

118TH CONGRESS
1ST SESSION

H. R. 3239

To address systemic racism through the arts and humanities in the United States.

IN THE HOUSE OF REPRESENTATIVES

MAY 11, 2023

Ms. LEE of California (for herself, Mr. BOWMAN, Mr. KIM of New Jersey, Ms. CLARKE of New York, Ms. BONAMICI, Mr. EVANS, Ms. SCANLON, and Mr. TAKANO) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To address systemic racism through the arts and humanities in the United States.

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 “Advancing Equity
5 Through the Arts and Humanities Act of 2023”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1 (1) Access to the arts and cultural program-
2 ming influences positive social determinants and is
3 integral to healthy communities.

4 (2) In America, the received narrative is that
5 the arts are for entertainment or for artists, but a
6 deeper look shows the profound effect access to the
7 arts has on those most impacted by the justice sys-
8 tem, children, veterans, low-income communities,
9 and self-designated non-artists.

10 (3) Concentrated cultural districts are associ-
11 ated with reduced poverty without neighborhood dis-
12 placement, improved child welfare, and lower mor-
13 bidity.

14 (4) Low-income neighborhoods with cultural re-
15 sources have 14 percent fewer cases of child abuse
16 and neglect, and 18 percent less serious crime than
17 low-income neighborhoods without cultural re-
18 sources.

19 (5) Low-income students who participate in the
20 arts, both in school and after school, have a dropout
21 rate of just 4 percent or 5 times lower than their
22 peers. Children with access to arts programming in
23 schools showed a 22.55 percent improvement in
24 math proficiency, a 12.62 percent improvement in

1 reading, and suspensions were reduced by as much
2 as 89 percent.

3 (6) Seventy-one percent of at-risk students with
4 high arts involvement attend college, whereas only
5 48 percent of at-risk students with low arts involve-
6 ment attend college.

7 (7) Participation in after-school arts programs
8 causes juvenile crime to fall by 4.2 percent on aver-
9 age, and slightly more (5.4 percent) in lower-income
10 cities.

11 (8) Arts programming in prisons showed an 89-
12 percent drop in infractions.

13 (9) The cultural economy is significant not only
14 in cities, but also in rural and tribal communities.
15 Forty percent of Native American households on the
16 Pine Ridge Reservation in Kyle, South Dakota, de-
17 pend on home-based arts enterprises.

18 (10) The arts heal the mental, physical, and
19 moral injuries of war for military servicemembers
20 and veterans, as well as aid in their reintegration
21 into the community.

22 (11) Arts and culture is an \$878,000,000,000
23 industry in the U.S. (nonprofit, commercial, edu-
24 cation). The nonprofit arts industry alone generates
25 \$166,300,000,000 in annual economic activity

1 spending by organizations and their audience, which
2 supports 4,600,000 jobs and generates
3 \$27,500,000,000 in government revenue.

4 (12) The National Endowment for the Arts is
5 the only arts funder in the United States, public or
6 private, that provides access to the arts in all 50
7 States, the District of Columbia, and territories of
8 the United States.

9 (13) Many of the most far-reaching victories for
10 racial healing in the United States have been greatly
11 enhanced by the involvement, support, and dedica-
12 tion of individuals from any and all racial groups.

13 (14) At the same time, much of the progress to-
14 ward racial healing and racial equity in the United
15 States has been limited or reversed by our failure to
16 address the root cause of racism, the belief in the
17 myth of a hierarchy of human value based on super-
18 ficial physical characteristics such as skin color and
19 facial features.

20 (15) Limited arts access is linked to economic
21 and racial inequities as well as resource deprivation.

22 (16) Arts organizations serving communities of
23 color are, in general, much less financially secure
24 and far smaller than their counterparts in White
25 communities. The median budgets of the 20 largest

1 arts organizations serving communities of color in a
2 given discipline, such as dance, theater, or music,
3 were more than 90 percent smaller than the budgets
4 of the largest organizations in that discipline.

5 (17) Children of color, who make up the over-
6 whelming percentage of the children living in poverty
7 in the United States, and other students with lower
8 socioeconomic status, have a lower probability of ac-
9 cessing arts education.

10 (18) Access to arts education declined signifi-
11 cantly more for Black and Brown students than it
12 did for White children between 1982 and 2008.
13 There was less than a 2 percent decrease for White
14 children, while there was a 49 percent decrease for
15 Black children and a 40 percent decrease for Latin
16 children.

