

117TH CONGRESS
2D SESSION

H. R. 9175

To amend the National Foundation on the Arts and the Humanities Act of 1965 to establish a grant program to improve the quality and availability of arts facilities and arts-related programming, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 14, 2022

Ms. BONAMICI introduced the following bill; which was referred to the
Committee on Education and Labor

A BILL

To amend the National Foundation on the Arts and the Humanities Act of 1965 to establish a grant program to improve the quality and availability of arts facilities and arts-related programming, 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 “Capital, Repairs, and
5 Employment for Art Talent to Improve Visibility Every-
6 where Act of 2022” or the “CREATIVE Act of 2022”.

1 **SEC. 2. GRANTS FOR ARTS-RELATED CONSTRUCTION AND**
2 **ACQUISITION, MAINTENANCE, AND HIRING.**

3 The National Foundation on the Arts and the Hu-
4 manities Act of 1965 (20 U.S.C. 951 et seq.) is amended
5 by inserting after section 5A the following:

6 **“SEC. 5B. GRANTS FOR ARTS-RELATED CONSTRUCTION**
7 **AND ACQUISITION, MAINTENANCE, AND HIR-**
8 **ING.**

9 “(a) GRANTS AUTHORIZED.—The Chairperson of the
10 National Endowment for the Arts shall carry out a pro-
11 gram under which the Chairperson awards grants to eligi-
12 ble entities, on a competitive basis, as follows:

13 “(1) CONSTRUCTION AND ACQUISITION
14 GRANTS.—The Chairperson may award a grant to
15 an eligible entity to construct or acquire a new facil-
16 ity to house arts productions, projects, perform-
17 ances, exhibitions, workshops, or programs. A grant
18 under this paragraph shall be in an amount that is
19 not more than \$5,000,000 and shall remain avail-
20 able for expenditure by the eligible entity for a pe-
21 riod of five years from the date on which the grant
22 is disbursed to such entity.

23 “(2) MAINTENANCE AND IMPROVEMENT
24 GRANTS.—The Chairperson may award a grant to
25 an eligible entity to improve, repair, or maintain an
26 existing facility housing arts productions, projects,

1 performances, exhibitions, workshops, or programs.

2 A grant under this paragraph shall be in an amount
3 that is not more than \$3,000,000 and shall remain
4 available for expenditure by the eligible entity for a
5 period of three years from the date on which the
6 grant is disbursed to such entity.

7 “(3) HIRING AND PRODUCTION GRANTS.—The
8 Chairperson may award a grant to an eligible entity
9 to hire or compensate staff members or artists to so-
10 licit or produce productions, projects, performances,
11 exhibitions, workshops, or programs at an existing
12 facility. A grant under this paragraph shall be in an
13 amount that is not more than \$3,000,000 and shall
14 remain available for expenditure by the eligible enti-
15 ty for a period of three years from the date on which
16 the grant is disbursed to such entity.

17 “(b) PROHIBITION ON MULTIPLE AWARDS.—An eli-
18 gible entity may not receive more than one grant under
19 subsection (a).

20 “(c) APPLICATION.—To be considered for a grant
21 under this section, an eligible entity shall submit an appli-
22 cation to the Chairperson at such time, in such manner,
23 and accompanied by such information as the Chairperson
24 may require. At a minimum each application shall include
25 the following:

1 “(1) The type of grant for which the entity is
2 applying from among the grant types described in
3 paragraphs (1) through (3) of subsection (a).

4 “(2) A description of the specific purposes for
5 which the entity proposes to use the grant, includ-
6 ing, as applicable—

7 “(A) examples of productions, projects,
8 performances, exhibitions, workshops, or pro-
9 grams that may be—

10 “(i) housed at a new or existing facil-
11 ity supported by the grant; or

12 “(ii) produced by artists or staff
13 members supported by the grant; and

14 “(B) the perceived benefits that such pro-
15 ductions, projects, performances, exhibitions,
16 workshops, or programs will provide to the com-
17 munities served by the eligible entity.

18 “(3) A description of the level of access to arts
19 facilities and programming in the communities
20 served by the eligible entity and, if applicable, identi-
21 fication of any disparities or gaps in such access.

