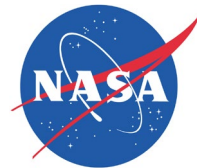


National Aeronautics and
Space Administration

Ames Research Center
Moffett Field, CA 94035-1000



December 7, 2023

Reply to Attn of: ARC-DL

MEMORANDUM FOR RECORD

FROM: Chief Counsel/ARC DL

SUBJECT: Determination Regarding Attendance by NASA employees at the Networking Reception Hosted by the Science Communication Lab and the Gordon and Betty Moore Foundation on December 11, 2023

On December 11, 2023, the Science Communication Lab (SCL) and the Gordon and Betty Moore Foundation (GBM Foundation) will host a Networking Reception during the American Geophysical Union (AGU) Meeting at the SFMOMA Rooftop Pavilion and Garden, located at 151 Third St., San Francisco, CA 94103, from 6:30 pm to 8:30 pm.

Approximately 100 people have been invited and, to date, 50 people have accepted the invitation to attend. Attendees will have a diversity of views or interests and will include AGU attendees from academia, nonprofits, federal agencies, museum institutions, and media. The reception is anticipated to provide a forum for various discussions on engaging the public with environmental issues. The estimated value of the event, including food and beverages, is approximately \$76 per person. The GBM Foundation funded the event and the SCL is in control of all the arrangements and invitations for the event.

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 SCL and the GBM Foundation may accept an invitation for free attendance for themselves to the Networking 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 either the SCL or the GBM Foundation, 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