

National Aeronautics and Space Administration

Headquarters
Washington, DC 20546-0001



April 1, 2022

Reply to Attn of: General Law Practice Group

TO: Distribution

FROM: Agency Counsel for Ethics

SUBJECT: Determination Regarding Attendance by NASA Employees at the 37th Space Symposium and concurrent events, April 4 – 7, 2022

On April 4 – 7, 2022, the Space Foundation, a nonprofit organization under 501(c)(3) of the Internal Revenue Code will host the 37th Space Symposium in Colorado Springs, Colorado. Complementary Government registration will be covered under the authority of 31 U.S.C. §1353, Gifts of Travel From Non-Federal Sources, using NASA Form 1167. Invitations to additional events may have been provided by the sponsor. The Space Foundation is in control of the arrangements, invitations, and seating for a majority of the events taking place at the Broadmoor Hotel.¹ The following events will be held in conjunction with the Space Symposium:

1. On April 3, 2022, the Space Foundation, a nonprofit organization under 501(c)(3) of the Internal Revenue Code, will host a Yuri Gagarin Night at 5:30 p.m. to 9:00 p.m. in the Space Foundation Discover Center in Colorado Springs, Colorado. Approximately 750 people are expected to attend. Attendees will have a diversity of views or interests and will include young professionals, students, representatives from other federal agencies, congressional members, representatives from industry, academia, and media. The estimated cost of the event, including all food and beverages, is approximately \$70 per person. Attendance at this event will allow NASA employees and a guest to exchange information regarding various NASA programs.

2. On April 4, 2022, the Space Foundation, a nonprofit organization under 501(c)(3) of the Internal Revenue Code, will hold a pre-ceremony speaker reception from 4:45 p.m. to 6:00 p.m. in the Main Ballroom at the Broadmoor Hotel. Approximately 200 people are expected to attend. This event provides an opportunity for informal discussion with people who have diverse views or interests and will include people from other federal agencies, congressional members, and representatives from industry, academia, and foreign governments. The estimated cost of the event, including all food and beverages, is approximately \$70 per person. Attendance at this event will allow NASA employees who

¹ Certain companies which support the symposium will provide very light snacks and non-alcoholic beverages during morning and afternoon breaks and at some breakout lectures or discussions. This modest fare is not considered a gift under Federal ethics requirements. See 5 C.F.R. § 2635.203(b)(1).

are speaking at an event during the symposium to exchange information regarding various NASA programs. Due to space limitations for the event, guests are not invited.

3. On April 4, 2022, the Space Foundation, a nonprofit organization under 501(c)(3) of the Internal Revenue Code, will hold an opening ceremony from 6:30 p.m. to 7:15 p.m. in the International Center at the Broadmoor Hotel. Approximately 900 people are expected to attend. This event provides an opportunity for informal discussion with people who have diverse views or interests and will include people from other federal agencies, congressional members, and representatives from industry, academia, and foreign governments. The estimated cost of the event, including all food and beverages, is approximately \$100 per person. Attendance at this event will allow NASA employees and a guest to exchange information regarding various NASA programs.

4. On April 4, 2022, the Space Foundation, a nonprofit organization under 501(c)(3) of the Internal Revenue Code, will hold an International Heads of Agency Reception from 7:45 p.m. to 9:15 p.m. in the Penrose Lounge at the Broadmoor Hotel. Approximately 125 people are expected to attend. This event provides an opportunity for informal discussion with people who have diverse views or interests and will include agency directors/managers from other federal agencies, congressional members, and representatives from industry. The estimated cost of the event, including all food and beverages, is approximately \$70 per person. Attendance at this event will allow NASA employees to exchange information regarding various NASA programs. Due to space limitations for the event, guests are not invited.

