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

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SECTION 2. ESTABLISHMENT OF EMERGING ARTISTS GRANT PROGRAM.

(a) In General.—Subject to the availability of appropriations, the Secretary of Labor, in consultation with the Committee established under section 3, may award the grants described in subsection (b), on a competitive basis, to emerging artists.

(b) Description of Grants.—

(1) Progress Grant.—Grants not to exceed $2,000 per grant may be awarded under this Act to eligible emerging artists for allowable costs to support a year of artist activities such as recording, touring, showcasing, video production, and marketing.

(2) Project Grant.—Grants may be awarded under this Act to eligible emerging artists not to exceed $100,000 per proposed project, covering allowable costs incurred within 24 months after the date of initial grant application.

(3) Live Performance Grant.—Grants not to exceed $35,000 may be awarded under this Act to emerging artists for live performances, as long as—

(A) not more than $20,000 per grant is expended for live performance domestic touring; and
(B) any emerging artist receiving such grant has a current release or an upcoming release.

(4) DEVELOPMENT FUND.—Grants not to exceed $10,000 may be awarded under this Act to emerging artists to pay for working and living expenses while researching, write, or cultivating stories and projects.

(e) GRANT REQUIREMENTS.—

(1) APPLICATION REQUIREMENTS; GRANT RECIPIENTS.—

(A) ARTISTS, PRODUCERS, AND PUBLISHERS.—An artist manager, producer, or publisher may fill out the grant application on behalf of an emerging artist under this Act, as long as—

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

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

(B) RECORD LABELS.—Record labels may not receive a grant under this Act. Artists signed to a record label may apply, but the artist shall incur the related costs directly. Such
costs may not be incurred by the record label
and then charged back to the artist.

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

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

(3) LABOR PROTECTIONS.—

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

(B) PREVAILING WAGES, AND SAFE WORK-
ING CONDITIONS.—It shall be a condition of the
receipt of any grant under this Act that the re-
recipient of such grant shall furnish assurances to
the Secretary of Labor, consistent with the re-
quirements of section 5(m) of the National
Foundation on the Arts and Humanities Act of
1965 (20 U.S.C. 954(m)), that—

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

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

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

(ii) no part of any project or produc-
tion which is financed in whole or in part
under this section—
(I) will be performed or engaged in under working conditions which are unsanitary or hazardous or dangerous to the health and safety of the employees engaged in such project or production; or

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

(4) Prohibition on discrimination against certain noncitizens.—Participation in programs and activities or receiving funds under this Act shall be available to citizens and nationals of the United States, lawfully admitted permanent resident aliens, refugees, asylees, and parolees, and other immigrants authorized by the Attorney General to work in the United States.
SEC. 3. DEVELOPMENT COMMITTEE FOR EMERGING ARTIST GRANT PROGRAM.

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

(b) COMPOSITION.—

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

(A) 4 representatives of the arts industry (such as music producers, gallery owners or operators, or a production company for a theater);

(B) 4 labor representatives in the arts industry; and

(C) 4 emerging artists.

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

(c) COMPENSATION.—Members of the Committee shall receive compensation for their service on the Committee.

SEC. 4. DEFINITIONS.

In this Act:
(1) ALLOWABLE COSTS.—The term “allowable costs” means any costs associated with developing, producing, and performing art, including costs associated with reserving space, studio time, third party personnel costs, third party production costs, and marketing.

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

(A) has individually earned, from the art of such artist, less than $50,000 in net earnings during the previous 5 years and not more than $400,000 in net earnings during the previous 20 years;

(B) has evidence of regular creative practice;

(C) produces or presents projects or programs that are relevant to the community and accessible to the public; and

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

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