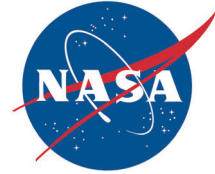


National Aeronautics and Space Administration

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



September 12, 2023

Reply to Attn of: CC

TO: All NASA Employees

FROM: CC/Chief Counsel

SUBJECT: Determination Regarding Attendance by NASA Employees at the Psyche Mission Team Celebration, October 4, 2023

Arizona State University (ASU), a non-profit organization under 501(c)(3) of the Internal Revenue Code, and Maxar Technologies, a for-profit company, will host the Psyche mission team at a VIP reception in the Apollo/Saturn V Center at the Kennedy Space Center Visitor Complex in Merritt Island, Florida, on Wednesday, October 4, 2023. ASU is in control of the planning, organizing, and issuing of invitations for this event. More than 250 guests are expected to attend the event, which consists of a cocktail-style reception with no formal seating arrangements. The reception will introduce guests to a range of ASU research and initiatives, from ocean research to lunar rovers to virtual-reality alien zoos as biology lab. With the theme of “Experience the Hidden Treasures of ASU and Psyche,” the reception will offer those present the chance to interact with members of the mission team, including Lindy Elkins-Tanton, and ASU leadership. Guests will include Federal legislators, state and local officials, academia, industry representatives, NASA personnel, personnel from other Federal agencies and the Department of Defense, members of the public, other contractors, and many more. The value of the gala is approximately \$62.00 a person. Attendees are invited to bring a guest, such as a spouse, to the event, at no additional charge.

While Federal employees are generally prohibited from accepting gifts from prohibited sources such as ASU and Maxar, there is a regulatory exception at 5 C.F.R. § 2635.204(g)(2) that permits Federal employees to accept gifts of free attendance at Widely Attended Gatherings when it is in the agency’s interest for employees to attend because their doing so will further agency programs and operations.

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 the Psyche mission and NASA

milestones within its program. 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 any of the sponsors 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 Office of the General Counsel. Employees in non-career positions who are required to sign the 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.

You are 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 for each occasion (and no more than \$50 from one source in a calendar year). We understand that ASU and Maxar will be distributing a gift bag valued at approximately \$22.54 (optional). Employees may accept any item(s) that are under or at the \$20 gift exception rule. 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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Daniel P. Shaver