

(b) The Secretary is authorized to accept gifts or donations of less than fee interests in any historic property where the acceptance of such interests will facilitate the conservation or preservation of such properties. Nothing in this section or in any provision of this subchapter shall be construed to affect or impair any other authority of the Secretary under other provision of law to accept or acquire any property for conservation or preservation or for any other purpose.

(Pub. L. 89-665, title III, §303, as added Pub. L. 96-515, title V, §501, Dec. 12, 1980, 94 Stat. 3002.)

§ 470w-3. Access to information

(a) Authority to withhold from disclosure

The head of a Federal agency or other public official receiving grant assistance pursuant to this subchapter, after consultation with the Secretary, shall withhold from disclosure to the public, information about the location, character, or ownership of a historic resource if the Secretary and the agency determine that disclosure may—

- (1) cause a significant invasion of privacy;
- (2) risk harm to the historic resources; or
- (3) impede the use of a traditional religious site by practitioners.

(b) Access determination

When the head of a Federal agency or other public official has determined that information should be withheld from the public pursuant to subsection (a) of this section, the Secretary, in consultation with such Federal agency head or official, shall determine who may have access to the information for the purpose of carrying out this subchapter.

(c) Consultation with Council

When the information in question has been developed in the course of an agency's compliance with section 470f or 470h-2(f) of this title, the Secretary shall consult with the Council in reaching determinations under subsections (a) and (b) of this section.

(Pub. L. 89-665, title III, §304, as added Pub. L. 96-515, title V, §501, Dec. 12, 1980, 94 Stat. 3002; amended Pub. L. 102-575, title XL, §4020, Oct. 30, 1992, 106 Stat. 4765.)

AMENDMENTS

1992—Pub. L. 102-575 amended section generally. Prior to amendment, section read as follows: "The head of any Federal agency, after consultation with the Secretary, shall withhold from disclosure to the public, information relating to the location or character of historic resources whenever the head of the agency or the Secretary determines that the disclosure of such information may create a substantial risk of harm, theft, or destruction to such resources or to the area or place where such resources are located."

§ 470w-4. Attorneys' fees and costs to prevailing parties in civil actions

In any civil action brought in any United States district court by any interested person to enforce the provisions of this subchapter, if such person substantially prevails in such action, the court may award attorneys' fees, expert witness fees, and other costs of participating in such action, as the court deems reasonable.

(Pub. L. 89-665, title III, §305, as added Pub. L. 96-515, title V, §501, Dec. 12, 1980, 94 Stat. 3002.)

§ 470w-5. National Museum for the Building Arts

(a) Cooperative agreement between Secretary, Administrator of General Services Administration and Committee for National Museum of the Building Arts; purposes

In order to provide a national center to commemorate and encourage the building arts and to preserve and maintain a nationally significant building which exemplifies the great achievements of the building arts in the United States, the Secretary and the Administrator of the General Services Administration are authorized and directed to enter into a cooperative agreement with the Committee for a National Museum of the Building Arts, Incorporated, a nonprofit corporation organized and existing under the laws of the District of Columbia, or its successor, for the operation of a National Museum for the Building Arts in the Federal Building located in the block bounded by Fourth Street, Fifth Street, F Street, and G Street, Northwest in Washington, District of Columbia. Such museum shall—

- (1) collect and disseminate information concerning the building arts, including the establishment of a national reference center for current and historic documents, publications, and research relating to the building arts;
- (2) foster educational programs relating to the history, practice and contribution to society of the building arts, including promotion of imaginative educational approaches to enhance understanding and appreciation of all facets of the building arts;
- (3) publicly display temporary and permanent exhibits illustrating, interpreting and demonstrating the building arts;
- (4) sponsor or conduct research and study into the history of the building arts and their role in shaping our civilization; and
- (5) encourage contributions to the building arts.

(b) Provisions of cooperative agreement

The cooperative agreement referred to in subsection (a) of this section shall include provisions which—

- (1) make the site available to the Committee referred to in subsection (a) of this section without charge;
- (2) provide, subject to available appropriations, such maintenance, security, information, janitorial and other services as may be necessary to assure the preservation and operation of the site; and
- (3) prescribe reasonable terms and conditions by which the Committee can fulfill its responsibilities under this subchapter.

(c) Matching grants-in-aid to Committee; limitation on amounts

The Secretary is authorized and directed to provide matching grants-in-aid to the Committee referred to in subsection (a) of this section for its programs related to historic preservation. The Committee shall match such grants-in-aid in a manner and with such funds and services as shall be satisfactory to the Secretary, except

that no more than \$500,000 may be provided to the Committee in any one fiscal year.

(d) Renovation of site

The renovation of the site shall be carried out by the Administrator with the advice of the Secretary. Such renovation shall, as far as practicable—

- (1) be commenced immediately,
- (2) preserve, enhance, and restore the distinctive and historically authentic architectural character of the site consistent with the needs of a national museum of the building arts and other compatible use, and
- (3) retain the availability of the central court of the building, or portions thereof, for appropriate public activities.

