

Supporting Statement for Information Collection 3090-0274
Art in Architecture Program
Center for Fine Arts; GSA 7437

A. Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

No law mandates that a percentage of federal construction budgets be spent to commission fine art. The Art in Architecture (AIA) program is the result of a policy decision made in January 1963 by the U.S. General Services Administration's (GSA) Administrator Bernard L. Boudin, who served on the Ad Hoc Committee on Federal Office Space in 1961-62. The Committee's report to President Kennedy included the "Guiding Principles for Federal Architecture," which detailed a new quality conscious Federal attitude toward architecture. One point, which was omitted from the report because Administrator Boudin implemented it prior to the policy's publication, was:

A modest portion of the cost of each new Federal office building, not to exceed one percent of the total expense, shall be allocated for the purchase of fine arts to be incorporated in the general design. Emphasis should be placed on the work of living American artists, representing all trends of contemporary art, but this practice should not preclude the purchase of works of earlier periods where this would be appropriate. In commissioning the work of living artists, competitions should be encouraged.

Administrator Boudin approved a policy of commissioning works of art for public buildings under GSA's jurisdiction, custody, and control in an amount not to exceed one half of one percent of the construction cost.

The requirement to commission artworks for federal buildings can be found in part 102-77 of the Federal Management Regulation (41 C.F.R. part 102-77).

The AIA program has been modified over the years, most recently in 2020 to align with Executive Order (E.O.) 13934 issued July 3, 2020, *Building and Rebuilding Monuments to American Heroes*. As mandated by E.O. 13934, the AIA program prioritized the commissioning of artworks that portray historically significant Americans or events of American historical significance, or that illustrate the ideals upon which the Nation was founded. Priority was to be given to public-facing monuments to former Presidents of the United States, and to individuals and events relating to the discovery of America, the founding of the United States, and the abolition of slavery. Such works of art were to be designed to be appreciated by the general public and by those who use and interact with Federal buildings. When an artwork commissioned by GSA was meant to depict a historically significant American, the artwork was required to be a lifelike or realistic representation of that person, not an abstract or modernist representation.

The AIA program has been modified in 2022 to align with E.O. 14029, *Revocation of Certain Presidential Actions and Technical Amendment*, which revoked E.O. 13934, and to support the goals of E.O. 13895, *Advancing Racial Equity and Support for Underserved Communities*

Through the Federal Government. The AIA program continues to commission works of art from living American artists. One half of one percent of the estimated construction cost of new or substantially renovated Federal buildings and U.S. courthouses is allocated for commissioning works of art.

With the implementation of the 2022 policy, the AIA program actively seeks to commission works from the full spectrum of American artists and strives to promote new media and inventive solutions for public art. GSA has awarded over 500 commissions to artists with established careers and artists of local and regional prominence. In support of the AIA program's goal to commission the most talented contemporary American artists to create works for the nation's important new civic buildings, it is necessary to identify those artists. The National Artist Registry (Registry) offers the opportunity for artists across the country to participate and to be considered for commissions.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

The Registry is a registry of artists who wish to be considered for commissions awarded by GSA to create artworks for Federal buildings. In accordance with the 2020 AIA program policies and procedures, the Contracting Officer on each project posts a synopsis for artist selection in SAM.gov for a minimum of 30 days. The synopsis provides information on how to be considered for a particular project, as well as how to be included in the Registry, and states that artists who want to be considered for any potential GSA commission must be included in the Registry. Once on the Registry, an artist does not need to resubmit to be considered for a commission on future projects.

The Registry is the qualified list of eligible artists. To establish the competitive field for a particular commission, the Technical Evaluation Board (Board) screens the Registry using the criteria and specific standards it has established for the project. The Board is composed of GSA subject-matter experts; the Contracting Officer serves as an advisory member.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

GSA Form 7437 (Form) is available electronically at www.gsa.gov/artinarchitecture. Artists may, but are not required to, submit the Form electronically. Approximately 95% send the Form and supporting information via e-mail; approximately 5% provide the information on a compact disc or other data storage device. Once received, the information from the Form, as well as from the artist's resume, is entered into an electronic database to provide quick and thorough response to questions regarding artists and art works and to permit the compilation of the competitive field of artists to be considered for a particular commission.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

The AIA program is unique in the Federal Government; the Registry is operated in support of that program and is used specifically to review artists for GSA art commissions. Each new or substantially renovated Federal building, U.S. courthouse, and land port of entry includes funds to commission artwork.

