

DISPOSITION OF FUNDS RECEIVED BY NATIONAL PARK SERVICE AS REIMBURSEMENT FOR COSTS INCURRED

Pub. L. 99-500, §101(h) [title I, §100], Oct. 18, 1986, 100 Stat. 1783-242, 1783-251, and Pub. L. 99-591, §101(h) [title I, §100], Oct. 30, 1986, 100 Stat. 3341-242, 3341-251, provided: "That notwithstanding any other provision of law, hereafter funds received by the National Park Service as reimbursement for the cost of providing security, law enforcement, interpretive, and other services with respect to the operation of facilities at the Jefferson National Expansion Memorial National Historic Site shall be credited to the appropriation bearing the cost of providing such services."

AUTHORIZATION OF APPROPRIATIONS; FEDERAL AND NON-FEDERAL RATIO OF EXPENDITURES

Section 11, formerly section 4, of act May 17, 1954, as amended by Pub. L. 85-936, Sept. 6, 1958, 72 Stat. 1794; Pub. L. 89-269, Oct. 19, 1965, 79 Stat. 991; Pub. L. 94-578, title II, §201(6), Oct. 21, 1976, 90 Stat. 2733; and renumbered §11 and amended by Pub. L. 98-398, title II, §201(b), Aug. 24, 1984, 98 Stat. 1471; Pub. L. 102-355, §1(3), Aug. 26, 1992, 106 Stat. 947, provided that:

"(a) There is hereby authorized to be appropriated not to exceed \$32,750,000 to carry out the purposes of this Act [sections 450jj to 450jj-9 of this title]: *Provided*, That funds authorized to be appropriated by this Act shall be expended by the United States for construction of the memorial in the ratio of \$3 of Federal funds for each \$1 of money contributed hereafter by the city of Saint Louis or other non-Federal source for purposes of the memorial, and for such purposes the Secretary is authorized to accept from the said city or other non-Federal sources, and to utilize for purposes of this Act, any money so contributed: *Provided further*, That the value of any land hereafter contributed by the city of Saint Louis shall be excluded from the computation of the city's share.

"(b)(1) For the purposes of the East St. Louis portion of the memorial, there are authorized to be appropriated \$2,000,000 for land acquisition and, subject to the provisions of paragraphs (2) and (3), such sums as may be necessary for development: *Provided*, That such authorization shall not include any sums for the acquisition, removal, or relocation of the grain elevator and business located within the East St. Louis unit of the Memorial. Such development shall be consistent with the level of development described in phase one of the draft Development and Management Plan and Environmental Assessment, East St. Louis Addition to Jefferson National Expansion Memorial—Illinois/Missouri, dated August 1987.

"(2) Federal funds expended under paragraph (1) for development may not exceed 75 percent of the actual cost of such development. The remaining share of such actual costs shall be provided from non-Federal funds, services, or materials, or a combination thereof, fairly valued as determined by the Secretary. Any non-Federal expenditures for the acquisition, removal, or relocation of the grain elevator and business shall be included as part of the non-Federal cost share: *Provided*, That credit shall not be given for any such expenditures which exceed the cost of acquisition, removal, or relocation of the grain elevator and business located within the East St. Louis unit of the Memorial if such action had been accomplished by the Federal Government as determined by the Secretary under existing law: *Provided further*, That only those non-Federal funds expended at least sixty days after the transmission of the report referred to in paragraph (3) for the removal of such grain elevator shall be credited towards the non-Federal cost share. For the purposes of this paragraph, the Secretary may accept and utilize for such purposes any non-Federal funds, services, and materials so contributed.

"(3) Within one year after the date of enactment of this paragraph [Aug. 26, 1992], the Secretary, in direct consultation with the city of East St. Louis, Gateway Arch Park Expansion, and the Southwestern Illinois

Development Authority, shall develop and transmit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs [now Committee on Natural Resources] of the United States House of Representatives a study of alternatives to, and costs associated with, the removal of the grain elevator located within the East St. Louis unit of the Memorial. The study shall contain, but need not be limited to, at least one alternative which would incorporate and retain the existing grain elevator into the draft development and management plan and environmental assessment referred to in paragraph (1).

"(c) Funds appropriated under subsection (b) of this section shall remain available until expended."

§ 450jj-1. Construction of memorial

(a) Plan; contracts; employment and compensation of personnel

The memorial authorized herein shall be constructed in general, in accordance with the plan approved by the United States Territorial Expansion Memorial Commission on May 25, 1948. The Secretary of the Interior is authorized to enter into such contracts as may be necessary to carry out the purposes of sections 450jj to 450jj-9 of this title. The Secretary is also authorized to employ, in his discretion, by contract or otherwise, landscape architects, architects, engineers, sculptors, artists, other expert consultants, or firms, partnerships, or associations thereof, and to include in any such contract provision for the utilization of the services and facilities, and the payment of the travel and other expenses, of their respective organizations, in accordance with the usual customs of the several professions and at the prevailing rates for such services and facilities, without regard to the civil-service laws or regulations, chapter 51 and subchapter III of chapter 53 of title 5, section 6101 of title 41, or any other law or regulation relating to either employment or compensation.

(b) Easements; above-ground parking

The Secretary of the Interior, in connection with the construction and operation of the memorial, is authorized to grant such easements as are in the public interest, and, in his discretion, to convey to the city of Saint Louis for above-ground parking structures, under such terms and conditions as he may consider to be compatible with maintaining the integrity, appearance, and purposes of said memorial, such portion of the historic site as may in his judgment be excluded therefrom without detriment thereto, subject, however, to reversion of such portion of the historic site to the United States if such excluded area ceases to be used for parking purposes by said city.

