

National Aeronautics and Space Administration

Headquarters

Washington, DC 20546-0001



May 31, 2016

General Law Practice Group

Reply to Attn of:

TO: Distribution

FROM: Alternate Designated Agency Ethics Official

SUBJECT: Determination Regarding Attendance at Events Related to the International Berlin Air Show, May-June 2016

Representatives from NASA have been invited to attend a series of events in conjunction with the ILA Berlin Air Show 2016 in Berlin, Germany. Aerospace and government leaders from around the world will gather at this event to discuss the technological innovations in aeronautics and space conquest. The following are events that NASA employees are attending:

1. ILA Airport Reception, May 31, 2016: International Launch Alliance and Arianespace are holding a reception at 5:30 p.m. at the Berlin Brandenburg Airport, Schoenefeld. Approximately 2,200 people have been invited, including U.S. Government personnel and industry representatives. The approximate cost per person is 55 Euros (\$62.00).
2. ILA/Arianespace Dinner, June 1, 2016: Arianespace is holding a dinner at 5:30 p.m. at Sofitel am Gendarmenmarkt, Berlin. Approximately 110 people have been invited, including representatives from the European Space Agency, academia, other U.S. Government agencies, and industry leaders. The approximate cost per person is 50 Euros (\$56.00). NASA employees must decline or reimburse at market value the swisscard gift valued at 30 Euros (\$35.00).
3. Raytheon Reception, June 1, 2016: Raytheon Company is holding a reception at 7:00 p.m. at Reichstag Roof Terrace Restaurant, Berlin. Approximately 200 people have been invited, including foreign Government officials, Embassy officials, members of the Parliament, academia, industry, and media. The approximate cost per person is \$115.00. Raytheon will be distributing a "grip cell phone holder" gift valued at approximately \$15.00.
4. Airbus Reception, June 1, 2016: Airbus Group is holding a reception at 7:00 p.m. at Wasserwerk, Berlin. Approximately 1400 people have been invited, including members of Parliament and other foreign government officials, representatives from industry, and members of the public. The approximate cost per person is 80 Euros (\$90.00).

5. Boat Tour, June 2, 2016: The German Aerospace Industries Association (BDLI) is holding a Berlin City Boat Tour at 8:00 p.m. in Berlin. Approximately 80 people have been invited, including German and other Foreign Government officials, representatives from industry and academia, and U.S. Government agencies.

I find that these events meet the requirements of a widely attended gathering as defined in 5 C.F.R. § 2635.204(g). Because of NASA's interest in international collaboration and in the advancement and application of flight and related technologies, I find that there is an Agency interest in having NASA personnel attend. NASA employees whose duties do not substantially affect the sponsors may accept an invitation for free attendance at these events for themselves. NASA employees, whose duties may substantially affect these co-sponsors, such as by way of procurement duties, should seek an individual determination pursuant to 5 C.F.R. § 2635.204(g)(3)(i) regarding participation in this event from their ethics counselor.

Moreover, NASA employees who are in non-career positions in which the President's Executive Order of January 21, 2009 requires signing an ethics pledge may accept free attendance for themselves and a guest at the ILA Airport Reception on May 31, 2016, the ILA/Arianespace Dinner on June 1, 2016, and the Berlin City Boat Tour on June 2, 2016; but may only attend the Raytheon Dinner and/or the Airbus Reception on June 1, 2016 if they reimburse the value of the event. The NASA Deputy Administrator may accept free attendance for herself and an invited guest at the events at which she is speaking.

Giveaways. Attendees are reminded of the \$20 gift exception at 5 C.F.R. § 2635.204(a) which provides that employees may accept gifts valued at no more than \$20 per occasion and no more than \$50 from one source in a calendar year. Other than for presentation items with little intrinsic value and no additional function, such as pins or patches with mission emblems, NASA invitees must reimburse the sponsors for the full value of any gift items exceeding these caps distributed by the sponsors. Moreover, non-career NASA employees subject to the ethics pledge should reimburse sponsors which are lobbying organizations for purposes of the ethics pledge the full value of any such gift items accepted even if these monetary caps are not exceeded.

Corporate Chalets. This determination does not include the chalets that may be hosted by corporate sponsors.¹ The chalets provide corporations with space to receive visitors and view Air show activities. NASA personnel should observe the exception to the gift rules that allows acceptance of gifts (including free refreshments and tangible gifts) with an aggregate value of \$20 or less per event from a single source, not to exceed \$50 per year from that source. NASA employees invited to and desiring to attend these associated corporate chalets may accept free refreshments if the fair market value of the food and drink is less than \$20. If the fair market value is more than \$20, the employee should personally provide that amount to the corporate host as reimbursement. Non-career NASA employees subject to the ethics pledge should reimburse the sponsors which are registered lobbying organizations for

¹ Many U.S. Companies have reserved chalets, including Raytheon, ATK, Lockheed Martin, Boeing, and others.

purposes of the ethics pledge for the fair market value of any refreshments consumed at any chalet.²

A handwritten signature in black ink, appearing to read 'Adam F. Greenstone', written in a cursive style.

Adam F. Greenstone

² The money may be placed in an “honor basket” if one is present.