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B-168149, Feb. 3, 1970

Number: B-168149

Date: 1970-02-03

B-168149, FEB. 3, 1970

MISCELLANEOUS--APPROPRIATION AVAILABILITY--CONCERT, ETC; TICKETS DECISION TO CERTIFYING OFFICER OF NATIONAL PARK SERVICE WITH RESPECT TO PROPRIETY OF USE OF APPROPRIATED FUNDS TO PAY FOR CONCERT BALLET AND THEATER TICKETS FOR ARTISTIC DIRECTOR OF FILENE CENTER IN WOLF TRAP PARK, VIRGINIA. EMPLOYEE WHOSE DUTY IT IS TO EVALUATE CONCERT, BALLET AND THEATER PRODUCTS FOR BOOKING FOR PERFORMANCES AUTHORIZED FOR THE NATIONAL PARK SERVICE ART CENTER UNDER PUBLIC LAW 89-671 MAY HAVE SUCH DUTIES REGARDED AS IN PERFORMANCE OF OFFICIAL DUTIES NECESSARY TO OPERATION OF THE CENTER AND THEREFORE NO OBJECTION TO PAYMENT FROM APPROPRIATED FUNDS IS MADE.

TO MR. FLOYD P. HOUGH:

YOUR LETTER OF OCTOBER 15, 1969, YOUR REFERENCE F50-NCRABF), REQUESTS OUR DECISION ON THE QUESTION OF WHETHER YOU MAY PAY FROM APPROPRIATED FUNDS A CLAIM SUBMITTED BY MR. GERALD HOLMES, ARTISTIC DIRECTOR OF THE FILENE CENTER IN WOLF TRAP PARK, FAIRFAX COUNTY, VIRGINIA, IN THE AMOUNT OF $35 FOR SYMPHONY, BALLET AND THEATRE TICKETS. WOLF TRAP PARK WAS AUTHORIZED BY PUB. L. 89-671, APPROVED OCTOBER 15, 1966, AND MR. HOLMES IS RESPONSIBLE FOR BOOKING CONCERTS AND OTHER CULTURAL ENTERTAINMENT GROUPS IN THE PARK.

YOU STATE THAT IN ORDER FOR MR. HOLMES TO EVALUATE ADEQUATELY PERFORMANCES BEING CONSIDERED FOR BOOKING AT THIS FACILITY, IT IS NECESSARY FOR HIM TO ATTEND VARIOUS THEATRES.

YOU FURTHER STATE THAT, IF THIS CLAIM IS ALLOWED, SINCE THERE WILL BE A CONTINUING NEED FOR REVIEW OF PERFORMANCES BEFORE BOOKING, YOU PROPOSE TO AUTHORIZE SUCH REIMBURSEMENT FOR ATTENDANCE AT SUCH PERFORMANCES AS THE HEAD OF THE APPROPRIATE ADMINISTRATIVE OFFICE, THE OFFICE OF THE REGIONAL DIRECTOR, NATIONAL CAPITAL REGION, APPROVES AS NECESSARY IN THE OPERATION OF THE FILENE CENTER.

PUBLIC LAW 89-671 PROVIDES:

"THAT FOR THE PURPOSE OF ESTABLISHING IN THE NATIONAL CAPITAL AREA A PARK FOR THE PERFORMING ARTS AND RELATED EDUCATIONAL PROGRAMS, AND FOR RECREATION USE IN CONNECTION THEREWITH, THE SECRETARY OF THE INTERIOR IS AUTHORIZED TO ESTABLISH, DEVELOP, IMPROVE, OPERATE, AND MAINTAIN THE WOLF TRAP FARM PARK IN FAIRFAX COUNTY, VIRGINIA. * * *"

APPROPRIATE REGULATIONS ISSUED BY THE SECRETARY OF THE INTERIOR PROVIDE FOR DELEGATION TO THE DIRECTOR OF THE NATIONAL PARK SERVICE AND REDELEGATION TO THE

REGIONAL DIRECTORS OF THE SERVICE OF THE STATUTORY AUTHORITY GIVEN TO THE SECRETARY BY PUBLIC LAW 89-671. SUCH AUTHORITY WAS REDELEGATED TO THE REGIONAL DIRECTORS. REORGANIZATION PLAN NO. 3 OF 1950, EFFECTIVE MAY 24, 1950, 15 F.R. 3174, 64 STAT. 1262; 5 U.S.C. 22; DEPARTMENTAL MANUAL PART 245, AUGUST 20, 1969, 34 F.R. 13879; NATIONAL PARK SERVICE ORDER 34, MARCH 9, 1966, 31 F.R. 4255.

WE UNDERSTAND THAT IN THE CASE SUBMITTED THE REGIONAL DIRECTOR, NATIONAL CAPITAL REGION, HAS DETERMINED THAT THE EXPENDITURE OF APPROPRIATED FUNDS FOR THE SPECIFIC THEATRE, SYMPHONY AND BALLET TICKETS PURCHASED WAS NECESSARY IN THE OPERATION OF THE FILENE CENTER, WOLF TRAP FARM PARK AT THE THEATRICAL EVENTS IN QUESTION WAS NOT PERSONAL ENTERTAINMENT BUT IN THE FURTHERANCE OF THE PERFORMANCE OF HIS OFFICIAL DUTIES TO SELECT APPROPRIATE CULTURAL AND THEATRICAL EVENTS FOR BOOKING AT THE CENTER. SINCE THE REGIONAL DIRECTOR HAS DETERMINED THAT THE PURCHASE OF THE TICKETS IS A NECESSARY EXPENSE FOR OPERATION OF THE FILENE CENTER, THE COST OF THE TICKETS MAY BE CHARGED TO THE APPROPRIATION FOR OPERATION OF THE CENTER.

OUR OFFICE WILL NOT OBJECT TO THE NATIONAL PARK SERVICE PAYING FROM APPROPRIATED FUNDS FOR THEATRE, SYMPHONY AND BALLET TICKETS FOR THE ARTISTIC DIRECTOR, FILENE CENTER, WOLF TRAP FARM PARK, WHENEVER A DETERMINATION IS PROPERLY MADE BY AN APPROPRIATE OFFICIAL OF THE SERVICE THAT ATTENDANCE AT SUCH SPECIFIC EVENTS IS NECESSARY FOR THE PERFORMANCE OF HIS OFFICIAL DUTIES.