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NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Institute of Museum and Library Services

2 CFR Part 3187

RIN 3137-AA26

IMLS Grant Regulations To Reflect the Museum and Library Services Act of 2018

AGENCY: Institute of Museum and Library Services (IMLS or Institute).

ACTION: Final rule; technical amendments.

SUMMARY: This rule amends the IMLS grant regulations to revise the definition of “museum” to include “tribal” and “cultural heritage.” These amendments are necessitated by changes to the definition of “museum” in the recent reauthorization of the corresponding statute, namely the Museum and Library Services Act of 2018.

DATES: This rule is effective June 14, 2019.

FOR FURTHER INFORMATION CONTACT:

Calvin D. Trowbridge III, Deputy General Counsel, Institute of Museum and Library Services, (202) 653-4675.

SUPPLEMENTARY INFORMATION:

I. Background Information

On December 31, 2018, the Museum and Library Services Act of 2018 (the Act) became law (Pub. L. 115-410). In addition to reauthorizing the Institute of Museum and Library Services (the Institute or IMLS) and effectuating other amendments, the Act revised the definition of “museum” for subchapter III Museum Services. The revised definition of “museum” now includes “tribal” and “cultural heritage.” In order to align the agency’s regulations with the changes to the revised statutory definition, this rule makes corresponding revisions to the

definition of “museum” in the IMLS grant regulations in 2 CFR part 3187.

II. Discussion of the Final Rule

A. Non-Discretionary Changes Resulting From the Museum and Library Services Act of 2018 (Pub. L. 115-410)

To reflect the Museum and Library Services Act of 2018 (Pub. L. 115-410) (the Act), the Institute has made changes to the definition of “museum” in the IMLS grant regulations.

B. Response to Comment and Changes From Proposed Rule

Because these amendments are made to correspond with the changes in the Act, there was no proposed rule; this is the final rule.

III. Regulatory Analyses

Regulatory Planning and Review (E.O. 12866)

Under Executive Order 12866, the Institute must determine whether the regulatory action is “significant” and therefore subject to OMB review and the requirements of the Executive Order. The Order defines a “significant regulatory action” as one that is likely to result in a rule that may: (1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President’s priorities, or the principles set forth in the Executive Order.

This rule updates the Institute’s grant regulations to reflect revisions to the definition of “museum” made by the Museum and Library Services Act of 2018 (Pub. L. 115-410) (the Act). The revised “museum” definition is expanded to include “tribal” and “cultural heritage.” As such, it does not impose a compliance burden on the economy generally or on any person or entity. Accordingly, this rule is not a “significant regulatory action” from an economic standpoint, and it does not

otherwise create any inconsistencies or budgetary impacts to any other agency or Federal Program.

Regulatory Flexibility Act

Because this rule would update existing regulations, the Institute has determined in Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) review that this rule will not have a significant economic impact on a substantial number of small entities because it simply makes amendments to reflect the Museum and Library Services Act of 2018 (Pub. L. 115-410).

Paperwork Reduction Act

This rule is exempt from the requirements of the Paperwork Reduction Act (44 U.S.C. 3501-3521), since it amends existing IMLS grant regulations to reflect the Museum and Library Services Act of 2018 (Pub. L. 115-410). An OMB form 83-1 is not required.

Unfunded Mandates Reform Act

For purposes of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1501-1571), this rule will not significantly or uniquely affect small governments and will not result in increased expenditures by State, local, or tribal governments, or by the private sector, of \$100 million or more (as adjusted for inflation) in any one year.

Small Business Regulatory Enforcement Fairness Act (SBREFA)

This rule is not a major rule under 5 U.S.C. 804(2), of the Small Business Regulatory Enforcement Fairness Act. This rule will not have an annual effect on the economy of \$100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic and export markets.

Takings (E.O. 12630)

In accordance with Executive Order 12630, this rule does not have significant takings implications. No rights, property or compensation has been, or will be, taken. A takings implication assessment is not required.

Federalism (E.O. 13132)

In accordance with Executive Order 13132, this rule does not have

federalism implications that warrant the preparation of a federalism assessment.

Civil Justice Reform (E.O. 12988)

In accordance with Executive Order 12988, the Institute has determined that this rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order.

Consultation and Coordination With Indian Tribes (E.O. 13175)

In accordance with Executive Order 13175, the Institute has evaluated this rule and determined that it has no potential negative effects on federally recognized Indian tribes.

National Environmental Policy Act

This rule does not constitute a major Federal action significantly affecting the quality of the human environment.

