

118TH CONGRESS
2D SESSION

S. 4084

To amend the Public Works and Economic Development Act of 1965 to authorize the Secretary of Commerce to make grants to professional nonprofit theaters for the purposes of supporting operations, employment, and economic development.

IN THE SENATE OF THE UNITED STATES

APRIL 9, 2024

Mr. WELCH (for himself, Mr. FETTERMAN, and Mr. REED) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Public Works and Economic Development Act of 1965 to authorize the Secretary of Commerce to make grants to professional nonprofit theaters for the purposes of supporting operations, employment, and economic 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 “Supporting Theater
5 and the Arts to Galvanize the Economy Act” or the
6 “STAGE Act”.

1 **SEC. 2. PROFESSIONAL NONPROFIT THEATER GRANTS.**

2 (a) IN GENERAL.—Title II of the Public Works and
3 Economic Development Act of 1965 is amended by insert-
4 ing after section 207 (42 U.S.C. 3147) the following:

5 **“SEC. 208. PROFESSIONAL NONPROFIT THEATER GRANTS.**

6 “(a) ESTABLISHMENT.—The Secretary shall estab-
7 lish a grant program, to be known as the ‘Professional
8 Nonprofit Theater Grant Program’ (referred to in this
9 section as the ‘program’), to provide to eligible entities
10 funding for the purposes of—

11 “(1) supporting employment and economic re-
12 covery;

13 “(2) stimulating economic development;

14 “(3) strengthening community-based arts orga-
15 nizations; and

16 “(4) improving theater facilities.

17 “(b) ELIGIBLE ENTITIES.—

18 “(1) IN GENERAL.—An entity eligible to receive
19 a grant under the program is a nonprofit organiza-
20 tion described in section 501(c)(3) of the Internal
21 Revenue Code of 1986 and exempt from taxation
22 under section 501(a) of that Code—

23 “(A) that produces or presents live theater
24 and other performing arts;

25 “(B) that compensates all professional per-
26 formers and related or supporting professional

1 personnel at a rate that is not less than the
2 prevailing minimum compensation for persons
3 employed in similar activities as described in
4 section 5(m) of the National Foundation on the
5 Arts and the Humanities Act of 1965 (20
6 U.S.C. 954(m));

7 “(C) that, prior to the date of application,
8 has not less than a 3-year history of program-
9 ming;

10 “(D)(i) that demonstrates a loss in gross
11 or net revenue, adjusted for inflation, as de-
12 fined by the Secretary; or

13 “(ii) that primarily serves historically un-
14 derserved communities, including populations
15 whose opportunities to experience the arts have
16 been limited relative to geography, economics,
17 race or ethnicity, or disability;

18 “(E) that has no net earnings benefitting
19 a private stockholder or individual;

20 “(F) the primary purpose of which is the
21 nonprofit arts industry; and

22 “(G) that, during the 3-year period pre-
23 ceeding the date of application, has not been
24 issued an administrative merits determination,
25 arbitral award or decision, or civil judgment, as

1 defined in regulations issued by the Secretary
2 of Labor, for any violation of—

3 “(i) the Fair Labor Standards Act of
4 1938 (29 U.S.C. 201 et seq.);

5 “(ii) the Occupational Safety and
6 Health Act of 1970 (29 U.S.C. 651 et
7 seq.);

8 “(iii) subchapter IV of chapter 31 of
9 title 40, United States Code (commonly
10 known as the ‘Davis-Bacon Act’);

11 “(iv) chapter 67 of title 41, United
12 States Code (commonly known as the
13 ‘Service Contract Act’);

14 “(v) Executive Order 11246 (42
15 U.S.C. 2000e note; relating to equal em-
16 ployment opportunity);

17 “(vi) section 503 of the Rehabilitation
18 Act of 1973 (29 U.S.C. 793);

19 “(vii) section 4212 of title 38, United
20 States Code;

21 “(viii) the Family and Medical Leave
22 Act of 1993 (29 U.S.C. 2601 et seq.);

23 “(ix) title VII of the Civil Rights Act
24 of 1964 (42 U.S.C. 2000e et seq.);

1 “(x) title I of the Americans with Dis-
2 abilities Act of 1990 (42 U.S.C. 12111 et
3 seq.);

4 “(xi) the Age Discrimination in Em-
5 ployment Act of 1967 (29 U.S.C. 621 et
6 seq.);

7 “(xii) Executive Order 13658 (79
8 Fed. Reg. 9851; relating to establishing a
9 minimum wage for contractors);

10 “(xiii) the Pregnant Workers Fairness
11 Act (42 U.S.C. 2000gg et seq.);

12 “(xiv) the National Labor Relations
13 Act (29 U.S.C. 151 et seq.); or

14 “(xv) any applicable State or local
15 labor or employment law, as defined in
16 regulations issued by the Secretary of
17 Labor.

