

National Aeronautics and Space Administration

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



June 13, 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
Paris Air Show and surrounding events June 17-20, 2023

Representatives from NASA have been invited to attend a series of events in conjunction with the 2023 Paris Air Show in Paris, France. Foreign governments as well as individual corporations will host events throughout the Paris 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 17, 2023, the Commercial Spaceflight Federation, a nonprofit organization under 501(c)(6) of the Internal Revenue Code, together with Voyager Space are holding a Paris Airshow Kickoff Reception from 2:00 to 4:00 p.m. at Ritz Paris, 15 Pl. Vendome 75001 Paris, France. Approximately 120 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 \$192 per person.
- 2) On June 18, 2023, U.S. Senator Jerry Moran and the Greater Wichita Partnership, a nonprofit organization under 501(c)(6) of the Internal Revenue Code, are holding a reception, "Celebration de L'Aviation", from 4:00 to 6:00 p.m. at the Pavillon Cambon Capucines in Paris. Approximately 200 people have been invited to 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, state and local officials from Kansas, and representatives from academia and industry. The estimated cost of the event, including all food and beverages, is approximately \$75 per person. Senator Moran is in control of the invitations for this event.

- 3) On June 18, 2023, the Aerospace Industries Association (AIA), is holding a Platinum/Gold Pre-Reception Event at the Royal Pavilion in Paris, France. Approximately 120 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 academia and industry. The estimated cost of the event, including all food and beverages, is approximately \$145 per person. The AIA is in control of the organization of this event.
- 4) On June 18, 2023, the Aerospace Industries Association (AIA), is holding a President's reception at the Royal Pavilion in Paris, France. Approximately 350 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 academia and industry. The estimated cost of the event, including all food and beverages, is approximately \$145 per person, which includes the cost of the pre-reception for those invited. The AIA is in control of the organization of this event.
- 5) On June 20, 2023, McKinsey & Company, will host a reception starting at 7:30 p.m., at the Maison des Polytechniciens, l'Hotel de Poulpry, 12 Rue de Poitiers, Paris, France, 75007. Approximately 100 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, and representatives from industry. The estimated cost of the event, including all food and beverages, is approximately \$170 per person. McKinsey & Company is in control of the invitations for 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.

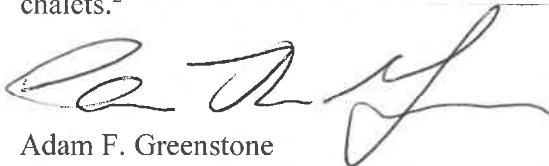
However, NASA employees who have a significant role in any pending matter affecting the interests of any of the indicated organizations such as procurement duties, program management, or negotiating or administering a Space Act Agreement, should seek a separate determination from their local ethics counselor 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 events numbered 1 and 3, hosted

respectively by the Commercial Spaceflight Federation and AIA, the 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, unless the gift is a presentation item with little intrinsic value and no additional function, such as a mission pin or patch.

Corporate Chalets. This determination does not include the chalets hosted by corporate sponsors.¹ 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 the corporate host as reimbursement. 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.²



Adam F. Greenstone

¹ Many U.S. Companies reserve chalets, including McKinsey & Company, Microsoft, GE Aviation, GSE Dynamics, Sierra Nevada Corp. Elbit Systems of America, Raytheon, Supernal, Voyager Space, and others.

² The money may be placed in an "honor basket" if one is present.