5. On April 5, 2022, the Space Foundation, a nonprofit organization under 501(c)(3) of the Internal Revenue Code, will hold a Government Affairs Breakfast from 7:15 a.m. to 8:30 a.m. in the Broadmoor Hotel. Approximately 300 people are expected to attend. This event provides an opportunity for informal discussion with people who have diverse views or interests and will include people from other federal agencies, congressional members, and representatives from industry, academia, and foreign governments. The estimated cost of the event, including all food and beverages, is approximately \$90 per person. Attendance at this event will allow NASA attendees to exchange information regarding various NASA programs. Due to space limitations for the event, guests are not invited.

6. On April 5, 2022, the Space Foundation, a nonprofit organization under 501(c)(3) of the Internal Revenue Code, will hold a Game Changers Luncheon from 12:15 p.m. to 1:45 p.m. in the International Center at the Broadmoor Hotel. Approximately 150 people are expected to attend. This event provides an opportunity for informal discussion with people who have diverse views or interests and will include people from other federal agencies, congressional members, and representatives from industry, and foreign governments. The estimated cost of the event, including all food and beverages, is approximately \$100 per person. Attendance at this event will allow NASA attendees to exchange information regarding various NASA programs. Due to space limitations for the event, guests are not invited.

7. On April 5, 2022, the Space Foundation, a nonprofit organization under 501(c)(3) of the Internal Revenue Code, will hold a Senior Executives' Forum Luncheon from 12:15 p.m.

to 1:45 p.m. in the Broadmoor Hotel. Approximately 70 people are expected to attend. This event provides an opportunity for informal discussion with people who have diverse views or interests and will include people from other federal agencies, congressional members, and representatives from industry, academia, and foreign governments. The estimated cost of the event, including all food and beverages, is approximately \$100 per person. Attendance at this event will allow NASA employees to exchange information regarding various NASA programs. Due to space limitations for the event, guests are not invited.

8. On April 5, 2022, the Aerospace Industries Association (AIA), a nonprofit organization under 501(c)(6) of the Internal Revenue Code, will hold a Space Policy Networking Reception from 5:00 p.m. to 7:00 p.m. in the West Tower Lobby at the Broadmoor Hotel. Approximately 125 people are expected to attend. This event provides an opportunity for informal discussion with people who have diverse views or interests and will include people from other federal agencies, congressional members, and representatives from industry, academia, and foreign governments. The estimated cost of the event, including all food and beverages, is approximately \$20 per person. Attendance at this event will allow NASA employees and a guest to exchange information regarding various NASA programs.

9. On April 5, 2022, the Space Foundation, a nonprofit organization under 501(c)(3) of the Internal Revenue Code, will hold a Corporate Appreciation Reception from 5:00 p.m. to 7:15 p.m. in the Penrose Heritage Museum at the Broadmoor Hotel. Approximately 125 people are expected to attend. This event provides an opportunity for informal discussion with people who have diverse views or interests and will include people from other federal agencies, congressional members, and representatives from industry, and foreign governments. The estimated cost of the event, including all food and beverages, is approximately \$70 per person. Attendance at this event will allow NASA attendees to exchange information regarding various NASA programs. Due to space limitations for the event, guests are not invited.

10. On April 5, 2022, the International Institute of Space Law and Sherman & Howard LLC will hold a reception from 6:00 p.m. to 8:00 p.m. on the Garden of the Gods Club at Colorado Springs, Colorado. Approximately 25 people are expected to attend. This event provides an opportunity for informal discussion with people who have diverse views or interests and will include people from other federal agencies, representatives from foreign government, speakers from the Law Forum, and personnel from industry. The estimated cost of the event, including all food and beverages, is approximately \$100 per person. Attendance at this event will allow NASA employees and a guest to exchange information regarding various NASA programs.

11. On April 5, 2022, the Space Foundation, a nonprofit organization under 501(c)(3) of the Internal Revenue Code, will hold a Corporate Partnership Dinner from 7:30 p.m. to 9:00 p.m. in the International Center at the Broadmoor Hotel. Approximately 1,000 people are invited to attend. This event provides an opportunity for informal discussion with people who have diverse views or interests and will include people from other federal agencies, congressional members, and representatives from industry, and foreign governments. The estimated cost of the event, including all food and beverages, is approximately \$225 per

person. Attendance at this event will allow NASA employees and a guest to exchange information regarding various NASA programs.

