

117TH CONGRESS
1ST SESSION

S. 2858

To direct the Secretary of Labor, in consultation with the Chairperson of the National Endowment for the Arts, to award grants for arts and creative workforce programs.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 27, 2021

Mr. LUJÁN (for himself, Mr. HEINRICH, Mr. PADILLA, and Mrs. GILLIBRAND) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To direct the Secretary of Labor, in consultation with the Chairperson of the National Endowment for the Arts, to award grants for arts and creative workforce programs.

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 “Creative Economy Re-
5 vitalization Act”.

1 **SEC. 2. NATIONAL GRANTS FOR ARTS AND CREATIVE**
 2 **WORKFORCE PROGRAMS.**

3 Subtitle D of title I of the Workforce Innovation and
 4 Opportunity Act (29 U.S.C. 3221 et seq.) is amended—

5 (1) by redesignating section 172 (29 U.S.C.
 6 3227) as section 173; and

7 (2) by inserting after section 171 (29 U.S.C.
 8 3226) the following:

9 **“SEC. 172. NATIONAL GRANTS FOR ARTS AND CREATIVE**
 10 **WORKFORCE PROGRAMS.**

11 “(a) PROGRAM AUTHORIZED.—From the amounts
 12 appropriated under subsection (f), Secretary, in consulta-
 13 tion with the Chairperson of the National Endowment for
 14 the Arts, shall award grants, on a competitive basis, to
 15 eligible entities to carry out the arts and creative work-
 16 force programs described in subsection (c)(1).

17 “(b) APPLICATION.—To be eligible to receive a grant
 18 under this section, an eligible entity shall submit to the
 19 Secretary and the Chairperson an application at such
 20 time, in such manner, and containing such information as
 21 the Secretary and the Chairperson may require, which
 22 shall include—

23 “(1) a description of the arts and creative
 24 workforce program the eligible entity plans to carry
 25 out with the grant, including—

26 “(A) cost estimates;

1 “(B) timelines;

2 “(C) a description of the final product and
3 how such product will be made accessible to the
4 public;

5 “(D) the proposed number of employees
6 the program will employ, including a description
7 of the creative workers the program will em-
8 ploy;

9 “(E) the number of such proposed employ-
10 ees who have barriers to employment and a de-
11 scription of such barriers; and

12 “(F) whether the eligible entity will be
13 working in coordination with a State board or
14 a local board to employ individuals under the
15 program, and a description of such coordina-
16 tion; and

17 “(2) a good-faith certification that—

18 “(A) during the grant period and during
19 the 2-year period beginning after the such
20 grant period—

21 “(i) the eligible entity will not
22 outsource or offshore jobs for the arts and
23 creative workforce program carried out
24 with the grant; and

1 “(ii) the eligible entity will not abro-
 2 gate existing collective bargaining agree-
 3 ments of employees of such program; and

4 “(B) the eligible entity will remain neutral
 5 in any union organizing effort by the employees
 6 of such program during the grant period; and

7 “(C) in carrying out such program, the eli-
 8 gible entity will comply with the wage and safe-
 9 ty standards described in subsections (n) and
 10 (m) of section 5 of the National Foundation on
 11 the Arts and the Humanities Act of 1965 (20
 12 U.S.C. 954).

13 “(c) USES OF FUNDS.—

14 “(1) ARTS AND CREATIVE WORKFORCE PRO-
 15 GRAMS.—An eligible entity that receives a grant
 16 under this section shall use such grant to carry out
 17 an arts and creative workforce program that—

18 “(A) shall—

19 “(i) provide art or arts programming
 20 that is publicly available and accessible to
 21 other individuals by the eligible entity; and

22 “(ii) employ individuals in the labor
 23 market area served by the eligible entity,
 24 which may include the use of such grant to

1 cover the cost of wages for such individ-
2 uals; and

3 “(B) may include—

4 “(i) outdoor events for the community
5 (such as concerts, street fairs, art fairs,
6 community arts events, performances, live
7 music, or other arts-based activities);

8 “(ii) interviews and written stories
9 that capture and document the history of
10 the United States—

11 “(I) through photographs, nar-
12 ratives, storytelling, murals, films,
13 plays, and other media; and

14 “(II) that illuminate narratives
15 of first responders during the
16 COVID–19 pandemic, or marginalized
17 narratives and histories of all individ-
18 uals, regardless of income, age, race,
19 religion, legal status, sexual orienta-
20 tion, or gender identity;

