

three hundred motor vehicles, except that such term does not include the Tennessee Valley Authority;

(2) the term “Director” means the Director of the Office of Management and Budget;

(3) the term “Administrator” means the Administrator of General Services;

(4) the term “Comptroller General” means the Comptroller General of the United States; and

(5) the term “motor vehicle” means any vehicle self-propelled or drawn by mechanical power, except that such term does not include any vehicle designed or used for military field training, combat, or tactical purposes, or any other special purpose vehicle exempted from the requirements of this chapter by the Administrator.

(Pub. L. 99-272, title XV, § 15313, Apr. 7, 1986, 100 Stat. 338.)

REFERENCES IN TEXT

This chapter, referred to in introductory provision, was in the original “this title” meaning title XV (§§ 15101 to 15313) of Pub. L. 99-272, Apr. 7, 1986, 100 Stat. 332, which enacted this chapter, amended sections 5504, 8339, 8341, and 8906 of Title 5, Government Organization and Employees, former section 4109 of Title 38, Veterans Benefits, and section 3626 of Title 39, Postal Service, and enacted provisions set out as notes under sections 5303, 5343, 5504, 8339, and 8909 of Title 5 and sections 2401 and 3626 of Title 39. For complete classification of title XV to the Code, see Tables.

This chapter, referred to in par. (5), was in the original “this part” and was translated as reading “this subtitle” as the probable intent of Congress because title XV of Pub. L. 99-272 does not contain part designations.

CHAPTER 21—NATIONAL CAPITAL MEMORIALS AND COMMEMORATIVE WORKS

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§ 1001. Purposes

The purposes of this chapter are as follows:

(a) to preserve the integrity of the comprehensive design of the L’Enfant and McMillan plans for the Nation’s Capital;

(b) to ensure the continued public use and enjoyment of open space in the District of Columbia;

(c) to preserve, protect and maintain the limited amount of open space available to residents of, and visitors to, the Nation’s Capital; and

(d) to ensure that future commemorative works in areas administered by the National Park Service and the General Services Administration in the District of Columbia and its environs (1) are appropriately designed, constructed, and located and (2) reflect a consensus of the lasting national significance of the subjects involved.

(Pub. L. 99-652, § 1, Nov. 14, 1986, 100 Stat. 3650.)

SHORT TITLE

Section 11 of Pub. L. 99-652, as added by Pub. L. 103-321, § 2(h), Aug. 26, 1994, 108 Stat. 1795, provided that: “This Act [enacting this chapter] may be cited as the ‘Commemorative Works Act.’”

CROSS REFERENCES

National and international monuments and memorials, see section 431 et seq. of Title 16, Conservation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1003 of this title.

§ 1002. Definitions

As used in this chapter—

(a) the term “Secretary” means the Secretary of the Interior;

(b) the term “Administrator” means the Administrator of the General Services Administration;

(c) the term “commemorative work” means any statue, monument, sculpture, memorial, plaque, inscription, or other structure or landscape feature, including a garden or memorial grove, designed to perpetuate in a permanent manner the memory of an individual, group, event or other significant element of American history. The term does not include any such item which is located within the interior of a structure or a structure which is primarily used for other purposes;

(d) the term “person” means a public agency, and an individual, group or organization that is described in section 501(c)(3) of title 26 and exempt from tax under section 501(a) of title 26, and which is authorized by Congress to establish a commemorative work in the District of Columbia and its environs;

(e) notwithstanding any other provision of law, the term “the District of Columbia and its environs” means those lands and properties administered by the National Park Service and the General Services Administration located in Areas I and II as depicted on the map numbered 869/86501, and dated May 1, 1986.

(Pub. L. 99-652, §2, Nov. 14, 1986, 100 Stat. 3650; Pub. L. 103-321, §2(a), Aug. 26, 1994, 108 Stat. 1793.)

AMENDMENTS

1994—Subsec. (c). Pub. L. 103-321, §2(a)(1), inserted “plaque, inscription,” after “memorial,” substituted “an individual” for “a person”, and inserted “American” before “history”.

Subsec. (d). Pub. L. 103-321, §2(a)(2), substituted “a public agency, and an individual, group or organization that is described in section 501(c)(3) of title 26 and exempt from tax under section 501(a) of title 26, and which is” for “an individual, group or organization”.

§ 1003. Congressional authorization of commemorative works

(a) Works on Federal lands

No commemorative work may be established on Federal lands referred to in section 1001(d) of this title in the District of Columbia and its environs unless specifically authorized by law. All such authorized commemorative works shall be subject to applicable provisions of this chapter.

