use nonpublic information
 - Avoid even the appearance of impropriety
- Status as SGE
 - Equivalent to being an insider
 - Subject to civil service ethics rules
 - Subject to post-employment restrictions

Major Criminal Laws

- Financial Conflicts of Interest
 - 18 U.S.C. 208 & 201
- Representational Conflicts of Interest (18 U.S.C 203 & 205)
- Limits on Representation when you leave the government (18 U.S.C. 207)

Financial Conflicts

18 U.S.C. 208

- Prohibits involvement in a particular matter in which the SGE, employer, or spouse or dependent child has a financial interest:
 - An employee is disqualified
 - from participating personally and substantially
 - in any particular matter in which
 - the employee, or anyone whose interests are imputed to the employee, has a financial interest,
 - if the particular matter will have a direct and predictable effect on that interest.

Imputed Interests

- Spouse
- Minor Child
- General Partner
- Organization which the individual serves as officer, director, trustee, general partner or employee
- Person or organization with which the employee is negotiating or has an arrangement for prospective employment

Financial Interests

- Stocks
- Bonds
- Employment
- Consulting arrangements
- Grants, contracts
- Interests through ownership, partnership, LLC (limited liability corps.)

Particular Matter

- Deliberations, decisions, or actions that are focused upon the interests of:
 - Specific persons or entities (EX: contract, grant, agreement)
 - Identifiable class of persons or entities (EX: industry)
- NOT focused on:
 - Broad policy options or considerations

Financial Disclosure

- 2 types:
 - Public (SF-278)
 - Confidential (OGE-450)
- Purpose: Identify potential conflicts of interest to preserve integrity of committee's work

Conflict of Interest

- What should you do?
 - Recuse yourself
 - Inform your Executive Director
 - Seek legal advice
 - Some regulatory exemptions (< \$15K)
 - Waiver signed by Administrator
 - in special circumstances

Representational Conflicts

18 U.S.C 203 & 205

- Prohibits representational activities before the Government
- Applies to SGEs only if:
 - Matter involves parties (e.g., contracts)
 - SGE was personally and substantially involved in the particular matter as part of Government service, or
 - SGE served more than 60 days in the previous 365, and matter is pending before the same agency

Post-Employment Restrictions

18 U.S.C. 207

- Permanently prohibits a former employee
- from making, with intent to influence, any communication to the United States,
- on behalf of any other person
- in connection with a particular matter in which the United States is a party or has a substantial interest,
- if the employee was personally and substantially involved in the matter.

Post Employment Restrictions (one year “cooling off” period)

- Subject to 1 year representational “cooling off” period if
 - If you are paid for services as an SGE, and
 - Your basic rate of pay was at or over a certain amount (= or > than \$155,440.50 in 2010), and
 - You served 60 days or more as SGE in last year before leaving advisory comm.
- Restriction on appearances before or communications to NASA (on behalf of another entity)

Standards of Conduct

- Gift Rules

- Anything having monetary value
- Prohibited Sources
- Official Position

- Exceptions

- Outside business activities
- Personal relationships
- \$20/\$50 rule

Impartiality

- Must maintain impartiality
- Cannot represent 2 entities at the same time and maintain impartiality
- Apply “Washington Post” test
- When in doubt, recuse yourself.
- Seek legal advice.

NASA Ethics Officials

- Michael C. Wholley, General Counsel
 - Designated Agency Ethics Official
- Adam Greenstone, Ethics Team Lead
 - Alternate Designated Agency Ethics Official
- Headquarters Ethics Team
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