

117TH CONGRESS
2D SESSION

S. _____

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.

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; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Promoting Local Arts and Creative Economy Workforce
6 Act of 2022” or the “PLACE Act”.

7 (b) **TABLE OF CONTENTS.**—The table of contents for
8 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—FINDINGS AND DEFINITIONS

- Sec. 101. Findings.
 Sec. 102. Definitions.

TITLE II—CREATIVE WORKFORCE ADVANCEMENT

- Sec. 201. Department of Labor.
 Sec. 202. Department of Education.
 Sec. 203. Economic Development Administration programs.
 Sec. 204. Creative jobs training through Bureau of Prisons reentry and skills development programs.
 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.
 Sec. 208. Department of Health and Human Services.
 Sec. 209. Disaster unemployment assistance.

TITLE III—TAX INCENTIVES

- Sec. 301. Tax incentives.

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.
 Sec. 404. Demonstration program to promote use of creative industries and occupations in certain economic planning.
 Sec. 405. Trade and Development Agency.

TITLE V—FEDERAL SUPPORT FOR THE CREATIVE ECONOMY

- Sec. 501. Collaboration.
 Sec. 502. Creative Economy Advisory Board.
 Sec. 503. Travel and Tourism Advisory Board.
 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** 2 **DEFINITIONS**

3 **SEC. 101. FINDINGS.**

4 Congress makes the following findings:

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

1 nication systems have transformed the way people in
2 the United States work, live, and interact.

3 (2) The United States must establish policies
4 and create programs capable of responding to chang-
5 ing economic realities.

6 (3) The United States must develop strategies
7 to maximize current assets and help grow a United
8 States economy and workforce that can thrive in a
9 challenging environment of constant change and re-
10 invention.

11 (4) The Nation needs to strengthen and im-
12 prove Federal support for a Next Generation econ-
13 omy and workforce.

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

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

22 (7) Promoting local arts and enhancing the cre-
23 ative economy of the United States would support
24 the Nation's diverse citizenry, rich traditions, and
25 vast creative talents, including the unique history

1 and continuing vitality of Native American commu-
2 nities.

3 (8) The United States must embrace the oppor-
4 tunities and challenges the country faces and re-
5 imagine the role of the Federal Government in pro-
6 viding support for local arts activity and expanding
7 the creative economy.

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

12 (10) The Nation needs to recognize that there
13 is a broad range of undervalued and underutilized
14 human potential in the United States, and the exist-
15 ence of that human potential has profound social,
16 economic, and workforce ramifications.

17 (11) Securing the future well-being of individ-
18 uals, families, communities, and the Nation will de-
19 pend in part on adopting Federal policies that will
20 increase support for the creative economy.

21 (12) The Nation needs to improve creative
22 workforce readiness and develop an education and
23 job training plan, including a plan for education and
24 training through specialized vocational schools and
25 apprenticeship programs, to ensure that individuals

1 of all ages in the United States can realize their full
2 creative potential now and in the future.

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

9 **SEC. 102. DEFINITIONS.**

10 In this Act:

11 (1) CREATIVE INDUSTRY OR OCCUPATION.—

12 The term “creative industry or occupation” means—

13 (A) an industry that—

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

21 (ii) contributes to the growth of busi-
22 nesses or nonprofit organizations that have
23 their origin in individual creativity, skill,
24 and talent, including businesses or non-
25 profit organizations focused on design,

6

1 crafts, music, visual and media arts, per-
2 forming arts, language, literature, or ex-
3 pressions of Native cultures or regional or
4 local heritage culture; and

5 (B) an occupation that—

6 (i) currently has or is projected to
7 have a number of positions (including posi-
8 tions that lead to economic self-sufficiency
9 and opportunities for advancement) in an
10 industry sector so as to have a substantial
11 potential impact on a State, regional, or
12 local economy or a Native American com-
13 munity's economy, as appropriate; and

14 (ii) is comprised of—

15 (I) businesses or nonprofit orga-
16 nizations described in subparagraph
17 (A)(ii); or

18 (II) individuals who are self-em-
19 ployed or sole proprietors and whose
20 work has an origin in individual cre-
21 ativity, skill, and talent, including a
22 focus on design, crafts, music, visual
23 arts, media arts, performing arts, lan-
24 guage, literature, or expressions of

1 Native cultures or regional or local
2 heritage culture.

3 (2) NATIVE AMERICAN.—The term “Native
4 American”, used with respect to culture, means the
5 culture of a Native American, as defined in section
6 103 of the Native American Languages Act (25
7 U.S.C. 2902).

8 **TITLE II—CREATIVE**
9 **WORKFORCE ADVANCEMENT**

10 **SEC. 201. DEPARTMENT OF LABOR.**

11 (a) WORKFORCE INNOVATION AND OPPORTUNITY
12 ACT.—

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

16 “(72) CREATIVE INDUSTRY OR OCCUPATION.—
17 The term ‘creative industry or occupation’ has the
18 meaning given the term in section 102 of the
19 PLACE Act.”.

