

NATIONAL ENDOWMENT FOR THE ARTS (NEA)

PROMOTING CREATIVITY AND PUBLIC ACCESS TO THE ARTS

ACTION NEEDED

We urge Congress:

- **To support a budget of \$155 million for the National Endowment for the Arts (NEA) in the FY 2016 Interior Appropriations bill to preserve citizen access to the cultural, educational, and economic benefits of the arts and to advance creativity and innovation in communities across the United States.**

NEA Annual Appropriations, FY 1992 to present (in millions of dollars)

FY	'92	'93	'94	'95	'96/ '97	'98/ '99	'00	'01	'02	'03	'04	'05	'06/ '07	'08	'09	'10	'11	'12/'13**/ '14/'15
\$	176	174.5	170.2	162.3	99.5	98	97.6	104.8	115.2	115.7	121	121.3	124.4	144.7	155	167.5	155	146

** In FY 2013, this total was reduced to \$138.4 million through sequestration under the Balanced Budget and Emergency Deficit Control Act as amended by PL 112-240. Source: NEA

THE NEA'S FEDERAL LEADERSHIP ROLE IS SIGNIFICANT

As the Endowment reaches its 50th anniversary, direct grants are anticipated to:

- Reach more than 38 million people attending live arts events through NEA-supported programs (exclusive of television and radio broadcast audiences), including nearly 7 million children.
- Impact almost 16,000 communities engaged in NEA-supported projects, many benefiting from touring and outreach initiatives.

TALKING POINTS

NEA grants to arts organizations contribute to economic growth and development of communities nationwide.

- **The arts help communities prosper in a diversified 21st-century economy.** Nonprofit arts organizations, along with creative enterprises, contribute to state and local economies, generating employment and tax revenues and providing goods and services demanded by the public. The nonprofit arts industry generates \$135.2 billion annually in economic activity, supports 4.13 million full-time equivalent jobs in the arts and related industries, and returns \$9.59 billion in federal taxes. (Source: Americans for the Arts, AEP IV study)
- **The arts put people to work.** More than 905,000 U.S. businesses are involved in the creation or distribution of the arts, employing 3.35 million people: visual artists, performing artists, managers, marketers, technicians, teachers, designers, carpenters, and a variety of other trades and professions—jobs that pay mortgages and send children to college. Artists are a larger workforce group than the legal profession, medical doctors, or agricultural workers. (Sources: Americans for the Arts, Creative Industries, 2012; NEA, Artists in the Workforce, 2008)
- **The arts are a business magnet.** A strong arts sector stimulates business activity, attracting companies that want to offer employees and clients a creative climate and a community with high amenity value. The arts are a proven strategy for successfully revitalizing rural areas and inner cities and help local merchants thrive through the purchase of goods and services.
- **The arts are a significant part of Gross Domestic Product.** In 2012, the American creative sector was measured by the federal Bureau of Economic Analysis (BEA). The BEA and the NEA developed an "Arts and Cultural Production Satellite Account" which calculated the arts and culture sector's contributions to the gross domestic product (GDP) at 4.32 percent—or \$698 billion—of current-dollar GDP in 2012. By comparison, this is more than construction (\$586.7 billion) or transportation and warehousing (\$464.1 billion). (Source: BEA, 2014)
- **The arts attract tourism revenue.** Cultural tourism accounts for 78 percent of U.S. travelers—some 118 million tourists—who include arts and heritage in their trips each year. They stay longer and spend 36 percent more money than other kinds of travelers do, contributing more than \$192 billion annually to the U.S. economy. (Source: U.S. Department of Commerce, Cultural and Heritage Traveler Research, 2009)

TALKING POINTS (CONTINUED)

The NEA improves access to the arts; supports artistic excellence; and fosters lifelong learning in the arts through grants, partnerships, research, and national initiatives.

- **NEA funds spread across the country and expand arts access.** Every U.S. congressional district benefits from an NEA grant, leveraging additional support from a diverse range of private sources to combine funding from government, business, foundation, and individual donors. The NEA awarded nearly 2,300 grants in 2014, totaling \$108 million in appropriated funds. These grants are listed at www.AmericansForTheArts.org/aad-research.
- **The NEA has an exemplary partnership with states.** Forty percent of all NEA program funds—approximately \$46 million in FY 2014—are distributed through state arts agencies. In combination with approximately \$307 million in state appropriations, the federal-state partnership supports more than 23,000 grants in 5,000 communities across the United States. Voters in every congressional district are stakeholders in sustaining this successful partnership. (Source: NASAA, State Arts Agency Grant Making and Funding 2014)
- **Rural and underserved communities benefit** from the Challenge America Fast-Track category which offers support to small and mid-size organizations for projects that extend the reach of the arts to populations whose opportunities to experience the arts are limited by geography, ethnicity, economics, or disability.
- **Federal funding for the arts leverages private funding.** The NEA requires at least a one-to-one match of federal funds from all grant recipients—a match far exceeded by most grantees. On average, each NEA grant leverages at least \$9 from other state, local, and private sources, generating roughly \$600 million in matching support. Private support cannot match the leveraging role of government cultural funding.
- **NEA grants support a range of educational projects.** Arts education in school and participation in arts lessons are the most significant predictors of arts participation later in life. The NEA funds school- and community-based programs that help children and youth acquire knowledge and skills in the arts. The NEA also supports educational programs for adults, collaborations between state arts agencies and state education agencies, and partnerships between arts institutions and K–12 and college/university educators. (Source: NEA, *Arts Education in America: What the Declines Mean for Arts Participation*, 2011)
- **The NEA has supported military families** by partnering with Blue Star Families to present Blue Star Museums, offering free admission to active-duty military and their families, and a similar effort to launch Blue Star Theatres. Other NEA programs for the military have included Operation Homecoming, Great American Voices Military Base Tour, and Shakespeare in American Communities Military Base Tour.
- **When public arts funding is lost, private dollars do not reliably pick up the slack.** Tough economic conditions mean less revenue from public, private, and corporate sources. Loss of support to arts organizations across the country during the recent recession has meant cuts in administrative costs and cuts to programs. Programs for lower-income populations and at-risk children are typically hit hard because a larger majority of their funding comes from public sources.

BACKGROUND

America's arts infrastructure, supported by a combination of government, business, foundation, and individual donors, is critical to the nation's well-being and economic vitality. In a striking example of federal/state partnership, the NEA distributes 40 percent of its program dollars to state arts agencies, with each state devoting its own appropriated funds to support arts programs throughout the state. This partnership ensures that each state has a stable source of arts funding and policy. These grants, combined with state legislative appropriations and other dollars, are distributed widely to strengthen arts infrastructures and ensure broad access to the arts.

For 50 years, the NEA has provided strategic leadership and investment in the arts through its core programs, including those for dance, design, folk and traditional arts, literature, local arts agencies, media arts, multidisciplinary arts, music, theater, visual arts, and other programs. Among the proudest accomplishments of the NEA is the growth of arts activity in areas of the nation that were previously underserved or not served at all, especially in rural and inner-city communities. Americans can now see professional productions and exhibitions of high quality in their own hometowns.

The NEA's appropriation has been held at \$146 million for the past four years. Current funding amounts to just 45 cents per capita, as compared to 70 cents per capita in 1992. The administration has requested a budget of \$147.9 for FY 2016, and both President Obama and the Senate Appropriations Committee have previously supported \$155 million for the NEA. The nonprofit arts community requests that the NEA be funded at \$155 million, which would provide support to the nonprofit arts sector in communities nationwide.

Legislative Recap of FY 2015 NEA & NEH Appropriations

As of February 2, 2015

Summary of FY 2014, FY 2015 and FY 2016 Appropriations for NEA and NEH (in millions of dollars)

	President FY 2014 Request	FY 2014 House Approps Cmte	FY 2014 Senate Approps Cmte Draft	FY 2014 Final	President FY 2015 Request	FY 2015 House Approps Subcmte	FY 2015 House Approps Full Cmte	FY 2015 Senate Approps Cmte Draft	FY 2015 Final	President FY 2016 Request
NEA	\$154.466	\$132	\$154.466	\$146.02	\$146.021	\$138	\$146.02	\$150	\$146.02	\$147.949
NEH	\$154.466	\$132	\$154.466	\$146.02	\$146.021	\$138	\$146.02	\$150	\$146.02	\$147.942

FY 2015 Appropriations Timeline

March 4, 2014—The **Obama Administration proposes level funding** for the agencies, which is *less than* the President’s proposals from the previous two years *and* less than the previous funding proposals in the U.S. Senate. NEA’s “Our Town” program is reduced by more than half—to \$4.75 million from the previous year’s request of \$10 million.

April 10, 2014—The House Interior Appropriations Subcommittee holds a **Public and Outside Witness hearing** on the FY 2015 budget request. Pamela Hogan, Executive Director of Kids Rock Free School of Music at the Fender® Center for the Performing Arts in Corona, CA, testifies on behalf of Americans for the Arts. She is joined by others including representatives from National Humanities Alliance, Federation of State Humanities Councils, and American Alliance of Museums supporting funding for the NEA and NEH.

July 9, 2014—The **House Interior Appropriations Subcommittee approves a funding cut**—to \$138 million for each agency. Although not the 49 percent cuts seen a year ago, the funding decrease is touted in the committee press release.

July 15, 2014—The **House Appropriations Committee restores the \$8 million in funding** to the agencies cut in the previous week via an amendment by Ranking Member Nita Lowey (D-NY) included within the Chairman Calvert’s manager’s amendment. No further House action occurs.

August 1, 2014—The **Senate Interior Appropriations Subcommittee** releases its FY 2015 draft bill, which includes **\$150 million each for the NEA and NEH**. No further action on the Senate bill occurs.

September 19, 2014—The President enacts a continuing resolution. Having failed to pass any appropriations bills, Congress passes a continuing resolution extending federal funding until December 11 and avoiding a partial government shutdown.

December 11-13, 2014—Congress passes two additional short-term continuing resolutions to provide a few extra days for final passage of the “CRomnibus” appropriations.

December 16, 2014—The President signs the **Consolidated and Further Continuing Appropriations Act of 2015** into law. It continues level funding for the NEA and NEH through September 30, 2015.

February 2, 2015—The Obama Administration releases its FY 2016 budget request with an increase in funding for the agencies by almost \$2 million.