22 “(4) A explanation of how the entity conducted,
23 or intends to conduct, outreach and acquire input
24 from the community in which the grant funds will
25 be used, including input from low-income individ-

1 uals, individuals with disabilities, and other under-
2 represented individuals in such community.

3 “(5) A description of any input received as a
4 result of the outreach under paragraph (4).

5 “(6) A description of the steps the board or
6 other appropriate overseeing body of such eligible
7 entity has taken to ensure that governance of the or-
8 ganization includes representation from individuals
9 described in paragraph (4).

10 “(7) A description of—

11 “(A) the level of community need for the
12 activities proposed to be carried out with grant
13 funds; and

14 “(B) the extent to which such activities
15 will be supported by additional funds from the
16 community and other sources.

17 “(8) If applicable, a comprehensive plan de-
18 scribing how the eligible entity will continue to oper-
19 ate any new or existing facility supported by the
20 grant after the grant funds have been expended.

21 “(9) Any other information or assurances the
22 Chairperson determines appropriate.

23 “(d) PRIORITY.—In awarding grants under this sec-
24 tion, the Chairperson shall give priority to eligible entities
25 that meet one or more of the following criteria (with high-

1 er priority given to eligible entities that meet more than
2 one such criteria):

3 “(1) The eligible entity is located in a commu-
4 nity with limited access to high-quality arts produc-
5 tions, projects, performances, exhibitions, or pro-
6 grams, which may be indicated by—

7 “(A) the community having one or fewer
8 facilities for hosting arts programming;

9 “(B) the presence of an arts facility in the
10 community that is in state of disrepair or in a
11 physical state that is not conducive to regularly
12 hosting arts programming; or

13 “(C) the presence of an arts facility in the
14 community that has an inadequate number of
15 staff members or an insufficient focus on arts
16 programming.

17 “(2) The eligible entity proposes to use the
18 grant to expand arts productions, projects, perform-
19 ances, exhibitions, workshops, or programs from lin-
20 guistically and culturally diverse populations who are
21 considered ethnic, cultural, religious, or linguistic
22 minorities and whose art is underrepresented in pop-
23 ular culture.

1 “(3) The eligible entity demonstrates financial
2 hardship or a level of income insufficient to self-fund
3 the activities for which the grant is sought.

4 “(4) The eligible entity proposes to use the
5 grant to host or produce arts productions, projects,
6 performances, exhibitions, or programs that will
7 have substantial artistic and cultural significance
8 and, if applicable, provide insight and perspective on
9 current or historical events or local or regional eco-
10 nomic issues.

11 “(5) The eligible entity is not a recipient of a
12 grant under section 5 and the entity has not pre-
13 viously received a grant under such section.

14 “(6) The eligible entity has not previously re-
15 ceived financial support from a local or State gov-
16 ernment for the activities the entity proposes to
17 carry out with the grant.

18 “(7) The eligible entity proposes to use the
19 grant to improve access to arts productions,
20 projects, performances, exhibitions, or programs for
21 artists with disabilities and other people with disabil-
22 ities.

23 “(8) The eligible entity is located in a rural
24 community.

1 “(9) The eligible entity provides individual art-
2 ists and groups of artists with the opportunity to
3 display or produce projects, performances, exhibi-
4 tions, workshops, or programs.

5 “(10) The eligible entity proposes to use the
6 grant for a purpose that furthers arts education in
7 the community in which such funds will be used.

8 “(e) SUPPLEMENT, NOT SUPPLANT.—An eligible en-
9 tity that receives a grant under this section may use the
10 grant only to supplement, and not to supplant, funds made
11 available from non-Federal sources to carry out the activi-
12 ties supported by such grant.

13 “(f) ACCOUNTABILITY.—

14 “(1) REVIEW.—The Chairperson shall regularly
15 review the activities of eligible entities receiving
16 grants under this section to ensure that such entities
17 are using the grant for the purposes for which it was
18 provided and are otherwise in compliance with the
19 requirements of this section.

20 “(2) RETURN OF FUNDS FOR MISUSE.—In the
21 event the Chairperson determines that an eligible en-
22 tity receiving a grant under this section is misusing
23 grant funds or otherwise failing to comply require-
24 ments of this section, the Chairperson shall—

1 “(A) notify the Secretary of the Treasury
2 and the recipient of such grant that no further
3 grants will be made to such recipient under this
4 section; and

5 “(B) direct the entity to return to the
6 Chairperson any unused or misappropriated
7 grant funds.