20 (2) UNIFIED STATE PLANS.—Section
21 102(b)(1)(A) of such Act (29 U.S.C. 3112(b)(1)(A))
22 is amended—

23 (A) in clause (i), by striking “occupa-
24 tions;” and inserting “occupations, and creative
25 industries and occupations;”; and

1 (B) in clause (ii), by striking “those indus-
2 tries and occupations” and “the sectors, indus-
3 tries, and occupations described in clause (i)”.

4 (3) REGIONAL COORDINATION.—Section
5 106(e)(1)(C) of such Act (29 U.S.C. 3121(e)(1)(C))
6 is amended by striking “occupations” and inserting
7 “occupations, and regional creative industries and
8 occupations,”.

9 (4) LOCAL PLANS.—Section 108(b)(1)(B) of
10 such Act (29 U.S.C. 3123(b)(1)(B)) is amended by
11 striking “occupations;” and inserting “occupations,
12 and creative industries and occupations;”.

13 (5) NATIVE AMERICAN PROGRAMS.—Section
14 166(d)(2)(A)(i) of such Act (29 U.S.C.
15 3221(d)(2)(A)(i)) is amended by inserting “develop-
16 ment of skills relating to creative industries or occu-
17 pations and” before “training on”.

18 (6) NATIONAL DISLOCATED WORKER
19 GRANTS.—Section 170 of the Workforce Innovation
20 and Opportunity Act (29 U.S.C. 3225) is amend-
21 ed—

22 (A) in subsection (a)—

23 (i) in paragraph (1)—

24 (I) in subparagraph (A), by strik-
25 ing “or” at the end;

1 (II) in subparagraph (B), by
2 striking the period at the end and in-
3 serting “; or”; and

4 (III) by adding at the end the
5 following:

6 “(C) for purposes of assistance provided
7 under subsection (b)(1)(E), an opioid crisis, as
8 declared by the Secretary after consultation
9 with the Secretary of Health and Human Serv-
10 ices.”; and

11 (ii) by adding at the end the fol-
12 lowing:

13 “(3) DISLOCATED WORKER.—

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

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

18 “(ii) for purposes of assistance pro-
19 vided under subsection (b)(1)(E), a recov-
20 ering individual.

21 “(B) RECOVERING INDIVIDUAL.—The term
22 ‘recovering individual’ means an individual
23 who—

1 “(i) left employment, or has never
2 been employed, due mainly to opioid use;
3 and

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

10 “(II) is participating in a supervised
11 rehabilitation program and is no longer en-
12 gaging in such illegal use; or

13 “(III) is erroneously regarded as en-
14 gaging in such illegal use, but is not en-
15 gaging in such illegal use.”; and

16 (B) in subsection (b)(1)—

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

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

22 (iii) by adding at the end the fol-
23 lowing:

24 “(E) to provide employment and training
25 assistance in a creative industry or occupation,

1 in an area where an opioid crisis has been de-
2 clared, as described in subsection (a)(1)(C).”.

3 (b) CREATIVE ECONOMY GRANT PROGRAM.—

4 (1) IN GENERAL.—The Secretary of Labor, act-
5 ing through the Assistant Secretary for Employment
6 and Training, shall make grants to eligible entities
7 to enable those eligible entities to provide wage sub-
8 sidies for individuals in a creative industry or occu-
9 pation.

10 (2) ELIGIBLE ENTITY.—

11 (A) IN GENERAL.—To be eligible to receive
12 such a grant, an entity shall be a business (in-
13 cluding a nonprofit organization) that—

14 (i) is engaged in a creative industry or
15 occupation and has its origin in individual
16 creativity, skill, and talent, including focus-
17 ing on design, crafts, music, visual arts,
18 media arts, performing arts, language, lit-
19 erature, or expressions of Native cultures
20 or regional or local heritage culture; and

21 (ii) has fewer than 500 full-time
22 equivalent employees, as determined in ac-
23 cordance with subparagraph (B).

24 (B) FULL-TIME EQUIVALENT BASIS.—For
25 purposes of determining the number of full-time

1 equivalent employees under subparagraph
2 (A)(ii)—

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

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

10 (3) APPLICATION.—To be eligible to receive
11 such a grant, an entity shall submit an application
12 to the Secretary of Labor at such time, in such man-
13 ner, and containing such information as the Sec-
14 retary may require.

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

22 **SEC. 202. DEPARTMENT OF EDUCATION.**

23 (a) CORRECTIONS EDUCATION.—Section 225(b) of
24 the Workforce Innovation and Opportunity Act (29 U.S.C.
25 3305(b)) is amended—

1 (1) by redesignating paragraphs (7) and (8) as
2 paragraphs (8) and (9), respectively; and

3 (2) by inserting after paragraph (6) the fol-
4 lowing:

5 “(7) education that relates to a creative indus-
6 try or occupation (as defined in section 102 of the
7 Promoting Local Arts and Creative Economy Work-
8 force Act of 2022);”.

9 (b) ADULT EDUCATION.—Section 203 of the Work-
10 force Innovation and Opportunity Act (29 U.S.C. 3272)
11 is amended—

12 (1) in paragraph (1)—

13 (A) by redesignating subparagraphs (B)
14 and (C) as subparagraphs (C) and (D), respec-
15 tively; and

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

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

23 (2) in paragraph (2), by inserting “skills relat-
24 ing to a creative industry or occupation (as defined
25 in section 102 of the Promoting Local Arts and Cre-

1 ative Economy Workforce Act of 2022)” before “or
2 integrated education and training”.

3 (c) CAREER AND TECHNICAL EDUCATION.—Section
4 3(5) of the Career and Technical Education Act of 2006
5 (20 U.S.C. 2302(5)) is amended—

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

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

10 (3) by adding at the end the following:

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

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

18 “(f) CREATIVE INDUSTRY OR OCCUPATION.—

19 “(1) IN GENERAL.—Funds granted to an insti-
20 tution under this section may be used to compensate
21 (including compensation for time spent in training
22 and travel directly related to relevant activities) stu-
23 dents employed in projects that support a creative
24 industry or occupation (as defined in section 102 of

1 the Promoting Local Arts and Creative Economy
2 Workforce Act of 2022).

3 “(2) FEDERAL SHARE.—The Federal share of
4 the compensation of work-study students com-
5 pensated under this subsection may exceed 75 per-
6 cent.”.

7 (e) ELEMENTARY AND SECONDARY EDUCATION.—
8 Section 4642(a)(1) of the Elementary and Secondary
9 Education Act of 1965 (20 U.S.C. 7292(a)(1)) is amend-
10 ed—

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

13 (2) by inserting after subparagraph (A) the fol-
14 lowing:

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

19 **SEC. 203. ECONOMIC DEVELOPMENT ADMINISTRATION**
20 **PROGRAMS.**

21 (a) CREATIVE ECONOMY APPRENTICESHIP AND IN-
22 TERNSHIP GRANTS.—Title II of the Public Works and
23 Economic Development Act of 1965 is amended by insert-
24 ing after section 207 (42 U.S.C. 3147) the following:

1 **“SEC. 208. CREATIVE ECONOMY APPRENTICESHIP AND IN-**
2 **TERNSHIP GRANTS.**

3 “(a) DEFINITIONS.—In this section:

4 “(1) APPRENTICESHIP PROGRAM.—The term
5 ‘apprenticeship program’ means a program under
6 the Act of August 16, 1937 (commonly known as
7 the ‘National Apprenticeship Act’) (50 Stat. 664,
8 chapter 663; 29 U.S.C. 50 et seq.), to provide work-
9 force training relating to a creative industry or occu-
10 pation.

11 “(2) CREATIVE INDUSTRY OR OCCUPATION.—
12 The term ‘creative industry or occupation’ has the
13 meaning given the term in section 102 of the Pro-
14 moting Local Arts and Creative Economy Workforce
15 Act of 2022.

16 “(3) ELIGIBLE ENTITY.—The term ‘eligible en-
17 tity’ means an eligible entity as determined by the
18 Secretary.

19 “(4) INTERNSHIP PROGRAM.—The term ‘intern-
20 ship program’ means a paid internship program to
21 provide workforce training relating to a creative in-
22 dustry or occupation that is conducted in accordance
23 with such regulations and policies relating to paid
24 internships as the Secretary of Labor may promul-
25 gate.

26 “(b) APPRENTICESHIP PROGRAMS.—

1 “(iii) ACTION ON DISAPPROVAL.—On
2 disapproval by the Secretary of an applica-
3 tion under clause (i), the Secretary shall
4 provide to the applicable eligible entity—

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

8 “(II) an opportunity to remedy
9 any deficiency identified by the Sec-
10 retary under subclause (I) by submit-
11 ting to the Secretary a revised appli-
12 cation by not later than 30 days after
13 the date of the disapproval.

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

17 “(4) ALLOCATION.—Of the amounts made
18 available to carry out this subsection for each fiscal
19 year, the Secretary shall allocate to each eligible en-
20 tity the application of which is approved under para-
21 graph (2) during that fiscal year an amount based
22 on the proportion that—

23 “(A) the number of individuals served by
24 the apprenticeship program of the eligible enti-
25 ty; bears to

1 “(B) the total number of individuals served
2 by the apprenticeship programs of all eligible
3 entities that receive assistance under this sub-
4 section for the fiscal year.

5 “(c) INTERNSHIP PROGRAMS.—

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

12 “(2) APPLICATIONS.—

13 “(A) IN GENERAL.—To be eligible to re-
14 ceive a grant under this subsection, an eligible
15 entity shall submit to the Secretary an applica-
16 tion at such time, in such manner, and con-
17 taining such information as the Secretary may
18 require.

19 “(B) DETERMINATION BY SECRETARY.—

20 “(i) IN GENERAL.—The Secretary
21 shall determine whether to approve or dis-
22 approve an application submitted under
23 subparagraph (A) by not later than 90
24 days after the date of receipt of the appli-
25 cation.

1 “(ii) ACTION ON APPROVAL.—On ap-
2 proval by the Secretary of an application
3 under clause (i), the Secretary shall pro-
4 vide to the applicable eligible entity a grant
5 in accordance with paragraph (4).

6 “(iii) ACTION ON DISAPPROVAL.—On
7 disapproval by the Secretary of an applica-
8 tion under clause (i), the Secretary shall
9 provide to the applicable eligible entity—

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

13 “(II) an opportunity to remedy
14 any deficiency identified by the Sec-
15 retary under subclause (I) by submit-
16 ting to the Secretary a revised appli-
17 cation by not later than 30 days after
18 the date of the disapproval.

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

22 “(4) ALLOCATION.—Of the amounts made
23 available to carry out this subsection for each fiscal
24 year, the Secretary shall allocate to each eligible en-
25 tity the application of which is approved under para-

1 graph (2) during that fiscal year an amount based
2 on the proportion that—

3 “(A) the number of individuals served by
4 the internship program of the eligible entity;
5 bears to

6 “(B) the total number of individuals served
7 by the internship programs of all eligible enti-
8 ties that receive assistance under this sub-
9 section for the fiscal year.

10 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
11 are authorized to be appropriated to the Secretary such
12 sums as are necessary to carry out this section.”.

13 (b) GRANTS FOR ECONOMIC ADJUSTMENT.—Section
14 209(c)(5) of the Public Works and Economic Development
15 Act of 1965 (42 U.S.C. 3149(c)(5)) is amended by insert-
16 ing “, including through the promotion of creative indus-
17 tries and occupations (as defined in section 102 of the
18 Promoting Local Arts and Creative Economy Workforce
19 Act of 2022)” before the period at the end.

20 **SEC. 204. CREATIVE JOBS TRAINING THROUGH BUREAU OF**
21 **PRISONS REENTRY AND SKILLS DEVELOP-**
22 **MENT PROGRAMS.**

23 Section 231(a) of the Second Chance Act of 2007 (34
24 U.S.C. 60541(a)) is amended by adding at the end the
25 following:

1 “(1) are provided by nonprofit organizations,
2 educational institutions, Native American (as de-
3 fined in section 3765 of this title) governments and
4 organizations, and Federal, State, and local govern-
5 ments; and

6 “(2) relate to creative industries and occupa-
7 tions, as defined in section 102 of the Promoting
8 Local Arts and Creative Economy Workforce Act of
9 2021.”.

10 **SEC. 207. DISASTER ASSISTANCE FOR CREATIVE INDUSTRY**
11 **WORKERS THROUGH FEMA.**

12 (a) IN GENERAL.—The President, acting through the
13 Administrator of the Federal Emergency Management
14 Agency, shall promulgate rules to ensure that expenses in-
15 curred, as a result of a major disaster or emergency, by
16 a self-employed or freelance worker or worker in a creative
17 microenterprise, including those workers whose work fo-
18 cuses on design, crafts, music, visual arts, media arts, per-
19 forming arts, language, literature, and expressions of Na-
20 tive American culture and local or regional heritage cul-
21 ture, to repair or replace tools needed by the self-employed
22 or freelance worker or worker in a creative microenterprise
23 are considered eligible expenses for assistance under sec-
24 tion 408 of the Robert T. Stafford Disaster Relief and
25 Emergency Assistance Act (42 U.S.C. 5174).

1 (b) REQUIREMENT.—The rules promulgated under
2 subsection (a) may not require, as a condition of receiving
3 such assistance under section 408 of the Robert T. Staf-
4 ford Disaster Relief and Emergency Assistance Act (42
5 U.S.C. 5174), an applicant—

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

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

12 **SEC. 208. DEPARTMENT OF HEALTH AND HUMAN SERV-**
13 **ICES.**

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

19 **SEC. 209. DISASTER UNEMPLOYMENT ASSISTANCE.**

20 The Administrator of the Federal Emergency Man-
21 agement Agency shall amend the regulations imple-
22 menting the disaster unemployment assistance program
23 authorized under section of the Robert T. Stafford Dis-
24 aster Relief and Emergency Assistance Act (42 U.S.C.
25 5177) to ensure that—

1 (1) the assistance amount for a self-employed
2 worker is calculated based on the business receipts
3 of the self-employed worker rather than net profit;
4 and

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

8 **TITLE III—TAX INCENTIVES**

9 **SEC. 301. TAX INCENTIVES.**

10 (a) NEW MARKETS TAX CREDIT AND GUIDELINES
11 FOR QUALIFIED COMMUNITY DEVELOPMENT ENTI-
12 TIES.—Not later than 1 year after the date of the enact-
13 ment of this Act, the Secretary of the Treasury shall issue
14 guidelines for the creation and operation of community de-
15 velopment entities focused on the creative industries or oc-
16 cupations, which would allow such entities to be treated
17 as qualified community development entities for purposes
18 of section 45D(c) of the Internal Revenue Code of 1986.

19 (b) WORK OPPORTUNITY CREDIT FOR HIRING CER-
20 TAIN DISPLACED WORKERS.—

21 (1) IN GENERAL.—Paragraph (1) of section
22 51(d) of the Internal Revenue Code of 1986 is
23 amended by striking “or” at the end of subpara-
24 graph (I), by striking the period at the end of sub-

1 paragraph (J) and inserting “, or”, and by adding
2 at the end the following new subparagraph:

3 “(K) a qualified displaced worker.”.

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

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

11 “(A) is an eligible TAA recipient (as de-
12 fined in section 35(c)(2)),

13 “(B) is an eligible alternative TAA recipi-
14 ent (as defined in section 35(c)(3)), or

15 “(C) is eligible for employment and train-
16 ing activities for dislocated workers under chap-
17 ter 3 of subtitle B of title I of the Workforce
18 Innovation and Opportunity Act (29 U.S.C.
19 3171 et seq.) or assistance under section 170 of
20 such Act (29 U.S.C. 3225).”.

21 (3) EFFECTIVE DATE.—The amendments made
22 by this subsection shall apply to individuals begin-
23 ning work for the employer after the date of the en-
24 actment of this Act.

1 (c) ABOVE-THE-LINE DEDUCTION OF EXPENSES OF
2 PERFORMING ARTISTS.—

3 (1) IN GENERAL.—Section 62(a)(2)(B) of the
4 Internal Revenue Code of 1986 is amended—

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

8 “(i) IN GENERAL.—The deductions”,
9 and

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

12 “(ii) PHASEOUT.—The amount of ex-
13 penses taken into account under clause (i)
14 shall be reduced (but not below zero) by 10
15 percentage points for each \$2,000 (\$4,000
16 in the case of a joint return), or fraction
17 thereof, by which the taxpayer’s adjusted
18 gross income (determined without regard
19 to this subparagraph) for the taxable year
20 exceeds \$100,000 (200 percent of such
21 amount in the case of a joint return).

22 “(iii) COST-OF-LIVING ADJUST-
23 MENT.—In the case of any taxable year be-
24 ginning in a calendar year after 2021, the

1 \$100,000 amount under clause (ii) shall be
2 increased by an amount equal to—

3 “(I) such dollar amount, multi-
4 plied by

5 “(II) the cost-of-living adjust-
6 ment determined under section 1(f)(3)
7 for the calendar year in which the tax-
8 able year begins, determined by sub-
9 stituting ‘calendar year 2020’ for ‘cal-
10 endar year 2016’ in subparagraph
11 (A)(ii) thereof.

12 If any amount after adjustment under the
13 preceding sentence is not a multiple of
14 \$1,000, such amount shall be rounded to
15 the nearest multiple of \$1,000.”.

16 (2) CLARIFICATION REGARDING COMMISSION
17 PAID TO PERFORMING ARTIST’S MANAGER OR
18 AGENT.—Section 62(a)(2)(B)(i) of such Code, as
19 amended by subsection (a), is amended by inserting
20 before the period at the end the following: “, includ-
21 ing any commission paid to the performing artist’s
22 manager or agent”.

23 (3) CONFORMING AMENDMENTS.—

24 (A) Section 62(a)(2)(B)(i) of such Code,
25 as amended by this subsection, is further

1 amended by striking “by him” and inserting
2 “by the performing artist”.

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

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

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

13 (1) IN GENERAL.—Subsection (e) of section
14 170 of the Internal Revenue Code of 1986 is amend-
15 ed by adding at the end the following new para-
16 graph:

17 “(8) SPECIAL RULE FOR CERTAIN CONTRIBU-
18 TIONS OF LITERARY, MUSICAL, OR ARTISTIC COM-
19 POSITIONS.—

20 “(A) IN GENERAL.—In the case of a quali-
21 fied artistic charitable contribution—

22 “(i) the amount of such contribution
23 shall be the fair market value of the prop-
24 erty contributed (determined at the time of
25 such contribution), and

1 “(ii) no reduction in the amount of
2 such contribution shall be made under
3 paragraph (1).

4 “(B) QUALIFIED ARTISTIC CHARITABLE
5 CONTRIBUTION.—For purposes of this para-
6 graph, the term ‘qualified artistic charitable
7 contribution’ means a charitable contribution of
8 any literary, musical, artistic, or scholarly com-
9 position, or similar property, or the copyright
10 thereon (or both), but only if—

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

15 “(ii) the taxpayer—

16 “(I) has received a qualified ap-
17 praisal of the fair market value of
18 such property in accordance with the
19 regulations under this section, and

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

24 “(iii) the donee is an organization de-
25 scribed in subsection (b)(1)(A),

1 “(iv) the use of such property by the
2 donee is related to the purpose or function
3 constituting the basis for the donee’s ex-
4 emption under section 501 (or, in the case
5 of a governmental unit, to any purpose or
6 function described under subsection (c)),

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

12 “(vi) the written appraisal referred to
13 in clause (ii) includes evidence of the ex-
14 tent (if any) to which property created by
15 the personal efforts of the taxpayer and of
16 the same type as the donated property is
17 or has been—

18 “(I) owned, maintained, and dis-
19 played by organizations described in
20 subsection (b)(1)(A), and

21 “(II) sold to or exchanged by
22 persons other than the taxpayer,
23 donee, or any related person (as de-
24 fined in section 465(b)(3)(C)).

1 “(C) MAXIMUM DOLLAR LIMITATION; NO
2 CARRYOVER OF INCREASED DEDUCTION.—The
3 increase in the deduction under this section by
4 reason of this paragraph for any taxable year—

5 “(i) shall not exceed the artistic ad-
6 justed gross income of the taxpayer for
7 such taxable year, and

8 “(ii) shall not be taken into account in
9 determining the amount which may be car-
10 ried from such taxable year under sub-
11 section (d).

12 “(D) ARTISTIC ADJUSTED GROSS IN-
13 COME.—For purposes of this paragraph, the
14 term ‘artistic adjusted gross income’ means
15 that portion of the adjusted gross income of the
16 taxpayer for the taxable year attributable to—

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

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

24 “(E) PARAGRAPH NOT TO APPLY TO CER-
25 TAIN CONTRIBUTIONS.—Subparagraph (A) shall

1 not apply to any charitable contribution of any
2 letter, memorandum, or similar property which
3 was written, prepared, or produced by or for an
4 individual while the individual is an officer or
5 employee of any person (including any govern-
6 ment agency or instrumentality) unless such
7 letter, memorandum, or similar property is en-
8 tirely personal.

9 “(F) COPYRIGHT TREATED AS SEPARATE
10 PROPERTY FOR PARTIAL INTEREST RULE.—In
11 the case of a qualified artistic charitable con-
12 tribution, the tangible literary, musical, artistic,
13 or scholarly composition, or similar property
14 and the copyright on such work shall be treated
15 as separate properties for purposes of this para-
16 graph and subsection (f)(3).”.

17 (2) EFFECTIVE DATE.—The amendment made
18 by this subsection shall apply to contributions made
19 after the date of the enactment of this Act in tax-
20 able years ending after such date.

1 **TITLE IV—CULTURAL TRADE**
2 **PROMOTION**

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

6 Section 2(b)(1) of the Export-Import Bank Act of
7 1945 (12 U.S.C. 635(b)(1)) is amended by adding at the
8 end the following:

9 “(N)(i) The Bank shall—

10 “(I) undertake efforts to enhance the Bank’s
11 capacity to provide information about the Bank’s
12 programs to creative industries or occupations that
13 have not previously participated in the Bank’s pro-
14 grams; and

15 “(II) promote the export of goods produced and
16 services provided by creative industries or occupa-
17 tions.

18 “(ii) Not later than 1 year after the date of enact-
19 ment of this subparagraph, the President of the Bank
20 shall submit to Congress a report on the activities under-
21 taken pursuant to this subparagraph.

22 “(iii) In this subparagraph, the term ‘creative indus-
23 try or occupation’ has the meaning given that term in sec-
24 tion 102 of the Promoting Local Arts and Creative Econ-
25 omy Workforce Act of 2021.”.

1 **SEC. 402. PROMOTION OF EXPORTS FROM CREATIVE IN-**
2 **DUSTRIES AND OCCUPATIONS.**

3 (a) PROMOTION OF EXPORTS BY UNITED STATES
4 AND FOREIGN COMMERCIAL SERVICE.—Section 2301(b)
5 of the Export Enhancement Act of 1988 (15 U.S.C.
6 4721(b)) is amended, in the matter preceding paragraph
7 (1), by inserting after “medium-sized businesses” the fol-
8 lowing: “and creative industries and occupations (as de-
9 fined in section 102 of the Promoting Local Arts and Cre-
10 ative Economy Workforce Act of 2022)”.

