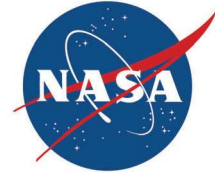


National Aeronautics and Space Administration

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



July 10, 2023

Reply to Attn of: CC

TO: All NASA Employees

FROM: CC/Chief Counsel

SUBJECT: Determination Regarding Attendance by NASA Employees at the 2023 Innovators Gala of the Neil Armstrong Award of Excellence, August 19, 2023

The Astronaut Scholarship Foundation (ASF), a nonprofit organization under section 501(c)(3) of the Internal Revenue Code, will host the upcoming 2023 Innovators Gala featuring the Neil Armstrong Award of Excellence on Saturday, August 19, 2023, at Hilton Orlando, in Orlando, Florida. ASF is in control of the planning, organizing, and issuing of invitations for this event. More than 300 guests are expected to attend the gala, which consists of a reception, dinner, and program celebrating and awarding the 2023 Class of Astronaut Scholars, the innovators of tomorrow. Gala guests will include corporate and industry executives, community leaders, teachers, scholars' family and friends, military leaders, and many more. The value of the gala is approximately \$375 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 awardees of the Award of Excellence and accomplishments in academia. 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 employees whose duties do not substantially affect the sponsor, including NASA employees in non-career positions who are required to sign the ethics pledge under Executive Order 13770, may accept an invitation for complimentary attendance at these events. NASA employees whose duties may substantially affect the sponsor, 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 Office of the General Counsel.

In addition, this is a fundraising event for ASF. NASA employees may not participate in the promotion, production, or presentation of the event and including serving as honorary chairperson, sitting at a head table during the event, and standing in a reception line.

**DANIEL SHAVER** Digitally signed by DANIEL  
SHAVER  
Date: 2023.07.11 08:41:04 -04'00'

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Daniel P. Shaver