18 “(2) DEFINITION OF 3-YEAR HISTORY OF PRO-
19 GRAMMING.—

20 “(A) IN GENERAL.—In this subsection, the
21 term ‘3-year history of programming’ means a
22 period of 3 or more years, consecutively or non-
23 consecutively, beginning before August 1, 2020,
24 during which the nonprofit organization pro-
25 vided programming.

1 “(B) INCLUSION.—In the case of a non-
2 profit organization that previously operated a
3 program as a part of another entity, the non-
4 profit organization may include in the 3-year
5 history of programming any arts programming
6 carried out by the nonprofit organization as
7 part of the other entity.

8 “(c) APPLICATIONS.—

9 “(1) IN GENERAL.—To be eligible to receive a
10 grant under the program, an eligible entity shall
11 submit to the Secretary an application at such time,
12 in such manner, and containing such information as
13 the Secretary may require.

14 “(2) ASSISTANCE.—In the case of an eligible
15 entity with low organizational capacity, as deter-
16 mined by the Secretary, the Secretary may waive the
17 prohibition under section 213.

18 “(3) ADDITIONAL REQUIREMENTS.—In any ap-
19 plication submitted under paragraph (1), an eligible
20 entity shall include an attestation to the Secretary
21 that during the term of the grant—

22 “(A) the eligible entity will not abrogate
23 existing collective bargaining agreements of em-
24 ployees of the eligible entity;

1 “(B) the eligible entity will remain neutral
2 regarding any labor organizing efforts by the
3 employees of the eligible entity;

4 “(C) the eligible entity will provide work-
5 place conditions that are sanitary and not haz-
6 ardous or dangerous to the health and safety of
7 an employee as provided under section 5(m) of
8 the National Foundation on the Arts and the
9 Humanities Act of 1965 (20 U.S.C. 954(m));

10 “(D) the eligible entity will compensate all
11 professional performers and related or sup-
12 porting professional personnel at a rate that is
13 not less than the prevailing minimum com-
14 pensation for persons employed in similar ac-
15 tivities as described in section 5(m) of the Na-
16 tional Foundation on the Arts and the Human-
17 ities Act of 1965 (20 U.S.C. 954(m)); and

18 “(E) the use of funds by the eligible entity
19 will contribute to providing or facilitating gain-
20 ful employment for professional performers and
21 related or supporting professional personnel.

22 “(d) ELIGIBLE USES.—A grant provided under the
23 program may be used for any of the following, subject to
24 the condition that the use will contribute to the long-term
25 economic viability of the eligible entity and the employ-

1 ment of professional performers and related or supporting
2 professional personnel:

3 “(1) Payroll costs for professional performers
4 and related or supporting professional personnel.

5 “(2) Rent, utilities, mortgage interest pay-
6 ments, scheduled interest payments on scheduled
7 debt and outstanding loans, administrative costs,
8 and other ordinary and necessary business and oper-
9 ating expenses, as determined by the Secretary.

10 “(3) Expenses associated with the fabrication of
11 scenery, costumes, and other elements for live theat-
12 rical productions.

13 “(4) Costs associated with the improvement, re-
14 pair, or maintenance of an existing facility housing
15 theatrical productions, projects, performances, work-
16 shops, or programs, with priority given to costs for
17 upgrades necessary for fully accessible workplaces
18 for professional performers and related or sup-
19 porting professional personnel with disabilities.

20 “(5) Marketing expenses to promote produc-
21 tions, projects, performances, workshops, programs,
22 or recruitment of staff and artists.

23 “(6) Investments in workforce development pro-
24 grams, including paid job training and retraining

1 programs related to the operation of professional
2 nonprofit theaters.

