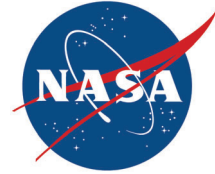


National Aeronautics and Space Administration

John F. Kennedy Space Center
Kennedy Space Center, FL 32899



December 3, 2021

Reply to Attn of: CC

TO: Distribution

FROM: CC/Chief Counsel

SUBJECT: Determination Regarding Attendance by NASA Employees at the IXPE Launch Celebration of Innovation, December 7, 2021

Ball Aerospace will host the IXPE Launch Celebration of Innovation at the Rising Tide Tap and Grille, in Port Canaveral, Florida, on December 7, 2021. The reception is to recognize the success of the IXPE Launch. Approximately 200 guests will attend the IXPE Launch Celebration reception. These guests include corporate executives, representatives of aerospace contractors and other organizations, and representatives of state and Federal government. The approximate value of the dinner is \$45 a person.

In accordance with 5 C.F.R. § 2635.204(g), Gifts of Free Attendance at Widely Attended Gatherings, I find this event meets the requirements of a *widely attended gathering*, and I further determine that there is an Agency interest in having NASA personnel attend this event because their participation will further agency programs and operations. Specifically, this event allows NASA employees to show support for a mission program. This event also provides a forum for the attendees to disseminate information on NASA's ongoing activities and to discuss matters of interest to NASA with a diverse group of fellow attendees. Because of these benefits to NASA, and having considered the factors enumerated in 5 CFR § 2635.204(g)(4), I also find that the Agency's interest in the invited NASA employees' attendance outweighs the concern that such employees may be, or may appear to be, improperly influenced in the performance of official duties.

However, NASA employees whose duties may substantially affect any of the event sponsors, such as by way of contracting duties, should seek an individual determination pursuant to 5 C.F.R. § 2635.204(g)(3)(i), regarding participation in this event from their local ethics counselor. Moreover, NASA employees who are in non-career positions in which Executive Order 13989 requires signing an ethics pledge may only accept the meals if they reimburse the sponsor the value of the event and any gift items accepted for themselves and their guest.

Accordingly, I have determined that NASA invitees may accept their invitations for complimentary attendance at this event without violating the ethics rules. However, in accordance with the Deputy Associate Administrator's September 17, 2021, direction, NASA invitees must obtain approval from the agency Covid-19 Executive Response Team to attend these events because they will have more than 50 attendees. Attendees are reminded to exercise any COVID-19 precautions appropriate to their individual situation.

Moreover, NASA employees who are in non-career positions in which Executive Order 13989 requires signing an ethics pledge may only accept the meals if they reimburse the sponsor the value of the event and any gift items accepted for themselves and their guest.

DANIEL SHAVER Digitally signed by DANIEL
SHAVER
Date: 2021.12.03 15:09:00 -05'00'

Daniel P. Shaver
Agency Designee