(b) Military commemorative works

A military commemorative work may be authorized only to commemorate a war or similar major military conflict or to commemorate any branch of the Armed Forces. No commemorative work commemorating a lesser conflict or a unit of an Armed Force shall be authorized. Commemorative works to a war or similar major military conflict shall not be authorized until at least 10 years after the officially designated end of the event.

(c) Works commemorating events, individuals, or groups

A commemorative work commemorating an event, individual, or group of individuals, other than a military commemorative work as described in subsection (b) of this section, shall not be authorized until after the 25th anniversary of the event, death of the individual, or death of the last surviving member of the group.

(d) Consultation with National Capital Memorial Commission

In considering legislation authorizing commemorative works within the District of Columbia and its environs, the Committee on House Administration of the House of Representatives and the Energy and Natural Resources Committee of the Senate shall solicit the views of the National Capital Memorial Commission.

(Pub. L. 99-652, §3, Nov. 14, 1986, 100 Stat. 3651; Pub. L. 100-202, §101(f) [title II, §3], Dec. 22, 1987, 101 Stat. 1329-196; Pub. L. 100-230, §3, Jan. 5, 1988, 101 Stat. 1564; Pub. L. 103-321, §2(b), Aug. 26, 1994, 108 Stat. 1793.)

AMENDMENTS

1994—Subsec. (a). Pub. L. 103-321, §2(b)(1), inserted “on Federal lands referred to in section 1001(d) of this title” after “established”.

Subsecs. (b) to (d). Pub. L. 103-321, §2(b)(2), added subsecs. (b) and (c) and redesignated former subsec. (b) as (d).

1988—Subsec. (a). Pub. L. 100-230 made amendment identical to that made by Pub. L. 100-202, see 1987 Amendment note below.

1987—Subsec. (a). Pub. L. 100-202 substituted “authorized by law” for “authorized by Act of Congress” in first sentence.

CHANGE OF NAME

Committee on House Administration of House of Representatives treated as referring to Committee on House Oversight of House of Representatives by section 1(a) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress.

COMMEMORATIVE WORKS

African-Americans Civil War Union Memorial.—Pub. L. 102-412, Oct. 14, 1992, 106 Stat. 2104.

Air Force Memorial.—Pub. L. 103-163, Dec. 2, 1993, 107 Stat. 1973.

American Armored Force Memorial.—Pub. L. 99-620, Nov. 6, 1986, 100 Stat. 3493.

Black Revolutionary War Patriots Memorial.—Pub. L. 99-500, §101(h) [title I, §118], Oct. 18, 1986, 100 Stat. 1783-242, 1783-266, and Pub. L. 99-591, §101(h) [title I, §118], Oct. 30, 1986, 100 Stat. 3341-242, 3341-266; Pub. L. 99-558, Oct. 27, 1986, 100 Stat. 3144; Pub. L. 99-590, title VIII, §§801, 802, Oct. 30, 1986, 100 Stat. 3339; Pub. L. 100-265, Mar. 25, 1988, 102 Stat. 39; Pub. L. 103-321, §1(a)(1), Aug. 26, 1994, 108 Stat. 1793.

Francis Scott Key Memorial.—Pub. L. 99-531, Oct. 27, 1986, 100 Stat. 3022.

George Mason Memorial.—Pub. L. 101-358, Aug. 10, 1990, 104 Stat. 419; Pub. L. 102-277, Apr. 28, 1992, 106 Stat. 127.

Japanese American Patriotism in World War II Memorial.—Pub. L. 102-502, Oct. 24, 1992, 106 Stat. 3273.

Korean War Veterans Memorial.—Pub. L. 99-572, Oct. 28, 1986, 100 Stat. 3226; Pub. L. 100-202, §101(f) [title II, §§1, 2], Dec. 22, 1987, 101 Stat. 1329-195, 1329-196; Pub. L. 100-230, §§1, 2, Jan. 5, 1988, 101 Stat. 1563; Pub. L. 100-267, Mar. 28, 1988, 102 Stat. 41.

National Peace Garden.—Pub. L. 100-63, June 30, 1987, 101 Stat. 379; Pub. L. 103-321, §1(a)(3), (b), Aug. 26, 1994, 108 Stat. 1793.

Thomas Paine Memorial.—Pub. L. 102-407, Oct. 13, 1992, 106 Stat. 1991; Pub. L. 102-459, Oct. 23, 1992, 106 Stat. 2268; Pub. L. 103-422, Oct. 25, 1994, 108 Stat. 4356.

Victims of Communism Memorial.—Pub. L. 103-199, title IX, §905, Dec. 17, 1993, 107 Stat. 2331.