8 “(3) NOTICE AND OPPORTUNITY FOR HEAR-
9 ING.—Before making a final determination under
10 paragraph (2), the Chairperson shall provide the eli-
11 gible entity concerned with notice and a reasonable
12 opportunity for a hearing.

13 “(g) TREATMENT OF UNEXPENDED FUNDS.—Funds
14 received by an eligible entity under subsection (a) that are
15 not expended within the allowable period specified in such
16 subsection shall be returned to Chairperson unless the
17 Chairperson makes a written determination that the entity
18 may continue to expend the funds after the expiration of
19 such period.

20 “(h) REPORTS.—

21 “(1) IN GENERAL.—On an annual basis during
22 each year of the grant period, an eligible entity that
23 receives a grant under this section shall submit to
24 the Chairperson report that includes a description of
25 the following:

1 “(A) How the grant funds were used in the
2 year covered by the report.

3 “(B) The effects, in the immediate term
4 and over the remaining period of the grant, of
5 the activities supported by the grant with re-
6 spect to—

7 “(i) increasing access to arts facilities
8 and programming within the community
9 served by the eligible entity; and

10 “(ii) reducing disparities in access to
11 such facilities and programming in such
12 communities.

13 “(C) To the extent applicable, how the
14 grant has or will be used—

15 “(i) to relieve staffing shortages for
16 the eligible entity;

17 “(ii) to improve an existing facility’s
18 ability to host or produce high-quality arts
19 productions, projects, performances, exhibi-
20 tions, or programs;

21 “(iii) to contribute to the construction
22 or acquisition of a facility to host or
23 produce high-quality arts productions,
24 projects, performances, exhibitions, or pro-
25 grams, and if acquisition or construction of

1 such facility is complete, how the facility
2 has been able to host or assist in the pro-
3 duction of such programming;

4 “(iv) to support increasing the num-
5 ber of high-quality arts productions,
6 projects, performances, exhibitions, work-
7 shops, or programs from linguistically and
8 culturally diverse populations who are con-
9 sidered ethnic, cultural, religious, or lin-
10 guistic minorities and whose art is under-
11 represented in popular culture; and

12 “(v) to improve access to arts produc-
13 tions, projects, performances, exhibitions,
14 or programs for artists with disabilities
15 and other people with disabilities.

16 “(2) PUBLIC AVAILABILITY.—Not later than
17 180 days after receiving a report under paragraph
18 (1), the Chairperson shall make the report available
19 on a publicly accessible website of the National En-
20 dowment for the Arts.

21 “(i) DEFINITIONS.—In this section:

22 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
23 tity’ means—

24 “(A) a local arts agency;

25 “(B) a museum; or

1 “(C) any other nonprofit arts organization
2 that is described in section 501(c)(3) of the In-
3 ternal Revenue Code of 1986 and exempt from
4 taxation under section 501(a) of such Code.

5 “(2) MUSEUM.—The term ‘museum’ has the
6 meaning given that term in section 273(1) of the
7 Museum Services Act (20 U.S.C. 9172(1)).

8 “(3) RURAL COMMUNITY.—The term ‘rural
9 community’ means a community in an area that is
10 not designated by the Bureau of the Census as an
11 urbanized area or urban cluster.

12 “(j) AUTHORIZATION OF APPROPRIATIONS.—

13 “(1) IN GENERAL.—There are authorized to be
14 appropriated to carry out this section \$100,000,000
15 for each of fiscal years 2023 through 2028.
16 Amounts authorized to be appropriated under this
17 subsection are in addition to any amounts otherwise
18 authorized to be appropriated for the National En-
19 dowment for the Arts.

20 “(2) RESERVATIONS.—From the amount appro-
21 priated under paragraph (1) for each fiscal year, the
22 Chairperson—

23 “(A) shall reserve not less than 20 percent
24 to make grants under this section to eligible en-
25 tities located in rural communities; and

1 “(B) may reserve—

2 “(i) not more than 1 percent to pro-
3 vide technical assistance to eligible entities
4 that are receiving grants under this sec-
5 tion; and

6 “(ii) not more than 0.5 percent to en-
7 sure the National Endowment for the Arts
8 has sufficient personnel to carry out the
9 program under this section.”.

○