21 “(iii) temporary or permanent visual,
22 literary, or performative public artworks
23 celebrating community identity, such as—

1 “(I) two- and three-dimensional
 2 visual artworks such as murals, paint-
 3 ed benches, sculptures, and statues;

4 “(II) interactive or sound-based
 5 artworks; and

6 “(III) performative artworks like
 7 concerts, readings, festivals, or dis-
 8 plays of dance or theater;

9 “(iv) poetry, writing, photography,
 10 theater, visual or media arts, or dance ex-
 11 hibitions; and

12 “(v) programs and works that support
 13 the arts in both schools and community
 14 cultural spaces (including arts-integrated
 15 teaching, place-based arts and cultural
 16 practice, intergenerational education, oral
 17 histories, and the preservation of folk tra-
 18 ditions that elevate a community’s history
 19 and culture, including on Tribal land).

20 “(2) LIMITATION ON ADMINISTRATIVE COSTS.—
 21 Not more than 5 percent of the funds appropriated
 22 under subsection (f) for a fiscal year may be used
 23 for administrative costs by the Secretary.

24 “(d) REPORT.—Not later than 1 year after the first
 25 grant is awarded under this section, and each year there-

1 after, the Secretary shall report to Congress on the out-
2 comes of the programs funded under this section for the
3 preceding year, including—

4 “(1) the number of grants awarded for such
5 year to eligible entities, disaggregated by the type of
6 eligible entity listed in subsection (g)(2); and

7 “(2) a description of each program assisted
8 with such a grant, including—

9 “(A) the geographic location of the pro-
10 gram;

11 “(B) the length of employment of an indi-
12 vidual who is employed by the program;

13 “(C) the percentage of such individuals
14 who are in unsubsidized employment during the
15 second quarter after exit from the program;

16 “(D) the percentage of such individuals
17 who are in unsubsidized employment during the
18 fourth quarter after exit from the program; and

19 “(E) the median earnings of such individ-
20 uals who are in unsubsidized employment dur-
21 ing the second quarter after exit from the pro-
22 gram.

23 “(e) COPYRIGHT OWNERSHIP.—In accordance with
24 section 200.315 of title 2, Code of Federal Regulations
25 (or any successor regulation), and notwithstanding section

1 2900.13 of such title (or any successor regulation), an au-
 2 thor of a work that is created under any program funded
 3 under this section and for which copyright protection is
 4 available under title 17, United States Code, shall retain
 5 ownership of the copyright to that work for the purposes
 6 of that title. The Federal Government may—

7 “(1) obtain, reproduce, publish, or otherwise
 8 use the work produced under this section; and

9 “(2) authorize another to receive, reproduce,
 10 publish, or otherwise use the work for a Federal
 11 purpose.

12 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
 13 are authorized to be appropriated \$300,000,000 to carry
 14 out this section for fiscal years 2022 through 2024.

15 “(g) DEFINITIONS.—In this section:

16 “(1) CREATIVE WORKER.—The term ‘creative
 17 worker’—

18 “(A) means any individual who earns (or
 19 previously earned) income through creative, cul-
 20 tural, or artistic-based pursuits to produce
 21 ideas, content, goods, and services, without re-
 22 gard to whether such income is earned through
 23 employment as an independent contractor or as
 24 an employee for an employer; and

“(B) may include an art director, artist, animator, sculptor, writer, author, poet, photographer, musician, singer, producer, director, actor, announcer, storyteller, comedian, dancer, architect, designer, programmer, choreographer, or a technician, backstage or behind-the-scenes staff, curator, or other support staff who make creative work possible.

“(2) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—

“(A) a State;

“(B) a local area (or local board);

“(C) an entity described in section 166(c);

“(D) a public or private nonprofit agency or organization (including a consortium of such agencies or organizations) that employs, or supports the employment of, creative workers; or

“(E) a State workforce agency.”.

SEC. 3. AUTHORIZATION OF FUNDS FOR THE NEA.

There are authorized to be appropriated to the Chairperson of the National Endowment for the Arts such sums as may be necessary for such Chairperson to provide the consultation required under section 172 of the Workforce Innovation and Opportunity Act, as amended by section 2.

1 **SEC. 4. TABLE OF CONTENTS.**

2 The table of contents of the Workforce Innovation
3 and Opportunity Act is amended by striking the item re-
4 lating to section 172 and inserting the following:

“172. National grants for arts and creative workforce programs.

“173. Authorization of appropriations.”.