**FUNDING THE ARTS IN EDUCATION PROGRAM AT
THE U.S. DEPARTMENT OF EDUCATION**
IMPROVING ACCESS TO ARTS EDUCATION FOR ALL STUDENTS

ACTION NEEDED

We urge Congress to:

- **Appropriate \$30 million for the Arts In Education (AIE) programs in the FY 2016 Labor-HHS-Education appropriations bill. The Arts In Education program is authorized under the Elementary and Secondary Education Act.**
- **Retain the Arts In Education program as a distinct grant competition in FY 2016 appropriations.**

Arts in Education Annual Funding, FY 2002 to present (in millions of dollars)

Fiscal Year	'02	'03	'04	'05	'06	'07	'08	'09	'10	'11	'12	'13	'14	'15
Funding	30.0	33.8	35.1	35.6	35.3	35.3	37.3	38.1	40	27.5*	25	25*	25	25

*FY 2011 funds administered were slightly higher than the \$25.5 million recommended under a continuing resolution.

**FY 2013 funds were reduced to \$23.6 mil. through sequestration under the Balanced Budget and Emergency Deficit Control Act as amended by PL 112-240.

TALKING POINTS

- **Restored funding would support the Arts In Education program at the U.S. Department of Education and emerging education models that improve arts learning in high-poverty schools.** The program includes:
 - **Model Development and Dissemination (AEMDD) grants** strengthen student learning through standards-based arts education and integration of arts instruction into other subject areas. The program has funded a total of 184 projects, including rigorous evaluation of arts education strategies that can impact schools and communities nationwide. *Promise and Progress*, the U.S. Department of Education’s 10-year review of the program, found that grantees produce valuable research-based models for improving student achievement.
 - **Professional Development for Arts Educators (PDAE) grants** identify innovative models to improve instruction for arts specialists and classroom teachers. The PDAE grants program has supported a total of 82 projects that serve as national models for effective arts education professional development.
 - **Evaluation and National Dissemination** multiplies the impact of this federal investment. State and local education agencies can adapt these models to provide rigorous arts instruction for all students.
 - **A National Program Competition** supports national level, high-quality arts education projects and programs for children and youth, with special emphasis on serving students from low-income families and students with disabilities.
- **A reduction below the current level of Arts In Education funding would result in under-funding multi-year projects that are midstream.** Arts In Education funds provide unique federal support, leveraging the capacity of the arts to sustain and enhance creativity and innovation in learning. Grant awards support projects over the course of up to four years. Cuts to funding would place these projects in extreme jeopardy.
- **U.S. Department of Education direct grants through the Arts In Education program are a critical form of federal leadership—strengthening the arts as a core academic subject of learning.** This federal commitment to improving equitable access to arts education should not be compromised by consolidation in an appropriations bill. Any major restructuring of the Arts In Education programs should be carefully considered in the context of Elementary and Secondary Education Act (ESEA) reauthorization.
- **Arts In Education programs create model initiatives and partnerships that are significantly impacting large numbers of students and educators. Arts in Education grants have served more than 230 congressional districts in 33 states, including these examples.**
 - Dance Art, in partnership with Chicago Public Schools and Northwestern University, completed the four-year \$1.1 million FY 2010 grant project, Cultural Arts of the Americas Transforming Education (CAATE). Based on the southwest side of the city in five schools, the project was designed to strengthen standards-based arts education in dance, music, drama, and the visual arts through professional development that included 45 teachers working in collaboration with 10 teaching artists. The partnership increased teachers’ professional skills in integrating the arts into the core curricula and students’ academic performance in reading, mathematics, and the social sciences through authentic and inquiry-based arts curricula.

TALKING POINTS (CONTINUED)

- The Tennessee Arts Commission's FY 2010 Model Dissemination Grant of \$1 million brought together teachers as learners, collaborators, facilitators, and reflectors in order to improve instruction and impact student achievement by making arts-based and arts integrated learning a critical component of every child's educational experience in four Knoxville Pre-K–5 elementary schools. The Arts360° initiative included year-round professional development and mentoring structured around inquiry-based reflection strategies that deepened and improved collaboration among 62 generalist teachers, arts specialists, and teaching artists working with more than 1,000 students.
- The Saint Paul (Minnesota) Public Schools' district-wide initiative, DigitalWorks: Engaging the Common Core through Media Arts, is designed to advance understanding of effective ways to integrate media arts into core academic curricula in alignment with Common Core standards. Through DigitalWorks, the district is implementing a four-year, FY 2013 Model Dissemination Grant to create and deliver a cohesive series of a research- and standards-based curriculum units, formative and summative assessment tools, and corresponding professional development modules that integrate media arts into existing Math and Writing/English Language Arts (ELA) curricula in grades three through eight.
- The Arts Impact Dissemination and Expansion (AIDE) project's FY 2010, four-year \$1.1 million grant increased and strengthened arts education in 20 schools across the state of Washington. The AIDE project raised student achievement in math and reading; expanded and replicated the state's Arts Impact model in three regions of the state; strengthened K–5 standards-based arts education; improved student academic performance associated with the arts, including the achievement of rural students and those in groups traditionally identified as low performing; and developed evaluation tools and project results for further replication statewide and nationally.
- The most recent Arts in Education National Program Competition awarded a three-year grant to the John F. Kennedy Center for the Performing Arts to provide arts education programs and resources focusing on pre-K–12. The programs and resources are in three areas: Teaching, Learning, and Partnerships; Performances for Young Audiences and Related Events; and Career Development for Artistically Talented Young People.
- **As reauthorization of the Elementary and Secondary Education Act (ESEA) is pending, immediate action by the U.S. Department of Education can improve arts learning opportunities.** The U.S. Department of Education and the Obama administration are urged to:
 - ***Provide leadership in support of arts education*** through policy action and public statements confirming the value of the arts and arts education, with particular emphasis on the benefits of arts learning for students from disadvantaged circumstances and those needing remedial instruction in other subjects.
 - ***Maximize the impact of the direct federal investment in arts education*** by immediately disseminating information about the outcomes of projects funded by the Arts In Education grant programs, which cultivate innovation and spur increased local support for equitable access to arts education.

BACKGROUND

The Arts In Education (AIE) program at the U.S. Department of Education has survived intense funding challenges, ultimately winning congressional support annually. For instance, during the prolonged budget negotiations of FY 2011, the Arts In Education program was at one point eliminated, along with many other smaller programs of the U.S. Department of Education, and was the *only* program of its kind to be reinstated in the final congressional budget. In FY 2015, the Senate Appropriations Committee recommended \$25 million to support continued program activities, which was ultimately approved in the final omnibus appropriations bill.

President Obama's FY 2016 budget requests \$25 million for the Arts In Education program. This is a strong indicator of renewed political support for this program and a significant improvement over prior Obama budget requests that proposed consolidating the AIE program into a broader funding pool entitled "Effective Teaching & Learning for a Well-Rounded Education."

At a public forum, U.S. Secretary of Education Arne Duncan has said, "The biggest complaint I've heard from students, themselves, from teachers, and from parents, was the narrowing of the curriculum in No Child Left Behind. So, yes, reading and math are hugely important, but science, social studies, foreign language, fine and performing arts, environmental literacy, financial literacy, PE—our children deserve a lot more than what they're getting today."

STRENGTHENING ARTS EDUCATION IN THE ELEMENTARY AND SECONDARY EDUCATION ACT

HELPING CHILDREN ACHIEVE IN SCHOOL, WORK, AND LIFE

ACTION NEEDED

We urge Congress, in the reauthorization of the *Elementary and Secondary Education Act (ESEA)* to:

- **Retain the definition of core academic subjects including the arts and strengthen equitable access to arts learning through the following actions:**
 - Require states to report annually on student access to, and participation in, all core academic subjects.
 - Retain the 21st Century Community Learning Centers program, which supports afterschool, out-of-school programs and expanded learning time in schools.
 - Strengthen arts education in provisions relating to early childhood education, Title I, student with disabilities, teaching effectiveness, school turnaround, charter schools, national data collection, and student assessment.
 - Improve the U.S. Department of Education’s national data collection regarding what students know and are able to do in the arts and the conditions for teaching and learning in arts education.
- **Maintain arts education grant support at the U.S. Department of Education:**
 - Administer a direct, nationally funded competitive program that ensures dedicated resources to support large-scale model arts education projects that improve teaching in the arts, are inclusive, and leverage the power of the arts to support comprehensive school reform.
- **Conduct dedicated hearings on how arts education develops skills in creativity and innovation.**

TALKING POINTS

- **The arts are designated as a “core academic subject” in federal law.** In this respect, the arts have equal billing with reading, math, science, and six other disciplines. This designation is an acknowledgement of the relevance of the arts in a complete education and their rightful place in the main instructional day. Federal education funding (such as Title I, teacher training, and school improvement grants) are targeted to core academic subjects, and as such, the arts are an eligible expenditure of these funds. While a complete education in the arts that is supplemented with afterschool offerings may benefit some students, those programs cannot replace the arts education the school is responsible for providing to all students. However, high-quality expanded learning time schools, which provide significantly more time for all students, are an effective way to ensure that all students have access to arts education as part of the core instructional day.
- **Implementation of the *No Child Left Behind Act (NCLB)* has led to the erosion of arts education in the schools.** In 2011, Common Core and the Farkas Duffett Research Group conducted a national survey of 1,001 3rd–12th grade public school teachers and found that schools are narrowing curriculum, shifting instructional time and resources away from subjects such as visual art, music, foreign language, and social studies toward math and language arts. Two-thirds (66 percent) say that other subjects “get crowded out by extra attention being paid to math or language arts.” The 2009–2010 U.S. Department of Education’s Fast Response Statistical Survey found that schools with a higher concentration of students in poverty were less likely to offer arts education. In the 2010 National Art Education Foundation-funded study, *NCLB: A Study of Its Impact on Art Education Programs*, 67 percent of the arts educators surveyed reported that art schedules had been impacted by NCLB. The Secretary of Education has repeatedly identified the narrowing of the curriculum as the top concern expressed to him by parents nationwide.
- **Learning in the arts can and should be included in the multiple measures of student progress.** Rigorous and varied assessments in all subject areas—including the arts—can produce high-quality learning and provide incentive for students to stay in school. The new 2014 National Core Arts Standards, a re-imagining of the 1994 arts standards, serve as a foundation for creating reliable measures of what children know and know how to do in dance, media arts, music, theater, and visual arts. Replicable assessments in grades 2, 5, 8 and three levels of high school are embedded within the core arts standards framework. The 1994 standards provided the basis for the National Arts Education Assessment Framework, which was adopted by the U.S. Department of Education’s National Assessment Governing Board and demonstrated that schools can and should measure student progress in creating, performing, and responding to works of art. The 2014 Core Arts Standards include “Connecting” as a fourth measure of student progress. The arts have clearly demonstrated that they are a model of the performance and portfolio-based measurements envied by other core academic subjects.

