

**NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES****45 CFR Part 1110****Removal of Freedom of Information Act Regulations**

**AGENCY:** National Endowment for the Arts, National Endowment for the Humanities, Institute of Museum and Library Services, National Foundation on the Arts and the Humanities.

**ACTION:** Final rule.

**SUMMARY:** This rule rescinds the National Foundation on the Arts and the Humanities' (the "Foundation") regulations implementing the Freedom of Information Act ("FOIA"). These regulations are obsolete because each of the Foundation's constituent agencies—the National Endowment for the Arts ("NEA"), the National Endowment for the Humanities ("NEH"), the Institute of Museum and Library Services ("IMLS"), and the Federal Council on the Arts and the Humanities ("FCAH")—either have adopted their own, agency-specific regulations, or are not required to implement Freedom of Information Act regulations.

**DATES:** These regulations are effective August 9, 2023.

**FOR FURTHER INFORMATION CONTACT:** Daniel Fishman, Assistant General Counsel, National Endowment for the Arts, 400 7th St. SW, Washington, DC 20506, Telephone: 202-682-5418.

**SUPPLEMENTARY INFORMATION:****1. Background**

The Foundation operates under the National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 951 *et seq.*), and consists of the NEA, NEH, IMLS, and FCAH (collectively, the "Foundation's constituent agencies").

The Foundation's FOIA regulations located at 45 CFR 1100 are now obsolete. The NEA, NEH, and IMLS have each adopted their own, agency-specific regulations. On February 27, 2019, the NEA promulgated FOIA regulations to 45 CFR Chapter XI, Subchapter B (45 CFR part 1148), which only apply to the NEA, effectively superseding the Foundation's FOIA regulations and rendering them duplicative. NEH and IMLS had previously added NEH- and IMLS-specific FOIA regulations to 45 CFR, Subchapters D and E (45 CFR parts 1171 & 1184), respectively, which replaced the Foundation's FOIA regulations with respect to NEH and IMLS. FCAH relies upon the NEA and NEH for its administration and does not maintain

any systems of records of its own; thus, any requests for information or documents would be better directed to the other two constituent agencies of the Foundation to obtain the same information.

Accordingly, on May 3, 2023, the Foundation's constituent agencies published a notice of proposed rulemaking (NPRM) for rescinding the Foundation's regulations located at 45 CFR 1100.

**Public Comment:** No comments were received during the 30-day comment period. The Foundation's constituent agencies now publish the final regulation rescinding the Foundation's regulations located at 45 CFR 1100.

**2. Compliance**

**Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review**

Executive Order 12866 (E.O. 12866) established a process for review of rules by the Office of Information and Regulatory Affairs, which is within the Office of Management and Budget (OMB). Only "significant" proposed and final rules are subject to review under this Executive Order. "Significant," as used in E.O. 12866, means "economically significant." It refers to rules (1) with an impact on the economy of \$100 million or more or that adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public safety or health, or State, local or tribal Governments or communities; or that (2) were inconsistent or interfered with an action taken or planned by another agency; (3) materially altered the budgetary impact of entitlements, grants, user fees, or loan programs or the rights or obligations of their recipients; or (4) raised novel legal or policy issues.

This final rule would not be a significant policy change, and OMB has not reviewed this final rule under E.O. 12866. We have made the assessments required by E.O. 12866 and determined that this final rule: (1) will not have an effect of \$100 million or more on the economy and will not adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities; (2) will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) does not alter the budgetary effects of entitlements, grants, user fees, or loan programs or the rights or obligations of

their recipients; and (4) does not raise novel legal or policy issues.

**Executive Order 12988: Civil Justice Reform**

This final rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of E.O. 12988. Specifically, this final rule is written in clear language designed to help reduce litigation.

**Paperwork Reduction Act of 1995 ("PRA")**

This final rule does not impose an information collection burden under the PRA. This final rule contains no provisions constituting a collection of information under the PRA.

**Regulatory Flexibility Act of 1980 ("RFA")**

This final rule will not have a significant adverse impact on a substantial number of small entities, including small businesses, small governmental jurisdictions, or certain small not-for-profit organizations.

**Unfunded Mandates Reform Act of 1995 ("UMRA")**

This final rule does not contain a Federal mandate that will result in the expenditure by State, local, and tribal Governments, in the aggregate, or by the private sector of \$100 million or more in any one year.

**Executive Order 13132 (Federalism)**

This final rulemaking does not have federalism implications, as set forth in E.O. 13132. As used in this order, federalism implications mean "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government." The NEA has determined that this final rule will not have federalism implications within the meaning of E.O. 13132.

**Executive Order 13175: Consultation and Coordination With Indian Tribal Governments**

Under the criteria in E.O. 13175, we have evaluated this final rule and determined that it would have no potential effects on Federally recognized Indian Tribes.

