

National Aeronautics and Space Administration

**Mary W. Jackson Building NASA Headquarters**  
Washington, DC 20546-0001



June 15, 2022

Reply to Attn of: General Law Practice Group

TO: Distribution

FROM: Alternate Designated Agency Ethics Official

SUBJECT: Determination Regarding Attendance by NASA employees at the Berlin Airshow and Events in Conjunction with the Air Show June 22 - 26, 2022

Representatives from NASA have been invited to attend a series of events in conjunction with the 2022 Berlin Air Show at Berlin, Germany. Foreign governments as well as individual corporations will host events throughout the Berlin Air Show. Aerospace and government leaders from around the world will gather at this event to discuss the technological innovations in aeronautics and space conquest. The purpose of the Air Show is to bring experts from around the world together to provide a forum for discussions on the technical, scientific, and policy challenges of space travel. The following are events that NASA employees are attending.

1. On June 21, 2022, the Aerospace Industries Association (AIA), is holding a reception at the U.S. Embassy in Berlin, Germany, from 5:00 p.m. to 6:30 p.m. Approximately 125 people are expected to attend the event. Attendees will have a diversity of views or interests and will include personnel from other federal agencies, representatives from the legislative branch, state and local government officials, foreign government officials, and representatives from industry. The estimated cost of the event, including all food and beverages, is approximately \$55 per person. The AIA is in control of the organization of this event.

2. On June 22, 2022, the German Aerospace Industries Association (BDLI) will be holding a Reception from 5:30 to 7:00 p.m. at Berlin ExpoCenter Airport in Hall 6 of the Space Pavilion, Berlin, Germany. Approximately 130 people are expected to attend the event. Attendees will have a diversity of views or interests and will include personnel from other federal agencies, representatives from the legislative branch, foreign government officials, and representatives from industry. The estimated cost of the event, including all food and beverages, is approximately \$95 per person. The BDLI is in control of the organization of this event.

I find that these events meet the requirements of a “widely attended gathering” as defined in 5 C.F.R. § 2635.204(g). I further determine that there is an Agency interest in having NASA personnel attend these events because it will provide an opportunity for the invited persons to exchange ideas and views pertaining to NASA’s policies, programs and operations. Accordingly, NASA employees who do not have a significant role in a matter affecting the interests of the sponsors may accept an invitation for free attendance to the events where complimentary invitations have been issued. In those circumstances, I find that the Agency’s interest in attendance outweighs any concern that the individual may be, or may appear to be, improperly influenced in the performance of their duties.

However, NASA employees who have a significant role in any pending matter affecting the interests of any of the indicated organizations such as procurement duties, program management, or negotiating or administering a Space Act Agreement, should seek a separate determination from their local ethics counselor as to whether they may accept the invitation of free attendance to the event.

Moreover, NASA employees in non-career positions who are required to sign the ethics pledge under Executive Order 13989 may only attend the event hosted by Aerospace Industries Association<sup>1</sup> (6/21/22) under this determination if they reimburse organizers the fair market value of the event. An honor basket will be available for reimbursement. Scheduled speakers subject to the ethics pledge, however, may accept free attendance at the event where they are on the program to speak.

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 hosted by corporate sponsors.<sup>2</sup> 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

---

<sup>1</sup> The Administrator is speaking at this event and may accept attendance under the speaker’s exception.

<sup>2</sup> Many U.S. Companies reserve chalets to provide hospitality for Air Show attendees.

the corporate host as reimbursement.<sup>3</sup> Non-career NASA employees subject to the ethics pledge should reimburse the sponsors which are registered lobbying organizations for purposes of the ethics pledge for the fair market value of any refreshments consumed at any chalets.<sup>4</sup>



Adam F. Greenstone

---

<sup>3</sup> There may be some contexts involving meetings abroad involving non-U.S. citizens and/or foreign entity representatives where gifts or food, refreshment or entertainment may be accepted from non-governmental foreign entities up to the value of the local maximum per diem allowance by NASA attendees who are not non-career employees subject to the ethics pledge of Executive Order 13989. The application of this provision in the Air Show setting is complex, so NASA attendees should consult with this office prior to relaying on it.

<sup>4</sup> The money may be placed in an "honor basket" if one is present.