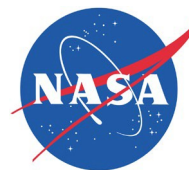


National Aeronautics and
Space Administration



Mary W. Jackson Building NASA Headquarters
Washington, DC 20546-0001

August 20, 2021

Reply to Attn of: General Law Practice Group

TO: Distribution

FROM: Agency Counsel for Ethics

SUBJECT: Determination Regarding Attendance by NASA Employees at Additional Events concurrent to the 36th Space Symposium, August 23 – 26, 2021

On August 23 – 26, 2021, the Space Foundation, a nonprofit organization under 501(c)(3) of the Internal Revenue Code will host the 36th Space Symposium in Colorado Springs, Colorado. Complementary Government registration will be covered under Gifts of Travel From Non-Federal Sources, 31 U.S.C. §1353, 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 in addition to those events listed on the NASA Widely Attended Gathering determination dated August 13, 2021:

1. On August 23, 2021, the Space Exploration Technologies Corporation (SpaceX) will host a reception at 7:00 p.m. to 10:00 p.m. on the South Terrace 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, state and local government officials, representatives from industry, academia, 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.

2. On August 24, 2021, the Aerospace Industries Association (AIA), a nonprofit organization under 501(c)(6) of the Internal Revenue Code, will hold a Space Policy Networking Lunch from 12:15 p.m. to 1:45 p.m. in the Robert Trent Jones Room at the Broadmoor Hotel. Approximately 90 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

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).

food and beverages, is approximately \$30 per person. Attendance at this event will allow NASA attendees to exchange information regarding various NASA programs.

3. On August 25, 2021, the Lockheed Martin Corporation, will hold a Lunar Luau Reception from 5:30 p.m. to 6:30 p.m. at the West Tower Lawn of 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, 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.

4. On August 25, 2021, the L3Harris Corporation, will hold a Brewfest Reception from 5:30 p.m. to 7:00 p.m. at the Mountain View Terrace of 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 \$15 per person. Attendance at this event will allow NASA employees and a guest to exchange information regarding various NASA programs.

5. On August 25, 2021, the Boeing Company, will hold a Backyard Barbeque from 6:30 p.m. to 8:30 p.m. at the Great Lawn at the Broadmoor Estate House. Approximately 1,200 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, 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.

6. On August 26, 2021, the Space Foundation, a nonprofit organization under 501(c)(3) of the Internal Revenue Code, will hold an Innovation for Space roundtable breakfast from 7:15 a.m. to 8:45 a.m. in the Donald Ross Room at the Broadmoor Golf Building. Approximately 50 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. The estimated cost of the event, including all food and beverages, is approximately \$75 per person. Attendance at this event will allow NASA attendees 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). 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.

Additionally, a spouse or one guest of NASA employees may attend the events to which the spouse or guest have been invited; e.g. the SpaceX reception (August 23), L3Harris Brewfest (August 25), Lockheed Luau (August 25), and Boeing BBQ (August 25).

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 SpaceX Reception (August 23), the AIA Space Policy Networking Lunch (August 24), the Lockheed Martin Lunar Luau (August 25), the L3Harris Brewfest Reception (August 25), and Boeing BBQ (August 25) 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. Moreover, 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.

This widely attended gathering determination and the widely attended gathering determination dated August 13, 2021, do not cover other "by invitation only" events not specified herein proximate to the symposium but not covered by Symposium registration. The sponsors for some of these events did not respond to this office's request for information for this determination. NASA employees who wish to attend such events should contact this office at ethicsteam@hq.nasa.gov for further advice.

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.

GRIFFIN FARRIS

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for
Adam F. Greenstone