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(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R. _____

To direct the Secretary of Labor to award grants to emerging artists to support their early development.

IN THE HOUSE OF REPRESENTATIVES

Mr. FROST introduced the following bill; which was referred to the Committee on _____

A BILL

To direct the Secretary of Labor to award grants to emerging artists to support their early development.

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 “Cultivating Resources
5 for Emerging Artists to Thrive and Excel in Art Act” or
6 the “CREATE Art Act”.

1 **SEC. 2. ESTABLISHMENT OF EMERGING ARTISTS GRANT**
2 **PROGRAM.**

3 (a) IN GENERAL.—Subject to the availability of ap-
4 propriations, the Secretary of Labor, in consultation with
5 the Committee established under section 3, may award the
6 grants described in subsection (b), on a competitive basis,
7 to emerging artists.

8 (b) DESCRIPTION OF GRANTS.—

9 (1) PROGRESS GRANT.—Grants not to exceed
10 \$2,000 per grant may be awarded under this Act to
11 eligible emerging artists for allowable costs to sup-
12 port a year of artist activities such as recording,
13 touring, showcasing, video production, and mar-
14 keting.

15 (2) PROJECT GRANT.—Grants may be awarded
16 under this Act to eligible emerging artists not to ex-
17 ceed \$100,000 per proposed project, covering allow-
18 able costs incurred within 24 months after the date
19 of initial grant application.

20 (3) LIVE PERFORMANCE GRANT.—Grants not
21 to exceed \$35,000 may be awarded under this Act
22 to emerging artists for live performances, as long
23 as—

24 (A) not more than \$20,000 per grant is
25 expended for live performance domestic touring;
26 and

1 (B) any emerging artist receiving such
2 grant has a current release or an upcoming re-
3 lease.

4 (4) DEVELOPMENT FUND.—Grants not to ex-
5 ceed \$10,000 may be awarded under this Act to
6 emerging artists to pay for working and living ex-
7 penses while researching, write, or cultivating stories
8 and projects.

9 (c) GRANT REQUIREMENTS.—

10 (1) APPLICATION REQUIREMENTS; GRANT RE-
11 CIPIENTS.—

12 (A) ARTISTS, PRODUCERS, AND PUB-
13 LISHERS.—An artist manager, producer, or
14 publisher may fill out the grant application on
15 behalf of an emerging artist under this Act, as
16 long as—

17 (i) the artist is the named applicant
18 and incurs the related costs directly; and

19 (ii) such costs are not incurred by the
20 manager, producer, or publisher and then
21 charged back to the artist.

22 (B) RECORD LABELS.—Record labels may
23 not receive a grant under this Act. Artists
24 signed to a record label may apply, but the art-
25 ist shall incur the related costs directly. Such

1 costs may not be incurred by the record label
2 and then charged back to the artist.

3 (C) APPLICANTS WHO ARE MINORS.—Ap-
4 plicants under 18 years of age shall submit a
5 signed parent or legal guardian consent form
6 with the grant application.

7 (2) USES OF FUNDS.—Notwithstanding any
8 other provision of this Act, any grant awarded under
9 this Act may be used only to pay allowable costs in-
10 curred for the purchase of goods and services re-
11 ceived in the United States by the grantee that are
12 provided by citizens of the United States or by enti-
13 ties owned or controlled by citizens of the United
14 States.

15 (3) LABOR PROTECTIONS.—

16 (A) PROHIBITION.—An individual grant
17 recipient may not utilize grant awards to sub-
18 sidize paid or unpaid work for professional per-
19 formers and related or supporting professional
20 personnel employed on projects or productions
21 which are financed in whole or in part under
22 this section.

23 (B) PREVAILING WAGES, AND SAFE WORK-
24 ING CONDITIONS.—It shall be a condition of the
25 receipt of any grant under this Act that the re-

1 recipient of such grant shall furnish assurances to
2 the Secretary of Labor, consistent with the re-
3 quirements of section 5(m) of the National
4 Foundation on the Arts and Humanities Act of
5 1965 (20 U.S.C. 954(m)), that—

6 (i) professional performers and related
7 or supporting professional personnel em-
8 ployed on projects or productions which
9 are financed in whole or in part under this
10 section—

11 (I) will be paid, without subse-
12 quent deduction or rebate on any ac-
13 count, not less than the minimum
14 compensation as determined by the
15 Secretary of Labor to be the pre-
16 vailing minimum compensation for
17 persons employed in similar activities;
18 and

19 (II) will be able to maintain any
20 existing collective bargaining agree-
21 ment for the term of the grant and 2
22 years after such term ends; and

23 (ii) no part of any project or produc-
24 tion which is financed in whole or in part
25 under this section—

1 (I) will be performed or engaged
2 in under working conditions which are
3 unsanitary or hazardous or dangerous
4 to the health and safety of the em-
5 ployees engaged in such project or
6 production; or

7 (II) will be used to engage in any
8 activity that is subject to reporting re-
9 quirements set forth in section 203(a)
10 of the Labor-Management Reporting
11 and Disclosure Act of 1959 (29
12 U.S.C. 433(a)) for the term of the
13 grant, project, or tour (whichever is
14 longest).

15 (4) PROHIBITION ON DISCRIMINATION AGAINST
16 CERTAIN NONCITIZENS.—Participation in programs
17 and activities or receiving funds under this Act shall
18 be available to citizens and nationals of the United
19 States, lawfully admitted permanent resident aliens,
20 refugees, asylees, and parolees, and other immi-
21 grants authorized by the Attorney General to work
22 in the United States.

1 **SEC. 3. DEVELOPMENT COMMITTEE FOR EMERGING ART-**
2 **IST GRANT PROGRAM.**

3 (a) IN GENERAL.—Not later than 180 days after the
4 date of enactment of this Act, the Secretary of Labor shall
5 establish a Development Committee for Emerging Artist
6 Grant Program to provide consultation to the Secretary
7 of Labor on the development and implementation of the
8 grant programs under section 2, including to evaluate
9 grant applications.

10 (b) COMPOSITION.—

11 (1) IN GENERAL.—The Committee shall be
12 composed of—

13 (A) 4 representatives of the arts industry
14 (such as music producers, gallery owners or op-
15 erators, or a production company for a theater);

16 (B) 4 labor representatives in the arts in-
17 dustry; and

18 (C) 4 emerging artists.

19 (2) TERMS OF SERVICE.—Each member of the
20 Commission shall serve a 6-year term.

21 (c) COMPENSATION.—Members of the Committee
22 shall receive compensation for their service on the Com-
23 mittee.

24 **SEC. 4. DEFINITIONS.**

25 In this Act:

1 (1) ALLOWABLE COSTS.—The term “allowable
2 costs” means any costs associated with developing,
3 producing, and performing art, including costs asso-
4 ciated with reserving space, studio time, third party
5 personnel costs, third party production costs, and
6 marketing.

7 (2) EMERGING ARTIST.—The term “emerging
8 artist” means an artist who—

9 (A) has individually earned, from the art
10 of such artist, less than \$50,000 in net earn-
11 ings during the previous 5 years and not more
12 than \$400,000 in net earnings during the pre-
13 vious 20 years;

14 (B) has evidence of regular creative prac-
15 tice;

16 (C) produces or presents projects or pro-
17 grams that are relevant to the community and
18 accessible to the public; and

19 (D) meets any other requirements of the
20 Secretary of Labor for purposes of this Act.

21 (3) PROJECT.—The term “project” has the
22 meaning given the term in section 3 of the National
23 Foundation on the Arts and Humanities Act of
24 1965 (20 U.S.C. 952).