

National Aeronautics and
Space Administration



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

October 19, 2023

Reply to Attn of: General Law Practice Group

TO: Distribution

FROM: Agency Counsel for Ethics

SUBJECT: Determination Regarding Attendance by NASA employees at the
Environmental Law Institute (ELI) Reception and Dinner on October 24, 2023

On October 24, 2023, the Environmental Law Institute (ELI), nonprofit organizations under 501(c)(3) of the Internal Revenue Code, will host a reception and dinner at The Omni Shoreham DC, 2500 Calvert St., NW, Washington, DC 20008, starting at 5:30 p.m. until 10:00 p.m. The purpose is to honor individuals and organizations for demonstrating outstanding commitment to environmental protection. The dinner is an opportunity for environmental professionals to forge new bonds of cooperation, while supporting the agenda-setting research, education, and training programs of the Institute. This year's annual achievement award will be given to Dr. J. Marshall Shepherd.

Approximately, 750 people have been invited to attend. Attendees will have a diversity of views or interests and will include representatives from the legislative branch, state and local government officials, representatives from industry, employees of federal agencies, academia, media and members of the public. The estimated cost of the event, including all food and beverages, is \$250 per person. ELI is in control of the organizing, planning and invitations for this event. 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 the ethics pledge under Executive Order 13989, who do not have a significant role in a matter affecting the interests of the sponsor may accept an invitation for free attendance 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 ELI, 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.

Adam F. Greenstone