

118TH CONGRESS
2D SESSION

H. R. 7918

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

IN THE HOUSE OF REPRESENTATIVES

APRIL 10, 2024

Mr. FROST (for himself, Mr. KILDEE, Mr. CASAR, and Ms. OCASIO-CORTEZ) introduced the following bill; which was referred to the Committee on Education and the Workforce

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”.

7 **SEC. 2. ESTABLISHMENT OF EMERGING ARTISTS GRANT**
8 **PROGRAM.**

9 (a) IN GENERAL.—Subject to the availability of ap-
10 propriations, the Secretary of Labor, in consultation with

1 the Committee established under section 3, may award the
2 grants described in subsection (b), on a competitive basis,
3 to emerging artists.

4 (b) DESCRIPTION OF GRANTS.—

5 (1) PROGRESS GRANT.—Grants not to exceed
6 \$2,000 per grant may be awarded under this Act to
7 eligible emerging artists for allowable costs to sup-
8 port a year of artist activities such as recording,
9 touring, showcasing, video production, and mar-
10 keting.

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

16 (3) LIVE PERFORMANCE GRANT.—Grants not
17 to exceed \$35,000 may be awarded under this Act
18 to emerging artists for live performances, as long
19 as—

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

23 (B) any emerging artist receiving such
24 grant has a current release or an upcoming re-
25 lease.

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

6 (c) GRANT REQUIREMENTS.—

7 (1) APPLICATION REQUIREMENTS; GRANT RE-
8 CIPIENTS.—

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

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

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

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

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

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

13 (3) LABOR PROTECTIONS.—

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

21 (B) PREVAILING WAGES, AND SAFE WORK-
22 ING CONDITIONS.—It shall be a condition of the
23 receipt of any grant under this Act that the re-
24 cipient of such grant shall furnish assurances to
25 the Secretary of Labor, consistent with the re-

1 requirements of section 5(m) of the National
2 Foundation on the Arts and Humanities Act of
3 1965 (20 U.S.C. 954(m)), that—

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

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

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

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

24 (I) will be performed or engaged
25 in under working conditions which are

1 unsanitary or hazardous or dangerous
2 to the health and safety of the em-
3 ployees engaged in such project or
4 production; or

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

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

21 **SEC. 3. DEVELOPMENT COMMITTEE FOR EMERGING ART-**
22 **IST GRANT PROGRAM.**

23 (a) IN GENERAL.—Not later than 180 days after the
24 date of enactment of this Act, the Secretary of Labor shall
25 establish a Development Committee for Emerging Artist

1 Grant Program to provide consultation to the Secretary
2 of Labor on the development and implementation of the
3 grant programs under section 2, including to evaluate
4 grant applications.

5 (b) COMPOSITION.—

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

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

11 (B) 4 labor representatives in the arts in-
12 dustry; and

13 (C) 4 emerging artists.

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

16 (c) COMPENSATION.—Members of the Committee
17 shall receive compensation for their service on the Com-
18 mittee.

19 **SEC. 4. DEFINITIONS.**

20 In this Act:

21 (1) ALLOWABLE COSTS.—The term “allowable
22 costs” means any costs associated with developing,
23 producing, and performing art, including costs asso-
24 ciated with reserving space, studio time, third-party

1 personnel costs, third-party production costs, and
2 marketing.

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

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

10 (B) has evidence of regular creative prac-
11 tice;

12 (C) produces or presents projects or pro-
13 grams that are relevant to the community and
14 accessible to the public; and

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

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

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