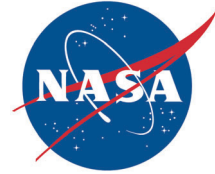


National Aeronautics and Space Administration

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



February 21, 2023

Reply to Attn of: CC

TO: All NASA Employees

FROM: CC/Chief Counsel

SUBJECT: Determination Regarding Attendance by NASA Employees for the 2023 U.S. Astronaut Hall of Fame (AHO f) Induction Ceremony and Gala, May 6, 2023

The Astronaut Scholarship Foundation (ASF), a nonprofit organization under section 501(c)(3) of the Internal Revenue Code, and DNC Parks & Resorts at KSC, Inc. (DNC) will host the upcoming United States Astronaut Hall of Fame Induction Ceremony on Saturday, May 6, 2023, at the Kennedy Space Center Visitor Complex (KSCVC). Approximately a thousand people are expected to attend the ceremony, which is open to the public. A post-induction gala sponsored by ASF will be held at the KSCVC Apollo/Saturn V Center that evening. More than 400 guests are expected to attend the gala, which consists of a reception, dinner, and program featuring both prior and current inductees. Gala guests will include corporate and industry leaders, members of academia, aerospace contractors, military leaders, tourism and community leaders, space enthusiasts, and representatives of federal, state, and local government. The value of the gala is approximately \$450 a person.

In accordance with 5 C.F.R. § 2635.204(g), Gifts of Free Attendance at Widely Attended Gatherings, I find these events meet the requirements of a *widely attended gathering*, and I further determine that there is an Agency interest in having NASA personnel attend these events because their participation will further Agency programs and operations. These events will allow NASA employees to honor and show support for a program celebrating current and former NASA astronauts and accomplishments in human spaceflight. These events will also provide 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 NASA employees' attendance outweighs the concern that such employees may be, or may appear to be, improperly influenced in the performance of official duties.

Accordingly, NASA Kennedy Space Center employees whose duties do not substantially affect any of the sponsors, including NASA employees in non-career positions who are

required to sign the ethics pledge under Executive Order 13989, may accept an invitation for complimentary attendance at these events. NASA employees whose duties may substantially affect either of the sponsors, such as by way of procurement duties or administration of Space Act agreements, should seek an individual determination regarding participation in these events from the KSC Office of the General Counsel.

Accordingly, I have determined that NASA invitees may accept their invitations for complimentary attendance at this event in accordance with the ethics rules. Although attendance at this event constitutes an exception to the general prohibition on acceptance of gifts, attendees are also 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 prohibited source in a calendar year. We understand that ASF will be distributing some gifts at the end of the ceremony.

DANIEL SHAVER Digitally signed by DANIEL
SHAVER
Date: 2023.02.21 14:08:55 -05'00'

Daniel P. Shaver
Agency Designee