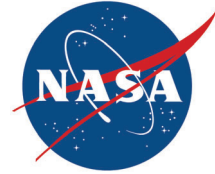


National Aeronautics and Space Administration

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



May 5, 2023

Reply to Attn of: CC

TO: All NASA Employees

FROM: CC/Chief Counsel

SUBJECT: Determination Regarding Attendance by NASA Employees at the Axiom Space Ax-2 Launch Event, May 8, 2023

Axiom Space will host the Axiom Space Ax-2 Launch Event Monday, May 8, 2023, at OSB II, Kennedy Space Center, Florida, from 7:30 p.m. to 10:30 p.m. Approximately 250 guests are expected to attend the event, serving food and refreshments. Axiom Space is in control of the planning, organizing, and issuing invitations for this event. This event is by invitation only. Guests include NASA officials, SpaceX employees, National Space Council representatives, other Federal Agency officials, industry leaders, foreign dignitaries, state and local officials, and members of the public and media. The value of the refreshments is approximately \$100 per person. Axiom Space will be offering a swag bag of a value of \$99.50 to each individual who takes their transportation to the event, containing T-shirts, reusable water bottles, first aid kits, stickers, key chains, hats, and similar items.

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 honor and show support for employees who have participated in the launch, and to recognize important contributions to U.S. aerospace efforts. 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 in non-career positions who are required to sign an ethics pledge under Executive Order 13989 may only attend the reception if they reimburse the sponsor the fair market value of the event. An honor basket will be provided.

NASA employees who have a significant role in any pending matter affecting the interests of the sponsor, such as procurement duties, program management, or negotiating or administering a Space Act Agreement, should seek a separate determination from their local NASA ethics counselor as to whether they may accept the invitation.

You are reminded of the \$20 gift exception at 5 C.F.R. § 2635.204(a), which provides that you may accept gifts valued at no more than \$20 per occasion (and no more than \$50 from one source in a calendar year). Because Axiom Space will be distributing gift bags containing items with an aggregate value of \$99.50, civil servants may accept these gift bags only if they pay to Axiom Space \$99.50. Otherwise, civil servants may accept any individually-offered items that, in the aggregate, have a fair market value of no more than \$20; that is, civil servants may decline any "distinct and separate" items in order to accept items aggregating \$20 or less. NASA employees in non-career positions who have signed the ethics pledge may only accept a gift item if they reimburse the sponsor.

**DANIEL SHAVER** Digitally signed by DANIEL  
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Date: 2023.05.05 14:24:28 -04'00'

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Daniel P. Shaver  
Agency Designee