12. On April 6, 2022, the Space Foundation will host a Satellite Forum Breakfast at 7:15 a.m. to 8:30 p.m. in the Broadmoor Hotel. Approximately 1,000 people are expected to attend. This event provides an opportunity for informal discussion with people who have diverse views or interests and will include people from other federal agencies, congressional members, and representatives from industry, academia, media, and foreign governments. The estimated cost of the event, including all food and beverages, is approximately \$90 per person. Attendance at this event will allow NASA employees and a guest to exchange information regarding various NASA program

13. On April 6, 2022, the Space Foundation, a nonprofit organization under 501(c)(3) of the Internal Revenue Code, will hold an astronaut reunion breakfast from 7:30 a.m. to 8:45 a.m. in the Broadmoor Hotel. Approximately 30 people are expected to attend. This event provides an opportunity for informal discussion with people who have diverse views or interests and will include representatives from industry and members of the public. The estimated cost of the event, including all food and beverages, is approximately \$90 per person. Attendance at this event will allow NASA employees to exchange information regarding the NASA astronaut program. Due to space limitations for the event, guests are not invited.

14. On April 6, 2022, the Space Foundation, a nonprofit organization under 501(c)(3) of the Internal Revenue Code, will hold a Space Warfighters Luncheon from 12:15 p.m. to 1:45 p.m. in the Colorado Hall at the Broadmoor Hotel. Approximately 1,000 people are invited to attend. This event provides an opportunity for informal discussion with people who have diverse views or interests and will include people from other federal agencies, congressional members, and representatives from industry, academia, media, and foreign governments. The estimated cost of the event, including all food and beverages, is approximately \$100 per person. Attendance at this event will allow NASA employees to exchange information regarding various NASA programs.

15. On April 6, 2022, the Space Foundation, a nonprofit organization under 501(c)(3) of the Internal Revenue Code, will hold the IAF: 70+ Years of Connecting @ll Space People - Salon Luncheon from 12:15 p.m. to 1:45 p.m. in the West Ballroom at the Broadmoor Hotel. Approximately 100 people are invited to attend. This event provides an opportunity for informal discussion with people who have diverse views or interests and will include people from other federal agencies, congressional members, and representatives from industry, academia, media, and foreign governments. The estimated cost of the event, including all food and beverages, is approximately \$90 per person. Attendance at this event will allow NASA employees to exchange information regarding various NASA programs. Due to space limitations for the event, guests are not invited.

16. On April 6, 2022, the Austrade, CSIRO, Australian Department of Foreign Affairs & Trade, and the Australian Space Agency will jointly hold a reception from 4:00 p.m. to 6:30 p.m. in the Cheyenne Mountain Resort, Quail 1 Room. Approximately 100 people are invited to attend. The event provides an opportunity for informal discussion with people who

have diverse views or interests and will include people from other federal agencies, representatives from industry, and foreign governments. The estimated cost of the event, including all food and beverages, is approximately \$40 per person. Attendance at this event will allow NASA employees and a guest to exchange information regarding various NASA programs.

17. On April 6, 2022, the New Zealand Trade and Enterprise Association and New Zealand Space Agency will jointly hold a reception from 5:00 p.m. to 7:00 p.m. in the Cheyenne Mountain Resort, Remington 1 Reception Room. Approximately 250 people are invited to attend. This event provides an opportunity for informal discussion with people who have diverse views or interests and will include people from other federal agencies, congressional members, and representatives from industry, academia, media, and foreign governments. The estimated cost of the event, including all food and beverages, is approximately \$50 per person. Attendance at this event will allow NASA employees to exchange information regarding various NASA programs. Due to space limitations for the event, guests are not invited.