17 (19) The arts are in everyone. Everyone should
18 have access to the arts.

19 (20) Racial and ethnic inequality is a result of
20 systematic and internalized racism and racist public
21 and private policies and practices. Dismantling
22 structural racism through the arts and humanities is
23 critical to the health of our Nation.

1 **SEC. 3. DEFINITIONS.**

2 (1) **ANTIRACISM.**—The term “antiracism”
3 means a collection of antiracist policies and practices
4 that lead to racial equity, are substantiated by
5 antiracist ideas, and include a policy or practice that
6 recognizes pervasive racism in society, and actively
7 combats racial prejudice and discrimination in order
8 to promote racial justice and equity.

9 (2) **ANTIRACIST.**—The term “antiracist” means
10 any measure that produces or sustains racial equity
11 between racial groups, including any policy or prac-
12 tice that produces active resistance to and disman-
13 tling of the system of racism.

14 (3) **SYSTEMIC RACISM.**—The term “systemic
15 racism” means systems of power, unfair policies, dis-
16 criminatory practices, and normalized dynamics (his-
17 torical, cultural, internalized, interpersonal, institu-
18 tional) that routinely produce inequitable outcomes
19 for oppressed people and advantages for privileged
20 people, with the effect of creating and sustaining in-
21 equities.

22 (4) **EQUITY.**—The term “equity” means fair
23 and impartial outcomes, opportunities, and access
24 for an individual (or entity) engaging with an orga-
25 nization or systems (political and socio-economic), to

1 receive or experience what is needed (not equal) in
2 order to maintain fairness.

3 (5) BIPOC.—The term “BIPOC” is an acro-
4 nym to refer inclusively to—

5 (A) “Black, Indigenous, and People of
6 Color”, which includes South West Asian and
7 North African (SWANA);

8 (B) Black and African American; Hispanic
9 and Latino; and

10 (C) Native American, Alaska Native, and
11 Indigenous American; Asian American, Native
12 Hawaiian and Pacific Islander (AANHPI) peo-
13 ples.

14 (6) HISPANIC.—The term “Hispanic” means an
15 individual whose origin is Mexican, Puerto Rican,
16 Cuban, Central or South American, or any other
17 Spanish-speaking country.

18 (7) BIPOC-LED.—The term “BIPOC-led”
19 means an organization that is founded by or cur-
20 rently has executive leadership made up of BIPOC
21 individuals, but excludes an organization that is pre-
22 dominantly White or serves predominantly White au-
23 diences that simply have a BIPOC individual in a
24 token leadership position.

1 (8) CHAIRPERSONS.—The term “Chairpersons”
2 means the Chairperson of the National Endowment
3 for the Arts and the Chairperson of the National
4 Endowment for the Humanities.

5 (9) PROMISING PRACTICES.—The term “prom-
6 ising practices” means programs that have strate-
7 gies, activities, or approaches which have supporting
8 research and evaluation, as well as measurable out-
9 comes that have shown the program to be effective
10 and impactful for participants.

11 (10) HUMANITIES.—The term “humanities”
12 means a discipline and method to share stories,
13 ideas, and experiences.

14 (11) HUMANITIES ORGANIZATION.—The term
15 “humanities organization” means an organization
16 that connects people through stories, ideas, and ex-
17 periences that positively change lives and strengthen
18 communities, bringing communities together for
19 meaningful encounters, and includes—

20 (A) cultural and tribal organizations; mu-
21 seums; performing artists; and

22 (B) libraries and archives; media; historical
23 societies; publishers; arts and crafts groups;
24 educational institutions; and more.

1 **SEC. 4. ADVANCING EQUITY THROUGH THE ARTS AND HU-**
2 **MANITIES PROGRAM.**

3 (a) IN GENERAL.—

4 (1) ANTIRACISM PROGRAM.—There is estab-
5 lished an Advancing Equity Through the Arts and
6 Humanities Program, to be carried out by the
7 Chairperson of the National Endowment for the
8 Arts (in this Act referred to as the NEA) and the
9 Chairperson of the National Endowment for the Hu-
10 manities (in this Act referred to as the NEH) to in-
11 crease engagement with public and nonprofit entities
12 (including faith-based and community-based organi-
13 zations that serve and are led by people of color)
14 and to support arts and humanities projects that di-
15 rectly combat systemic racism through the arts and
16 humanities.

