

National Aeronautics and Space Administration

Headquarters
Washington, DC 20546-0001



April 5, 2024

Reply to Attn of: General Law Practice Group

TO: Distribution

FROM: Agency Counsel for Ethics

SUBJECT: Determination Regarding Attendance by NASA Employees at the 39th Space Symposium and concurrent events, April 7 – 11, 2024

On April 7 – 11, 2024, the Space Foundation, a nonprofit organization under 501(c)(3) of the Internal Revenue Code will host the 39th 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 most 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 9, 2024, the Space Foundation, a nonprofit organization under 501(c)(3) of the Internal Revenue Code, will hold a Salon Breakfast: IBM from 7:15 a.m. to 8:30 a.m. in the Broadmoor Hotel. Approximately 50-125 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 \$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.

2. On April 9, 2024, the Space Foundation, a nonprofit organization under 501(c)(3) of the Internal Revenue Code, will hold a Salon Breakfast: Amazon Web Services from 7:15 a.m. to 8:30 a.m. in the Broadmoor Hotel. Approximately 50-125 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

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).

members, and representatives from industry, academia, media, 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 to exchange information regarding various NASA programs. Due to space limitations for the event, guests are not invited.

3. On April 9, 2024, the Space Foundation, a nonprofit organization under 501(c)(3) of the Internal Revenue Code, will hold a Salon Breakfast: Voyager Space from 8:00 a.m. to 9:30 a.m. in the Broadmoor Hotel. Approximately 50-125 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 \$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.

4. On April 9, 2024, the Space Foundation, a nonprofit organization under 501(c)(3) of the Internal Revenue Code, will hold a Salon Luncheon: Deloitte from 12:15 p.m. to 1:45 p.m. in the Broadmoor Hotel. Approximately 50-200 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. Due to space limitations for the event, guests are not invited.

5. On April 9, 2024, the Space Foundation, a nonprofit organization under 501(c)(3) of the Internal Revenue Code, will hold a Salon Luncheon: Jacobs from 12:15 p.m. to 1:45 p.m. in the Broadmoor Hotel. Approximately 50-200 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. Due to space limitations for the event, guests are not invited.

6. On April 9, 2024, the Space Foundation, a nonprofit organization under 501(c)(3) of the Internal Revenue Code, will hold a Salon Luncheon: KSAT from 12:15 p.m. to 1:45 p.m. in the Broadmoor Hotel. Approximately 50-200 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. Due to space limitations for the event, guests are not invited.

7. On April 9, 2024, the Space Foundation, a nonprofit organization under 501(c)(3) of the Internal Revenue Code, will hold a Salon Luncheon: Bank of America from 12:15 p.m. to 1:45 p.m. in the Broadmoor Hotel. Approximately 50-200 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. Due to space limitations for the event, guests are not invited.

8. On April 10, 2024, the Space Foundation, a nonprofit organization under 501(c)(3) of the Internal Revenue Code, will hold a Salon Breakfast: Hawkeye 360 from 7:15 a.m. to 8:30 a.m. in the Broadmoor Hotel. Approximately 50-125 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 \$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.

9. On April 10, 2024, the Space Foundation, a nonprofit organization under 501(c)(3) of the Internal Revenue Code, will hold a Salon Luncheon: Aerospace Industries Association from 12:15 p.m. to 1:30 p.m. in the Broadmoor Hotel. Approximately 50-125 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 \$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.

10. On April 10, 2024, the Space Foundation, a nonprofit organization under 501(c)(3) of the Internal Revenue Code, will hold a Salon Luncheon: Astranis from 12:15 p.m. to 1:45 p.m. in the Broadmoor Hotel. Approximately 50-200 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. Due to space limitations for the event, guests are not invited.

11. On April 10, 2024, the Space Foundation, a nonprofit organization under 501(c)(3) of

the Internal Revenue Code, will hold a Salon Luncheon: Keysight from 12:15 p.m. to 1:45 p.m. in the Broadmoor Hotel. Approximately 50-200 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. Due to space limitations for the event, guests are not invited.

12. On April 10, 2024, the Space Foundation, a nonprofit organization under 501(c)(3) of the Internal Revenue Code, will hold a Salon Luncheon: PwC from 12:15 p.m. to 1:45 p.m. in the Broadmoor Hotel. Approximately 50-200 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. Due to space limitations for the event, guests are not invited.

13. On April 10, 2024, Blue Origin will hold a reception from 5:00 p.m. to 7:00 p.m., in the Everest Cottage. Approximately 200 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 \$75 per person. Attendance at this event will allow NASA employees and a guest to exchange information regarding various NASA programs.

14. On April 10, 2024, KBR will hold a Networking Social Event at 5:30 p.m. at the Broadmoor Hotel. Approximately 150 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 \$22 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

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

operations. Accordingly, NASA employees who do not have a significant role in a matter affecting the interests of the organization hosting the 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 IBM (April 9), Amazon Web Services (April 9), Voyager Space (April 9), Deloitte (April 9), JACOBS (April 9), Bank of America (April 9), Hawkeye 360 (April 10), AIA (April 10), Keysight (April 10), PwC (April 10), Blue Origin (April 10), and KBR (April 10) 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. 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 39th 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.

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.

Kathleen "Katie" Spear

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 39th 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.