Vietnam Women’s Memorial.—Pub. L. 100-660, Nov. 15, 1988, 102 Stat. 3922; Pub. L. 101-187, Nov. 28, 1989, 103 Stat. 1350.

Women in Military Service for America Memorial.—Pub. L. 99-500, §101(h) [title I, §117], Oct. 18, 1986, 100 Stat. 1783-242, 1783-266, and Pub. L. 99-591, §101(h) [title I, §117], Oct. 30, 1986, 100 Stat. 3341-242, 3341-266; Pub. L. 99-590, title IX, §§901, 902, Oct. 30, 1986, 100 Stat. 3339; Pub. L. 99-610, Nov. 6, 1986, 100 Stat. 3477; Pub. L. 103-321, §1(a)(2), Aug. 26, 1994, 108 Stat. 1793; Pub. L. 103-337, div. B, title XXVIII, §2855, Oct. 5, 1994, 108 Stat. 3073.

World War II Memorial.—Pub. L. 103-32, May 25, 1993, 107 Stat. 90; Pub. L. 103-422, Oct. 25, 1994, 108 Stat. 4356.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1006 of this title.

§ 1004. National Capital Memorial Commission

(a) The National Capital Memorial Advisory Commission as established by the Secretary is redesignated as the National Capital Memorial Commission. The membership of the Commission shall be expanded to include:

Director, National Park Service (Chairman)
 Architect of the Capitol
 Chairman, American Battle Monuments Commission
 Chairman, Commission of Fine Arts
 Chairman, National Capital Planning Commission
 Mayor, District of Columbia
 Commissioner, Public Building Service, General Services Administration
 Secretary, Department of Defense

(b) The National Capital Memorial Commission shall advise the Secretary and the Administrator on policy and procedures for establishment of (and proposals to establish) commemorative works in the District of Columbia and its environs, as well as such other matters concerning commemorative works in the Nation's Capital as it may deem appropriate. The Commission shall meet at least twice annually.

(Pub. L. 99-652, §4, Nov. 14, 1986, 100 Stat. 3651.)

§ 1005. Availability of map depicting Areas I and II

The Secretary and the Administrator shall make available, for public inspection at appropriate offices of the National Park Service and the General Services Administration, the map numbered 869/86501, and dated May 1, 1986.

(Pub. L. 99-652, §5, Nov. 14, 1986, 100 Stat. 3651.)

§ 1006. Specific conditions applicable to Area I and Area II

(a) Area I

The Secretary or Administrator (as appropriate) may, after seeking the advice of the National Capital Memorial Commission, recommend the location of a commemorative work in Area I only if the Secretary or Administrator (as appropriate) determines that the subject of the commemorative work is of preeminent historical and lasting significance to the Nation. The Secretary or Administrator (as appropriate) shall notify the National Capital Memorial Commission and the committees of Congress specified in section 1003(b)¹ of this title of the recommendation by the Secretary or Administrator (as appropriate) that a commemorative work should be located in Area I. The location of a commemorative work in Area I shall be deemed not authorized, unless, not later than 150 calendar days after such notification, the recommendation is approved by law.

(b) Area II

Commemorative works of subjects of lasting historical significance to the American people may be located in Area II.

(Pub. L. 99-652, §6, Nov. 14, 1986, 100 Stat. 3651; Pub. L. 103-321, §2(c), Aug. 26, 1994, 108 Stat. 1794.)

AMENDMENTS

1994—Pub. L. 103-321 amended section generally, substituting requirement that Secretary or Administrator, as appropriate, notify National Capital Memorial Commission of recommendation of locating a commemorative work in Area I for requirement that Secretary or Administrator consult with National Capital Memorial Commission regarding determination that commemorative work be located in Area I and deleted conditions for locating military commemorative works or commemorative works commemorating individuals or groups of individuals in either Area I or Area II. See section 1003(b) and (c) of this title.

§ 1007. Site and design approval

(a) Any person authorized by law to establish a commemorative work in the District of Co-

lumbia and its environs shall comply with each of the following requirements before requesting the permit for the construction of the commemorative work:

(1) Such person shall consult with the National Capital Memorial Commission regarding the selection of alternative sites and designs for the commemorative work.

(2) Following consultation in accordance with paragraph (1), the Secretary or Administrator (as appropriate) shall submit, on behalf of such person, site and design proposals to the Commission of Fine Arts and the National Capital Planning Commission for their approval.

