

PART 6901—SUPPLEMENTAL STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Sec.

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AUTHORITY: 5 U.S.C. 7301; 5 U.S.C. App. (Ethics in Government Act of 1978); 42 U.S.C. 2473(c)(1); E.O. 12674, 54 FR 15159, 3 CFR, 1989 Comp., p. 215, as modified by E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306; 5 CFR 2635.105, 2635.403(a), 2635.802(a), 2635.803.

SOURCE: 59 FR 49336, Sept. 28, 1994, unless otherwise noted.

§ 6901.101 General.

In accordance with 5 CFR 2635.105, the regulations in this part apply to employees of the National Aeronautics and Space Administration (NASA) and supplement the Standards of Ethical Conduct for Employees of the Executive Branch contained in 5 CFR part 2635. In addition to the standards in 5 CFR part 2635 and this part, employees are subject to the executive branch financial disclosure regulations contained in 5 CFR part 2634, and to additional regulations regarding their conduct contained in 5 CFR part 735 and 14 CFR part 1207.

§ 6901.102 [Reserved]

§ 6901.103 Outside employment.

(a) *General.* A NASA employee shall not engage in outside employment prohibited by paragraph (c) of this section and shall obtain approval before engaging in the outside employment activities specified in paragraph (d) of this section.

(b) *Definitions.* For purposes of this section:

(1) *Key official* means an officer or employee, other than a special Government employee, who is required, in accordance with 5 CFR part 2634, to file a public financial disclosure report or who holds a position as astronaut, astronaut candidate, procurement officer, or chief counsel.

(2) *Outside employment* means any form of compensated or uncompensated non-Federal employment or business

relationship involving the provision of personal services by the employee. It includes, but is not limited to, personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher, or speaker. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless the organization is a prohibited source or unless such activities involve the provision of professional services or advice, or are for compensation other than reimbursement of expenses.

(3) *Profession* has the meaning set forth in 5 CFR 2636.305(b)(1).

(4) *Prohibited source* has the meaning set forth in 5 CFR 2635.203(d).

(c) *Prohibited outside employment.* A NASA employee, other than a special Government employee, shall not engage in outside employment with the following:

(1) A NASA contractor, subcontractor, or grantee in connection with work performed by that entity for NASA; or

(2) A party to a Space Act agreement, Commercial Launch Act agreement, or other agreement to which NASA is a party pursuant to specific statutory authority, if the employment is in connection with work performed under that agreement.

(d) *Prior approval for outside employment.* A NASA employee, other than a special Government employee, shall request and obtain administrative approval before engaging in the following outside employment activities:

(1) Teaching, speaking, writing, or editing, unless the subject matter pertains to the private interests of the employee, such as a hobby, cultural activity, or nonwork related professional pursuit;

(2) The practice of a profession or the rendering of professional consulting services;

(3) The management or conduct of a business in which the employee or the employee's spouse has an ownership interest;

(4) Holding a State or local public office, whether by election or appointment;

(5) Employment with a NASA contractor, subcontractor, or grantee;

(6) Employment with a party to a Space Act agreement, Commercial Launch Act agreement, or other agreement to which NASA is a party pursuant to specific statutory authority;

(7) Serving as an officer, trustee, or member of a board, directorate, or other such body of a for profit organization or of a nonprofit organization that is a prohibited source; or

(8) Employment which involves the practice of a NASA-owned invention.

(e) *Prior approval requested by employee.* Even when not required by paragraph (d) of this section, a NASA employee who is in doubt as to the propriety of outside employment or another outside activity may request prior approval using the procedures set forth in this section.

(f) *Form of request for approval.* (1) A request for administrative approval of outside employment shall be in writing and shall include the following:

(i) The employee's name and occupational title;

(ii) The nature of the employment, including a full description of the specific duties or services to be performed;

(iii) The name and address of the person or organization for which work will be done;

(iv) The estimated total time that will be devoted to the activity. If the employment is on a continuing basis, indicate the estimated number of hours per year; for other employment, indicate the anticipated beginning and ending date;

(v) A statement as to whether the work can be performed entirely outside of the employee's regular duty hours and, if not, the estimated number of hours of absence from work that will be required;

(vi) The amount of compensation, if any, to be received; and

(vii) A statement that the employee currently has no official duties involving a matter that affects the outside employer and will disqualify from future participation in matters that could directly affect the outside employer.

(2) Locally prepared forms providing for collection of the information required by paragraph (f)(1) of this section may be used for submission of the request and subsequent approval or disapproval.

(g) *Approval of requests—(1) Key Officials.* The Headquarters Associate Administrator for Human Resources and Education has authority to approve requests for approval of outside employment submitted by NASA Key Officials. Prior to approval or disapproval, Key Official requests shall be submitted to the appropriate Official-in-charge of the Headquarters Office or to the Director of the appropriate Field or Component Installation, who shall add a recommendation and forward the request through the General Counsel to the Associate Administrator.

(2) *Employees other than Key Officials.* The appropriate Official-in-Charge of a Headquarters Office, or the Director of a Field or Component Installation, or a person designated to act for the Director, has authority to approve requests for approval of outside employment submitted by employees other than NASA Key Officials. Prior to approval or disapproval:

(i) Requests by NASA Headquarters personnel shall be submitted to and reviewed by the employee's supervisor and by the Office of the Associate General Counsel (General); and

(ii) Requests by Field or Component Installation personnel shall be submitted to and reviewed by the employee's supervisor and by a Deputy Ethics Official or designee.

(3) *Standard for approval.* Approval will be granted unless a determination is made that the prospective outside employment is expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and this part.

(4) *Scope of approval.* Approval will be for a period not to exceed 3 years. Upon a significant change in the nature or scope of the outside employment or in the employee's NASA position, the employee shall submit a revised request for approval.

(5) *Notification of approval or disapproval.* Employees will be notified in writing of the action taken on their requests.

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(6) *Records of requests.* All requests for approval will be maintained in the local Human Resources/Personnel Office for the duration of the requester's NASA employment.