18. On April 6, 2022, L3Harris Technologies, Inc. will hold a reception from 5:30 p.m. to 7:00 p.m. in the Main Ballroom at the Broadmoor Hotel. Approximately 300 people are invited to attend. This event provides for informal discussion with people who have diverse views or interests and will include people from other federal agencies, congressional members, and representatives from industry, academia, media, and foreign governments. The estimated cost of the event, including all food and beverages, is approximately \$20 per person. Attendance at this event will allow NASA employees and a guest to exchange information regarding various NASA programs.

19. On April 6, 2022, the ASRC Federal Holding Company, LLC will hold a Fireside Reception at 5:30 p.m. to 8:30 p.m. in the Bennett Cottage at the Broadmoor Hotel. Approximately 2,000 people are invited to attend. This event provides for informal discussion with people who have diverse views or interests and will include people from other federal agencies, congressional members, and representatives from industry, academia, media, and foreign governments. The estimated cost of the event, including all food and beverages, is approximately \$28 per person. Attendance at this event will allow NASA employees and a guest to exchange information regarding various NASA programs.

20. On April 6, 2022, the Lockheed Martin Company will hold a Galactic Garden Reception from 5:30 p.m. to 9:30 p.m. in the Lakeside Terrace Dining Room on the 2nd Floor of the Broadmoor Hotel. Approximately 350 people are invited to attend. This event provides for informal discussion with people who have diverse views or interests and will include people from other federal agencies, congressional members, and representatives from industry, academia, media, and foreign governments. The estimated cost of the event, including all food and beverages, is approximately \$50 per person. Attendance at this event will allow NASA employees and a guest to exchange information regarding various NASA programs.

21. On April 6, 2022, the Air Force Association, a nonprofit organization under 501(c)(3) of the Internal Revenue Code, will hold a dinner/reception starting at 6:00 p.m. in Cheyenne

Mountain Country Club. Approximately 25 people are expected to attend. This event provides an opportunity for informal discussion with people who have diverse views or interests and will include directors/managers from other federal agencies, congressional members, and representatives from industry, and foreign governments. The estimated cost of the event, including all food and beverages, is approximately \$75 per person. Attendance at this event will allow NASA employees to exchange information regarding various NASA programs. Due to space limitations for the event, guests are not invited.

22. On April 6, 2022, the Boeing Company will hold an Evening Under the Stars event at 6:30 p.m. to 8:30 p.m. on the Great Terrace at the Broadmoor Hotel. Approximately 650 people are expected to attend. This event provides an opportunity for informal discussion with people who have diverse views or interests and will include people from other federal agencies, congressional members, and representatives from industry, academia, media, and foreign governments. The estimated cost of the event, including all food and beverages, is approximately \$75 per person. Attendance at this event will allow NASA employees and a guest to exchange information regarding various NASA programs.

23. On April 7, 2022, the Space Foundation, a nonprofit organization under 501(c)(3) of the Internal Revenue Code, will hold a Women's Global Gathering Luncheon from 12:15 p.m. to 1:45 p.m. in the Colorado Hall at the Broadmoor Hotel. Approximately 1,000 people are expected to attend. This event provides an opportunity for informal discussion with people who have diverse views or interests and will include people from other federal agencies, congressional members, and representatives from industry, academia, media, and foreign governments. The estimated cost of the event, including all food and beverages, is approximately \$100 per person. Attendance at this event will allow NASA employees to exchange information regarding various NASA programs.

24. On April 7, 2022, the Great Republic will hold the Annual Space Symposium Bourbon Pour Reception starting at 4:00 p.m. in the Great Republic at the Broadmoor Hotel. Approximately 100 people are invited to attend. This event provides an opportunity for informal discussion with people who have diverse views or interests and will include people from other federal agencies, congressional members, and representatives from industry, academia, media, and foreign governments. The estimated cost of the event, including all food and beverages, is approximately \$20 per person. Attendance at this event will allow NASA employees and a guest to exchange information regarding various NASA programs.

