

.....  
(Original Signature of Member)

118TH CONGRESS  
2D SESSION

**H. R.** \_\_\_\_\_

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 HOUSE OF REPRESENTATIVES**

Ms. BONAMICI introduced the following bill; which was referred to the Committee on \_\_\_\_\_

\_\_\_\_\_  
**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  
14 underserved communities, including popu-  
15 lations whose opportunities to experience  
16 the arts have been limited relative to geog-  
17 raphy, economics, race or ethnicity, or dis-  
18 ability;

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

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

23 “(G) that, during the 3-year period pre-  
24 ceding the date of application, has not been  
25 issued an administrative merits determination,

1           arbitral award or decision, or civil judgment, as  
2           defined in regulations issued by the Secretary  
3           of Labor, for any violation of—

4                   “(i) the Fair Labor Standards Act of  
5                   1938 (29 U.S.C. 201 et seq.);

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

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

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

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

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

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

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

24                  “(ix) title VII of the Civil Rights Act  
25                  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 grant program.”.

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.