

103D CONGRESS  
1ST SESSION

# S. 998

To promote social, cultural, and historic awareness of communities that are homes to Federal buildings, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MAY 20 (legislative day, APRIL 19), 1993

Mr. BINGAMAN (for himself and Mr. MOYNIHAN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To promote social, cultural, and historic awareness of communities that are homes to Federal buildings, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Art-in-Architecture Act  
5 of 1993”.

6 **SEC. 2. PURPOSE.**

7 Congress finds that Federal buildings, through the  
8 integration of permanent works of art with architecture,  
9 should engage and represent the diverse social, cultural,

1 and historic characteristics of the communities in which  
2 the Federal buildings are located and serve.

3 **SEC. 3. DEFINITIONS.**

4 As used in this Act:

5 (1) ADMINISTRATOR.—The term “Adminis-  
6 trator” means the Administrator of the General  
7 Services Administration or a designee of the Admin-  
8 istrator.

9 (2) AGENCY FINE ARTS OFFICER.—The term  
10 “agency fine arts officer” means the General Serv-  
11 ices Administration official with technical and pro-  
12 fessional agencywide oversight responsibility for the  
13 fine arts programs of the agency.

14 (3) ARTIST.—The term “artist” means any in-  
15 dividual, partnership, corporation, association, or  
16 other entity that creates a work of art.

17 (4) WORK OF ART.—The term “work of art”  
18 includes a painting, sculpture, work on paper, lit-  
19 erary or poetic inscription, large-scale crafts (such  
20 as mosaics, ceramics, and tapestries), environmental  
21 art, or architectural art integrated into a building.  
22 A work of art is one that exists only in a single copy  
23 unless the Federal Government has given the artist  
24 written permission to fabricate actual size reproduc-  
25 tions.

1           (5) FEDERAL BUILDING.—The term “Federal  
2 building” means any public building, along with the  
3 grounds, approaches, and appurtenances of the  
4 building, under the jurisdiction of the Administrator,  
5 that attracts, or is expected to attract, significant  
6 public use.

7           (6) PROJECT.—The term “project” means an  
8 existing or new building and site, including the art  
9 project, and all repair and alteration construction  
10 relating to a building.

11           (7) ART PROJECT.—The term “art project”  
12 means the commissioning of works of art by the  
13 Administrator.

14           (8) ART PROJECT FUNDING.—The term “art  
15 project funding” means the total funds allocated to  
16 a project for commissioning a work of art.

17           (9) COMMUNITY REPRESENTATIVES.—The term  
18 “community representatives” includes art profes-  
19 sionals or members of the lay public invited or in at-  
20 tendance at art project meetings held by the Admin-  
21 istrator to solicit comments on a proposed art  
22 project.

23 **SEC. 4. COMMISSION AND CONTRACTS FOR WORKS OF ART.**

24           (a) ART FUNDING FOR NEW BUILDINGS.—

1           (1) IN GENERAL.—Except as provided in sub-  
2           section (b), not less than  $\frac{1}{2}$  of 1 percent of the  
3           funds made available for new construction, building  
4           purchase, acquisition, or prospectus-level repair and  
5           alteration projects shall be made available for art  
6           projects for the building.

7           (2) INCREASE IN AMOUNT.—The Administrator  
8           may increase the percentage amount specified in  
9           paragraph (1) for a project warranting more art-  
10          work, such as a building with exceptional public  
11          space whose architectural character and scale would  
12          accommodate and be significantly enhanced by large-  
13          scale, high-quality artwork.

14          (3) EXCEPTION.—The Administrator may de-  
15          crease the percentage amount specified in paragraph  
16          (1), specifying reasons for decreasing the amount,  
17          for a project warranting less artwork such as—

18                 (A) a building with little or no public use  
19                 or access; or

20                 (B) a building with sufficient previously  
21                 acquired artwork.

22          (b) PLANNING.—The preliminary planning and de-  
23          sign of each new Federal building shall include planning  
24          for art commissions.

25          (c) COMMISSIONING.—

1           (1) AUTHORITY.—The Administrator shall com-  
2 mission works of art by living American artists to be  
3 placed in Federal buildings.

4           (2) AMOUNT OF COMMISSION.—The commission  
5 award shall be based on a fixed price.

6           (3) SELECTION.—In commissioning works of  
7 art, the Administrator shall select artists based  
8 upon—

9                   (A) the artistic merit of the previous work  
10 of the artist;

11                   (B) the estimated value of the proposed  
12 work of art, and the scope, complexity, and pro-  
13 fessional nature of the work of art;

14                   (C) the artistic media;

15                   (D) the social, cultural, and aesthetic judg-  
16 ments of the local and regional community;

17                   (E) the interest in giving expression to the  
18 vitality and diversity of American life; and

19                   (F) the professional review of the agency  
20 fine arts officer.

21           (d) PROCEDURES.—

22                   (1) ESTABLISHMENT OF PROCEDURES.—The  
23 Administrator shall establish such procedures as are  
24 necessary to commission works of art, with an em-

1 phasis on the participation of community representa-  
2 tives.

3 (2) FAILURE TO NEGOTIATE CONTRACT.—If the  
4 Administrator is unable to negotiate a satisfactory  
5 contract with the selected artist, negotiations shall  
6 be terminated. The Administrator should undertake  
7 negotiations with alternate artists in order of merit.

8 (3) EXEMPTION FROM FEDERAL PROPERTY  
9 AND ADMINISTRATIVE SERVICES ACT.—Commission-  
10 ing of art under this Act shall not be subject to title  
11 III of the Federal Property and Administrative Serv-  
12 ices Act of 1949 (41 U.S.C. 251 et seq.).

13 (4) PUBLICITY.—The Administrator shall pub-  
14 licize each prospective art project and shall give art-  
15 ists a reasonable period of time to respond for con-  
16 sideration.

17 (e) MAINTENANCE OF ARTWORK.—The Adminis-  
18 trator shall provide for necessary services to maintain and  
19 preserve the works of art in a state of high quality.

20 (f) REGISTRY OF PORTFOLIOS.—The agency fine arts  
21 officer shall maintain a registry of portfolios and state-  
22 ments of qualifications for artists interested in being con-  
23 sidered for art projects.

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