United States Department of the Interior

NATIONAL PARK SERVICE
1849 C Street, N.W.
Washington, D.C. 20240

A96(0004)

DEC 0 5 2007

Memorandum

To: National Leadership Council

From: Director Mary A. Bomar

Subject: Alcoholic Beverage Use in NPS Facilities—Delegation of Authority

With the holidays approaching, I want to take this opportunity to emphasize how important it is that those who use or serve alcoholic beverages do so in a responsible manner. We all know of the risks associated with alcoholic beverage consumption, and we must therefore take extra precautions to ensure that our holiday celebrations do not end in tragedy. The extra precautions include a requirement for thoughtful review of proposed alcohol use at NPS facilities.

It is my special responsibility to remind you of the general prohibition against the use or possession of alcoholic beverages within space occupied or controlled by the Department of the Interior (including the NPS). This prohibition is found in the Departmental Manual at 310 DM 13, which implements section 102-74.405 of the Federal Management Regulation (41 CFR 102-74.405). However, the DM does allow possession or use of alcoholic beverages if a prior written exemption has been granted by the Secretary or the Secretary's designee. Although the Director of DOI's National Business Center (or designee) has been designated as the authorized approving official for exemptions at the Main and South Interior buildings in Washington, D.C., I have been authorized to approve exemptions for other NPS facilities—in D.C. and nationwide. I have also been authorized to redelegate that approval authority, and that is what this memorandum is intended to accomplish.

Delegation of Exemption Authority. Through this memorandum, I am delegating the authority to issue or deny exemptions as listed below:

(1) Exemptions for headquarters operations in Washington, D.C. (other than Main and South Interior buildings) may be approved by a deputy director or the Chief of Staff.
(2) Exemptions for offices outside Washington, D.C., that report to an associate director may be approved by the associate director.
(3) Exemptions within regional office facilities may be approved by the appropriate regional director (who may redelegate to a deputy regional director).
(4) Park unit exemptions may be approved by the regional director (who may redelegate to a deputy regional director).

Further redelegations are not authorized. However, an employee serving in an "acting" capacity may assume the authority of the office for which they are "acting."

Written Requests. The Departmental Manual requires that exemptions to the DOl alcohol policy be issued only in response to written requests, and the requests must be completed and submitted to the authorized approving official within a reasonable amount of time to allow for processing of the request. At minimum, the submitted request must include the following:

(1) Location where alcohol may be consumed;
(2) Date and time when alcohol may be consumed;
(3) Purpose of the function at which alcohol may be consumed;
(4) Measures employed to ensure compliance with applicable laws, such as the prohibition against underage drinking, driving under the influence, and public intoxication;
(5) For leased facilities, a certification of compliance with any applicable lease restrictions governing the consumption or possession of alcoholic beverages, including a description of such restrictions; and
(6) Name and signature of the requestor.

The authorized approving official may require additional information in order to process the request. Involvement by appropriate health and safety personnel is highly recommended. Requests must be denied if it is determined that the exemption would be inconsistent with a building lease or other applicable local laws.

Attached for your convenience is a form that may be used to request an exemption and to document action taken on the request. The form is optional; requests may be submitted in other written formats, provided that all the information listed in the six points above is included.

Notification. Those who are delegated authority to approve exemption requests must take the following actions:

(1) Notify the requestor in writing (signed by the authorized approving official) whether or not the exemption is granted or denied.
(2) Provide a copy of all approved exemptions to:
    (a) The building manager at the location, and
    (b) The highest-ranking representative ofthe law enforcement organization or other authorized official, who is responsible for the security of the property.
(3) Maintain a file containing copies of all approved exemptions.

Alcoholic Beverage Use **Unrelated to Official NPS Functions.** The requirement for the Director's (or designee's) approval described above applies generally to NPS-sponsored functions or other "official" functions to which the NPS is a party, but does not apply to use and possession of alcoholic beverages by park visitors. Instead, the regulations at 36

CFR 2.35 address the use and possession of alcoholic beverages by park visitors. Those regulations allow for the use and possession within park areas unless the area has been closed to alcoholic beverages by the park superintendent, based on a list of criteria found at 36 CFR 2.35(a)(3)(i).

If the visitor's alcoholic beverage use is part of an event or other group activity subject to an NPS special use permit or other authorizing instrument, the permit or other authorizing instrument should contain conditions to help ensure that the alcohol use is managed in a responsible manner. Special use permits are issued under the park superintendent's authority.

If you should have any questions about the contents of this memo, please contact Chick Fagan, Acting Chief, Office ofPolicy.

Attachment

Request for Exemption from Alcohol Prohibition

1. At what location will alcohol be consumed?

2. At what date and time will the alcohol be consumed?

3. What is the purpose of the function at which alcohol will be consumed?

4. What measures will be employed to ensure compliance with applicable laws, such as the prohibition against underage drinking, driving while under the influence, and public intoxication?

5. If the function will take place at a leased facility, describe any lease restrictions that must be complied with and certify that the activity will comply with those restrictions.

6. Print requestor's name, title, and phone#: _____

_____

7. Date of request:_____

8. Action taken by approval authority:

Exemption granted: _____Date: _____

Exemption not granted: _____Date: _____

9. Printed name and title of approval authority: _____

_____

Cc: Building Manager
Security Official
Exemption File

Optional form date 11-13-7