25. On April 7, 2022, the Space Foundation, a nonprofit organization under 501(c)(3) of the Internal Revenue Code, will hold a Space Technology Hall of Fame Dinner from 7:00 p.m. to 9:00 p.m. in the International Center at the Broadmoor Hotel. Approximately 1,000 people are invited to attend. This event provides an opportunity for informal discussion with people who have diverse views or interests and will include people from other federal agencies, congressional members, and representatives from industry, academia, media, and foreign governments. The estimated cost of the event, including all food and beverages, is approximately \$225 per person. Attendance at this event will allow NASA employees and a guest to exchange information regarding various NASA programs.

I find that these events meet the requirements of a “widely attended gathering” as defined in 5 C.F.R. § 2635.204(g).² I further determine that there is an Agency interest in having NASA personnel attend these events because it will provide an opportunity for the invited persons to exchange ideas and views pertaining to NASA’s policies, programs, and operations. Accordingly, NASA employees who do not have a significant role in a matter affecting the interests of the organization hosting the particular event as specified herein may accept an invitation for free attendance to that event, including NASA employees in non-career positions who are required to sign the ethics pledge under Executive Order 13989, except as noted below. In those circumstances, I find that the Agency’s interest in attendance outweighs any concern that the individual may be, or may appear to be, improperly influenced in the performance of their duties.³

However, NASA employees in non-career positions who are required to sign the ethics pledge under Executive Order 13989 may only attend the reception events held by AIA Space Policy Networking Lunch (April 5), L3Harris Reception (April 6), ASRC Federal Fireside Reception (April 6), Boeing Evening Under the Stars Night (April 6), and Lockheed Martin Galactic Garden Reception (April 6), if they reimburse the sponsor the fair market value of the event as these events are by invitation only and not covered by the registration fee and/or another exception. Additionally, a guest of NASA employees may attend the events to which they have been invited; e.g., the opening and closing ceremonies (April 4 and April 7), Corporate Partnership Dinner (April 5), Astronaut Reunion (April 6), Satellite Forum Breakfast (April 6), Australian Reception (April 6), New Zealand Reception (April 6), ASRC Federal Reception (April 6), Great Republic Reception (April 7), and the Space Technology Hall of Fame Dinner (April 7). Also, NASA employees who have a significant role in any pending matter affecting the interests of any of the hosts of any event they wish to attend, such as procurement duties, program management, or negotiating or administering a Space Act Agreement, should seek a separate determination from their local ethics counselor as to whether they may accept the invitation.⁴

This widely attended gathering determination does not cover the receptions in hospitality suites that may occur during the 37th Space Symposium. These suites will be hosted by corporate sponsors. Most NASA employees who are invited may receive refreshments provided in these suites under the exception to the gift rules that allows acceptance of gifts (including refreshments and tangible gift items) with an aggregate value of \$20 or less per event. However, non-career NASA employees subject to the Ethics Pledge required by Executive Order 13989 must provide reimbursement for the fair market value of any refreshments they or their guests consume in the hospitality suites. We understand that honor baskets to do so will be provided.

² When the gift of free attendance is from a foreign government, as in the case of the Australian and Canadian Government Receptions, acceptance of the gift is authorized by the Foreign Gifts and Decorations Act.

³ In addition, employees may accept free attendance at events at which they are speaking pursuant to 5 C.F.R. 2635.203(b)(8)(i).

⁴ NASA employees who are attending the 37th Space Symposium pursuant to a registration fee NASA has paid for or through sponsored travel approval pursuant to 31 U.S.C. §1353 may attend any of the events hosted by the Space Foundation as provided by those approvals.

Attendees are also reminded of the \$20 gift exception at 5 C.F.R. § 2635.204(a), at which provides that employees may accept gifts valued at no more than \$20 per occasion (and no more than \$50 from one source in a calendar year).

If employees have any questions on any individual event listed, please contact your local NASA ethics official. Attendees are reminded to exercise any COVID-19 precautions appropriate to their individual situation.

for Adam F. Greenstone