17 (2) PROGRAM COMPONENTS.—Under the Ad-
18 vancing Equity through the Arts and Humanities
19 Program, the Chairpersons of NEA and NEH
20 shall—

21 (A) encourage, consult with, and engage in
22 capacity building with public and nonprofit en-
23 tities, including faith-based and community-
24 based organizations, led by majority BIPOC
25 to—

1 (i) build and implement a competitive
2 grant program that directly combats sys-
3 temic racism through the arts and human-
4 ities;

5 (ii) review and augment existing NEA
6 and NEH programs to include strategies
7 to dismantle systemic racism through the
8 arts and humanities;

9 (iii) develop and implement outreach
10 strategies and provide pre- and post-tech-
11 nical support for NEA and NEH programs
12 that directly combat systemic racism
13 through the arts and humanities; and

14 (iv) provide free grant writing train-
15 ing and technical support for grant appli-
16 cants, including potential and unapproved
17 applicants;

18 (B) collaborate with governmental agen-
19 cies, universities, museums, and non-profit,
20 faith-based, and community-based organizations
21 with anti-racism initiatives focused on disman-
22 tling systemic racism by helping remove bar-
23 riers to access;

24 (C) build a database of grantees to in-
25 crease participation and outreach in consulta-

1 tion with the advisory task force created under
2 this Act;

3 (D) ensure grant panelists include majority
4 BIPOC members, majority artists, advocates,
5 community leaders, researchers, people who
6 have participated in arts programing while in-
7 carcerated, and educators;

8 (E) ensure that grantees who partner with
9 other organizations do so with those who em-
10 ploy and center communities of color;

11 (F) have the discretion to extend grant
12 funding for multi-year initiatives in good stand-
13 ing and waive matching grant requirements;
14 and

15 (G) create an advisory task force, not later
16 than 90 days after the date of the enactment of
17 this Act, to develop guidelines for the
18 grantmaking process and reassess equitable
19 outreach and education as follows:

20 (i) Members of the task force shall in-
21 clude: majority BIPOC members, majority
22 artists, arts and humanities advocates rep-
23 resenting the diversity of the spectrum of
24 arts and humanities, community leaders,
25 researchers, at least 1 person who has par-

1 participated in arts programing while incar-
2 cerated, an educator from a public institu-
3 tion, youth, and represent geographic and
4 multigenerational diversity.

5 (ii) Members of the task force shall be
6 paid a fair wage for their service.

7 (iii) The task force shall, not later
8 than 180 days after formation, submit to
9 the Chairpersons of the National Endow-
10 ment for the Arts and the National En-
11 dowment for the Humanities, and make
12 publicly available, a report that includes—

13 (I) recommended guidelines for
14 the grantmaking process and reassess
15 equitable outreach and education;

16 (II) a recommended antiracism
17 framework for the selection of panel-
18 ists and grantees, including eligibility
19 requirements;

20 (III) a recommended framework
21 to increase accessibility to grants,
22 such as free grant writing classes, cul-
23 turally and linguistically appropriate
24 pre and post technical assistance to
25 apply for grants and produce reports,

1 in-language resources, and partner-
2 ships with community-based organiza-
3 tions and other public and private
4 nonprofits;

5 (IV) recommendations to ensure
6 that requests for proposals (RFPs)
7 are equitable and accessible to all in-
8 dividuals;

9 (V) review a database of grantees
10 to increase participation and outreach;
11 and

12 (VI) implement recommendations
13 aligned with task force guidelines.

14 **SEC. 5. GRANT PROGRAM.**

15 (a) ESTABLISHMENT.—Not later than 180 days after
16 the funds are appropriated to carry out this Act, the
17 Chairpersons, in consultation with the advisory task force,
18 shall establish a competitive grant program to be adminis-
19 tered jointly in the National Endowment for the Arts and
20 the National Endowment for the Humanities, to make
21 grants to eligible entities to create and expand programs
22 to support public and nonprofit arts and humanities orga-
23 nizations that directly combat systemic racism through the
24 arts and humanities, including dance, music, theater, mu-
25 sical theater, literary, poetry and spoken word, visual and

1 public art, performing, media arts, social justice, faith-
2 based, folk and traditional, and other arts and humanities
3 organizations.