(b) In considering site and design proposals, the Commission of Fine Arts, the National Capital Planning Commission and the Secretary and Administrator shall be guided by (but not limited by) the following criteria:

(1) to the maximum extent possible, a commemorative work shall be located in surroundings that are relevant to the subject of the commemorative work;

(2) a commemorative work shall be so located as to prevent interference with, or encroachment upon, any existing commemorative work and to protect, to the maximum extent practicable, open space and existing public use; and

(3) a commemorative work shall be constructed of durable material suitable to the outdoor environment. Landscape features of commemorative works shall be compatible with the climate.

(Pub. L. 99-652, §7, Nov. 14, 1986, 100 Stat. 3652; Pub. L. 103-321, §2(d), Aug. 26, 1994, 108 Stat. 1794.)

AMENDMENTS

1994—Subsec. (a). Pub. L. 103-321, §2(d)(1), substituted “requesting the permit for the construction of the commemorative work” for “commencing construction of the commemorative work” in introductory provisions.

Subsec. (a)(1). Pub. L. 103-321, §2(d)(2), inserted “the selection of alternative sites and designs for” after “regarding” and struck out at end “Such consultation shall include consideration of potential sites in the District of Columbia and its environs.”

Subsec. (a)(2). Pub. L. 103-321, §2(d)(3), struck out “and the Secretary or Administrator (as appropriate)” before “for their approval”.

Subsec. (b). Pub. L. 103-321, §2(d)(4), inserted “(but not limited by)” after “guided by” in introductory provisions.

§ 1008. Criteria for issuance of construction permit

(a) Issuance of construction permit

Prior to issuing a permit for the construction of a commemorative work in the District of Columbia and its environs, the Secretary or Administrator (as appropriate) shall determine that:

(1) the site and design have been approved by the Secretary or Administrator (as appropriate), the National Capital Planning Commission and the Commission of Fine Arts;

(2) knowledgeable persons qualified in the field of preservation and maintenance have been consulted to determine structural sound-

¹ So in original. Probably should be section “1003(d)”.

ness and durability of the commemorative work, and to assure that the commemorative work meets high professional standards;

(3) the person authorized to construct the commemorative work has submitted contract documents for construction of the commemorative work to the Secretary or Administrator (as appropriate); and

(4) the person authorized to construct the commemorative work has available sufficient funds to complete construction of the project.

(b) Donation for perpetual maintenance and preservation

In addition to the foregoing criteria, no construction permit shall be issued unless the person authorized to construct the commemorative work has donated an amount equal to 10 per centum of the total estimated cost of construction to offset the costs of perpetual maintenance and preservation of the commemorative work: *Provided*, That the provisions of this subsection shall not apply in instances when the commemorative work is constructed by a Department or agency of the Federal Government and less than 50 per centum of the funding for such work is provided by private sources.

(1) Notwithstanding any other provision of law, all moneys provided by persons for maintenance pursuant to this subsection shall be credited to a separate account in the Treasury.

(2) Congress authorizes and directs that the Secretary of the Treasury shall make all or a portion of such moneys available to the Secretary or the Administrator at his request for maintenance of commemorative works. Under no circumstances may the Secretary or Administrator request funds from the separate account exceeding the total moneys deposited by persons establishing commemorative works in areas he administers. The Secretary and the Administrator shall maintain an inventory of funds available for such purposes: *Provided*, That such moneys shall not be subject to annual appropriations.

(c) Suspension for misrepresentation in fundraising; annual report

(1) The Secretary or the Administrator (as appropriate) may suspend any activity under the authority of this chapter with respect to the establishment of a commemorative work if the Secretary or Administrator determines the fundraising efforts with respect to the commemorative work have misrepresented an affiliation with the commemorative work or the United States.

(2) The person shall be required to submit to the Secretary or Administrator an annual report of operations, including financial statements audited by an independent certified public accountant, paid for by the person authorized to construct the commemorative work.

(Pub. L. 99-652, § 8, Nov. 14, 1986, 100 Stat. 3652; Pub. L. 103-321, § 2(e), Aug. 26, 1994, 108 Stat. 1794.)

AMENDMENTS

1994—Subsec. (a)(3). Pub. L. 103-321, § 2(e)(1), substituted “contract documents for construction” for “contracts for construction and drawings”.

Subsec. (c). Pub. L. 103-321, § 2(e)(2), added subsec. (c).

§ 1009. Temporary site designation

(a) If the Secretary, in consultation with the National Capital Memorial Commission, determines that a site where commemorative works may be displayed on a temporary basis is necessary in order to aid in the preservation of the limited amount of open space available to residents of, and visitors to, the Nation’s Capital, a site may be designated on lands administered by the Secretary in the District of Columbia. A designation may not be made under the preceding sentence unless, at least one hundred and twenty days before the designation, the Secretary, in consultation with the National Capital Memorial Commission, prepares and submits to the Congress a plan for the site. The plan shall include specifications for the location, construction, and administration of the site, and criteria for displaying commemorative works at the site.