TALKING POINTS (CONTINUED)

- **Arts educators should be evaluated upon how well their students learn and perform in their respective subject areas.** New evaluation systems are being used to evaluate arts teachers based on standardized test scores in reading and math. The U.S. Department of Education should support a system in which individual arts teachers are evaluated and accountable based on their performance in their own subject areas using a range of criteria, including observations, peer reviews, parental or student input, and analysis of agreed-on student learning evidence. New evaluation systems employing valid and reliable measures should be developed and applied in the context of the number of students taught and the instructional time available, and all observation-based teacher evaluations should be conducted by individuals with adequate training and expertise in the arts.
- **Collecting and publicly reporting the status and condition of arts education and other core academic subjects on an annual basis at the state level is critical to ensuring equitable access to a comprehensive education for all students.** States including Arizona, California, Wyoming, New Jersey, Ohio, Washington, and others have produced significant reports on the status and condition of arts education, often included in their developing state longitudinal data systems. Sample data points should include the number and range of course offerings, student enrollment in each of the core subjects, pupil/teacher ratios, amount of instructional time, budget allocation, subject teacher certification, full-time equivalent teacher employment, and other measures chosen by the state and significant in the subject area.
- **Flexibility should not absolve charter schools from presenting a full, balanced education for every child.** According to the National Center for Education Statistics, “From 1999–2000 to 2009–2010, the number of students enrolled in public charter schools more than quadrupled from 0.3 million to 1.6 million students.” With the prevalence of charter schools increasing, federal leadership is needed to ensure that all students attending charter schools be provided with a full and balanced education in all core academic subjects.
- **The Department of Education’s data collection efforts must be strengthened by systemically including pre-K–12 arts education in the National Assessment for Educational Progress (NAEP).** NAEP, known as “the nation’s report card,” needs to include comprehensive measurements in dance, music, theater, and visual arts that assess the condition of arts education, practices that improve academic achievement, and the effectiveness of federal and other programs. The Department should also be encouraged to provide more timely updates on access to arts education using such tools as the Fast Response Statistical Survey (FRSS). The latest FRSS in the arts was released in 2012—the first time in a decade since such data was collected.

BACKGROUND

The *No Child Left Behind Act of 2001*, the update of the 1965 *Elementary & Secondary Education Act*, expired in September 2007. An automatic one-year extension occurs annually, as the Senate and House reauthorization proposals make their way through Congress. In the meantime, 42 states and the District of Columbia are operating under waivers issued by the U.S. Department of Education, allowing heightened flexibility in administering education policy.

As of this publishing, H.R. 5, the “Student Success Act” in the House and draft Senate committee legislation were under consideration.

Attached to this issue brief is a paper titled *Arts Education: Creating Student Success in School, Work, and Life*, which is a statement supported by national arts education and education organizations. This unified statement and the specific legislative recommendation one-pager that follows serve as a tool for communicating the benefits of arts education to policymakers at all levels as federal lawmakers begin the process of reauthorizing the Elementary and Secondary Education Act.

Strengthen Arts Education in the Elementary and Secondary Education Act

Legislative Recommendations

Retain the Arts in the Definition of Core Academic Subjects of Learning

The federal government requires that a complete education for every child include rigorous instruction in all “core academic subjects”— a designation given to the arts in the No Child Left Behind Act.

Retain the arts in the definition of core academic subjects.

No Child Left Behind Act of 2002, Title IX General Provisions, Part A Definitions, Sec. 9101 Definitions (11)
CORE ACADEMIC SUBJECTS – The term ‘core academic subjects’ means English, reading or language arts, mathematics, science, foreign languages, civic and government, economics, arts, history, and geography.

Require Annual State Reports on Student Access to Core Academic Subjects

Collecting and reporting the status and condition of arts education and other core academic subjects at the state level is critical to ensuring equitable access to a comprehensive education for all students.

Amend Title I., Part A , Subpart 1 Basic Program Requirements, Sec. 1111(h) State Plans to require states to collect and report annually comprehensive information about the status and condition of all core academic subjects for which challenging academic standards apply. Such information should include number and range of course offerings, student enrollment in each of the core subjects, pupil/teacher ratios, amount of instructional time, budget allocation, subject teacher certification, full time equivalent teacher employment, amount of professional development in each of the core subjects, and other such measures chosen by the state to be significant in the subject area.

Improve National Data Collection and Research in Arts Education

The U.S. Department of Education’s research efforts must be strengthened by systematically including the arts in studies conducted on the condition of education, practices that improve academic achievement, and the effectiveness of Federal and other education programs.

Amend the Education Sciences Reform Act of 2002, Public Law 107-279, Title III, Section 303 to require a National Assessment of Educational Progress in the Arts once every five years, in grades 4, 8, and 12.

Amend the Education Sciences Reform Act of 2002, to require the National Center for Education Statistics to collect and disseminate full and complete statistics on the condition and progress of education at the preschool, elementary, secondary, postsecondary, and adult levels in the United States in all core academic subject areas.

Reauthorize the Arts in Education Programs of the U.S. Department of Education

The Arts in Education programs of the U.S. Department of Education identify and support successful models of arts instruction, integration, and professional development, and support the leadership initiatives of VSAarts and the John F. Kennedy Center for the Performing Arts.

Reauthorize Title V, Part D, Subpart 15 Arts in Education, Sec. 551 Assistance for Arts Education, including findings recognizing the benefits of arts education and improving the dissemination of timely information about the impact and best practices resulting from projects funded through the Arts in Education programs.

ARTS EDUCATION

Creating Student Success In School, Work, and Life

February 2015

A child's education is not complete unless it includes the arts. In fact, the current iteration of the federal *Elementary and Secondary Education Act of 1965* (ESEA) (also known as the *No Child Left Behind Act of 2001*) lists the arts among the core academic subjects, requiring schools to enable all students to achieve in the arts and to reap the full benefits of a comprehensive arts education.

In spite of this federal direction, equitable access to arts education in our schools is eroding. A 2011 national survey by Common Core and the Farkas Duffett Research Group of 1,001 3rd to 12th grade public school teachers found that, "according to most teachers, schools are narrowing the curriculum, shifting instructional time and resources toward math and language arts and away from subjects such as [visual] art, music, foreign language, and social studies. Two-thirds (66 percent) say that other subjects 'get crowded out by extra attention being paid to math or language arts.'"¹

This is happening at a time when parents, employers, and civic leaders are demanding improvements to learning environments to make our schools places where all students will have access to a complete education that will prepare them to be college and career-ready. Our nation needs schools to prepare students to meet the demands of the 21st Century both for the students' sake and for the sake of our economy and our society. These demands cannot be met without comprehensive arts education in our nation's schools.

✧ **The Arts Prepare Students for School, Work, and Life**

As this country works to strengthen our foothold in the 21st Century global economy, the arts equip students with a creative, competitive edge. The arts provide the skills and knowledge students need to develop the creativity and determination necessary for success. Indeed, the Partnership for 21st Century Skills argues that "the arts are among society's most compelling and effective paths for developing 21st Century Skills in our students."² A comprehensive arts education – fully implemented as a core subject of learning – fosters the creativity and innovation needed for a more competitive workforce. Secretary of Education Duncan has said, "To succeed today and in the future, America's children will need to be inventive, resourceful, and imaginative. The best way to foster that creativity is through arts education."³

✧ **The Arts Strengthen the Learning Environment**

Where schools and communities are delivering high-quality learning opportunities in, through, and about the arts for children, extraordinary results occur. A study by the Arts Education Partnership, *Third Space: When Learning Matters*, finds that schools with large populations of students in economic poverty – too often places of frustration and failure for both students and teachers – can be transformed into vibrant hubs of learning when the arts are infused into their culture and curriculum.⁴ Additionally, studies have found that high school students from under-resourced environments who are highly involved in the arts have better grades, are less likely to drop out, and are more likely to go on to college.⁵

✧ **The Arts Can Attract and Retain Teachers Who Love to Teach**

Attracting and retaining our best teachers is a daunting challenge. It can be met, however, by ensuring schools embrace the arts. Having the arts in schools has been found to improve teacher morale, satisfaction, and attendance by fostering havens for creativity and innovation; places where students want to learn and teachers want to teach.⁶ As we aim to improve the teaching

¹ Common Core. (2012). *Learning Less: Public School Teachers Describe a Narrowing Curriculum*. (p.1)

² Partnership for 21st Century Skills. (2010). *The 21st Century Skills Map in the Arts*. (p. 2)

³ Duncan, A. (2011). Foreword in PCAH *Reinvesting in Arts Education: Winning America's Future Through Creative Schools*. (p. 1).

⁴ Stevenson, L. M. & Deasy, R. J. (2005). *Third Space: When Learning Matters*. Washington, DC: Arts Education Partnership. (pp. 10-11).

⁵ Catterall, J.S., Dumais, S.A., & Hampden-Thompson, G. (2012). *The Arts and Achievement in At-Risk Youth: Findings from Four Longitudinal Studies*. Washington, DC: National Endowment for the Arts.

⁶ Barry, N.H. (2010). *Oklahoma A+ Schools: What the research tells us 2002-2007. Volume 3, quantitative measures*.

environment, the arts can help us retain outstanding future and current educators in our nation's schools.

A comprehensive strategy for a complete education includes rigorous, sequential arts instruction in the classroom, as well as participation and learning in available community-based arts programs. Public schools have the responsibility for providing a complete education for all children, meeting the commitment put forth in federal law. The federal commitment to arts education must be strengthened so that the arts are implemented as a part of the core curriculum of our nation's schools and are an integral part of every child's development.

ACHIEVEMENT IN AND THROUGH THE ARTS

Position: The Arts Help Close the Achievement Gap.

Argument: The arts make a tremendous impact on the developmental growth of every child, leveling the "learning field" across socio-economic boundaries. The arts reach students not otherwise engaged, bridging the broad spectrum of learning styles. Low achieving students often become high achievers in arts learning settings. Their success in the arts classroom often transfers to achievement in other subject areas. Students who participate in the arts outperform those who do not on virtually every measure. Researchers have found that sustained learning in music and theatre correlate to greater success in math and reading, with students from lower socio-economic backgrounds reaping the greatest benefits.⁷ It is now accepted that the arts play a unique role in boosting learning and achievement for young children, students with disabilities, students from under-resourced environments, and students needing remedial instruction.⁸

Students in high-poverty schools benefit dramatically from arts education. The arts teach children the skills necessary to succeed in life, including learning to solve problems and make decisions; learning to think creatively; building self-esteem and self-discipline; articulating a vision; developing the ability to imagine what might be; and accepting responsibility to complete tasks from start to finish. The College Board's National Task Force on the Arts in Education recommends that, "greater access to arts education can serve as an effective tool in closing the achievement gap, increasing the number of underserved students that achieve at the highest level in education."⁹

Ask: Academic achievement for students from under-resourced environments should be strengthened by implementing successful arts education models in the schools. Urge high-poverty schools to use federal funds to ensure that a comprehensive arts education is available for all students and to implement the arts in schools to improve student achievement. Provide support for local, state, and national partnerships that promote standards and strategies in support of arts education.

EDUCATIONAL EQUITY IN AND THROUGH THE ARTS

Position: The Arts Are a Core Academic Subject and Must Reach All Children.

Argument: The federal government requires that a complete education for every child must include rigorous instruction in all core subjects – and the arts are named as a "core academic subject" in the No Child Left Behind Act. However, the 2009-10 U.S. Department of Education's Fast Response Statistical Survey found that schools with a higher concentration of students in poverty were less likely to offer arts education.¹⁰ The results of the study were alarming enough to prompt U.S. Secretary of Education Arne Duncan to declare the status of arts education "an equity issue and a civil rights issue," and to conclude that "a well-rounded education is simply too vital to our students' success to let the teaching of the arts and humanities erode."

⁷ Center on Education Policy. (2006). From the Capitol to the Classroom: Year 4 of the No Child Left Behind Act, March 2006. (p. xi).

⁸ Horowitz, R. & Webb-Dempsey, J. (2003). Promising signs of positive effects: Lessons from the multi-arts studies. In R. J. Deasy (Ed). *Critical Links: Learning in the Arts and Student Academic and Social Development*. Washington, DC: Arts Education Partnership. (p. 98-100). Mason, C.Y., Thormann, M.S., & Steedley, K. M. (2004). *How Students with Disabilities Learn in and through the Arts*. Washington, DC: VSAarts. (p. 19-25).

⁹ The College Board. (2009). *Arts at the Core: Recommendations for Advancing the State of Arts Education in the 21st Century*. (p.11).

¹⁰ Parsad, Basmat & Spiegelman, Maura. (2012). *Arts Education in Public Elementary and Secondary Schools: 1999-2000 and 2009-10*. (p.14 & 28)

U.S. Department of Education Arts in Education (AIE) programs identify and disseminate successful models of arts instruction, integration, and professional development, and have supported the leadership initiatives of the John F. Kennedy Center for the Performing Arts and its affiliates the National Symphony Orchestra, VSA, and the Washington National Opera. In addition, in-school and out-of-school learning partnerships with arts organizations, when teamed with rigorous instruction in the arts during the school day, provide students with opportunities to achieve artistic literacy. The U.S. Department of Education's ten-year review of Arts in Education funded programs finds that, "students in arts programming had better attendance, fewer disciplinary issues and improved on-task behavior relative to comparison students."¹¹

Ask: Congress must address the unintended consequences of NCLB, as the equitable presence of arts education has diminished in many states, whether or not they have elected to undertake the waiver process. Preserve and strengthen the arts as a federally-designated core academic subject and improve the implementation of arts education at the state and local levels, particularly reinforcing arts education as an eligible use of Title I funds. Congress should also continue to strengthen support for programs and partnerships that maximize the capacity of the arts to reach all students, including the Department's AIE program, the primary federal initiative for developing national models in arts education and professional development.

TEACHERS AND THE ARTS

Position: The Retention of Arts Teachers Is Crucial to Creating Powerful Learning Communities and Maximizing Student Achievement.

Argument: One-third of new teachers leave the profession within three years; half within five years.¹² Most affected are urban, rural, and minority communities with large populations of students in economic poverty¹³ and studies have found that the costs of teacher turnover can be significant both in terms of finances and student success.¹⁴ But schools have the ability to retain their best teachers by transforming schools – especially those drowning in frustration and failure for students and teachers alike – with the infusion of the arts into their curriculum. When schools embrace the arts, they can become vibrant and successful centers of learning and community life – places where students want to learn and teachers want to teach.¹⁵ For schools to develop this sense of community and collaboration through the arts, arts instruction for every child must be delivered by teachers with specific and expert arts and education knowledge.

Ask: To provide students with a complete education, the arts must be both comprehensively learned *and* rigorously taught as a core academic subject. In addition to providing students with essential skills to succeed in school, work, and life, a rigorous arts education offers a methodology for learning that generates creative teaching solutions from which all teachers can benefit. Student learning will benefit by ensuring arts education specialists are the providers of rigorous arts instruction, continuing support for professional development of new and experienced teachers, and increasing federal support for the transformation of struggling schools into successful learning communities through the arts.

IMPROVE NATIONAL MEASUREMENTS OF THE ARTS

Position: The U.S. Department of Education Must Include the Arts in All Research and Data Collection Regarding the "Core Academic Subjects."

Argument: Federal law and current U.S. Department of Education policy make it clear that decisions regarding education should be made on the basis of research. Furthermore, as this nation crafts major policies regarding

¹¹ U.S. Department of Education. Progress and Promise: Ten Years of the Arts Education Model Development and Dissemination Program. (p. 13)

¹² Ingersoll, R. M. (2003). Is There Really a Teacher Shortage. (pp. 13 & 22).

¹³ Ingersoll, R. M. (2002). Teacher shortage: A case of wrong diagnosis and wrong prescription. *NASSP Bulletin*. 86. (pp. 16-31).

¹⁴ Ronfeldt, M., Loeb, S., Wyckoff, J. (Forthcoming). How teacher turnover harms student achievement. *American Educational Research Journal*.

¹⁵ Stevenson, L. M. & Deasy, R. J. (2005). *Third Space: When Learning Matters*. Washington, DC: Arts Education Partnership. (pp. 10-11).

the future of public education, it is imperative that sound research is available on the status of learning and teaching in our schools. The U.S. Department of Education is the only entity in a position to collect essential national demographic information and to guide policy research of this kind.

Meaningful research is needed to determine the status of dance, media arts, music, theatre, and visual arts education. Statewide longitudinal data collection efforts should include all core academic subjects, including the arts – as stated in a recommendation by the Council of Chief State School Officers.¹⁶ In the past, influential data-gathering has taken place in a manner that excludes the collection of information on the arts. For example, the Department's January 1999 study on "Teacher Quality" specifically excluded arts teachers from the study sample, and the Department's Schools and Staffing Survey lacks adequate coverage of the arts.

Another data collection initiative, the Fast Response Survey System (FRSS) report, *Arts in Education in Public Elementary and Secondary Schools*, is the only Department of Education-produced research report on the status of how arts education is delivered in America's public schools. Long overdue, the 2012 FRSS report arrived a full decade after the previous incarnation went into the field in 1999. This data collection should be repeated with greater regularity and should gather comprehensive data in dance, media arts, music, theatre, and visual arts to provide a clearer picture of the status of arts education. The National Assessment of Educational Progress in the Arts (NAEP) – the national arts "report card" – provides critical information about the arts skills and knowledge of our nation's students. The 2008-2009 report included data on music and visual arts only and did not comprehensively cover dance and theatre. When last administered, the NAEP also did not include measures that assessed performance or learning creative processes. The FRSS and NAEP are essential to studying and improving access to the arts as a core academic subject.

Ask: The U.S. Department of Education's research efforts must be strengthened by systematically including the arts in studies conducted on the condition of education, practices that improve academic achievement, and the effectiveness of Federal and other education programs. To provide a complete picture of arts learning in the U.S., future National Assessments of Educational Progress in the Arts and Fast Response Survey System reports should be more comprehensive in scope and depth in all arts and be conducted more frequently. Longitudinal data collection systems should include the collection of data on student achievement in the arts as well as other core academic subjects. Finally, the arts should be fully covered in routine data collection instruments such as the Schools and Staffing Survey.

¹⁶ Council of Chief State School Officers/State Education Agency Directors of Arts Education, release, "Chiefs Embrace Call for Data Collection for All Courses," December 10, 2009.