**Executive Order 12630: Takings**

Under the criteria in E.O. 12630, this final rule does not have significant takings implications. Therefore, a takings implication assessment is not required.

**List of Subjects in 45 CFR Part 1110**

Administrative practice and procedure, Archives and records, Freedom of information.

For the reasons stated in the preamble, and under the authority of 5 U.S.C. 552, the National Endowment for the Arts, National Endowment for the Humanities (for itself and on behalf of Federal Council on the Arts and the Humanities, for which it provides legal counsel), and Institute of Museum and Library Services amend 45 CFR Chapter XI Subchapter A by removing part 1100.

**Valencia Rainey,**

*Acting General Counsel, National Endowment for the Arts.*

**Michael P. McDonald,**

*General Counsel, National Endowment for the Humanities.*

**Nancy E. Weiss,**

*General Counsel, Institute of Museum and Library Services.*

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**GENERAL SERVICES  
ADMINISTRATION****48 CFR Part 501**

[GSAR Case 2022–G518; Docket No. GSA–GSAR–2023–0021; Sequence No. 1]

**General Services Administration  
Acquisition Regulation: Update to  
OMB Approval Table for Paperwork  
Reduction Act**

**AGENCY:** Office of Acquisition Policy, General Services Administration (GSA).

**ACTION:** Final rule; technical amendment.

**SUMMARY:** The General Services Administration is issuing this final rule as a technical amendment to the General Services Administration Acquisition Regulation to update the table of approved acquisition related information collections from the Office of Management and Budget under the Paperwork Reduction Act.

**DATES:** Effective September 8, 2023.

**FOR FURTHER INFORMATION CONTACT:** For clarification of content, contact Mr. Curtis Hasuchildt, GSA Acquisition Policy Division, at 817–253–7858 or [GSARPolicy@gsa.gov](mailto:GSARPolicy@gsa.gov). For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division at 202–501–4755 or [GSARegsec@gsa.gov](mailto:GSARegsec@gsa.gov). Please cite GSAR Case 2022–G518.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

The Paperwork Reduction Act of 1980 (44 U.S.C. 35, *et seq.*) imposes a requirement on Federal agencies to obtain approval from the Office of Management and Budget (OMB) before collecting information from 10 or more members of the public. The General Services Acquisition Regulation (GSAR) at 501.106 includes a table that identifies all OMB approved control numbers for GSA (3090 series) and the Federal Acquisition Regulation (FAR) (9000 series) that are applicable to GSA acquisition requirements. As part of the regulatory review process, GSA realized that the table required a correction to the listed OMB control number pertaining to GSAR clause 552.238–85.

Therefore, within the table at 501.106, GSA is correcting the OMB control number from 3090–0303 to OMB control numbers 3090–0235 and 3090–0306 specific to GSAR Clause 552.238–85.

**II. Publication of This Final Rule for  
Public Comment Is Not Required by  
Statute**

The statute that applies to the publication of the FAR is 41 U.S.C. 1707. Subsection (a)(1) of 41 U.S.C. 1707 requires that a procurement policy, regulation, procedure, or form (including an amendment or modification thereof) must be published for public comment if it relates to the expenditure of appropriated funds, and has either a significant effect beyond the internal operating procedures of the agency issuing the policy, regulation, procedure, or form, or has a significant cost or administrative impact on contractors or offerors. This final rule is not required to be published for public comment because the change is technical in nature and makes conforming updates to the title and number of a referenced policy document.

**III. Executive Orders 12866 and 13563**

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. The Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget (OMB) has determined that this is not a

significant regulatory action and, therefore, was not subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993.

**IV. Congressional Review Act**

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a “major rule” may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The General Services Administration will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States. A major rule cannot take effect until 60 days after it is published in the **Federal Register**.

The Office of Information and Regulatory Affairs in the Office of Management and Budget has determined that this is not a major rule under 5 U.S.C. 804.

**V. Regulatory Flexibility Act**

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) does not apply to this rule, because an opportunity for public comment is not required to be given for this rule under 41 U.S.C. 1707(a)(1) (see Section II. of this preamble). Accordingly, no regulatory flexibility analysis is required and none has been prepared.

**VI. Paperwork Reduction Act**

The Paperwork Reduction Act does not apply because the changes to the GSAR do not impose recordkeeping or information collection requirements, or the collection of information from offerors, contractors, or members of the public that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

**List of Subjects in 48 CFR Part 501**

Government procurement.

**Jeffrey A. Koses,**

*Senior Procurement Executive, Office of Acquisition Policy, Office of Government-wide Policy, General Services Administration.*

Therefore, GSA amends 48 CFR part 501 as follows:

**PART 501—GENERAL SERVICES  
ADMINISTRATION ACQUISITION  
REGULATION SYSTEM**

■ 1. The authority citation for 48 CFR part 501 continues to read as follows: