To promote and support the local arts and creative economy in the United States.

IN THE SENATE OF THE UNITED STATES

Mr. SCHATZ (for himself, Mrs. GILLIBRAND, Mrs. FEINSTEIN, and Mr. WHITEHOUSE) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To promote and support the local arts and creative economy in the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “Promoting Local Arts and Creative Economy Workforce Act of 2022” or the “PLACE Act”.

(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—FINDINGS AND DEFINITIONS
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TITLE II—CREATIVE WORKFORCE ADVANCEMENT

Sec. 201. Department of Labor.
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Sec. 203. Economic Development Administration programs.
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Sec. 205. Grants relating to the creative economy.
Sec. 206. Promotion for veterans with service-connected disabilities of job training and resources in creative industries and occupations.
Sec. 207. Disaster assistance for creative industry workers through FEMA.
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TITLE III—TAX INCENTIVES

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TITLE IV—CULTURAL TRADE PROMOTION

Sec. 401. Promotion by Export-Import Bank of the United States of exports by creative industries and occupations.
Sec. 402. Promotion of exports from creative industries and occupations.
Sec. 403. Collaboration to improve access to reliable international shipping services.
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Sec. 405. Trade and Development Agency.

TITLE V—FEDERAL SUPPORT FOR THE CREATIVE ECONOMY

Sec. 501. Collaboration.
Sec. 502. Creative Economy Advisory Board.
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Sec. 504. Federal Council on the Arts and Humanities.
Sec. 505. Art in Architecture program funding.
Sec. 506. Office of Readiness, Recovery, and Resilience.

1 TITLE I—FINDINGS AND DEFINITIONS

2 SEC. 101. FINDINGS.

3 Congress makes the following findings:

4 (1) The United States economy has changed rapidly as automation, artificial intelligence, digital technologies, and modern information and commu-
3

(1) Communication systems have transformed the way people in the United States work, live, and interact.

(2) The United States must establish policies and create programs capable of responding to changing economic realities.

(3) The United States must develop strategies to maximize current assets and help grow a United States economy and workforce that can thrive in a challenging environment of constant change and reinvention.

(4) The Nation needs to strengthen and improve Federal support for a Next Generation economy and workforce.

(5) The United States must explore sustainable strategies to create jobs that will endure, will remain reliant on a local workforce, and are unlikely to move overseas.

(6) There is great value and untapped potential in the Nation’s rich history, the creative freedoms enjoyed by its people, and the many cultures and traditions that make the United States so unique.

(7) Promoting local arts and enhancing the creative economy of the United States would support the Nation’s diverse citizenry, rich traditions, and vast creative talents, including the unique history
and continuing vitality of Native American communities.

(8) The United States must embrace the opportunities and challenges the country faces and reimagine the role of the Federal Government in providing support for local arts activity and expanding the creative economy.

(9) The United States needs to engage workers from around the Nation to develop, hone, and share expressions of their cultural heritage, including languages, creative collaborations, and artistic skills.

(10) The Nation needs to recognize that there is a broad range of undervalued and underutilized human potential in the United States, and the existence of that human potential has profound social, economic, and workforce ramifications.

(11) Securing the future well-being of individuals, families, communities, and the Nation will depend in part on adopting Federal policies that will increase support for the creative economy.

(12) The Nation needs to improve creative workforce readiness and develop an education and job training plan, including a plan for education and training through specialized vocational schools and apprenticeship programs, to ensure that individuals
of all ages in the United States can realize their full
creative potential now and in the future.

(13) Investing in a creative economy workforce
would help showcase the Nation’s creative arts,
strengthen its capacity for job growth, promote eco-
nomic inclusion, boost entrepreneurship, improve
and revitalize rural, remote, and underserved areas,
and empower communities to share their stories.

SEC. 102. DEFINITIONS.

In this Act:

(1) CREATIVE INDUSTRY OR OCCUPATION.—
The term “creative industry or occupation” means—

(A) an industry that—

(i) has a substantial current or poten-
tial impact (including through positions
that lead to economic self-sufficiency and
opportunities for advancement) on a State,
regional, or local economy or a Native
American community’s economy, as appro-
priate; and

(ii) contributes to the growth of busi-
nesses or nonprofit organizations that have
their origin in individual creativity, skill,
and talent, including businesses or non-
profit organizations focused on design,
crafts, music, visual and media arts, performing arts, language, literature, or expressions of Native cultures or regional or local heritage culture; and

(B) an occupation that—

(i) currently has or is projected to have a number of positions (including positions that lead to economic self-sufficiency and opportunities for advancement) in an industry sector so as to have a substantial potential impact on a State, regional, or local economy or a Native American community’s economy, as appropriate; and

(ii) is comprised of—

(I) businesses or nonprofit organizations described in subparagraph (A)(ii); or

(II) individuals who are self-employed or sole proprietors and whose work has an origin in individual creativity, skill, and talent, including a focus on design, crafts, music, visual arts, media arts, performing arts, language, literature, or expressions of
Native cultures or regional or local heritage culture.

