National Aeronautics and Space Administration

Kennedy Space Center
Kennedy Space Center, FL 32899

October 14, 2010

Reply to Attn of: CC-A

TO: Distribution

FROM: CC/Chief Counsel

SUBJECT: Determination Regarding Attendance by NASA Employees at the Astronaut Autograph and Memorabilia Show Weekend, November 6-7, 2010

The Astronaut Scholarship Foundation (ASF), a non-profit 501(c)(3) organization, will host the a *Tropical Evening with the Astronauts* dinner and Astronaut Autograph and Memorabilia Show at the Radisson Resort at the Port and the Kennedy Space Center Visitor Complex on November 6-7, 2010. More than 100,000 invitations have been distributed across the country. Invitees include corporate and industry executives and workers, members of academia, representatives of aerospace contractors, community leaders, Federal government officials, military leaders and other space enthusiasts. Ticket prices are $250 per person for the dinner and $10 per person for the autograph show. The ticket includes the employee plus one guest for the dinner.

I find this event meets the requirements of a "widely attended gathering" as defined in 5 CFR § 2635.204(g). I further determine that there is an Agency interest in having NASA employees attend these events. Over 35 astronauts from the Mercury, Gemini, Apollo, Skylab, and Space Shuttle programs will be present at the dinner and autograph show. NASA attendees will help disseminate information about NASA's ongoing activities and to discuss matters of interest to NASA with a diverse group of fellow attendees.

Accordingly, NASA employees whose duties do not substantially affect any of the sponsors, including NASA employees in non-career positions who are required to sign the ethics pledge under the Executive Order 13490, may accept an invitation for free attendance for themselves and a guest at the event. NASA employees whose duties may substantially affect ASF should seek an individual determination pursuant to 5 C.F.R. § 2635.204(g)(3)(i) regarding participation in this event from the Chief Counsel's Office.

Finally, this event includes a fundraising auction and an astronaut autograph signing event. As a reminder, Federal employees should avoid participating in any of the fundraising activities, including any promotional, production, or presentation activities. Employees should also avoid making any requests for support for any nonprofit organization. The employee will need to seek further guidance from the Chief Counsel if they will be participating at the event such as signing autographs or the auction.

Jerald D. Stubbs
Agency Designee