(e) Annual Committee report to Secretary and Administrator

The Committee shall submit an annual report to the Secretary and the Administrator concerning its activities under this section and shall provide the Secretary and the Administrator with such other information as the Secretary may, from time to time, deem necessary or advisable.

(f) “Building arts” defined

For purposes of this section, the term “building arts” includes, but shall not be limited to, all practical and scholarly aspects of pre-historic, historic, and contemporary architecture, archaeology, construction, building technology and skills, landscape architecture, preservation and conservation, building and construction, engineering, urban and community design and renewal, city and regional planning, and related professions, skills, trades, and crafts.

(Pub. L. 89-665, title III, § 306, as added Pub. L. 96-515, title V, § 501, Dec. 12, 1980, 94 Stat. 3002.)

§ 470w-6. Effective date of regulations

(a) Effective date of final regulations

No final regulation of the Secretary shall become effective prior to the expiration of thirty calendar days after it is published in the Federal Register during which either or both Houses of Congress are in session.

(b) Disapproval of regulation by resolution of Congress

The regulation shall not become effective if, within ninety calendar days of continuous session of Congress after the date of promulgation, both Houses of Congress adopt a concurrent resolution, the matter after the resolving clause of which is as follows: “That Congress disapproves the regulation promulgated by the Secretary dealing with the matter of _____, which regulation was transmitted to Congress on _____,” the blank spaces therein being appropriately filled.

(c) Failure of Congress to adopt resolution of disapproval of regulation

If at the end of sixty calendar days of continuous session of Congress after the date of promulgation of a regulation, no committee of either House of Congress has reported or been discharged from further consideration of a concur-

rent resolution disapproving the regulation, and neither House has adopted such a resolution, the regulation may go into effect immediately. If, within such sixty calendar days, such a committee has reported or been discharged from further consideration of such a resolution, the regulation may go into effect not sooner than ninety calendar days of continuous session of Congress after its promulgation unless disapproved as provided for.

(d) Sessions of Congress

For the purposes of this section—

- (1) continuity of session is broken only by an adjournment sine die; and
- (2) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of sixty and ninety calendar days of continuous session of Congress.

(e) Congressional inaction or rejection of resolution of disapproval not deemed approval of regulation

Congressional inaction on or rejection of a resolution of disapproval shall not be deemed an expression of approval of such regulation.

(Pub. L. 89-665, title III, § 307, as added Pub. L. 96-515, title V, § 501, Dec. 12, 1980, 94 Stat. 3004; amended Pub. L. 103-437, § 6(d)(29), Nov. 2, 1994, 108 Stat. 4584; Pub. L. 104-333, div. I, title VIII, § 814(d)(1)(O), (2)(E), Nov. 12, 1996, 110 Stat. 4196; Pub. L. 106-176, title I, § 120(a)(2), Mar. 10, 2000, 114 Stat. 28; Pub. L. 106-208, § 5(a)(11)-(13), May 26, 2000, 114 Stat. 319.)

AMENDMENTS

2000—Subsec. (a). Pub. L. 106-208, § 5(a)(11), substituted “No final regulation” for “Except as provided in subsection (b) of this section, no final regulation”.

Pub. L. 106-176 made technical correction to directory language of Pub. L. 104-333, § 814(d)(2)(E). See 1996 Amendment note below.

Subsec. (b). Pub. L. 106-208, § 5(a)(13), redesignated subsec. (c) as (b).

Subsec. (c). Pub. L. 106-208, § 5(a)(13), redesignated subsec. (d) as (c). Former subsec. (c) redesignated (b).

Pub. L. 106-208, § 5(a)(12), which directed the amendment of subsec. (c) by substituting “The regulation” for “Except as provided in subsection (b) of this section, the regulation”, was executed by making the substitution for text that did not include the phrase “of this section”.

Subsecs. (d) to (f). Pub. L. 106-208, § 5(a)(13), redesignated subsecs. (d) to (f) as (c) to (e), respectively.

1996—Subsec. (a). Pub. L. 104-333, § 814(d)(2)(E), as amended by Pub. L. 106-176, struck out first two sentences which read as follows: “At least thirty days prior to publishing in the Federal Register any proposed regulation required by this subchapter, the Secretary shall transmit a copy of the regulation to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. The Secretary also shall transmit to such committees a copy of any final regulation prior to its publication in the Federal Register.”

Subsec. (b). Pub. L. 104-333, § 814(d)(1)(O), struck out subsec. (b) which read as follows: “In the case of an emergency, a final regulation of the Secretary may become effective without regard to the last sentence of subsection (a) of this section if the Secretary notified in writing 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 setting forth the reasons why it is nec-