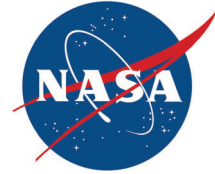


National Aeronautics and Space Administration

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



April 3, 2023

Reply to Attn of: CC

TO: All NASA Employees

FROM: CC/Chief Counsel

SUBJECT: Determination Regarding Attendance by NASA Employees at the NASA Tropospheric Emissions: Monitoring Pollution (TEMPO) Pre-Launch Reception, April 6, 2023

Maxar Technologies and Ball Aerospace will host the TEMPO Pre-launch Reception Thursday, April 6, 2023, at Rising Tide Tap and Table in Port Canaveral, Florida, from 5:30 p.m. to 8:00 p.m. Approximately 300 guests are expected to attend the reception, serving heavy hors d'oeuvres and two drink tickets per person. This event is by invitation only. Guests include employees of NASA, SpaceX, Smithsonian, and Intelsat; industry leaders; and members of academia. The value of the dinner is approximately \$40 per person. Agency invitees have been invited to bring a guest with them to the event with complimentary admission.

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.

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 13989, 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 this event from the KSC Office of the General Counsel.

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 Ball Aerospace will be distributing aluminum cups valued at \$2.00.

DANIEL SHAVER Digitally signed by DANIEL
SHAVER
Date: 2023.04.03 10:28:53 -04'00'

Daniel P. Shaver
Agency Designee