4 (b) ELIGIBLE ENTITIES.—To carry out the compo-
5 nents of the program under this section, the Chairpersons
6 shall—

7 (1) give priority in this order to the following
8 eligible entities:

9 (A) public and nonprofit organizations that
10 work to combat systemic racism through arts
11 and humanities projects, including—

12 (i) public and nonprofit organizations
13 that are BIPOC-led;

14 (ii) public and nonprofit organizations
15 that have majority BIPOC executive staff
16 and board members and center them as de-
17 cision makers;

18 (iii) public and nonprofit organiza-
19 tions that have a proven history of effec-
20 tive and ongoing antiracism work that has
21 made demonstrative change in organiza-
22 tional culture and shows a commitment to
23 supporting the BIPOC community; and

1 (iv) organizations, including commu-
2 nity-based organizations, that are fiscally
3 sponsored; and

4 (2) not include any for-profit entity.

5 (c) ALLOWABLE USE OF FUNDS.—An eligible entity
6 that receives a grant under this section shall carry out
7 1 or more of the following:

8 (1) Planning, developing, and implementing an
9 initiative and programming that work to combat sys-
10 temic racism through arts and/or humanities, includ-
11 ing—

12 (A) the arts or humanities engagement and
13 education, such as artist residency, arts fes-
14 tivals, coalition building, community co-creation
15 of art, performances, and public art;

16 (B) design, such as artist or designer-fa-
17 cilitated community planning, design of artist
18 space, design of cultural facilities, and public
19 space design;

20 (C) artist and creative industry support,
21 such as creative business development and pro-
22 fessional artist development;

23 (D) arts and humanities programs for in-
24 carcerated individuals and for the prevention of
25 re-incarceration; and

1 (E) other arts and humanities program-
2 ming that work to dismantle systemic racism.

3 (2) General support, including capital funding,
4 salaries, contractors and consultants, office space
5 and supplies, benefits and insurance and other oper-
6 ational needs.

7 (3) Research to further the grant recipient's
8 work to dismantle systemic racism through the arts
9 or humanities.

10 (4) Training to further the grant recipient's
11 work to dismantle systemic racism through the arts
12 or humanities.

13 (d) ADMINISTRATIVE EXPENSES.—The Chairpersons
14 may use not more than 5 percent of funds available to
15 carry out this section for administration of the Advancing
16 Equity Through the Arts and Humanities Program, in-
17 cluding technical assistance, collaboration with other rel-
18 evant agencies, and dissemination of best practices.

19 (e) GRANTEES.—An eligible entity that receives a
20 grant under this section shall submit an annual report to
21 the Chairpersons describing—

22 (1) the proposed and actual uses of funds, in-
23 cluding a description of how much funding sup-
24 ported which promising practices;

1 (2) racial and ethnic demographics of persons
2 administering and implementing the grants in a
3 manner that protects personally identifiable informa-
4 tion;

5 (3) how funds were used and its effect on dis-
6 mantling systemic racism and other outcomes, which
7 may include success measures such as community
8 culture surveys, workplace culture surveys, commu-
9 nity and program participant feedback, and existing
10 diagnostic or formative assessments, disaggregated
11 by race and ethnicity, age, and gender in a manner
12 that protects personally identifiable information; and

13 (4) how the grant funds were supplemented
14 with State and local funds, or other funding
15 streams.

16 (f) REPORTS TO CONGRESS.—Beginning 1 year after
17 the first grants are awarded under this section, and annu-
18 ally thereafter, the Chairpersons shall publicly submit and
19 digitally publish a report to Congress detailing—

20 (1) the criteria on which grants were awarded;

21 (2) eligible entities that received grants and
22 amount of funding received by each grantee;

23 (3) barriers to access for BIPOC individuals
24 and communities, how NEA and NEH addressed
25 these challenges, and recommendations for Congress

1 to help support NEA and NEH address these bar-
2 riers;

3 (4) the proposed and actual uses of funds, in-
4 cluding—

5 (A) a description of community impact; ra-
6 cial and ethnic demographics of persons admin-
7 istering and implementing the grants; and

8 (B) racial and ethnic demographics of
9 grant panel, in a manner that protects person-
10 ally identifiable information;

11 (5) available outcomes related to the grant's im-
12 pact to dismantle systemic racism through the arts
13 and humanities;

14 (6) the technical assistance activities of the Na-
15 tional Endowment for the Arts and the National En-
16 dowment for the Humanities and costs of these ac-
17 tivities, dissemination costs, and costs of other ac-
18 tivities supported by the set-aside for the National
19 Endowment for the Arts and the National Endow-
20 ment for the Humanities; and

21 (7) any other information as deemed appro-
22 priate by the Chairpersons.

1 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated such sums as may be nec-
3 essary to carry out this section.

○