11 (b) STRATEGIC PLAN OF TRADE PROMOTION CO-
12 ORDINATING COMMITTEE.—Section 2312(c) of the Export
13 Enhancement Act of 1988 (15 U.S.C. 4727(c)) is amend-
14 ed—

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

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

19 (3) by adding at the end the following:

20 “(8) consider how to promote exports of goods
21 and services from creative industries and occupa-
22 tions (as defined in section 102 of the Promoting
23 Local Arts and Creative Economy Workforce Act of
24 2022).”.

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

1 IAN OWNED-BUSINESSES.—Section 2307 of the Export
2 Enhancement Act of 1988 (15 U.S.C. 4726) is amended—

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

5 (2) in subsection (a)—

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

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

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

12 **SEC. 403. COLLABORATION TO IMPROVE ACCESS TO RELI-**
13 **ABLE INTERNATIONAL SHIPPING SERVICES.**

14 The Under Secretary of Commerce for International
15 Trade, the Assistant Secretary of Commerce and Director
16 General of the United States and Foreign Commercial
17 Service appointed under section 2301(a)(2) of the Export
18 Enhancement Act of 1988 (15 U.S.C. 4721(a)(2)), and
19 the Postmaster General shall consult and collaborate with
20 respect to how to better connect microenterprises and
21 small businesses to fast, reliable international shipping
22 services that meet the expectations of the modern con-
23 sumer.

1 **SEC. 404. DEMONSTRATION PROGRAM TO PROMOTE USE**
2 **OF CREATIVE INDUSTRIES AND OCCUPA-**
3 **TIONS IN CERTAIN ECONOMIC PLANNING.**

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

15 **SEC. 405. TRADE AND DEVELOPMENT AGENCY.**

16 Section 661(a) of the Foreign Assistance Act of 1961
17 (22 U.S.C. 2421(a)) is amended—

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

21 “(a) TREATMENT; PURPOSE.—

22 “(1) TREATMENT.—The Trade”;

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

26 “(2) PURPOSE.—The purpose”; and

1 (3) in paragraph (2) (as so designated), by
2 striking “such as energy, transportation, tele-
3 communications, and environment.” and inserting
4 the following: “such as—

5 “(A) energy;

6 “(B) transportation;

7 “(C) telecommunications;

8 “(D) the environment; and

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

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

15 **SEC. 501. COLLABORATION.**

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

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

23 (a) ESTABLISHMENT; RESOURCES.—

24 (1) ESTABLISHMENT.—The Secretary of Com-
25 merce shall establish, pursuant to section 3 of the

1 Act of February 14, 1903 (15 U.S.C. 1512; 32 Stat.
2 826, chapter 552; 95 Stat. 154), and the Federal
3 Advisory Committee Act (5 U.S.C. App.), an advi-
4 sory board, to be known as the “Creative Economy
5 Advisory Board” (referred to in this section as the
6 “Advisory Board”).

7 (2) RESOURCES.—The Secretary of Commerce
8 shall make available to the Advisory Board such per-
9 sonnel, funds, and other resources as may be appro-
10 priate to enable the Advisory Board to carry out the
11 activities described in subsection (d).

12 (b) MEMBERSHIP.—

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

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

22 (c) TERM; VACANCIES.—

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

1 (2) VACANCIES.—A vacancy on the Advisory
2 Board—

3 (A) shall not affect the powers of the Advi-
4 sory Board; and

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

7 (d) DUTIES.—

8 (1) STUDIES.—Not less frequently than bian-
9 nually, the Advisory Board shall conduct a study of
10 all matters relating to—

11 (A) cultural tourism;

12 (B) heritage tourism;

13 (C) the creative economy (including cre-
14 ative industries and occupations); and

15 (D) international cultural trade and activ-
16 ity.

17 (2) RECOMMENDATIONS.—The Advisory Board
18 shall develop recommendations regarding the mat-
19 ters described in paragraph (1).

20 (3) REPORT.—Not later than 1 year after the
21 date of enactment of this Act, and not less fre-
22 quently than once every 2 years thereafter, the Advi-
23 sory Board shall submit to the Secretary of Com-
24 merce a report that contains—

1 (A) a detailed statement of the findings
2 and conclusions of the Advisory Board under
3 the most recent study under paragraph (1); and

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

7 (e) POWERS.—

8 (1) HEARINGS.—The Advisory Board may hold
9 such hearings, meet and act at such times and
10 places, take such testimony, and receive such evi-
11 dence as the Advisory Board considers to be advis-
12 able to carry out this section.

