

(1) to expend all funds for the reconstruction of the Center (and for construction or reconstruction of any related structures or fixtures) only in accordance with circulars published by the Office of Management and Budget applicable to Federal grants to nonprofit organizations, and in accordance with the provisions of sections 3141–3144, 3146, and 3147 of title 40;

(2) to comply with such other terms and conditions as the Secretary deems appropriate; and

(3) to maintain, during the term of the cooperative agreement described in section 284d of this title, and at the Foundation's expense, insurance on the Center respecting such risks, in such amounts, and containing such terms and conditions, as are satisfactory to the Secretary.

Any repairs or reconstruction carried out with funds obtained from the receipt of the proceeds of any such insurance shall be subject to the approval of the Secretary.

(d) Oversight and approval duties of Secretary; construction management duties of Foundation

The Secretary shall be responsible for overseeing the reconstruction and shall have final approval over the plans for, and location and design of, the Center, and the Foundation shall be responsible for managing the construction activities, including the selection (in accordance with the requirements referred to in paragraphs (1) and (2) of subsection (c)) of persons to perform architectural, engineering, construction, and related services.

(e) Easement noise and other standards; enforcement measures

No grants or loans may be made under this section unless the Secretary has received what the Secretary deems to be adequate written assurance from the Administrator of the Federal Aviation Administration that any easement granted to the Commonwealth of Virginia by the Administrator for construction of the Dulles Toll Road will contain noise standards ("A" weighted energy average sound level of 52 to 54 dB) and other standards set forth in the Final Environmental Impact Statement for the Dulles Airport Access Road Outer Parallel Toll Roads, prepared by the Federal Aviation Administration and issued in May of 1982, legally enforceable by the Administrator and by the Secretary which are adequate to protect the Center from undue noise pollution and other environmental degradation attributable to such toll road both during and after its construction, and will also contain legally enforceable assurances that the Commonwealth of Virginia will promptly take measures to achieve the noise levels specified in the easement. Such measures may include a partial or total ban on truck traffic on the toll road or other mitigation recommended by the Secretary and the Administrator.

(f) Support services on reimbursable basis

The Secretary may also provide support services, as requested by the Foundation, on a reimbursable basis, for purposes of reconstruction of the Center.

(Pub. L. 89–671, § 4, as added Pub. L. 97–310, Oct. 14, 1982, 96 Stat. 1455; amended Pub. L. 101–636,

§ 1, Nov. 28, 1990, 104 Stat. 4586; Pub. L. 103–437, § 6(d)(8), Nov. 2, 1994, 108 Stat. 4583; Pub. L. 107–219, § 2, Aug. 21, 2002, 116 Stat. 1330.)

Editorial Notes

REFERENCES IN TEXT

For effective date of this paragraph, referred to in subsec. (b)(2)(A), (B), and (D), see Effective Date of 1990 Amendment note below.

CODIFICATION

"Sections 3141–3144, 3146, and 3147 of title 40" substituted in subsec. (c)(1) for "the Davis-Bacon Act (40 U.S.C. 276a–a7)" on authority of Pub. L. 107–217, § 5(c), Aug. 21, 2002, 116 Stat. 1303, the first section of which enacted Title 40, Public Buildings, Property, and Works.

AMENDMENTS

2002—Subsec. (c). Pub. L. 107–219 realigned margin of last sentence of par. (3) so as to appear as concluding provisions, and in concluding provisions, substituted "funds" for "Funds".

1994—Subsec. (b)(3). Pub. L. 103–437 substituted "Natural Resources" for "Interior and Insular Affairs" after "Committee on".

1990—Subsec. (b). Pub. L. 101–636 designated existing provisions as par. (1) and added pars. (2) and (3).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1990 AMENDMENT

Section 4 of Pub. L. 101–636, as amended by Pub. L. 89–671, § 14(c), as added Pub. L. 107–219, § 1(a)(3), Aug. 21, 2002, 116 Stat. 1330, provided that:

"(a) The amendments made by sections 1 and 2 [amending this section and section 284d of this title] shall take effect on the date on which the Wolf Trap Foundation for the Performing Arts modifies its agreements entered into pursuant to the Wolf Trap National Park for the Performing Arts Act [this subchapter] in a manner which is consistent with and takes into account the amendments made by this Act [amending this section and section 284d of this title and enacting provisions set out as a note under section 284 of this title], as determined by the Secretary of the Interior.

"(b) The amendment made by section 3 [enacting provisions set out as a note under section 284 of this title] shall take effect on the date of enactment of this Act [Nov. 28, 1990]."

INCREASE IN LOAN CEILING; FUNDS REIMBURSED TO FOUNDATION TO BE REPAID TO SECRETARY

Pub. L. 99–190, § 101(d) [title I], Dec. 19, 1985, 99 Stat. 1224, 1231, as amended by Pub. L. 89–671, § 14(c), as added Pub. L. 107–219, § 1(a)(3), Aug. 21, 2002, 116 Stat. 1330, provided: "That the loan ceiling established under section 4(b) of Public Law 97–310 [probably means Public Law 89–671], the Wolf Trap National Park for the Performing Arts Act, as amended [16 U.S.C. 284c(b)], is increased to \$9,500,000. Notwithstanding the loan repayment provisions of Public Law 97–310 [enacting 16 U.S.C. 284c to 284j], the dollar amount of items paid for by the Wolf Trap Foundation from funds provided by the additional loan authority in this section that is subsequently reimbursed to the Foundation by a court award or insurance settlement shall be repaid to the Secretary of the Interior by the Wolf Trap Foundation within 90 days of the date of the court award or insurance settlement."

