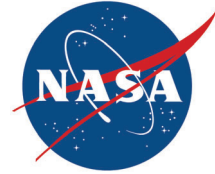


**John F. Kennedy Space Center**  
Kennedy Space Center, FL 32899



December 14, 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-3 Launch Event, January 9, 2024

Axiom Space will host the Axiom Space Ax-3 Launch Event Tuesday, January 9, 2024, at OSB II, Kennedy Space Center, Florida, from 5:00 p.m. to 9:00 p.m. Approximately 250 guests are expected to attend the event, serving food and refreshments. This event is by invitation only. Guests include NASA officials, SpaceX, 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 \$50 per person.

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 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.

However, NASA 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). Because Axiom Space will be offering a gift bag valued at

approximately \$79.05 (optional if using bus transportation), civil servants may accept these gift bags only if they pay to Axiom Space \$79.05. 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**

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Daniel P. Shaver  
Agency Designee