

118TH CONGRESS
2D SESSION

H. R. 7894

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

APRIL 9, 2024

Ms. BONAMICI introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Financial Services, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Supporting Theater
3 and the Arts to Galvanize the Economy Act” or the
4 “STAGE Act”.

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

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

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

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

15 “(1) supporting employment and economic re-
16 covery;

17 “(2) stimulating economic development;

18 “(3) strengthening community-based arts orga-
19 nizations; and

20 “(4) improving theater facilities.

21 “(b) ELIGIBLE ENTITIES.—

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

1 “(A) that produces or presents live theater
2 and other performing arts;

3 “(B) that compensates all professional per-
4 formers and related or supporting professional
5 personnel at a rate that is not less than the
6 prevailing minimum compensation for persons
7 employed in similar activities as described in
8 section 5(m) of the National Foundation on the
9 Arts and the Humanities Act of 1965 (20
10 U.S.C. 954(m));

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

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

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

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

24 “(F) the primary purpose of which is the
25 nonprofit arts industry; and

1 “(G) that, during the 3-year period pre-
2 ceding the date of application, has not been
3 issued an administrative merits determination,
4 arbitral award or decision, or civil judgment, as
5 defined in regulations issued by the Secretary
6 of Labor, for any violation of—

7 “(i) the Fair Labor Standards Act of
8 1938 (29 U.S.C. 201 et seq.);

9 “(ii) the Occupational Safety and
10 Health Act of 1970 (29 U.S.C. 651 et
11 seq.);

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

15 “(iv) chapter 67 of title 41, United
16 States Code (commonly known as the
17 ‘Service Contract Act’);

18 “(v) Executive Order 11246 (42
19 U.S.C. 2000e note; relating to equal em-
20 ployment opportunity);

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

23 “(vii) section 4212 of title 38, United
24 States Code;

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

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

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

8 “(xi) the Age Discrimination in Em-
9 ployment Act of 1967 (29 U.S.C. 621 et
10 seq.);

11 “(xii) Executive Order 13658 (79
12 Fed. Reg. 9851; relating to establishing a
13 minimum wage for contractors);

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

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

18 “(xv) any applicable State or local
19 labor or employment law, as defined in
20 regulations issued by the Secretary of
21 Labor.

22 “(2) DEFINITION OF 3-YEAR HISTORY OF PRO-
23 GRAMMING.—

24 “(A) IN GENERAL.—In this subsection, the
25 term ‘3-year history of programming’ means a

1 period of 3 or more years, consecutively or non-
2 consecutively, beginning before August 1, 2020,
3 during which the nonprofit organization pro-
4 vided programming.

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

12 “(c) APPLICATIONS.—

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

18 “(2) ASSISTANCE.—In the case of an eligible
19 entity with low organizational capacity, as deter-
20 mined by the Secretary, the Secretary may waive the
21 prohibition under section 213.

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

1 “(A) the eligible entity will not abrogate
2 existing collective bargaining agreements of em-
3 ployees of the eligible entity;

4 “(B) the eligible entity will remain neutral
5 regarding any labor organizing efforts by the
6 employees of the eligible entity;

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

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

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

1 “(d) ELIGIBLE USES.—A grant provided under the
2 program may be used for any of the following, subject to
3 the condition that the use will contribute to the long-term
4 economic viability of the eligible entity and the employ-
5 ment of professional performers and related or supporting
6 professional personnel:

7 “(1) Payroll costs for professional performers
8 and related or supporting professional personnel.

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

14 “(3) Expenses associated with the fabrication of
15 scenery, costumes, and other elements for live theat-
16 rical productions.

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

1 “(5) Marketing expenses to promote produc-
2 tions, projects, performances, workshops, programs,
3 or recruitment of staff and artists.

4 “(6) Investments in workforce development pro-
5 grams, including paid job training and retraining
6 programs related to the operation of professional
7 nonprofit theaters.

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

15 “(8) Other uses, as determined by the Sec-
16 retary.

17 “(e) LIMITATIONS.—

18 “(1) IN GENERAL.—A grant provided under the
19 program shall not exceed an amount equal to the
20 lesser of—

21 “(A) 20 percent of the total expenditures
22 of the eligible entity during the most recent fis-
23 cal year; and

24 “(B) \$16,000,000.

1 “(2) NO REDUCTION OF PROFESSIONAL PER-
2 FORMERS.—An eligible entity may not use trainees,
3 interns, or other similar positions to displace, sub-
4 stitute for, supplant, or otherwise replace profes-
5 sional performers and related or supporting profes-
6 sional personnel.

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

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

12 “(2) an application from an eligible entity that
13 serves as the primary theatrical venue for a geo-
14 graphical region.

15 “(g) TECHNICAL ASSISTANCE.—

16 “(1) IN GENERAL.—The Secretary may use not
17 more than 1 percent of funds made available to
18 carry out the program to provide technical assist-
19 ance to eligible entities requiring assistance navi-
20 gating the Federal grants process.

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

25 “(h) AUTHORIZATION OF APPROPRIATIONS.—

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

5 “(2) RESERVATIONS.—Of the amounts made
6 available under paragraph (1) for each fiscal year,
7 not less than 50 percent shall be reserved for eligible
8 entities that primarily produce theater.”.

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

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

15 **SEC. 3. STUDY ON SUSTAINING THE NONPROFIT ARTS SEC-**
16 **TOR.**

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

1 (b) CONTENTS.—In conducting the study under sub-
2 section (a), the President’s Committee on the Arts and
3 the Humanities shall consider, and include recommenda-
4 tions regarding, the steps the Federal Government can
5 take to sustain the nonprofit arts sector and bolster the
6 economic impact of that sector for workers, small busi-
7 nesses, and communities, including rural and underserved
8 communities.

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

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

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

22 (2) make the report publicly available.

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

○