13 (2) INFORMATION FROM FEDERAL AGENCIES.—

14 (A) IN GENERAL.—The Advisory Board
15 may secure directly from a Federal agency such
16 information as the Advisory Board considers to
17 be necessary to carry out this section.

18 (B) PROVISION OF INFORMATION.—On re-
19 quest of the Advisory Board, the head of a Fed-
20 eral agency shall provide the requested informa-
21 tion to the Advisory Board.

22 (3) POSTAL SERVICES.—The Advisory Board
23 may use the United States mails in the same man-
24 ner and under the same conditions as other agencies
25 of the Federal Government.

1 (4) GIFTS.—The Advisory Board may accept,
2 use, and dispose of gifts or donations of services or
3 property.

4 (f) PERSONNEL MATTERS.—

5 (1) NO COMPENSATION OF MEMBERS.—Except
6 as provided in paragraph (2), a member of the Advi-
7 sory Board shall serve without compensation.

8 (2) TRAVEL EXPENSES.—A member of the Ad-
9 visory Board shall be allowed travel expenses, includ-
10 ing per diem in lieu of subsistence, at rates author-
11 ized for an employee of an agency under subchapter
12 I of chapter 57 of title 5, United States Code, while
13 away from the home or regular place of business of
14 the member in the performance of the duties of the
15 Advisory Board.

16 **SEC. 503. TRAVEL AND TOURISM ADVISORY BOARD.**

17 Notwithstanding any other provision of law (includ-
18 ing regulations), the Secretary of Commerce shall appoint
19 to serve as a permanent member of the United States
20 Travel and Tourism Advisory Board established pursuant
21 to section 3 of the Act of February 14, 1903 (15 U.S.C.
22 1512; 32 Stat. 826, chapter 552; 95 Stat. 154), and the
23 Federal Advisory Committee Act (5 U.S.C. App.) a rep-
24 resentative of creative industries and occupations.

1 **SEC. 504. FEDERAL COUNCIL ON THE ARTS AND THE HU-**
2 **MANITIES.**

3 Section 9 of the National Foundation on the Arts and
4 the Humanities Act of 1965 (20 U.S.C. 958) is amend-
5 ed—

6 (1) in subsection (b)—

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

11 (B) by striking “The President shall des-
12 ignate the presiding officer of the Council from
13 among the members.” and inserting “The co-
14 Chairs of the Council shall be the Chairperson
15 of the National Endowment for the Arts and
16 the Chairperson of the National Endowment for
17 the Humanities.”;

18 (2) in subsection (c)—

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

21 (B) in paragraph (7), by striking the pe-
22 riod at the end and inserting a semicolon; and

23 (C) by adding at the end the following:

24 “(8) coordinate the creative industry or occupa-
25 tion programs of the Federal agencies;

1 “(9) establish goals and priorities for the cre-
2 ative industries or occupations and their develop-
3 ment that will strengthen the creative economy of
4 the United States;

5 “(10) work with industry organizations, Federal
6 agencies, and industry nonprofit organizations to
7 identify and reduce regulatory, logistical, and fiscal
8 barriers within the Federal Government and State
9 governments that inhibit creative industry and occu-
10 pation growth; and

11 “(11) identify technological, market, or business
12 challenges that may best be addressed by public-pri-
13 vate partnerships, and are likely to attract both par-
14 ticipation and primary funding from industry, and
15 encourage the formation of those public-private part-
16 nerships.”.

17 **SEC. 505. ART IN ARCHITECTURE PROGRAM FUNDING.**

18 Notwithstanding any other provision of law (includ-
19 ing regulations), of the amounts made available for each
20 fiscal year to the General Services Administration for con-
21 struction, the Administrator of General Services shall use
22 not less than 1 percent to carry out the Art in Architec-
23 ture program of the General Services Administration
24 under part 102–77 of title 41, Code of Federal Regula-
25 tions (or successor regulations).

1 **SEC. 506. OFFICE OF READINESS, RECOVERY, AND RESIL-**
2 **IENCE.**

3 (a) OFFICE ESTABLISHED.—There shall be estab-
4 lished within the National Endowment for the Arts an Of-
5 fice of Readiness, Recovery, and Resilience (referred to in
6 this section as the “Office”).

7 (b) PURPOSES.—The purposes of the Office are—

8 (1) to build upon the work of the National En-
9 dowment for the Arts, as of the date of enactment
10 of this Act, in support of the disaster and emergency
11 management-related needs of artists and arts orga-
12 nizations in the recovery phase;

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

16 (3) to focus on and meet the range of prepared-
17 ness, response, and recovery needs of artists and
18 arts organizations; and

19 (4) to support the role artists and arts organi-
20 zations can play in community mitigation and recov-
21 ery through the arts.

22 (c) AUTHORIZATION OF APPROPRIATIONS.—There
23 are authorized to be appropriated such sums as are nec-
24 essary to carry out this section.