

National Aeronautics and  
Space Administration



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

June 15, 2023

Reply to Attention of: General Law Practice Group

TO: Distribution

FROM: Agency Counsel for Ethics

SUBJECT: Determination Regarding Attendance by NASA Employees at the  
Center for Astrophysics | Harvard & Smithsonian (CFA) and Smithsonian  
Astrophysical Observatory (SAO) Reception on June 15, 2023

The Center for Astrophysics (CFA) and Smithsonian Astrophysical Observatory (SAO) a not-for-profit organization under Section 501(c)(3) of the Internal Revenue Service Code, will hold a cocktail reception on June 15, 2023, at the Renwick Gallery of the Smithsonian American Art Museum, 1661 Pennsylvania Ave., NW (#1), Washington, DC, 20006, from 6:30 p.m. – 9:30 p.m. The Advancement Office at the Smithsonian Astrophysical Observatory (SAO) is in control of the planning, organizing, and issuing invitations for this event. The event will provide an opportunity for informal discussion on general space topics as well as presenting the annual achievement awards.

Approximately 105 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 of the legislative branch, and representatives from academia and industry. The estimated cost of the event, including all food, beverages and items listed above, is approximately \$90 per person. Attendance at this event will allow NASA attendees to exchange information regarding various NASA programs. I find that the event meets the requirements of a "widely attended gathering" as defined in 5 C.F.R. § 2635.204(g)(2).

I further determine that there is an Agency interest in having NASA personnel attend the event because it will provide an opportunity for the invited persons to exchange ideas and views pertaining to NASA's policies, programs and operations. NASA employees - including NASA employees in non-career positions who are required to sign an ethics pledge under Executive Order 13989 - who do not have a significant role in a matter affecting the interests of CFA and SAO may accept an invitation for free attendance for themselves and a guest to the event. 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 the sponsor, such as procurement duties, program management, or negotiating or administering a Space Act Agreement, should seek a separate determination from their local NASA ethics counselor as to whether they may accept the invitation.

You are reminded of the \$20 gift exception at 5 C.F.R. § 2635.204(a), which provides that you may accept gifts valued at no more than \$20 per occasion (and no more than \$50 from one source in a calendar year). We understand that CFA will be distributing a Universal Harmonies album. The album in CD format is valued at \$15, so NASA attendees, including NASA employees in non-career positions who have signed the ethics pledge, may accept it under the above \$20 rule, if in compliance with its requirement not to receive more than \$50 from the same source. The album in vinyl record format is valued at \$22, so that NASA attendees and their guests should reimburse the hosts \$22 to accept it.

Adam F. Greenstone