(2) Native American.—The term “Native American”, used with respect to culture, means the culture of a Native American, as defined in section 103 of the Native American Languages Act (25 U.S.C. 2902).

TITLE II—CREATIVE WORKFORCE ADVANCEMENT

SEC. 201. DEPARTMENT OF LABOR.

(a) Workforce Innovation and Opportunity Act.—

(1) Definition.—Section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102) is amended by adding at the end the following:

“(72) Creative industry or occupation.—The term ‘creative industry or occupation’ has the meaning given the term in section 102 of the PLACE Act.”.

(2) Unified State Plans.—Section 102(b)(1)(A) of such Act (29 U.S.C. 3112(b)(1)(A)) is amended—

(A) in clause (i), by striking “occupations;” and inserting “occupations, and creative industries and occupations;”; and
(B) in clause (ii), by striking “those industries and occupations” and “the sectors, industries, and occupations described in clause (i)”.

(3) **Regional Coordination.**—Section 106(c)(1)(C) of such Act (29 U.S.C. 3121(c)(1)(C)) is amended by striking “occupations” and inserting “occupations, and regional creative industries and occupations,”.

(4) **Local Plans.**—Section 108(b)(1)(B) of such Act (29 U.S.C. 3123(b)(1)(B)) is amended by striking “occupations;” and inserting “occupations, and creative industries and occupations;”.

(5) **Native American Programs.**—Section 166(d)(2)(A)(i) of such Act (29 U.S.C. 3221(d)(2)(A)(i)) is amended by inserting “development of skills relating to creative industries or occupations and” before “training on”.

(6) **National Dislocated Worker Grants.**—Section 170 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3225) is amended—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) in subparagraph (A), by striking “or” at the end;
(II) in subparagraph (B), by striking the period at the end and inserting ‘‘; or’’; and

(III) by adding at the end the following:

“(C) for purposes of assistance provided under subsection (b)(1)(E), an opioid crisis, as declared by the Secretary after consultation with the Secretary of Health and Human Services.’’; and

(ii) by adding at the end the following:

“(3) DISLOCATED WORKER.—

“(A) IN GENERAL.—The term ‘dislocated worker’ means—

“(i) a dislocated worker, as defined in section 3; and

“(ii) for purposes of assistance provided under subsection (b)(1)(E), a recovering individual.

“(B) RECOVERING INDIVIDUAL.—The term ‘recovering individual’ means an individual who—
“(i) left employment, or has never been employed, due mainly to opioid use; and

“(ii)(I) has successfully completed a supervised drug rehabilitation program for opioid use and is no longer engaging in the illegal use of opioids, or has otherwise been rehabilitated successfully and is no longer engaging in such illegal use;

“(II) is participating in a supervised rehabilitation program and is no longer engaging in such illegal use; or

“(III) is erroneously regarded as engaging in such illegal use, but is not engaging in such illegal use.”; and

(B) in subsection (b)(1)—

(i) in subparagraph (C), by striking “and” at the end;

(ii) in subparagraph (D), by striking the period at the end and inserting “; and”;

(iii) by adding at the end the following:

“(E) to provide employment and training assistance in a creative industry or occupation,
in an area where an opioid crisis has been declared, as described in subsection (a)(1)(C).”.

(b) Creative Economy Grant Program.—

(1) In general.—The Secretary of Labor, acting through the Assistant Secretary for Employment and Training, shall make grants to eligible entities to enable those eligible entities to provide wage subsidies for individuals in a creative industry or occupation.

(2) Eligible entity.—

(A) In general.—To be eligible to receive such a grant, an entity shall be a business (including a nonprofit organization) that—

(i) is engaged in a creative industry or occupation and has its origin in individual creativity, skill, and talent, including focusing on design, crafts, music, visual arts, media arts, performing arts, language, literature, or expressions of Native cultures or regional or local heritage culture; and

(ii) has fewer than 500 full-time equivalent employees, as determined in accordance with subparagraph (B).

(B) Full-time equivalent basis.—For purposes of determining the number of full-time
equivalent employees under subparagraph (A)(ii)—

(i) any employee working not fewer than 30 hours per week shall be considered a full-time employee; and

(ii) any employee working not fewer than 10 hours and fewer than 30 hours per week shall be counted as one-half of a full-time employee.

(3) APPLICATION.—To be eligible to receive such a grant, an entity shall submit an application to the Secretary of Labor at such time, in such manner, and containing such information as the Secretary may require.

(4) USE OF FUNDS.—An entity that receives a grant under this section shall use the grant funds to provide wage subsidies for any individual who earns income through creative, cultural, or artistic-based pursuits to produce ideas, content, goods, or services, without regard for the employment status of the individual.

SEC. 202. DEPARTMENT OF EDUCATION.

(a) CORRECTIONS EDUCATION.—Section 225(b) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3305(b)) is amended—
(1) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively; and

(2) by inserting after paragraph (6) the following:

“(7) education that relates to a creative industry or occupation (as defined in section 102 of the Promoting Local Arts and Creative Economy Workforce Act of 2022);”.

(b) ADULT EDUCATION.—Section 203 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3272) is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(B) by inserting after subparagraph (A) the following:

“(B) gain education or skills relating to a creative industry or occupation (as defined in section 102 of the Promoting Local Arts and Creative Economy Workforce Act of 2022)”;

and

(2) in paragraph (2), by inserting “skills relating to a creative industry or occupation (as defined in section 102 of the Promoting Local Arts and Cre-
(e) CAREER AND TECHNICAL EDUCATION.—Section 3(5) of the Career and Technical Education Act of 2006 (20 U.S.C. 2302(5)) is amended—

(1) in subparagraph (C), by striking “and” after the semicolon;

(2) in subparagraph (D), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(E) may be related to a creative industry or occupation (as defined in section 102 of the Promoting Local Arts and Creative Economy Workforce Act of 2022).”.

(d) WORK STUDY.—Section 443 of the Higher Education Act of 1965 (20 U.S.C. 1087–53) is amended by adding at the end the following:

“(f) CREATIVE INDUSTRY OR OCCUPATION.—

“(1) IN GENERAL.—Funds granted to an institution under this section may be used to compensate (including compensation for time spent in training and travel directly related to relevant activities) students employed in projects that support a creative industry or occupation (as defined in section 102 of
the Promoting Local Arts and Creative Economy Workforce Act of 2022).

“(2) Federal share.—The Federal share of the compensation of work-study students compensated under this subsection may exceed 75 percent.”.

(e) Elementary and Secondary Education.—
Section 4642(a)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7292(a)(1)) is amended—

(1) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(2) by inserting after subparagraph (A) the following:

“(B) workforce training for a creative industry or occupation (as defined in section 102 of the Promoting Local Arts and Creative Economy Workforce Act of 2022);”.

SEC. 203. ECONOMIC DEVELOPMENT ADMINISTRATION PROGRAMS.

(a) Creative Economy Apprenticeship and Internship Grants.—Title II of the Public Works and Economic Development Act of 1965 is amended by inserting after section 207 (42 U.S.C. 3147) the following:
"SEC. 208. CREATIVE ECONOMY APPRENTICESHIP AND INTERNSHIP GRANTS.

“(a) DEFINITIONS.—In this section:

“(1) APPRENTICESHIP PROGRAM.—The term ‘apprenticeship program’ means a program under the Act of August 16, 1937 (commonly known as the ‘National Apprenticeship Act’) (50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.), to provide workforce training relating to a creative industry or occupation.

“(2) CREATIVE INDUSTRY OR OCCUPATION.—

The term ‘creative industry or occupation’ has the meaning given the term in section 102 of the Promoting Local Arts and Creative Economy Workforce Act of 2022.

“(3) ELIGIBLE ENTITY.—The term ‘eligible entity’ means an eligible entity as determined by the Secretary.

“(4) INTERNSHIP PROGRAM.—The term ‘internship program’ means a paid internship program to provide workforce training relating to a creative industry or occupation that is conducted in accordance with such regulations and policies relating to paid internships as the Secretary of Labor may promulgate.

“(b) APPRENTICESHIP PROGRAMS.—
“(1) Establishment.—The Secretary shall es-

tablish a program, to be known as the ‘Creative
Economy Apprenticeship Grant Program’, under
which the Secretary shall provide to eligible entities
grants, on a competitive basis, for use in accordance
with paragraph (3).

“(2) Applications.—

“(A) In general.—To be eligible to re-
ceive a grant under this subsection, an eligible
entity shall submit to the Secretary an applica-
tion at such time, in such manner, and con-
taining such information as the Secretary may
require.

“(B) Determination by Secretary.—

“(i) In general.—The Secretary
shall determine whether to approve or dis-
approve an application submitted under
subparagraph (A) by not later than 90
days after the date of receipt of the appli-
cation.

“(ii) Action on approval.—On ap-
proval by the Secretary of an application
under clause (i), the Secretary shall pro-
vide to the applicable eligible entity a grant
in accordance with paragraph (4).
“(iii) Action on disapproval.—On disapproval by the Secretary of an application under clause (i), the Secretary shall provide to the applicable eligible entity—

“(I) a notice of the disapproval, including a description of the reasons for the disapproval; and

“(II) an opportunity to remedy any deficiency identified by the Secretary under subclause (I) by submitting to the Secretary a revised application by not later than 30 days after the date of the disapproval.

“(3) Use of funds.—An eligible entity shall use a grant provided under this subsection to carry out an apprenticeship program.

“(4) Allocation.—Of the amounts made available to carry out this subsection for each fiscal year, the Secretary shall allocate to each eligible entity the application of which is approved under paragraph (2) during that fiscal year an amount based on the proportion that—

“(A) the number of individuals served by the apprenticeship program of the eligible entity; bears to
“(B) the total number of individuals served by the apprenticeship programs of all eligible entities that receive assistance under this subsection for the fiscal year.

“(c) INTERNSHIP PROGRAMS.—

“(1) ESTABLISHMENT.—The Secretary shall establish a program, to be known as the ‘Creative Economy Internship Grant Program’, under which the Secretary shall provide to eligible entities grants, on a competitive basis, for use in accordance with paragraph (3).

“(2) APPLICATIONS.—

“(A) IN GENERAL.—To be eligible to receive a grant under this subsection, an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

“(B) DETERMINATION BY SECRETARY.—

“(i) IN GENERAL.—The Secretary shall determine whether to approve or disapprove an application submitted under subparagraph (A) by not later than 90 days after the date of receipt of the application.
“(ii) ACTION ON APPROVAL.—On approval by the Secretary of an application under clause (i), the Secretary shall provide to the applicable eligible entity a grant in accordance with paragraph (4).

“(iii) ACTION ON DISAPPROVAL.—On disapproval by the Secretary of an application under clause (i), the Secretary shall provide to the applicable eligible entity—

“(I) a notice of the disapproval, including a description of the reasons for the disapproval; and

“(II) an opportunity to remedy any deficiency identified by the Secretary under subclause (I) by submitting to the Secretary a revised application by not later than 30 days after the date of the disapproval.

“(3) USE OF FUNDS.—An eligible entity shall use a grant provided under this subsection to carry out an internship program.

“(4) ALLOCATION.—Of the amounts made available to carry out this subsection for each fiscal year, the Secretary shall allocate to each eligible entity the application of which is approved under para-
(d) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this section.”.

(b) Grants for Economic Adjustment.—Section 209(c)(5) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149(c)(5)) is amended by inserting “, including through the promotion of creative industries and occupations (as defined in section 102 of the Promoting Local Arts and Creative Economy Workforce Act of 2022)” before the period at the end.

SEC. 204. CREATIVE JOBS TRAINING THROUGH BUREAU OF PRISONS REENTRY AND SKILLS DEVELOPMENT PROGRAMS.

Section 231(a) of the Second Chance Act of 2007 (34 U.S.C. 60541(a)) is amended by adding at the end the following:
“(3) Ensuring that reentry and skills development programs for prisoners include skills training for jobs in creative industries and occupations, as defined in section 102 of the Promoting Local Arts and Creative Economy Workforce Act of 2021.”.

SEC. 205. GRANTS RELATING TO THE CREATIVE ECONOMY.

To the extent practicable, grant programs relating to economic development administered by the Department of Health and Human Services, Commissioner of the Administration for Native Americans, or the head of an agency with assets or resources relating to workforce development, may be used to support efforts to provide workforce training related to the creative economy (as defined in section 102 of the Promoting Local Arts and Creative Economy Workforce Act of 2022).

SEC. 206. PROMOTION FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES OF JOB TRAINING AND RESOURCES IN CREATIVE INDUSTRIES AND OCCUPATIONS.

Section 3116 of title 38, United States Code, is amended by adding at the end the following new subsection:

“(e) In carrying out this section, the Secretary shall assist in making available and promote job training and resources that—
“(1) are provided by nonprofit organizations, educational institutions, Native American (as defined in section 3765 of this title) governments and organizations, and Federal, State, and local governments; and

“(2) relate to creative industries and occupations, as defined in section 102 of the Promoting Local Arts and Creative Economy Workforce Act of 2021.”.

SEC. 207. DISASTER ASSISTANCE FOR CREATIVE INDUSTRY WORKERS THROUGH FEMA.

(a) IN GENERAL.—The President, acting through the Administrator of the Federal Emergency Management Agency, shall promulgate rules to ensure that expenses incurred, as a result of a major disaster or emergency, by a self-employed or freelance worker or worker in a creative microenterprise, including those workers whose work focuses on design, crafts, music, visual arts, media arts, performing arts, language, literature, and expressions of Native American culture and local or regional heritage culture, to repair or replace tools needed by the self-employed or freelance worker or worker in a creative microenterprise are considered eligible expenses for assistance under section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174).
(b) REQUIREMENT.—The rules promulgated under subsection (a) may not require, as a condition of receiving such assistance under section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174), an applicant—

(1) to apply or be declined for assistance from the Small Business Administration; or

(2) to demonstrate that assistance received from the Small Business Administration does not satisfy the total necessary expenses or serious needs arising out of a major disaster or emergency.

SEC. 208. DEPARTMENT OF HEALTH AND HUMAN SERVICES.

The Administration for Native Americans of the Department of Health and Human Services shall, in carrying out job training programs, including under the Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.), include training for creative industries and occupations.

SEC. 209. DISASTER UNEMPLOYMENT ASSISTANCE.

The Administrator of the Federal Emergency Management Agency shall amend the regulations implementing the disaster unemployment assistance program authorized under section of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5177) to ensure that—
(1) the assistance amount for a self-employed worker is calculated based on the business receipts of the self-employed worker rather than net profit; and

(2) the assistance amount is not calculated by counting gross receipts of a self-employed worker against the net profit of the self-employed worker.

**TITLE III—TAX INCENTIVES**

**SEC. 301. TAX INCENTIVES.**

(a) New Markets Tax Credit and Guidelines for Qualified Community Development Entities.—Not later than 1 year after the date of the enactment of this Act, the Secretary of the Treasury shall issue guidelines for the creation and operation of community development entities focused on the creative industries or occupations, which would allow such entities to be treated as qualified community development entities for purposes of section 45D(c) of the Internal Revenue Code of 1986.

(b) Work Opportunity Credit for Hiring Certain Displaced Workers.—

(1) In general.—Paragraph (1) of section 51(d) of the Internal Revenue Code of 1986 is amended by striking “or” at the end of subparagraph (I), by striking the period at the end of sub-
paragraph (J) and inserting “, or”, and by adding
at the end the following new subparagraph:

“(K) a qualified displaced worker.”.

(2) QUALIFIED DISPLACED WORKER.—Sub-
section (d) of section 51 of such Code is amended
by adding at the end the following new paragraph:

“(16) QUALIFIED DISPLACED WORKER.—The
term ‘qualified displaced worker’ means an indi-
vidual who, immediately before beginning work for
the employer—

“(A) is an eligible TAA recipient (as de-

fined in section 35(c)(2)),

“(B) is an eligible alternative TAA recipi-

tent (as defined in section 35(c)(3)), or

“(C) is eligible for employment and train-
ing activities for dislocated workers under chap-
ter 3 of subtitle B of title I of the Workforce
Innovation and Opportunity Act (29 U.S.C.
3171 et seq.) or assistance under section 170 of
such Act (29 U.S.C. 3225).”.

(3) EFFECTIVE DATE.—The amendments made
by this subsection shall apply to individuals begin-
ning work for the employer after the date of the en-
actment of this Act.
(c) Above-the-Line Deduction of Expenses of Performing Artists.—

(1) In General.—Section 62(a)(2)(B) of the Internal Revenue Code of 1986 is amended—

(A) by striking “PERFORMING ARTISTS.—
The deductions” and inserting “PERFORMING ARTISTS.—

“(i) In General.—The deductions”,
and

(B) by adding at the end the following new clauses:

“(ii) Phaseout.—The amount of expenses taken into account under clause (i) shall be reduced (but not below zero) by 10 percentage points for each $2,000 ($4,000 in the case of a joint return), or fraction thereof, by which the taxpayer’s adjusted gross income (determined without regard to this subparagraph) for the taxable year exceeds $100,000 (200 percent of such amount in the case of a joint return).

“(iii) Cost-of-Living Adjustment.—In the case of any taxable year beginning in a calendar year after 2021, the
$100,000 amount under clause (ii) shall be increased by an amount equal to—

“(I) such dollar amount, multiplied by

“(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘calendar year 2020’ for ‘calendar year 2016’ in subparagraph (A)(ii) thereof.

If any amount after adjustment under the preceding sentence is not a multiple of $1,000, such amount shall be rounded to the nearest multiple of $1,000.”.

(2) Clarification regarding commission paid to performing artist’s manager or agent.—Section 62(a)(2)(B)(i) of such Code, as amended by subsection (a), is amended by inserting before the period at the end the following: “, including any commission paid to the performing artist’s manager or agent”.

(3) Conforming amendments.—

(A) Section 62(a)(2)(B)(i) of such Code, as amended by this subsection, is further
amended by striking “by him” and inserting “by the performing artist”.

(B) Section 62(b)(1) of such Code is amended by inserting “and” at the end of sub-paragraph (A), by striking “, and” at the end of subparagraph (B) and inserting a period, and by striking subparagraph (C).

(4) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

(d) CHARITABLE CONTRIBUTIONS OF CERTAIN ITEMS CREATED BY THE TAXPAYER.—

(1) IN GENERAL.—Subsection (e) of section 170 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(8) SPECIAL RULE FOR CERTAIN CONTRIBUTIONS OF LITERARY, MUSICAL, OR ARTISTIC COMPOSITIONS.—

“(A) IN GENERAL.—In the case of a qualified artistic charitable contribution—

“(i) the amount of such contribution shall be the fair market value of the property contributed (determined at the time of such contribution), and
“(ii) no reduction in the amount of such contribution shall be made under paragraph (1).

“(B) QUALIFIED ARTISTIC CHARITABLE CONTRIBUTION.—For purposes of this paragraph, the term ‘qualified artistic charitable contribution’ means a charitable contribution of any literary, musical, artistic, or scholarly composition, or similar property, or the copyright thereon (or both), but only if—

“(i) such property was created by the personal efforts of the taxpayer making such contribution no less than 18 months prior to such contribution,

“(ii) the taxpayer—

“(I) has received a qualified appraisal of the fair market value of such property in accordance with the regulations under this section, and

“(II) attaches to the taxpayer’s income tax return for the taxable year in which such contribution was made a copy of such appraisal,

“(iii) the donee is an organization described in subsection (b)(1)(A),
“(iv) the use of such property by the donee is related to the purpose or function constituting the basis for the donee’s exemption under section 501 (or, in the case of a governmental unit, to any purpose or function described under subsection (c)),

“(v) the taxpayer receives from the donee a written statement representing that the donee’s use of the property will be in accordance with the provisions of clause (iv), and

“(vi) the written appraisal referred to in clause (ii) includes evidence of the extent (if any) to which property created by the personal efforts of the taxpayer and of the same type as the donated property is or has been—

“(I) owned, maintained, and displayed by organizations described in subsection (b)(1)(A), and

“(II) sold to or exchanged by persons other than the taxpayer, donee, or any related person (as defined in section 465(b)(3)(C)).
“(C) MAXIMUM DOLLAR LIMITATION; NO CARRYOVER OF INCREASED DEDUCTION.—The increase in the deduction under this section by reason of this paragraph for any taxable year—

“(i) shall not exceed the artistic adjusted gross income of the taxpayer for such taxable year, and

“(ii) shall not be taken into account in determining the amount which may be carried from such taxable year under subsection (d).

“(D) ARTISTIC ADJUSTED GROSS INCOME.—For purposes of this paragraph, the term ‘artistic adjusted gross income’ means that portion of the adjusted gross income of the taxpayer for the taxable year attributable to—

“(i) income from the sale or use of property created by the personal efforts of the taxpayer which is of the same type as the donated property, and

“(ii) income from teaching, lecturing, performing, or similar activity with respect to property described in clause (i).

“(E) PARAGRAPH NOT TO APPLY TO CERTAIN CONTRIBUTIONS.—Subparagraph (A) shall
not apply to any charitable contribution of any letter, memorandum, or similar property which was written, prepared, or produced by or for an individual while the individual is an officer or employee of any person (including any government agency or instrumentality) unless such letter, memorandum, or similar property is entirely personal.

“(F) COPYRIGHT TREATED AS SEPARATE PROPERTY FOR PARTIAL INTEREST RULE.—In the case of a qualified artistic charitable contribution, the tangible literary, musical, artistic, or scholarly composition, or similar property and the copyright on such work shall be treated as separate properties for purposes of this paragraph and subsection (f)(3).”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to contributions made after the date of the enactment of this Act in taxable years ending after such date.
TITLE IV—CULTURAL TRADE
PROMOTION

SEC. 401. PROMOTION BY EXPORT-IMPORT BANK OF THE UNITED STATES OF EXPORTS BY CREATIVE INDUSTRIES AND OCCUPATIONS.

Section 2(b)(1) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)) is amended by adding at the end the following:

“(N)(i) The Bank shall—

“(I) undertake efforts to enhance the Bank’s capacity to provide information about the Bank’s programs to creative industries or occupations that have not previously participated in the Bank’s programs; and

“(II) promote the export of goods produced and services provided by creative industries or occupations.

“(ii) Not later than 1 year after the date of enactment of this subparagraph, the President of the Bank shall submit to Congress a report on the activities undertaken pursuant to this subparagraph.

“(iii) In this subparagraph, the term ‘creative industry or occupation’ has the meaning given that term in section 102 of the Promoting Local Arts and Creative Economy Workforce Act of 2021.”.
SEC. 402. PROMOTION OF EXPORTS FROM CREATIVE INDUSTRIES AND OCCUPATIONS.

(a) PROMOTION OF EXPORTS BY UNITED STATES AND FOREIGN COMMERCIAL SERVICE.—Section 2301(b) of the Export Enhancement Act of 1988 (15 U.S.C. 4721(b)) is amended, in the matter preceding paragraph (1), by inserting after “medium-sized businesses” the following: “and creative industries and occupations (as defined in section 102 of the Promoting Local Arts and Creative Economy Workforce Act of 2022)”.

(b) STRATEGIC PLAN OF TRADE PROMOTION COORDINATING COMMITTEE.—Section 2312(c) of the Export Enhancement Act of 1988 (15 U.S.C. 4727(c)) is amended—

(1) in paragraph (6), by striking “; and” and inserting a semicolon;

(2) in paragraph (7), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(8) consider how to promote exports of goods and services from creative industries and occupations (as defined in section 102 of the Promoting Local Arts and Creative Economy Workforce Act of 2022).”.

(c) PROMOTION OF EXPORTS OF NATIVE HAWAIIAN ARTS AND CRAFTS AND EXPORTS FROM NATIVE HAWAI-

(1) by inserting “or Native Hawaiian” after “American Indian” each place it appears;

(2) in subsection (a)—

(A) by inserting “or Native Hawaiian” after “include Indian”; and

(B) by inserting “or Native Hawaiian-owned” after “Indian-owned”; and

(3) in subsection (e), by striking “hand made or hand crafted” and inserting “made”.

SEC. 403. COLLABORATION TO IMPROVE ACCESS TO RELIABLE INTERNATIONAL SHIPPING SERVICES.

The Under Secretary of Commerce for International Trade, the Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service appointed under section 2301(a)(2) of the Export Enhancement Act of 1988 (15 U.S.C. 4721(a)(2)), and the Postmaster General shall consult and collaborate with respect to how to better connect microenterprises and small businesses to fast, reliable international shipping services that meet the expectations of the modern consumer.
SEC. 404. DEMONSTRATION PROGRAM TO PROMOTE USE
OF CREATIVE INDUSTRIES AND OCCUPA-
TIONS IN CERTAIN ECONOMIC PLANNING.

Not later than 120 days after the date of enactment
of this Act, the Secretary of Commerce shall establish a
demonstration program to assess the feasibility and advis-
ability of providing support to local arts agencies and non-
profits through the Economic Development Administra-
tion Planning and Local Technical Assistance Program
authorized under the Public Works and Economic Devel-
opment Act of 1965 (42 U.S.C. 3121 et seq.) to promote
the use of creative industries and occupations in the eco-
nomic planning of local governments, including in com-
prehensive economic development strategies.

SEC. 405. TRADE AND DEVELOPMENT AGENCY.

Section 661(a) of the Foreign Assistance Act of 1961
(22 U.S.C. 2421(a)) is amended—

(1) by striking the subsection designation and
heading and all that follows through “The Trade” in
the first sentence, and inserting the following:

“(a) TREATMENT; PURPOSE.—

“(1) TREATMENT.—The Trade”;

(2) in the second sentence of paragraph (1) (as
so designated), by striking “The purpose” and in-
serting the following:

“(2) PURPOSE.—The purpose”; and
(3) in paragraph (2) (as so designated), by striking “such as energy, transportation, telecommunications, and environment.” and inserting the following: “such as—

“(A) energy;

“(B) transportation;

“(C) telecommunications;

“(D) the environment; and

“(E) creative industries and occupations (as defined in section 102 of the Promoting Local Arts and Creative Economy Workforce Act of 2022).”.

**TITLE V—FEDERAL SUPPORT FOR THE CREATIVE ECONOMY**

**SEC. 501. COLLABORATION.**

In carrying out this Act, and the amendments made by this Act, the head of each relevant Federal agency shall, to the greatest extent practicable, collaborate with the Chairperson of the National Endowment for the Arts and the Chairperson of the National Endowment for the Humanities.

**SEC. 502. CREATIVE ECONOMY ADVISORY BOARD.**

(a) Establishment; Resources.—

(1) Establishment.—The Secretary of Com-
Act of February 14, 1903 (15 U.S.C. 1512; 32 Stat. 826, chapter 552; 95 Stat. 154), and the Federal Advisory Committee Act (5 U.S.C. App.), an advisory board, to be known as the “Creative Economy Advisory Board” (referred to in this section as the “Advisory Board”).

(2) RESOURCES.—The Secretary of Commerce shall make available to the Advisory Board such personnel, funds, and other resources as may be appropriate to enable the Advisory Board to carry out the activities described in subsection (d).

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Advisory Board shall be composed of 15 members, to be appointed by the Secretary of Commerce from among individuals with expertise relating to the issues described in subsection (d)(1).

(2) DATE OF APPOINTMENT.—The appointment of the members of the Advisory Board shall be made not later than 120 days after the date of enactment of this Act.

(c) TERM; VACANCIES.—

(1) TERM.—A member shall be appointed to serve on the Advisory Board for a term of 2 years.
(2) **Vacancies.**—A vacancy on the Advisory Board—

(A) shall not affect the powers of the Advisory Board; and

(B) shall be filled in the same manner as the original appointment was made.

(d) **Duties.**—

(1) **Studies.**—Not less frequently than biannually, the Advisory Board shall conduct a study of all matters relating to—

(A) cultural tourism;

(B) heritage tourism;

(C) the creative economy (including creative industries and occupations); and

(D) international cultural trade and activity.

(2) **Recommendations.**—The Advisory Board shall develop recommendations regarding the matters described in paragraph (1).

(3) **Report.**—Not later than 1 year after the date of enactment of this Act, and not less frequently than once every 2 years thereafter, the Advisory Board shall submit to the Secretary of Commerce a report that contains—
(A) a detailed statement of the findings and conclusions of the Advisory Board under the most recent study under paragraph (1); and

(B) the recommendations of the Advisory Board for such administrative actions as the Advisory Board considers to be appropriate.

(e) Powers.—

(1) Hearings.—The Advisory Board may hold such hearings, meet and act at such times and places, take such testimony, and receive such evidence as the Advisory Board considers to be advisable to carry out this section.

(2) Information from Federal Agencies.—

(A) In general.—The Advisory Board may secure directly from a Federal agency such information as the Advisory Board considers to be necessary to carry out this section.

(B) Provision of information.—On request of the Advisory Board, the head of a Federal agency shall provide the requested information to the Advisory Board.

(3) Postal Services.—The Advisory Board may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.
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(4) Gifts.—The Advisory Board may accept, use, and dispose of gifts or donations of services or property.

(f) Personnel Matters.—

(1) No Compensation of Members.—Except as provided in paragraph (2), a member of the Advisory Board shall serve without compensation.

(2) Travel Expenses.—A member of the Advisory Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Advisory Board.

SEC. 503. TRAVEL AND TOURISM ADVISORY BOARD.

Notwithstanding any other provision of law (including regulations), the Secretary of Commerce shall appoint to serve as a permanent member of the United States Travel and Tourism Advisory Board established pursuant to section 3 of the Act of February 14, 1903 (15 U.S.C. 1512; 32 Stat. 826, chapter 552; 95 Stat. 154), and the Federal Advisory Committee Act (5 U.S.C. App.) a representative of creative industries and occupations.
SEC. 504. FEDERAL COUNCIL ON THE ARTS AND THE HUMANITIES.

Section 9 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 958) is amended—

(1) in subsection (b)—

(A) by inserting “the Administrator of the Small Business Administration, the Secretary of the Treasury,” after “Assistant Secretary for Aging,”; and

(B) by striking “The President shall designate the presiding officer of the Council from among the members.” and inserting “The co-Chairs of the Council shall be the Chairperson of the National Endowment for the Arts and the Chairperson of the National Endowment for the Humanities.”;

(2) in subsection (c)—

(A) in paragraph (6), by striking “and” after the semicolon;

(B) in paragraph (7), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(8) coordinate the creative industry or occupation programs of the Federal agencies;
“(9) establish goals and priorities for the creative industries or occupations and their development that will strengthen the creative economy of the United States;

“(10) work with industry organizations, Federal agencies, and industry nonprofit organizations to identify and reduce regulatory, logistical, and fiscal barriers within the Federal Government and State governments that inhibit creative industry and occupation growth; and

“(11) identify technological, market, or business challenges that may best be addressed by public-private partnerships, and are likely to attract both participation and primary funding from industry, and encourage the formation of those public-private partnerships.”.

SEC. 505. ART IN ARCHITECTURE PROGRAM FUNDING.

Notwithstanding any other provision of law (including regulations), of the amounts made available for each fiscal year to the General Services Administration for construction, the Administrator of General Services shall use not less than 1 percent to carry out the Art in Architecture program of the General Services Administration under part 102–77 of title 41, Code of Federal Regulations (or successor regulations).
SEC. 506. OFFICE OF READINESS, RECOVERY, AND RESILIENCE.

(a) Office Established.—There shall be established within the National Endowment for the Arts an Office of Readiness, Recovery, and Resilience (referred to in this section as the “Office”).

(b) Purposes.—The purposes of the Office are—

(1) to build upon the work of the National Endowment for the Arts, as of the date of enactment of this Act, in support of the disaster and emergency management-related needs of artists and arts organizations in the recovery phase;

(2) to improve the preparedness of artists and arts organizations, and to improve their resilience, in the face of the growing climate emergency;

(3) to focus on and meet the range of preparedness, response, and recovery needs of artists and arts organizations; and

(4) to support the role artists and arts organizations can play in community mitigation and recovery through the arts.

(c) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this section.