(c) Easements; public protection

The Secretary of the Interior is authorized to grant easements for the purpose of erecting under-ground structures suitable for public protection under such terms and conditions as he may consider to be compatible with maintaining the integrity, appearance, and purposes of said memorial.

(May 17, 1954, ch. 204, §2, 68 Stat. 99.)

REFERENCES IN TEXT

Herein, referred to in subsec. (a), means act May 17, 1954, which is generally classified to sections 450jj to

450jj-9 of this title. For complete classification of this Act to the Code, see Tables.

CODIFICATION

In subsec. (a), “chapter 51 and subchapter III of chapter 53 of title 5” substituted for “the Classification Act of 1949, as amended” on authority of Pub. L. 89-554, §7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

In subsec. (a), “section 6101 of title 41” substituted for “section 3709 of the Revised Statutes, as amended” on authority of Pub. L. 111-350, §6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

§ 450jj-2. Railroad agreement as condition precedent to undertaking memorial project

The memorial project authorized herein shall not be undertaken until there shall have been reached an agreement satisfactory to the Secretary of the Interior providing for the relocation of the railroad tracks and structures now situated on lands adjacent to the Jefferson National Expansion Memorial National Historic Site, between the boundary of the site and the river. Such agreement shall contain such terms as may be deemed desirable by the Secretary but shall contain a provision limiting the Federal expenditure of funds in connection with such relocation of the tracks and structures to work undertaken within the historic site area.

(May 17, 1954, ch. 204, §3, 68 Stat. 99.)

REFERENCES IN TEXT

Herein, referred to in text, means act May 17, 1954, which is generally classified to sections 450jj to 450jj-9 of this title. For complete classification of this Act to the Code, see Tables.

§ 450jj-3. Designation of additional land by Secretary; manner of acquiring additional land

(a) There is hereby designated for addition to the Jefferson National Expansion Memorial (hereinafter in sections 450jj-3 to 450jj-9 of this title referred to as the “Memorial”) approximately one hundred acres in the city of East Saint Louis, Illinois, contiguous with the Mississippi River and between the Eads Bridge and the Poplar Street Bridge, as generally depicted on the map entitled “Boundary Map, Jefferson National Expansion Memorial”, numbered 366-80013, dated January 1992, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The additional acreage authorized by this section is in recognition of the historical significance of the Memorial site to the westward expansion of the United States and the historical linkage of this site on the Mississippi in both Missouri and Illinois to such expansion, the international recognition of the Gateway Arch, designed by Eero Saarinen, as one of the world’s great sculptural and architectural achievements, and the increasing use of the Memorial site by millions of people from all over the United States and the world.

(b) Within the area designated in accordance with this section, the Secretary of the Interior may acquire lands and interests in lands by donation, purchase with donated or appropriated funds, or exchange, except that lands owned by

the State of Illinois or any political subdivision thereof may be acquired only by donation.

(May 17, 1954, ch. 204, §4, as added Pub. L. 98-398, title II, §201(a), Aug. 24, 1984, 98 Stat. 1467; amended Pub. L. 102-355, §1(1), Aug. 26, 1992, 106 Stat. 947.)

PRIOR PROVISIONS

A prior section 4 of act May 17, 1954, was renumbered section 11 and is set out as a note under section 450jj of this title.

AMENDMENTS

1992—Subsec. (a). Pub. L. 102-355 substituted “There is hereby designated” for “The Secretary of the Interior is further authorized to designate”, “approximately” for “not more than”, and “366-80013, dated January 1992,” for “MWR-366/80,004, and dated February 9, 1984.”.

COMPLIANCE WITH CONGRESSIONAL BUDGET ACT

Pub. L. 98-398, title II, §202, Aug. 24, 1984, 98 Stat. 1472, provided that: “Any provision of this title (or any amendment made by this title) [enacting sections 450jj-3 to 450jj-9 of this title and enacting and amending provisions set out as notes under section 450jj of this title] which, directly or indirectly, authorizes the enactment of new budget authority described in section 402(a) of the Congressional Budget Act of 1974 [2 U.S.C. 652(a)] shall be effective only for fiscal years beginning after September 30, 1983.”

§ 450jj-4. Transfer of land

Where appropriate in the discretion of the Secretary of the Interior, he may transfer by lease or otherwise, to any appropriate person or governmental entity, land owned by the United States (or any interest therein) which has been acquired by the Secretary under section 450jj-3 of this title. Any such transfer shall be consistent with the management plan for the area and with the requirements of sections 100903 and 102901 of title 54 and shall be subject to such conditions and restrictions as the Secretary deems necessary to carry out the purposes of sections 450jj to 450jj-9 of this title, including terms and conditions which provide for—

- (1) the continuation of existing uses of the land which are compatible with the Memorial,
- (2) the protection of the important historical resources of the leased area, and
- (3) the retention by the Secretary of such access and development rights as the Secretary deems necessary to provide for appropriate visitor use and resource management.

In transferring any lands or interest in lands under this section, the Secretary shall take into account the views of the Commission established under section 450jj-6 of this title.

(May 17, 1954, ch. 204, §5, as added Pub. L. 98-398, title II, §201(a), Aug. 24, 1984, 98 Stat. 1468.)

REFERENCES IN TEXT

Section 450jj-6 of this title, referred to in text, was in the original “section 8”, meaning section 8 of act May 17, 1954, ch. 204, and was translated as reading “section 7” of such act, to reflect the probable intent of Congress, because section 7 related to the establishment of the Jefferson National Expansion Memorial Commission.

CODIFICATION

In introductory provisions, “sections 100903 and 102901 of title 54” substituted for “section 5 of the Act of July