§ 284d. Cooperative agreement with Foundation for presentation of programs

(a) Terms and conditions for Federal assistance

The Secretary is authorized and directed to enter into a cooperative agreement with the

Foundation respecting the presentation of performing arts and related educational and cultural programs at the Center, and in such other areas of the park as may be agreed to. The Secretary may provide technical and financial assistance under such a cooperative agreement for such purposes, pursuant to such terms and conditions as he deems appropriate.

(b) Prerequisite conditions

As a condition of entering into a cooperative agreement under this section, the Secretary shall require that—

- (1) the Foundation maintain the insurance described in section 284c(c)(3) of this title; and
- (2) the Foundation maintain its status as an organization described in section 501(c)(3) of title 26 and exempt from taxation under section 501(a) of title 26.

(c) Required terms and conditions; contractual authority for administration through non-conflicting agreement with other organization or entity

A cooperative agreement under this section shall provide that—

- (1) the Secretary and the Comptroller General of the United States or their duly authorized representatives shall have access to any pertinent books, documents, papers, and records of the Foundation to make audits, examinations, excerpts, and transcripts;
- (2) the Foundation shall prepare an annual report to the Secretary, which shall also be submitted to the appropriate committees of the United States House of Representatives and the United States Senate, summarizing the activities of the previous year (together with a comparison of goals and objectives with actual accomplishments) and presenting a plan for the forthcoming year;
- (3) such cooperative agreement may be terminated at the convenience of the United States if the Secretary determines that such termination is required in the public interest; and
- (4) the Foundation will maintain accounts for Foundation activities outside of the Park separate from Foundation accounts for presentation of performing arts and related programs presented at the Center and other areas of the Park.

The cooperative agreement shall contain such other terms and conditions as the Secretary deems appropriate. Until such cooperative agreement is entered into, nothing in this section shall be construed to affect or impair the validity of the agreement between the National Park Service and the Foundation dated September 16, 1980. Such agreement shall remain in force and effect until terminated under the terms and conditions of such agreement or until an agreement is entered into under this section. Nothing in this section shall be construed to affect the authority of the Secretary under any other provision of law to enter into a contract or an agreement, not conflicting with the cooperative agreement described in this section, with any other organization or entity with respect to the administration of the park.

(Pub. L. 89-671, § 5, as added Pub. L. 97-310, Oct. 14, 1982, 96 Stat. 1456; amended Pub. L. 99-514, § 2,

Oct. 22, 1986, 100 Stat. 2095; Pub. L. 101-636, § 2, Nov. 28, 1990, 104 Stat. 4587.)

Editorial Notes

AMENDMENTS

1990—Subsec. (c)(4). Pub. L. 101-636 added par. (4).
 1986—Subsec. (b)(2). Pub. L. 99-514 substituted “Internal Revenue Code of 1986” for “Internal Revenue Code of 1954”, which for purposes of codification was translated as “title 26” thus requiring no change in text.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-636 effective on the date on which the Wolf Trap Foundation for the Performing Arts modifies its agreements entered into pursuant to this subchapter, see section 4(a) of Pub. L. 101-636, set out as a note under section 284c of this title.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in subsec. (c)(2) of this section relating to submitting annual report to appropriate committees of Congress, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 116 of House Document No. 103-7.

§ 284e. Vested property of United States; status of Foundation

All right, title, and interest in the Center shall be vested in the United States. Nothing in this subchapter shall be construed to provide that the Foundation shall be considered to be a Federal agency or instrumentality for purposes of applying any law or regulation of the United States or of any State.

(Pub. L. 89-671, § 6, as added Pub. L. 97-310, Oct. 14, 1982, 96 Stat. 1457.)

§ 284f. Repealed. Pub. L. 104-333, div. I, title VIII, § 814(d)(1)(D), Nov. 12, 1996, 110 Stat. 4196

Section, Pub. L. 89-671, § 7, as added Pub. L. 97-310, Oct. 14, 1982, 96 Stat. 1457, related to reports to congressional committees respecting reconstruction of Center.

§ 284g. Cooperation of government agencies

(a) Protection of park

The Secretary shall cooperate with, and seek cooperation from, other Federal, State, and local agencies (including the Federal Aviation Administration) to protect the park from undue noise intrusions, air pollution, and visual degradation.

(b) Monitoring and notification of noise pollution; conforming to noise pollution standards; enjoinder of easement violations

The Secretary shall monitor noise pollution which is associated with the Dulles road corridor (including the airport access and toll roads) and shall notify the Federal Aviation Administration, the Commonwealth of Virginia, and the appropriate committees of Congress if, after conferring with the Administrator of the Federal Aviation Administration, the Secretary finds that such noise pollution is exceeding the standards set forth in section 284c(e) of this title. Within sixty days after any such notification, the Administrator of the Federal Aviation Administration shall take steps to reduce noise