ARTS EDUCATION

Creating Student Success In School, Work, and Life

National Signatories

Alliance for Community Media	Local Learning: The National Network for Folk Arts in Education
Alternate ROOTS	Music for All
American Alliance for Theatre and Education	Music Teachers National Association
American Alliance of Museums	NAMM International Music Products Association
American Architectural Foundation	National Alliance for Media Arts and Culture
American Art Therapy Association	National Alliance for Musical Theatre
American Choral Directors Association	National Art Education Association
American Composers Forum	National Assembly of State Arts Agencies
American Dance Therapy Association	National Association for Music Education
American Educational Research Association	The National Association of Counties Arts and Culture Commission
American Federation of Musicians of the United States and Canada	National Association of Elementary School Principals
American Institute for Conservation of Historic and Artistic Works	National Association of Secondary School Principals
American Music Therapy Association	National Association of State Boards of Education
American String Teachers Association	National Dance Education Organization
Americans for the Arts	National Federation of Music Clubs
The ASCAP Foundation	National Guild for Community Arts Education
Association of Art Museum Directors	National Music Council of the United States
Association of Independent Colleges of Art and Design	National PTA
Association of Performing Arts Presenters	National Performance Network
Chamber Music America	National Young Audiences Arts for Learning Network
Chorus America	Network of Ensemble Theaters
The College Board	New Music USA
Dance/USA	OPERA America
Educational Theatre Association	Performing Arts Alliance
Fractured Atlas	Quadrant Arts Education Research
The GRAMMY Foundation	School Social Work Association of America
International Council of Fine Arts Deans	State Education Agency Directors of Arts Education
The John F. Kennedy Center for the Performing Arts	Theatre Communications Group
League of American Orchestras	VH1 Save The Music Foundation
Lincoln Center Institute for the Arts in Education	Young Audiences, Inc.
Literary Network	

TAX REFORM

ENCOURAGING CHARITABLE GIFTS TO SUPPORT COMMUNITY ACCESS TO THE ARTS

ACTION NEEDED

We urge Congress to:

- **Preserve incentives for charitable giving by protecting the full scope and value of the tax deduction for all forms of charitable gifts.**
- **Reinstate and make permanent the IRA Charitable Rollover.**
- **Reject any attempts to divide the charitable sector by favoring certain types of charities over others.**

TALKING POINTS

- **Support from donors across the economic spectrum enables nonprofit arts organizations to respond to public needs and form community partnerships through education, artistry, economic development, and social service programs.** The arts communicate across religious, ethnic, and political divides, offer programs focusing on healthcare, senior services, and many other areas; support lifelong learning for all; preserve our heritage and make it accessible to all who wish to participate; create jobs and economic growth; and add immeasurably to the quality of life in our communities through vibrant artistry.
- **Charitable giving incentives do not enrich individual donors: they are an investment in the public good.** For every \$1 subject to the charitable deduction, communities see \$2.50 in benefits provided by nonprofit organizations. Charitable giving incentives encourage donors to give more, benefiting the millions of Americans who access services provided by nonprofit organizations.
- **Diminishing charitable giving incentives will have lasting, harmful consequences for nonprofit services and U.S. jobs.** With essential support from charitable donations, the nonprofit sector boosts local economies and employs roughly 10 percent of America's workforce. Ticket sales and admission fees alone do not come close to subsidizing the artistic presentations, educational offerings, and community-based programming of nonprofit arts organizations. For example, approximately 40 percent of financial support for nonprofit performing arts organizations is derived from charitable giving. Without this support, public access to arts programming would be greatly diminished.
- **Proposed changes to the charitable tax deduction will reduce giving, limiting core services and public access.** While the initial charitable impulse to give comes "from the heart," history has shown that tax law alters what, when, and how much donors give. A 2013 study by the American Enterprise Institute found that the proposed 28 percent cap on the charitable deduction could cause giving to decline by more than \$9 billion in the first year. Limiting the value of the charitable deduction would fundamentally change a tax structure that has established a tradition of charitable giving unmatched in the world.
- **The public consistently supports the charitable deduction.** A 2013 national study by Dunham+Company showed that 75 percent of Americans say they value the charitable deduction as it currently stands, with steady results across geography, gender, age, and race. Moreover, a public opinion poll commissioned by the United Way found that most Americans (79 percent) believe reducing or eliminating the charitable tax deduction would have a negative impact on charities and the people they serve.
- **Charitable giving—including giving to the arts—builds civil society.** At a Senate Finance Committee hearing on tax reform, Sen. Orrin Hatch (R-UT) asked for comments on the public benefits of contributions to nonprofit arts organizations. The dean of the Southern Baptist Theological Seminary said, "It has to do with what it means to form a citizenry that understands what persons are for, that we're not simply economic units. Giving to the arts, giving to religious organizations, giving to charitable organizations really can serve as a workshop of compassion in demonstrating to our fellow citizens that this is not simply a matter of raw power; that we have obligations to one another, not simply at the bureaucratic level of government, but as members of civil society."
- **Donated works of art are critical to building and maintaining collections at our nation's art institutions.** The House Ways and Means Committee in the previous Congress looked extensively at gifts of art and did not propose any changes to the existing deduction or the model enforcement system administered by the IRS.

BACKGROUND

Nonprofit arts organizations are part of the broader community of approximately 1.4 million nonprofit 501(c)(3) organizations, working alongside hospitals, educational institutions, religious congregations, public television and radio stations, soup kitchens, foundations, and the full array of charitable organizations that contribute \$1.1 trillion in services every year and support 13.5 million jobs. In recognition of their benefit to the public good, contributions made to 501(c)(3) nonprofits have been tax-deductible since 1917.

Preserving the Charitable Deduction: As the debate surrounding comprehensive tax reform and deficit reduction continues, multiple proposals to curtail or eliminate the income tax deduction for gifts to 501(c)(3) organizations are under consideration. For the seventh consecutive year, President Obama's budget proposal seeks to decouple the value of tax deductions from income tax rates—capping all deductions, including the charitable deduction, at 28 percent for individual taxpayers in the top three tax brackets. Congress has previously rejected identical proposals from the administration, and key policymakers, including the new House Ways and Means Committee Chairman Paul Ryan (R-WI), have objected to the proposed cap on the charitable deduction. The co-chairs of the Presidential Advisory Commission on the Deficit suggested either eliminating the charitable deduction or imposing a floor of 2 percent of adjusted gross income. Any of these changes would lead to decreased giving. The arts have joined the full array of the nonprofit and philanthropic communities in urging Congress to protect tax incentives for charitable giving. The President's FY 2016 budget proposal does acknowledge the unique value of the charitable deduction, retaining it as the only deduction that would be available to tax payers subject to the "Buffet Rule's" 30 percent tax rate on incomes greater than \$1 million. On January 23, 2014, Sens. John Thune (R-SD) and Ron Wyden (D-OR) and 31 other Senators sent a bipartisan letter to the Senate Finance Committee, calling for preservation of the full value and scope of the charitable tax deduction.

Reinstating the IRA Charitable Rollover: The IRA Charitable Rollover provision has permitted donors age 70 ½ and older to make tax-free charitable gifts directly from their IRAs, up to an annual ceiling of \$100,000. Without the IRA Rollover provision, individuals who make charitable gifts from their retirement accounts must withdraw funds and treat them as taxable income, reducing the amount available for donations to charity. Since its enactment in 2006, it has spurred millions of dollars in new and increased charitable donations to social service programs, religious organizations, arts and culture institutions, schools, healthcare providers, and the full array of nonprofits that serve Americans every day. The IRA Rollover has expired and been reinstated multiple times, and most recently expired on December 31, 2014. The cycle of expiration and reinstatement of the IRA Rollover provision has left many donors unable to maximize their support for charitable work. Twice in 2014, the U.S. House of Representatives passed packages of charitable giving measures that would made the IRA Charitable Rollover permanent, but the second vote was just eight votes short of the two-thirds majority needed for passage, and to overcome a White House veto threat over how to pay for the provision. On February 12, 2015., the House again voted on legislation that included H.R. 637, introduced by Rep. Aaron Schock (R-IL) and Rep. Earl Blumenauer (D-OR), which would make the IRA Rollover permanent. The bill passed by a vote of 279 – 137.

Protecting the Public Value of the Arts: Some have suggested that gifts to education, research, cause-related organizations, (e.g., the environment, animal welfare, etc.) and the arts should receive different treatment than do gifts to human services. Setting a hierarchy of charitable causes is detrimental and discriminatory to the arts, and is not supported by the broader nonprofit sector. "The current tax deduction for charitable giving should either be preserved or modified only in ways that will: strengthen incentives to give; respect the freedom of individuals to determine the causes and organizations they participate in and support, and treat those choices equitably; and encourage all individuals to give more to communities and causes through charitable organizations." (Independent Sector, 2012.) The nonprofit arts have always been eligible for the charitable deduction in keeping with this nation's strong tradition of incentivizing taxpayers to give to causes that they most believe will benefit the public good.

TAX FAIRNESS FOR ARTISTS AND WRITERS

CREATING AMERICA'S ARTISTIC HERITAGE

ACTION NEEDED

We urge Congress to:

- **Enact the Artist-Museum Partnership Act (H.R. 2482 in the 113th Congress) which would allow artists to take an income tax deduction for the fair market value of their work when they donate them to charitable collecting institutions.**

TALKING POINTS

- Most museums, libraries, and archives acquire new works primarily through donations. However, artists, writers, choreographers, and composers—unlike collectors—have no financial incentive to donate their works because they cannot claim a tax deduction for the work's fair market value. Rather, they can deduct *only the value of materials*, such as paint and canvas. As a result, works of local, regional, and national significance are sold into private hands and never come into the public domain.
- The Artist-Museum Partnership Act would allow creators of original works to deduct the fair market value of self-created works given to and retained by a nonprofit institution. It would encourage gifts of visual art, such as paintings and sculptures, as well as original manuscripts and supporting material created by composers, authors, and choreographers.
- Collectors have the right to deduct the fair market value of gifts that they donate. The creators of those works should have the same right when they donate their works. *It is only fair.*
- When artists die, works of art in their estate are taxable at their fair market value—the very same works they cannot claim tax deductions for donating while alive.
- If more works of contemporary, living artists were available to the public, emerging artists, visual artists, performers, scholars, and the public at large would benefit from this access and draw inspiration from these current pieces. Collectively, these works constitute an important part of America's heritage.
- When creators of artistic works do not have the same incentive to donate that other taxpayers enjoy, they are more likely to sell their work to private collectors, depriving the general public of the chance to experience and interact with it when it is new, fresh, and most relevant to contemporary society.
- A report prepared for Congress by the National Endowment for the Arts at the request of Sen. Patrick Leahy (D-VT) and former Sen. Robert Bennett (R-UT) demonstrates how current law impacts artists and writers and undermines the ability of cultural organizations to preserve our nation's heritage.

FREQUENTLY ASKED QUESTIONS

1. *Would people create art in order to donate it to some institution for personal financial gain?* No, only a relatively small number of people would be eligible under this bill, since all deductions must be claimed against income earned from artistic activity. Non-creators would not have such income. In addition, a library, archive, or museum would be extremely unlikely to accept material created purely for a deduction. Museums, for example, reject more than 90 percent of what is offered to them because of quality, incompatibility with the collection, cost of preservation and storage, or a belief that the work will never be shown or studied. They collect according to formal, written policies, and decisions are made not by individuals according to whim, but by staff committees subject to board approval.

