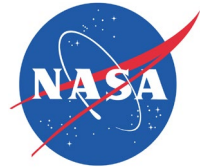


National Aeronautics and  
Space Administration

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



October 16, 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 OSIRIS-Rex Sample Return Reception on October 17, 2023

On October 17, 2023, Lockheed Martin, United Launch Alliance, and University of Arizona (Lunar & Planetary Laboratory) will hold a joint event at the BlueJacket Brewery, 300 Tingey St. SE, Washington, DC, from 5:00 p.m. to 8:00 p.m. This reception is to celebrate NASA's OSIRIS-REx mission returning the agency's first-ever sample from an asteroid. Also, to update guests on the very successful return of the sample, hear from mission partners on the latest milestones and acknowledge the significant achievement of the OSIRIS-REx team. Lockheed Martin is in control of the planning, organizing, and issuing invitations for this event.

Approximately 550 people are expected to attend the event. Attendees will have a diversity of views or interests and will include personnel from congressional offices, state and local officials, federal executive branch, academia, industry, the media, space investors, and friends and family. The estimated cost of the event, including all food and beverages, is approximately \$31 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 Lockheed Martin, United Launch Alliance, and University of Arizona (Lunar & Planetary Laboratory) may accept an invitation for free attendance for themselves and a guest to attend the event. However, NASA employees in non-career positions who are required to sign the ethics pledge under Executive Order 13989, may only attend the event if they reimburse the sponsor the value of 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.

In addition, 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 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 employees may accept gifts valued at no more than \$20 per occasion (and no more than \$50 from one source in a calendar year), which NASA employees other than those subject to the ethics pledge of Executive Order 13989 may apply for gifts received at this event. We understand that there will be some routine OSIRIS-Rex missioned branded items handed out for guests (mission stickers, pins, and posters) 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 gifts if needed.

Adam F. Greenstone