

118TH CONGRESS  
2D SESSION

# H. R. 6935

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.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 10, 2024

Ms. LEGER FERNANDEZ (for herself, Mr. OBERNOLTE, Mr. LIEU, and Ms. PINGREE) introduced the following bill; which was referred to the Committee on Education and the Workforce

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## 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 Workforce  
5 Investment 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), the Secretary, in con-  
13 sultation with the Chairperson of the National Endow-  
14 ment for the Arts, shall award grants, on a competitive  
15 basis, to eligible entities to carry out the arts and creative  
16 workforce 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;

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 (m) and  
10          (n) 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 made publicly available and acces-  
21                                 sible to other individuals by the eligible en-  
22                                 tity; and

23                                 “(ii) employ individuals in the labor  
24                                 market area served by the eligible entity,  
25                                 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  
15 marginalized narratives and histories  
16 of all individuals, regardless of in-  
17 come, age, race, religion, legal status,  
18 sexual orientation, or gender identity;

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

22 “(I) 2- and 3-dimensional visual  
23 artworks such as murals, painted  
24 benches, sculptures, and statues;

1                   “(II) interactive or sound-based  
2                   artworks; and

3                   “(III) performative artworks like  
4                   concerts, readings, festivals, or dis-  
5                   plays of dance or theater;

6                   “(iv) poetry, writing, photography,  
7                   theater, visual or media arts, or dance ex-  
8                   hibitions; and

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

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

21                  “(d) REPORT.—Not later than 1 year after the first  
22                  grant is awarded under this section, and each year there-  
23                  after, the Secretary shall report to Congress on the out-  
24                  comes of the programs funded under this section for the  
25                  preceding year, including—

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

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

6                   “(A) the geographic location of the pro-  
7                   gram;

8                   “(B) the length of employment of each in-  
9                   dividual who is employed by the program;

10                   “(C) the percentage of such individuals  
11                   who are in unsubsidized employment during the  
12                   second quarter after exit from the program;

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

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

20           “(e) COPYRIGHT OWNERSHIP.—In accordance with  
21           section 200.315 of title 2, Code of Federal Regulations  
22           (or any successor regulation), and notwithstanding section  
23           2900.13 of such title (or any successor regulation), an au-  
24           thor of a copyrightable work created under any program  
25           funded under this section retains the right of ownership

1 under title 17, United States Code, of such work. The  
2 Federal Government may—

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

5 “(2) authorize another to receive, reproduce,  
6 publish, or otherwise use the work for a Federal  
7 purpose.

8 “(f) AUTHORIZATION OF APPROPRIATIONS.—There  
9 are authorized to be appropriated \$300,000,000 to carry  
10 out this section for fiscal years 2024 through 2026.

11 “(g) DEFINITIONS.—In this section:

12 “(1) CREATIVE WORKER.—The term ‘creative  
13 worker’—

14 “(A) means any individual who earns (or  
15 previously earned) income through creative, cul-  
16 tural, or artistic-based pursuits to produce  
17 ideas, content, goods, and services (including  
18 educational services), without regard to whether  
19 such income is earned through employment as  
20 an independent contractor or as an employee  
21 for an employer; and

22 “(B) may include an art director, artist,  
23 animator, sculptor, writer, author, poet, photog-  
24 rapher, musician, singer, producer, director,  
25 actor, announcer, storyteller, comedian, dancer,



1 architect, designer, programmer, choreographer,  
2 or a technician, backstage or behind-the-scenes  
3 staff, curator, arts or community arts educator,  
4 or other support staff member who makes cre-  
5 ative work possible.

6 “(2) ELIGIBLE ENTITY.—The term ‘eligible en-  
7 tity’ means—

8 “(A) a State;

9 “(B) a local area (or local board);

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

11 “(D) a public or private nonprofit agency  
12 or organization (including a consortium of such  
13 agencies or organizations) that employs, or sup-  
14 ports the employment of, creative workers; or

15 “(E) a State workforce agency.”.

16 **SEC. 3. AUTHORIZATION OF FUNDS FOR THE NEA.**

17 There are authorized to be appropriated to the Chair-  
18 person of the National Endowment for the Arts such sums  
19 as may be necessary for such Chairperson to provide the  
20 consultation required under section 172 of the Workforce  
21 Innovation and Opportunity Act, as amended by section  
22 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.”.

