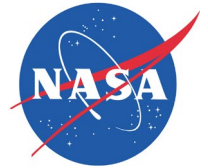


National Aeronautics and
Space Administration



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

March 22, 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 events in conjunction with the 2023 Space Launch System/Orion/Exploration Ground Systems Gateway Suppliers Conference on March 27–28, 2023

The Aerojet Rocketdyne, Boeing, Lockheed Martin, Jacobs, Northrop Grumman, and Maxar (the “companies”), will hold the 2023 Gateway Suppliers Conference on March 27 and 28, 2023 at the Capitol Hill Washington Hilton in Washington, DC, from 5:30 p.m. to 7:30 p.m. on March 27 and 7:00 a.m. to 11 a.m. on March 28. The companies are jointly in control of the planning, organizing, and issuing invitations for this event. The invitation includes all day coffee, water, beverages, and an evening Day 1 reception (typically NASA and USG attendees do not participate in the breakfast or lunch).

Day 1:

Conference with U.S Government and Industry panels; evening reception with the public, NASA industry and congress.

Day 2:

Congressional Meetings (does not involve NASA).

Suppliers to go to the “Hill” and they will be escorted by lobbyists (no lobbying on Day 1 with NASA attendees).

Approximately 300 people are expected to attend the event. Attendees will have a diversity of views or interests and will include members of Congress, Executive Office of the President staff, trade association representatives, personnel from other federal agencies, members of the legislative branch, and representatives from media, and industry. The estimated cost of the event, including all food and beverages, is approximately \$75 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 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 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 in non-career positions who are required to sign an ethics pledge under Executive Order 13989 may only attend if they reimburse the sponsors the value of the event.¹

Additionally, NASA employees who have a significant role in any pending matter affecting the interests of the sponsors, 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.

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 Space Launch System will be distributing company marketing swag and playing cards (most of the swag or give aways are for the suppliers and Hill meeting on Day 2) which NASA attendees, including NASA employees in non-career positions who have signed the ethics pledge, may accept. An honor basket will be provided to reimburse for other gifts.

Attendees are reminded to exercise any COVID-19 precautions appropriate to their individual situation.

Adam F. Greenstone

¹ NASA Employees may accept free attendance to the events on the day they are speaking or participating in a panel discussion pursuant to 5 C.F.R. 2635.203(b)(8)(i).