

not more than \$24,715,000 as may be necessary for the development of the Guadalupe Mountains National Park. No funds appropriated for development purposes pursuant to this subchapter may be expended for improvements incompatible with wilderness management within the corridor of the park leading to the summit of Guadalupe Peak.

(b) In addition to amounts authorized to be appropriated under subsection (a) of this section, there is authorized to be appropriated such sums as may be necessary for the construction of a fence to protect the natural and cultural resources of the area added to Guadalupe Mountains National Park by section 283a(b) of this title.

(Pub. L. 89-667, § 6, Oct. 15, 1966, 80 Stat. 922; Pub. L. 95-625, title I, § 101(12), Nov. 10, 1978, 92 Stat. 3471; Pub. L. 100-541, § 2, Oct. 28, 1988, 102 Stat. 2720.)

AMENDMENTS

1988—Pub. L. 100-541 designated existing provisions as subsec. (a), substituted “sums” for “sums, but not more than \$1,800,000 in all.”, and added subsec. (b).

1978—Pub. L. 95-625 increased development appropriations authorization to \$24,715,000 from \$10,362,000 and prohibited expenditure of funds for improvements incompatible with wilderness management within the corridor of the park leading to the summit of Guadalupe Peak.

SUBCHAPTER XXXV—WOLF TRAP NATIONAL PARK FOR THE PERFORMING ARTS

§ 284. Establishment; statement of purposes; description; acquisition of property; acreage limitation

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 National Park for the Performing Arts in Fairfax County, Virginia. The park shall encompass the portions of the property formerly known as Wolf Trap Farm and Symphony Hill in Fairfax County, Virginia, to be donated for park purposes to the United States, and such additional lands or interests therein as the Secretary may acquire for purposes of the park by donation or purchase with donated or appropriated funds, the aggregate of which shall not exceed one hundred and forty-five acres.

(Pub. L. 89-671, § 1, Oct. 15, 1966, 80 Stat. 950; Pub. L. 107-219, § 1(a)(1), Aug. 21, 2002, 116 Stat. 1330.)

AMENDMENTS

2002—Pub. L. 107-219 substituted “Wolf Trap National Park for the Performing Arts” for “Wolf Trap Farm Park”.

SHORT TITLE

Section 12 of Pub. L. 89-671, as added by Pub. L. 97-310, Oct. 14, 1982, 96 Stat. 1458, and amended by Pub. L. 107-219, § 1(a)(1), Aug. 21, 2002, 116 Stat. 1330, provided that: “This Act [enacting this subchapter] may be referred to as the ‘Wolf Trap National Park for the Performing Arts Act.’”

STUDY OF PARK FUTURE; REPORT TO CONGRESS

Pub. L. 89-671, § 13, as added by Pub. L. 101-636, § 3, Nov. 28, 1990, 104 Stat. 4587, directed Secretary, acting jointly with the Foundation, to conduct a study and analysis of the operations and management practices being used to carry out the purposes of this subchapter and to submit, not later than 2 years after Nov. 28, 1990, a report of such study and analysis to Congress.

§ 284a. Administration

The Secretary of the Interior shall administer the park in accordance with the provisions of section 284 of this title and sections 1, 2, 3, and 4 of this title, as amended and supplemented, except that laws, rules, or regulations that are applicable solely to units of the National Park System that are designated as a “National Park” shall not apply to Wolf Trap National Park for the Performing Arts.

(Pub. L. 89-671, § 2, Oct. 15, 1966, 80 Stat. 951; Pub. L. 107-219, § 1(a)(2), Aug. 21, 2002, 116 Stat. 1330.)

AMENDMENTS

2002—Pub. L. 107-219 inserted before period at end: “, except that laws, rules, or regulations that are applicable solely to units of the National Park System that are designated as a ‘National Park’ shall not apply to Wolf Trap National Park for the Performing Arts”.

§ 284b. Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary, but not in excess of \$5,473,000, to carry out the purposes of this subchapter.

(Pub. L. 89-671, § 3, Oct. 15, 1966, 80 Stat. 951; Pub. L. 92-272, title II, § 201(4), Apr. 11, 1972, 86 Stat. 120.)

AMENDMENTS

1972—Pub. L. 92-272 increased maximum sums authorized to be appropriated from not in excess of \$600,000 to not in excess of \$5,473,000.

§ 284c. Financial assistance for reconstruction of Center

(a) Grants to Foundation; amount; non-Federal contributions

The Secretary is authorized to make available to the Foundation, in the form of a grant, \$9,000,000 to be used for the reconstruction of the Center, subject to the provisions of this section. Such grant shall be made available in increments as needed for such purpose and only if the Foundation has agreed under terms and conditions satisfactory to the Secretary to provide, from non-Federal sources, sufficient contributions on a timely basis to complete the reconstruction of the Center.

(b) Loans to Foundation; amount; limitation; repayment; interest; service costs; term

(1) The Secretary may make loans to the Foundation to the extent needed to complete the reconstruction of the Center and to provide for noise mitigation measures, including those on adjacent public property, in an amount equal to twice the amount of non-Federal contributions received, and provided, by the Foundation for such reconstruction work. The total amount of such loans may not exceed \$8,000,000. Loans

made under this subsection shall be repaid in full, with interest on any unpaid obligation at a rate determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketing obligations of the United States with remaining periods to maturity comparable to the maturity of the loan, plus such additional charge, if any, as the Secretary may determine, for the purpose of covering other costs of servicing the loan. In determining the terms and conditions governing any loan, the Secretary shall fix a term of not more than five years from the date the loan agreement is executed.

(2)(A) The term of the loans made pursuant to paragraph (1) which are outstanding on the effective date of this paragraph may not exceed the 25-year period beginning on such date. The remaining obligation of such loans shall be paid in equal annual installments, commencing June 1, 1991, except that for the first 3 payments, the payment shall be \$215,000 each year. In addition, such payments (including the first 3 payments) may be reduced in any year by a credit not to exceed \$60,000 annually. Such credit shall equal 100 percent of the market value of public service tickets determined at prevailing Foundation box office prices. Such credit shall be allowed only for tickets contributed to entities holding a status referred to in section 501(c)(3) of title 26.

(B)(i) Unpaid interest on such amount which accrued before the effective date of this paragraph is hereby forgiven.

(ii) Notwithstanding paragraph (1), there shall be no interest on the loan referred to in subparagraph (A) after the effective date of this paragraph if, within 120 days after such date, the Foundation modifies its agreement with the Secretary to implement this paragraph, paragraph (3), and section 284d(c)(4) of this title. If such agreement is not modified within the 120-day period, interest shall accrue from the effective date of this paragraph in accordance with paragraph (1).

(C) Notwithstanding any other provision of law, amounts paid to the Secretary pursuant to this paragraph may be retained until expended by the Secretary, in consultation with the Foundation, for the maintenance of structures, facilities, and equipment of the Park.

(D) The Secretary shall, within 120 days after the effective date of this paragraph, submit a payment schedule to the Foundation specifying the amount of each annual payment to be made by the Foundation pursuant to this paragraph.

(3) If the Foundation is in default on its obligations under this subsection for more than 60 consecutive days, the Secretary, acting in the public interest, shall terminate the cooperative agreement described in section 284d of this title. In the event of a major catastrophe or severe economic situation, the Secretary may submit to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate a recommendation that this paragraph be temporarily suspended. In submitting such a request, the Secretary shall submit clear evidence of the financial status of the Foundation.

(c) Written agreement

No grants or loans may be made under this section unless the Secretary has entered into a written agreement with the Foundation under which the Foundation agrees—

(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 this section) 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.)

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).

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