FREQUENTLY ASKED QUESTIONS (CONTINUED)

2. *Since art is so subjective, is it difficult to establish a fair evaluation?* No. For gifts worth more than \$5,000, taxpayers already must obtain a “qualified appraisal” to substantiate the amount of the proposed deduction. Appraisals cannot be delivered on a whim: they must take into account the objective record of free market sales of similar work by the creator. Moreover, when the IRS conducts audits, panels of experts review those appraisals to assess whether they are reasonable. The definition of a “qualified appraisal” is strict and the sanctions are severe. The IRS’s long history with this specific issue suggests that arriving at a legitimate value for donated material is not a problem.

3. *Why should a creator be able to deduct fair-market value for donating his work to a nonprofit organization, when a volunteer cannot deduct his time?* The tax code provides that donations of tangible property are deductible while donations of volunteer services and time are not. If the Artist-Museum Partnership Act is enacted, the creator would be claiming the tax deduction for the donation of property, not of volunteer services, since none were rendered.

4. *How much would the Artist-Museum Partnership Act cost?* Revenue loss estimates have varied over several Congresses, running from as low as \$6 million per year to as much as \$20 million.

5. *Who would benefit from the Artist-Museum Partnership Act?* First and foremost, the public at large would benefit by gaining greater access to the best of contemporary art. Artists would also benefit from greater exposure if their work were accepted into permanent collections, especially those who cannot afford to donate under current law. Third, museums and other collecting institutions would benefit, especially those that cannot afford to buy contemporary art. These institutions rely on donations to build their collections—in fact, 80 percent of the objects in museums arrived as gifts.

BACKGROUND

Prior to 1969, artists, writers, and composers were allowed to take a fair market value deduction for their works donated to a museum, library, or archive. In 1969, however, Congress changed the law, and as a result the number of works donated by artists dramatically declined. *The effect of the 1969 legislation was immediate and drastic:*

- The Museum of Modern Art in New York received 321 gifts from artists in the three years prior to 1969; in the three years after 1969 the museum received 28 works of art from artists—a decrease of more than 90 percent.
- The greatest harm was done to the Library of Congress, which annually received 15–20 large gifts of manuscripts from authors. In the four years after 1969, it received one gift.
- Dr. James Billington, Librarian of Congress, said: “The restoration of this tax deduction would vastly benefit our manuscript and music holdings, and remove the single major impediment to developing the Library’s graphic art holdings. [The] bill would also benefit local public and research libraries. When this tax deduction was allowed in the past, many urban and rural libraries profited from the donation of manuscripts and other memorabilia from authors and composers who wanted their creative output to be available for research in their local communities.”

The Senate has passed artists deduction legislation five times in previous years, but the bills have not been reviewed by the House. In the 111th Congress, this legislation gained 93 cosponsors in the House and 23 in the Senate, but it has not yet been reintroduced in the 114th Congress.

OFFICE OF MUSEUM SERVICES (OMS)

PROMOTING LIFELONG LEARNING AND PROTECTING OUR NATIONAL HERITAGE

ACTION NEEDED

We urge Congress to:

- Support full funding for the Office of Museum Services (OMS) within the Institute of Museum and Library Services (IMLS). OMS is authorized at \$38.6 million.
- Sign appropriations letters being circulated in the Senate by Sen. Gillibrand (D-NY) and in the House by Reps. Tonko (D-NY), Lance (R-NJ), Slaughter (D-NY), and McKinley (R-WV) in support of the Office of Museum Services to demonstrate leadership on museum funding.

Office of Museum Services Appropriations, FY 2006 to present (in millions of dollars)

Fiscal Year	'05	'06	'07	'08	'09	'10	'11	'12	'13	'14	'15
Appropriation	30.3	31.8	31.8	31.4	35.0	35.0	31.5	30.9	30.9*	30.1	30.1

*This total was reduced to \$29.2 million through sequestration under the Balanced Budget and Emergency Deficit Control Act as amended by PL 112-240.

Notes: Figures above are not adjusted for inflation and do not include program administration. Source: IMLS.

TALKING POINTS

OMS advances the role of museums in lifelong learning and as key partners in education.

- The educational role of museums is at the core of their service to the public.
- Museums receive approximately 55 million visits each year from students in school groups, with art museums alone reaching approximately 40,000 public, private, charter, parochial, magnet, and home schools spanning nearly every congressional district.
- Through its 21st Century Skills initiative, OMS gives learners tools they will need in a modern economy: critical thinking, creativity, numerical literacy, problem solving, innovation, and communication skills.
- Visitors of all ages engage with art, history, science, and the natural world regardless of the size of their communities or their socioeconomic and ethnic backgrounds.
- Museums often tailor educational programs in coordination with state, local, and national curriculum standards.

OMS enhances museums' economic impact.

- By helping museums engage their communities and build institutional capacity, OMS amplifies museums' \$21 billion direct economic impact and bolsters their 400,000 jobs nationwide.

OMS helps museums care for their collections.

- Museums care for more than 1 billion objects. The 2005 *Heritage Health Index*, published by the Institute of Museum & Library Services and the National Endowment for the Humanities, together with support from foundations, concluded that immediate conservation action is needed to prevent the loss of millions of artifacts.

BACKGROUND

Dedicated to sustaining a nation of learners, the Office of Museum Services at the Institute of Museum and Library Services awards grants to museums to enable them to carry out educational programs, reach new audiences, and care for their collections. It supports all types of museums including art, history, science, children's, specialized institutions, and living collections, such as zoos and aquariums.

The agency encourages leadership, innovation, and applications of the most current technologies and practices to enhance museum services. It supports museums as core providers of learning, both directly and in conjunction with schools, families, and communities.

IMLS was reauthorized in 2010, with approval by voice vote in the House and unanimous consent in the Senate, demonstrating broad bipartisan support for a funding authorization of \$38.6 million for OMS. The reauthorization legislation was co-introduced by Sens. Richard Burr (R-NC), Mike Enzi (R-WY), Tom Harkin (D-IA), and Jack Reed (D-RI). The text can be found in Public Law 111-340. President Obama's FY 2016 budget requested a significant increase, to \$35.1 million, for the Office of Museum Services.

In recent years, the demand for museum educational services has grown; collections are at even more risk of damage or decay; and museum staff are in need of professional development in education and technology. With schools and their communities increasingly pressed for funding, museums are filling these gaps.

CORPORATION FOR PUBLIC BROADCASTING

SUPPORTING PUBLIC BROADCASTING AS PART OF OUR NATIONAL ARTS INFRASTRUCTURE

ACTION NEEDED

We urge Congress to:

- **Maintain current funding levels of \$445 million for the Corporation for Public Broadcasting.**

THE VALUE FOR AMERICANS

- Public broadcasting, which is accessible to all Americans, reaches more than half of all Americans every month.
- 170 million Americans connect through 368 public television stations, 934 public radio stations, hundreds of online services, and in-person events.
- These local stations, services, and events are America’s “largest stages” for the arts.
- Local public stations air music and arts programming that is not available on commercial radio and television.
- Notably, public radio broadcasts numerous music genres that are less commonly found on commercial stations, including classical, folk, jazz, and blues.
- Public radio stations are also often the first to air emerging, independent artists before they rise to fame.
- Local public stations also have longstanding partnerships with local music venues and performing arts societies, helping to extend the reach of artists in communities throughout the country. Local public television and radio stations are an integral part of the “cultural infrastructure” that supports the music economy in America today.
- Public broadcasting is local. Stations are locally licensed and governed, locally programmed, and locally staffed. In many rural areas, public broadcasting is the only source of free, locally managed news, arts, and cultural programming.
- If CPB funding is reduced, hundreds of America’s rural communities would lose their best (and sometimes only) source for arts and culture programming, many of whom might never have the opportunity to experience them otherwise.
- At a time when funding for music and arts in our schools is being cut, public broadcasting helps keep the arts alive for generations of children—today and for years to come.

FUNDING FOR AMERICA’S PUBLIC BROADCASTING

- The federal portion of the average public station’s revenue is approximately 10–15 percent. Stations leverage this seed money to attract investments from state and local governments, universities, businesses, and their local viewers and listeners. For every federal dollar invested through CPB, stations raise more than \$6.00 on their own. (For many stations, the ratio is much larger.)
- The federal investment in public broadcasting is a tiny portion of the federal budget—only one hundredth of one percent (.01%).
- With that, Americans would pay a major price—losing enriching, thought-provoking content that broadens people’s horizons, introducing citizens to new artists, cultural programming, and ideas.
- The vast majority of funding through CPB goes directly to local public broadcast stations in the form of Community Service Grants.
- In FY 2012, public broadcasting funding was cut by a total of \$56 million. Public broadcasting absorbed further cuts of approximately 5 percent, or \$22 million, as part of the 2013 sequestration. These cuts have a direct impact on communities across the nation.

SUPPORTING COMMUNITY MEDIA

KEEPING ARTS AND CULTURE PROGRAMMING ON LOCAL TV

ACTION NEEDED

We urge Congress to:

- **Co-sponsor and support the Community Access Preservation Act (the CAP Act, S.1789 in the 113th Congress) or other legislation that would accomplish similar goals to preserve public, educational, and governmental (PEG) access television channels for local communities.**

BACKGROUND

Community media is composed of public, educational, and governmental (PEG) access television channels and community radio stations. Community media has a long history of presenting local, regional, and national nonprofit arts programming, a great majority of which is not available on commercial channels and which reflect local needs. Such channels and stations are enabled by federal legislation and play a unique role in bringing information and arts programming to the American public.

Congress recognized the need for non-commercial local and neighborhood-based media outlets when it passed the Local Community Radio Act in 2010. As the House and Senate contemplate telecommunications reform in the current Congress, we encourage similar consideration of the proposals offered in the past by Sens. Tammy Baldwin (D-WI) and Ed Markey (D-MA) on how to preserve and strengthen PEG access television.

Historically, PEG access organizations received support from cable companies through fees paid to municipalities or their designees. In many communities, community media outlets are the sole source for local news, political debate, religious expression, and cultural arts programming. These organizations also provide critical media arts and media literacy training not available elsewhere. PEG channels reach large segments of the population often under-served by commercial media that show programming created for national or international audiences. Sustaining these noncommercial local media outlets is critical for coverage of the nonprofit arts and culture community.

