

National Aeronautics and  
Space Administration

**Ames Research Center**  
Moffett Field, CA 94035-1000



October 31, 2023

Reply to Attn of: ARC-DL

MEMORANDUM FOR RECORD

FROM: Christine M. Pham/DL

SUBJECT: Determination Regarding Attendance by NASA employees at the KBR  
November 14, 2023 Welcome Reception, OSTEM Better Together Conference

On November 14, 2023, KBR will host a Welcome Reception at the Tech Interactive Museum (Lower Atrium), located at 201 S. Market St., San Jose, CA 95113, from 5:30 pm to 8:00 pm.

Approximately 490 people are expected to attend the event. Attendees will have a diversity of views or interests and will include members from academia, industry representatives, grantees, and contractors. The reception is anticipated to provide a forum for various discussions on STEM outreach and engagement. The estimated value of the event, including appetizers and iced tea, is approximately \$20 per person. The event will also have a no-host bar at the expense of the individual. KBR is in control of all the arrangements and invitations for the event and is hosting this event independently, including independent funding.

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 KBR may accept an invitation for free attendance for themselves to the Welcome Reception. 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 the ethics pledge under Executive Order 13989, may only attend the event if they reimburse the sponsor the value of the event.

Additionally, NASA employees who have a significant role in any pending matter affecting the interests of the KBR, such as procurement duties, program management, or negotiating or administering a Space Act Agreement, are not covered by this determination. Those employees should seek a separate determination from this office to determine whether or not they may accept the invitation pursuant to 5 CFR § 2635.204(g)(3)(i).

Christine M. Pham  
Chief Counsel, Ames Research Center