(b) Any commemorative work displayed at the site shall be installed, maintained, and removed at the sole expense and risk of the person authorized to display the commemorative works. Such person shall agree to indemnify the United States for any liability arising from the display of the commemorative work under this section.

(Pub. L. 99-652, § 9, Nov. 14, 1986, 100 Stat. 3653; Pub. L. 103-321, § 2(f), Aug. 26, 1994, 108 Stat. 1795.)

AMENDMENTS

1994—Subsec. (a). Pub. L. 103-321 substituted “a site may be designated on lands administered by the Secretary” for “he may designate such a site on lands administered by him”.

§ 1010. Miscellaneous provisions

(a) Documentation of design and construction to Secretary or Administrator

Complete documentation of design and construction of each commemorative work located in the District of Columbia and its environs shall be provided to the Secretary or the Administrator (as appropriate) and shall be permanently maintained in the manner provided by law.

(b) Expiration of legislative authority for commemorative work

Any legislative authority for a commemorative work shall expire at the end of the seven-year period beginning on the date of the enactment of such authority, unless the Secretary or Administrator (as appropriate) has issued a construction permit for the commemorative work during that period.

(c) Responsibility for maintenance of completed work

Upon completion of any commemorative work within the District of Columbia and its environs, the Secretary or Administrator (as appropriate) shall assume responsibility for the maintenance of such work.

(d) Development of regulations or standards

The Secretary and the Administrator shall develop appropriate regulations or standards to carry out this chapter.

(e) Commemorative works to which applicable

This chapter shall not apply to commemorative works authorized by a law enacted before the commencement of the Ninety-ninth Congress.

(Pub. L. 99-652, §10, Nov. 14, 1986, 100 Stat. 3654; Pub. L. 102-216, §1, Dec. 11, 1991, 105 Stat. 1666; Pub. L. 103-321, §2(g), Aug. 26, 1994, 108 Stat. 1795.)

REFERENCES IN TEXT

The commencement of the Ninety-ninth Congress, referred to in subsec. (e), was Jan. 3, 1985.

AMENDMENTS

1994—Subsec. (d). Pub. L. 103-321 amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows: “The Secretary and the Administrator shall promulgate appropriate regulations to carry out this chapter. The regulations shall be published in the Federal Register within one hundred and twenty days after November 14, 1986.”

1991—Subsec. (b). Pub. L. 102-216 substituted “seven-year period” for “five-year period”.

EFFECTIVE DATE OF 1991 AMENDMENT

Section 2 of Pub. L. 102-216 provided that: “The amendment made by this Act [amending this section] shall take effect on October 1, 1991.”

CHAPTER 22—FEDERAL TRIANGLE DEVELOPMENT

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§ 1101. Findings and purposes**(a) Findings**

The Congress finds and declares that—

(1) it is in the national interest to build a Federal building complex and establish an international cultural and trade center on the Federal Triangle property in the District of Columbia;

(2) development of such a Federal building complex will permit consolidation of a number of Federal agencies which are currently housed in numerous, scattered locations and will enable more economical and efficient use of building space and environs;

(3) inclusion of an international cultural and trade center within the Federal building complex will create and enhance opportunities for American trade, commerce, communications, and cultural exchanges with other nations and complement the work of Federal, State, and local agencies in the areas of international trade and cultural exchange; and

(4) the appropriate development, maintenance, and use of the Federal Triangle property should be a joint development effort of the General Services Administration, the Pennsylvania Avenue Development Corporation, and the International Cultural and Trade Center Commission.

(b) Purposes

The purposes of this chapter are as follows:

(1) To transfer the Federal Triangle property from the Administrator of General Services to the Pennsylvania Avenue Development Corporation.

(2) To grant to the Corporation the power of eminent domain to acquire certain properties and rights-of-way adjacent to the Federal Triangle site and to authorize the Corporation to exercise such power as may be necessary to further the public interest.

(3) To authorize the Corporation, after consultation with the Secretary of State, the Administrator, and the Commission, to prepare plans for development of such property.

(4) To establish a process for review and selection of such plans and, after completion of such review process, to authorize the Corporation to enter into an agreement with a private developer selected for the development of such property.

(5) To ensure that the design and construction of the Federal building complex on such property will insofar as practicable be in accordance with the guiding principles for Federal architecture recommended by the Committee on Federal Office Space in 1962 which require among other things that facilities to

¹ So in original. There are no subsecs. (e), (f), and (g).