TALKING POINTS

- In 2007, the FCC ruled that in many cases, part of the fees paid by cable operators in support of PEG access television would be restricted only to facilities and equipment—and not for operating expenses (such as salaries). As a result, PEG facilities in a number of communities have closed. We are asking Congress to amend the Cable Act to ensure that PEG fees can be used for *any* PEG-related purpose, including arts and culture programming and media arts training. The U.S. Conference of Mayors and the California legislature have endorsed this federal action.
- We urge support for a requirement that cable operators deliver PEG channels to all subscribers, via channels whose quality, accessibility, functionality, and placement is equivalent to local commercial television stations. These channels are invaluable assets in their communities, providing local nonprofit arts programs reflecting each community's unique character. In townships and rural areas, PEG channels provide the only media coverage of local arts performances and local cultural events.
- Examples of community PEG access arts programming include:
 - “Evening on Broadway,” Dakota Media Access, Bismarck, ND
 - “That Art Show” and “The Friday Extra Concert Series,” CCTV, Tampa, FL
 - “Fairy Tale Access,” Access Nashua, Nashua NH
 - “About Towne,” Irving Community Television Network, Irving, TX
 - “Bloomfield Civic Band and Choir Holiday Concert,” WBMA-TV, Bloomfield Twp., NJ
 - “Chayag - Andean Folk Music & Dance,” CCTV, Salem, OR
 - “Kenosha Symphony Orchestra: Symphonic Sweets,” Kenosha Community Media, Kenosha, WI
 - “2014 Capital Jazz Fest,” Columbia Access Television, Columbia, MO
 - “Simley Dance Extravaganza,” Town Square TV, Inver Grove Hts., MN
 - “Art Talks,” WHCTV, West Hartford, CT
 - “Cambridge Uncovered: Central Square Cultural Arts District,” CCTV, Cambridge, MA

CULTURAL EXCHANGES THROUGH THE U.S. DEPARTMENT OF STATE

STRENGTHENING TIES BETWEEN THE UNITED STATES AND THE WORLD

ACTION NEEDED

We urge Congress to:

- **Appropriate \$110 million to the Office of Citizen Exchanges within the State Department's Bureau of Educational and Cultural Affairs within the FY 2016 State and Foreign Operations appropriations bill and direct the State Department to dedicate increased resources to the Cultural Programs Division's arts diplomacy programs, including competitively awarded programs and those run by the State Department.**
- **Encourage the State Department to conduct research and evaluations on the impact, value, and success of arts diplomacy as part of its smart power strategies to build cross-cultural understanding.**
- **Direct the State Department to make information on projects funded through these programs readily available to the public and to encourage broad participation in its grant program in support of artistic and cultural exchanges with an emphasis on providing ample time for artists to apply and simplifying the application process.**

Office of Citizen Exchanges Annual Appropriations, FY10 to present (in millions of dollars)*

FY	FY 10	FY 11	FY 12	FY 13	FY 14	FY 15
\$	\$102	\$95.4	\$99.4	\$96	\$101	\$100

**These amounts represent the total funding for the Office of Citizen Exchanges, which includes a variety of exchange programs, including sports and youth programs. Federal budgets do not indicate totals for these individual programs.*

TALKING POINTS

- ***Policy makers agree that cultural exchange enhances international understanding.***
 - Secretary of State John Kerry, at the Kennedy Center Honors Dinner in 2014, said, "People make connections in lots of ways, and sometimes that connection is quicker to take hold through music, dance, theater, film, more so than the words of a diplomat...the connection of this endeavor of the arts connects, it touches, really, something deep in every human spirit. And whether it's the pianists or the dobro players, Zydeco bands, jazz singers, filmmakers, dance companies, and artists that we send to every corner of the globe, this is about citizen diplomats who go to remote and troubled communities and open doors for conversations with the young, with the poor, and the too-often overlooked."
 - At South By Southwest in 2014, Rep. Michael McCaul (R-TX), Chairman of the Committee on Homeland Security, said, "I think Western music could have an influence in countries where people otherwise don't want to listen to us. We need a combination of hard and soft power, and I think the music piece goes to that soft power idea."
 - In 2012, at the 50-year celebration of the State Department's Art in Embassies program, which has more than 10,000 works hanging or exhibited in more than 200 overseas outposts, Former Secretary of State Hillary Clinton said, "I've spoken frequently about what different kinds of diplomacy we can use to advance our nation's values and interests. Sometimes that obviously means old-fashioned diplomacy...But arts is also a tool of diplomacy. It is one that reaches beyond governments, past all of the official conference rooms and the presidential palaces to connect with people all over the world."
- ***Increased funding and operational capacity for the Cultural Programs Division will strengthen exchange and collaboration in the arts and culture fields that build bridges among people of different countries, cultures, and faiths.***
 - A review of 29 studies on public diplomacy in 2005 identified the most popular recommendation for public diplomacy reform was to increase U.S. exchange programs. The studies were compiled by the nonpartisan Congressional Research Service.
 - An October 2009 report by the New York University John Brademas Center for the Study of Congress called for America to have a renewed role in cultural exchange and cultural diplomacy. "To these ends, [the] report recommends that international arts and cultural exchanges be integrated into the planning strategies of U.S. policymakers as a key element of public diplomacy. History has proven that a robust

TALKING POINTS (CONTINUED)

An October 2009 report by the New York University John Brademas Center for the Study of public diplomacy is essential to U.S. national security and the promotion of American interests around the globe. The arts community has observed first-hand the value of international artistic exchanges in promoting moderation and tolerance among widely diverse religious and cultural groups.”

- **States build global trade through the arts.**
 - According to the report by the National Governors Association, *How States Are Using Arts and Culture to Strengthen Their Global Trade Development*, state governments find that incorporating artistic and cultural exchanges in their international trade and business development serves to expand trading relationships with other nations and open markets abroad as a complement to more traditional efforts to generate exports.

BACKGROUND

Support for cultural exchange and cultural diplomacy has never fully recovered from the elimination of the former United States Information Agency (USIA) and the USIA’s Arts America Program. USIA was an independent government agency supporting U.S. foreign policy and interests abroad. Before USIA was dismantled in 1999, the agency administered educational and cultural exchanges; international radio, television, and film broadcasting; and extensive information programs.

The Bureau of Educational and Cultural Affairs (ECA) at the State Department is responsible for the public diplomacy activities of the United States, including international cultural exchange programs. Within ECA, the Cultural Programs Division focuses on cultural diplomacy, exchange, and collaboration by sharing the rich artistic traditions of the United States. The Cultural Programs Division provides grant opportunities to U.S. nonprofits for cultural exchange activities; residencies, mentoring, and training programs; programs that are carried out overseas by or under the sponsorship of U.S. Embassy public diplomacy offices; and presentations at major international visual arts exhibitions and cultural centers.

While President Obama’s FY 2016 budget requested an overall increase to Educational and Cultural Exchange Programs, he proposed funding the Citizen Exchange Program (which houses cultural, sports, and youth exchange programs) at approximately \$90 million, \$10 million less than the current budget. In 2013, the State Department facilitated 327 arts diplomacy projects in 132 countries and territories all over the world, reaching 9 million foreign participants. An additional 102 Arts Envoy programs were completed in 73 countries.

Cultural Exchange Program Highlights

Museums Connect: We, the People: Afghanistan, America & the Minority Imprint

“This has been one of the single greatest and most poignant projects I’ve been involved in. Meeting the Afghan students has taught me volumes of things that I didn’t know about Afghanistan, Islam, and the Muslim world in general. I have regained faith, not only in humanity, but especially in my own generation, my global brothers and sisters.” Ian McShea, National Constitution Center, Philadelphia, PA

DanceMotion USA: CONTRA-TIEMPO

“In an increasingly complex world, this program reminds us of our humanity. Through movement, cultural realities are shared, explored, and embodied. In touring and sharing our work with DanceMotion USA, we were able to learn more about our own humanity and discover an authentic connection between our reality as North Americans to the countries where we traveled. Dance is powerful, dance is real, dance is full of expression of self—and through it we can discover how deeply we are all connected.” Ana Maria Alvarez, Founding Artistic Director, Los Angeles, CA

Arts Envoy Program: Bond Street Theatre

“The arts are about communication, and young people here [Afghanistan] are so motivated and ready to be voices for positive change. Creative exchanges, such as our Youth Engagement Project, give young people a chance to speak out and take positive steps toward improving their community and influencing others around them toward peace.” Joanna Sherman, Bond Street Theatre, New York, NY

For a complete listing of programs, please visit: <http://exchanges.state.gov/us/special-focus-areas>

IMPROVING THE VISA PROCESS FOR FOREIGN GUEST ARTISTS AT U.S. CITIZENSHIP AND IMMIGRATION SERVICES

ACTION NEEDED

We urge Congress to:

- Enact the Arts Require Timely Service (ARTS) provision, which will require U.S. Citizenship and Immigration Services (USCIS) to reduce the total processing time for petitions filed by, or on behalf of, nonprofit arts-related organizations.
- Take steps, in cooperation with the Administration, to persuade USCIS to take ongoing immediate administrative action to improve the artist visa process.