5. If the collection of information impacts small businesses or other small entities (item 5), describe any methods used to minimize burden.

Each artist is required to submit the Form only once every ten years to be eligible to be considered for all future commissions; it is not necessary to express interest in each project announced in SAM.gov.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

The Registry is the qualified list of eligible artists. The Registry is open to all American artists (*i.e.*, citizens and lawful permanent residents or permanent workers of the United States).

7. Explain any special circumstances.

There are no such special circumstances for the Registry.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

GSA provided notification of the applicability of the Paperwork Reduction Act and requested emergency processing approval for this revision to an existing information collection. As required by 5 C.F.R. 1320.8(d), public comments on the information collection requirement were solicited in the Federal Register (Vol. 87, No. 22/Wednesday, February 2, 2022/Rules and Regulations, pp. 5711-5717). The comment period closed on April 4, 2022.

Two comments were received. One offered no specific suggestions, the other provided detailed and specific suggestions and recommendations. The comments in the latter were primarily outside of the mission of the Art in Architecture program, and in a number of instances, duplicate work already being done by the National Endowment for the Arts. In addition, the comments were operational and are either already in place or will be addressed as part of the management of the Art in Architecture program. For example, the Registry form can now be submitted directly online via the AiA website, and the site includes information on the selection process and project timeframes.

To address outreach to underserved communities and artists who may be unaware of the Art in Architecture program, GSA and NEA signed an MOU on June 3, 2022, and are working collaboratively to promote opportunities for artists. A series of webinars are planned for September 2022 that will provide information on services offered by NEA and GSA commission opportunities through the Art in Architecture program and how to apply to be considered. Additional programs will be planned on topics relevant to artists.

A 30-day notice published in the *Federal Register* at 87 FR 43038 on July 19, 2022.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

No payments or gifts will be given to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.

Submission of all personal information listed on the Form is voluntary; however, failure to provide that information would make it impossible to contact the respondent. The information is collected under the general authority granted to GSA under subchapter I of chapter 5 of subtitle I and chapter 33 of subtitle II of title 40 of the United States Code.

The Privacy Act Statement is provided on the form provided to the respondent.

The Systems of Records Notice (SORNs) associated with this data collection is as follows:

GSA/PBS-7, The Museum System-TMS, 87 FR 41314 (July 12, 2022).

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

GSA published a System of Records Notice, GSA/PBS-7 (The Museum System - TMS), in the *Federal Register* at 87 FR 41314, on July 12, 2022 to modify a system of records subject to the Privacy Act of 1974, 5 U.S.C. 552a. The system provides for the collection of information to track and manage the AIA program, the Registry, and the fine arts collection. The privacy information within the system will be accessed and used by GSA employees in the AIA and Fine Arts programs.

12 & 13. Provide estimates of the hour burden of the collection of information.

Total Annual Requests	300
Estimates hours/response	0.25
Estimated total burden/hours	75
Average Cost/hour	<u>\$7.25</u>
Total Cost to Public	\$543.75

The estimated number of respondents annually is approximately 300 individual artists, with each response requiring 15 minutes to complete, for a total of 75 hours. The average cost per hour is estimated by using the Federal Minimum Wage. The estimated cost per response is approximately \$1.81.

14. Provide estimates of annualized costs to the Federal Government.

Reviewing Time/hr	0.5
Requests/year	<u>x 300</u>
Review Time/year	150
Average Cost/hr	<u>\$68.18</u>
Total Government Cost	\$10,227

Based on the 150 burden hours to the Federal Government and using the hourly salary of a GS-13, step 5, AIA program staff member.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14.

The updated Form requests artists to respond to optional demographic information. This information is being collected to help ensure diversity, equity, and inclusion pursuant to E.O. 13895, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*. In response to both public comment, internal GSA comments, and the results of registry submissions received during the emergency authorization period, an option of “gender not listed” under gender has been added, as well as an option under each of the demographic questions to check “prefer not to answer.”

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

Not applicable.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

Not applicable.

18. Explain each exception to the certification statement identified in Item 19, “Certification for Paperwork Reduction Act Submissions”.

Not applicable.