

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.)

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.

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.)