List of Subjects in 2 CFR Part 3187

Federal awards, Definitions.

For the reasons stated in the preamble and under the authority of 20 U.S.C. 9101 *et seq.*, the Institute of Museum and Library Services amends 2 CFR part 3187 as follows:

PART 3187—UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS

■ 1. The authority citation for part 3187 continues to read as follows:

Authority: 20 U.S.C. 9101–9176, 9103(h); 20 U.S.C. 80r–5; 2 CFR part 200.

■ 2. In § 3187.3, amend paragraph (a) introductory text by adding “, tribal,” after “Museum means a public”, and by adding “, cultural heritage,” after “educational”.

Dated: June 10, 2019.

Kim Miller,

Grants Management Specialist, Institute of Museum and Library Services.

[FR Doc. 2019–12519 Filed 6–13–19; 8:45 am]

BILLING CODE 7036–01–P

DEPARTMENT OF HOMELAND SECURITY

8 CFR Part 235

[CBP Dec. 19–05]

RIN 1651–AB24

U.S. Asia-Pacific Economic Cooperation (APEC) Business Travel Card Program Regulations

AGENCY: U.S. Customs and Border Protection, U.S. Department of Homeland Security.

ACTION: Final rule; conforming amendment.

SUMMARY: This document amends the Department of Homeland Security’s (DHS) regulations pertaining to the U.S. Asia-Pacific Economic Cooperation (APEC) Business Travel Card Program to conform to the Asia-Pacific Economic Cooperation Business Travel Cards Act of 2017 (APEC Act of 2017). Among other conforming changes, it removes the sunset provision and adds a definition of trusted traveler program. It also updates the regulations to correct two minor errors.

DATES: The final rule is effective June 14, 2019.

FOR FURTHER INFORMATION CONTACT: Eddy (Rafael) R. Henry, Office of Field Operations, (202) 344–3251, rafael.e.henry@cbp.dhs.gov.

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I. Background

The Asia-Pacific Economic Cooperation Business Travel Cards Act of 2011 (APEC Act of 2011) established the U.S. APEC Business Travel Card (ABTC) Program and authorized the Secretary of Homeland Security to issue ABTCs through September 30, 2018. Public Law 112–54, 125 Stat. 550. It also authorized DHS to issue implementing regulations. The U.S. ABTC Program provides qualified U.S. business

travelers engaged in business in the APEC region, or U.S. Government officials actively engaged in APEC business, the ability to access fast-track immigration lanes at participating airports in foreign APEC member economies. DHS implemented the program, including the general eligibility requirements, through an interim final rule (IFR) published in the **Federal Register** (79 FR 27161) on May 13, 2014. This interim rule was adopted as a final rule published in the **Federal Register** (81 FR 84403) on November 23, 2016. On November 2, 2017, the President signed into law the Asia-Pacific Economic Cooperation Business Travel Cards Act of 2017 (APEC Act of 2017). Public Law 115–79, 131 Stat. 1258. The APEC Act of 2017 replaced the APEC Act of 2011, setting forth, without changing, the general eligibility requirements for the U.S. ABTC and making the U.S. ABTC Program an ongoing program. In addition, the APEC Act of 2017 included some clarifying provisions, such as a definition of a trusted traveler program. APEC, the U.S. ABTC Program, and the new law are discussed in more detail below.

A. Asia-Pacific Economic Cooperation (APEC)

The United States is a member of APEC, which is an economic forum comprised of twenty-one members.¹ APEC’s primary goal is to support sustainable economic growth and prosperity in the Asia-Pacific region. One way APEC promotes this is by facilitating a favorable and sustainable business environment. APEC also promotes regional connectivity through better physical and institutional linkages to ensure goods, services, and people move quickly and efficiently across borders. The ABTC Program discussed in Section B makes it simpler for business people to travel, thus enabling them to conduct their business, trade, and investment.

B. The APEC Business Travel Card (ABTC)

One of APEC’s business facilitation initiatives is the ABTC Program. Pursuant to the ABTC Program, APEC members can issue ABTC cards to

¹ APEC members are also referred to as ‘economies’ since the APEC process is primarily concerned with trade and economic issues with the members engaging each other as economic entities. The most recently updated list of members is available at the APEC website at <https://www.apec.org/About-Us/About-APEC/Member-Economies> (last accessed Oct. 22, 2018). For simplicity, we will generally refer to them in the preamble of this document as APEC “members,” except where the term “member economy” or “member economies” is more appropriate.