3 “(7) In the case of an eligible entity that has,
4 during the 3-year period preceding the date of appli-
5 cation, an average combined annual revenue and as-
6 sets of less than \$30,000,000, costs associated with
7 the construction or acquisition of a new facility to
8 house theatrical productions, projects, performances,
9 workshops, or programs.

10 “(8) Other uses, as determined by the Sec-
11 retary.

12 “(e) LIMITATIONS.—

13 “(1) IN GENERAL.—A grant provided under the
14 program shall not exceed an amount equal to the
15 lesser of—

16 “(A) 20 percent of the total expenditures
17 of the eligible entity during the most recent fis-
18 cal year; and

19 “(B) \$16,000,000.

20 “(2) NO REDUCTION OF PROFESSIONAL PER-
21 FORMERS.—An eligible entity may not use trainees,
22 interns, or other similar positions to displace, sub-
23 stitute for, supplant, or otherwise replace profes-
24 sional performers and related or supporting profes-
25 sional personnel.

1 “(f) PRIORITY.—In providing grants under the pro-
2 gram, the Secretary may give priority to—

3 “(1) an application from an eligible entity that
4 plans to allocate the majority of the grant funds for
5 uses described in subsection (d)(1); and

6 “(2) an application from an eligible entity that
7 serves as the primary theatrical venue for a geo-
8 graphical region.

9 “(g) TECHNICAL ASSISTANCE.—

10 “(1) IN GENERAL.—The Secretary may use not
11 more than 1 percent of funds made available to
12 carry out the program to provide technical assist-
13 ance to eligible entities requiring assistance navi-
14 gating the Federal grants process.

15 “(2) PRIORITY.—In providing technical assist-
16 ance under paragraph (1), the Secretary shall give
17 priority to eligible entities that have not previously
18 received a Federal grant.

19 “(h) AUTHORIZATION OF APPROPRIATIONS.—

20 “(1) IN GENERAL.—There is authorized to be
21 appropriated to the Secretary to carry out the pro-
22 gram \$1,000,000,000 for each of fiscal years 2024
23 through 2028.

24 “(2) RESERVATIONS.—Of the amounts made
25 available under paragraph (1) for each fiscal year,

1 not less than 50 percent shall be reserved for eligible
2 entities that primarily produce theater.”.

3 (b) CLERICAL AMENDMENT.—The table of contents
4 contained in section 1(b) of the Public Works and Eco-
5 nomic Development Act of 1965 (Public Law 89–136; 79
6 Stat. 552; 112 Stat. 3597; 118 Stat. 1761) is amended
7 by inserting after the item relating to section 207 the fol-
8 lowing:

“Sec. 208. Professional nonprofit theater grants.”.

9 **SEC. 3. STUDY ON SUSTAINING THE NONPROFIT ARTS SEC-**
10 **TOR.**

11 (a) IN GENERAL.—Not later than 2 years after the
12 date of enactment of this Act, the President’s Committee
13 on the Arts and the Humanities, in consultation with the
14 Chairperson of the National Endowment for the Arts, the
15 Chairperson of the National Endowment for the Human-
16 ities, and the Director of the Institute of Museum and Li-
17 brary Services, shall conduct a study on Federal support
18 for the nonprofit arts sectors.

19 (b) CONTENTS.—In conducting the study under sub-
20 section (a), the President’s Committee on the Arts and
21 the Humanities shall consider, and include recommenda-
22 tions regarding, the steps the Federal Government can
23 take to sustain the nonprofit arts sector and bolster the
24 economic impact of that sector for workers, small busi-

1 nesses, and communities, including rural and underserved
2 communities.

3 (c) STAKEHOLDER INPUT.—In conducting the study
4 under subsection (a), the President’s Committee on the
5 Arts and the Humanities shall solicit input from stake-
6 holders, including artists, nonprofit arts organizations and
7 employees of nonprofit arts organizations, small busi-
8 nesses, organized labor organizations representing workers
9 in the nonprofit arts sector, and State, local, and Tribal
10 governments.

11 (d) REPORT.—Not later than 2 years after the date
12 of enactment of this Act, the President’s Committee on
13 the Arts and the Humanities shall—

14 (1) submit to Congress a report on the results
15 of the study conducted under subsection (a); and

16 (2) make the report publicly available.

17 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
18 authorized to be appropriated \$1,000,000 to carry out this
19 section.

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