TALKING POINTS

- **Immediate assistance is needed to improve the artist visa process. Congress recognized the time-sensitive nature of arts events** when writing the 1991 federal law regarding O and P visas—the categories used by artists—in which the USCIS is instructed to process O and P arts visas in 14 days. In the event the 14-day timeframe is not met, passage of the Arts Require Timely Service (ARTS) provision would require expediting the USCIS processing times for nonprofit O and P arts-related visa petitions within a total of 29 days—twice the current statutory requirement, which in itself is eminently reasonable and consistent with security concerns. Although USCIS has made efforts in recent years to observe the statutory timeframe, the mandate has not been consistently implemented. Under its current authority, the agency can make other immediate changes to remedy delays, cost, and uncertainty, such as improving the accuracy of the petition process.
- **The inconsistency of the U.S. visa process for foreign artists has extremely harmful results.**
 - *When foreign artists are unable to come to the United States, the American public is denied the opportunity to experience international artistry.* Performances and other cultural events are date-, time-, and location-specific. The nature of scheduling, booking, and confirming highly sought after guest soloists and performing groups requires that the timing of the visa process be efficient and reliable.
 - *The absence of international guest artists costs American artists important employment opportunities.* If an international guest artist cannot obtain a visa in time to make a scheduled performance, then the many American artists who were scheduled to work alongside the guest artist may lose a valuable and much-needed source of income and exposure.
 - *Delays and unpredictability in the visa process create high economic risks for nonprofit arts institutions and the local economies they support.* Nonprofit arts groups must sell tickets in advance, creating a financial obligation to their audiences. Regular visa processing can take too long for arts organizations to accommodate, directly impacting their bottom line.
- **The ARTS provision has strong, bipartisan support.** The House and Senate have signaled bipartisan support for improving the artist visa process. Most recently, the 2013 Senate comprehensive immigration reform bill included the ARTS provision, which was introduced and supported by Sens. Patrick Leahy (D-VT) and Orrin Hatch (R-UT). Prior to that, a provision was included in the 2006 and 2007 comprehensive Senate immigration reform bills and the full House approved a stand-alone version of the measure, H.R. 1312, in April 2008.
- **Nonprofit arts organizations of all sizes cannot afford the \$1,225 premium processing fee, leaving them to await the unpredictability of regular visa processing.** Nonprofit arts organizations from all regions of the country and in communities of all sizes engage foreign guest artists. The premium processing fee reduces the amount of money available for a production/performance and represents a significant portion of an organization's operating budget and costs.

TALKING POINTS

- **Global cultural exchange is important now more than ever.** American nonprofit arts organizations provide an important public service and boost international diplomacy by presenting foreign guest artists in performances, educational events, and cultural programs in communities across the country. The United States should be easing the visa burden for foreign guest artists, not increasing it; and only with steady improvements over time will confidence in the U.S. visa process continue to be rebuilt among U.S. petitioning organizations and foreign artists alike, greatly enhancing international cultural exchange. The 2009 report from New York University's John Brademas Center for the Study of Congress, *Moving Forward: A Renewed Role for American Arts and Artists in the Global Age*, calls for passage of the ARTS Act.

BACKGROUND

Foreign guest artists engaged by U.S. arts-related organizations are required to obtain an O visa for individual foreign artists, or a P visa for groups of foreign artists, reciprocal exchange programs, and culturally unique artists. Artists and nonprofit arts organizations have confronted uncertainty in gaining approval for visa petitions due to lengthy and inconsistent processing times, inconsistent interpretation of statute and implementation of policies, expense, and unwarranted requests for further evidence. The nature of scheduling, booking, and confirming highly sought after guest soloists and performing groups requires that the timing of the visa process be efficient and reliable, otherwise the American public is denied the opportunity to experience international artistry and American artists scheduled to work alongside international guest artists lose important employment opportunities. Additionally, the bottom line is impacted for nonprofit arts groups that have a financial obligation to their audiences.

Delays began when USCIS adopted a Premium Processing Service (PPS) in June 2001, guaranteeing processing within 15 calendar days at \$1,225 per petition, which is often an unaffordable cost for most nonprofit arts organizations. Following the creation of PPS, regular O and P visa processing has varied widely, ranging from 30 days to six months. In the summer of 2010, USCIS pledged to meet the statutory 14-day regular processing time and promised public stakeholders that significant improvements to the quality of artist visa processing would soon be underway as part of the agency's major effort to revise its policy and training programs. While these statements were encouraging, they have yet to be fully implemented, and absent legislative action, improvements to the artist visa process are subject to the discretion of USCIS leadership.

Comprehensive immigration reform provides an opportunity to make enduring improvements to the visa process, therefore we ask Congress to include enactment of the Arts Require Timely Service (ARTS) provision in any immigration reform effort. USCIS would be required to treat any arts-related O and P visa petition that it fails to adjudicate within the 14-day statutory timeframe as a Premium Processing case (additional 15-day turn around), free of additional charge. The ARTS provision has strong bipartisan support and was most recently passed by the Senate as part of its 2013 comprehensive immigration reform bill.

ARTS IN HEALTH

IMPROVING OUR NATION'S HEALTH THROUGH THE ARTS

ACTION NEEDED

We urge Congress to:

- **Support H.R. 271, the COVER Act, sponsored by Rep. Bilirakis (R-FL), to improve access to evidence-based complementary and alternative treatments for veterans, including creative arts therapies.**
- **Support S. 192, the Older Americans Act Reauthorization Act of 2015, sponsored by Sen. Alexander (R-TN), which reauthorizes funding for support services, including creative arts therapies; directs funding for behavioral health programs; and requires the Administration on Aging to focus on health and welfare needs of older individuals, which could increase access to creative arts therapies and artist-directed health promotion programs.**

TALKING POINTS

“Arts in Health” includes the professional creative arts therapies disciplines of art therapy, music therapy, dance/movement therapy, drama therapy, and biblio/poetry therapy, all of which are nationally board certified therapies with licensure in selected states, as well as artist-directed applications of visual, literary and performing arts, and design. These creative arts therapists and community artists work together to provide quality, cost-effective services within a wide variety of healthcare and community settings.

Access to Complementary, Alternative, and Integrative Health Interventions Helps Veterans

- H.R.271, the COVER Act, sponsored by Rep. Bilirakis (R-FL), would 1) establish a commission to examine the efficacy of the evidence-based therapy model used by the Secretary of Veterans Affairs for treating mental illnesses of veterans, 2) identify areas to improve wellness-based outcomes, 3) examine available research on complementary alternative treatment therapies for mental health issues, and 4) identify the benefits of including such treatments for veterans.
- Creative arts therapies, including art therapy, dance/movement therapy, and music therapy, are defined as interventions under Mind-Body Medicine by the National Institutes of Health (NIH) National Center for Complementary and Integrative Health (NCCIH).
- Numerous creative arts therapies interventions have been shown to be effective for symptomatic relief related to insomnia, anxiety, pain, and various somatic presentations associated with Post Traumatic Stress Disorder (PTSD).
- Clinical program evidence demonstrates that the creative arts therapies can effectively address the focus areas of mental health and wellness promotion in the proposed legislation.
- Artist-directed programs create opportunities for service members and their families to spend quality time with one another while being celebrated and supported by local arts organizations. These programs provide meaningful opportunities for families to access affordable cultural and educational experiences.
- Creative arts therapies and artist-directed programs and services within Veterans Administration (VA) hospitals and on military bases will provide increased access to affordable, outcomes-based healthcare and successful treatment options for veterans and military personnel who do not respond to traditional interventions.

Creative Arts Therapies and Artist-Directed Programs Support Healthy Aging

- S. 192, the Older Americans Act Reauthorization Act of 2015 sponsored by Sen. Alexander (R-TN), would provide opportunities for states and area agencies on aging to increase access to support health promotion services for older individuals.

TALKING POINTS (CONTINUED)

- Accessibility to, and active participation in, the arts provides lifelong learning opportunities and increases the quality of life across the lifespan.
- Community-based cultural programs for older adults reveal positive impacts on maintaining independence and reducing dependency, which appear to reduce risk factors that drive the need for long-term care.
- Current research demonstrates that creative arts therapies and artist-directed programs can contribute to the following positive outcomes when services are integrated into medical treatment and community prevention and wellness programs:
 - Reduced lengths of hospital stays
 - Decreased need for multiple medical visits
 - Reduced reports of pain and anxiety related to illness and invasive treatment
 - Improvements in quality of life
 - Reduced levels of depression and stress
 - Decreased need for use of sedatives during medical procedures
 - Decreased use of medical interventions covered by Medicare among the aging

Research citations available in the Arts in Health Field-at-a-Glance document online

BACKGROUND

Economic analyses and cost studies show a positive trend in the use of creative arts therapies and their impact on containing healthcare costs. Research confirms that the creative arts therapies enhance coping and improve response to treatment, thereby reducing the need for hospital care and pain medication and their associated costs. In addition, access to creative arts therapies and artist-directed programs reduces patients' level of depression and anxiety and contributes to patient satisfaction.

Creative arts therapists and community artists work in diverse settings across a wide spectrum of populations, assisting people through all life stages. Besides private for-profit and nonprofit health facilities, settings for this work include, but are not limited to, hospice programs, long-term care facilities, mental health programs, schools, rehabilitation treatment centers, special needs camps, disaster response teams, psychiatric forensic units, veterans' facilities, prisons, community centers, wellness programs, and military bases.

Despite strong historical beginnings in veterans hospitals during World War II, and inclusion in federal programs and research grant awards over many years through agencies within the Department of Health and Human Services, there remains a need to expand opportunities for creative arts therapies and artist-directed programs so that more Americans can access these cost-effective services. Creative arts therapies and artist-directed programs have the potential to positively impact the healthcare spending concerns, quality of care issues, and healthcare needs of veterans and older adults currently facing our nation. An investment in "Arts in Health" is an investment in America's health.

PROTECTING WIRELESS TECHNOLOGY FOR THE ARTS & MEDIA

FEDERAL COMMUNICATIONS COMMISSION

ACTION NEEDED

We urge Congress to:

- **Sign the letter being circulated in the House by Reps. Leonard Lance (R-NJ) and Louise Slaughter (D-NY) to the Federal Communications Commission regarding protecting wireless microphones used in the performing arts.**
- **Urge the FCC to preserve access to a reliable geo-location database for professional performing arts and educational entities.**
- **Urge the FCC to help defray the costs of purchasing new equipment, if a move in the broadcast spectrum is again mandated.**

TALKING POINTS

- **Preserve access to a reliable geo-location database** which will avoid interference between wireless microphones and TV band devices. Interference protection is critical for professional performing arts performances and for school theaters, community theaters, and media productions across the country. The FCC should be urged to maintain access to the geo-location database for these entities whether or not they operate under Part 15 or Part 74 rules. Interference protection is critical for performances and TV Band Devices: the database is the only mechanism since the safe-haven channels for wireless microphones have been eliminated.
- **The recent expansion of eligibility for Part 74 licensing to performing arts entities regularly using 50 or more wireless devices *excludes* most regional theaters, symphony orchestras, opera companies, educational theater, and presenting organizations. It is essential that the FCC offer some form of interference protection to these entities which provide valuable public services.**
- **Wireless microphone users were mandated to move operations** in the broadcast spectrum as a result of an FCC rule that required cessation of operations in the 700 MHz band by June 12, 2010. For many performing arts and community media organizations, that migration caused unanticipated expenses of \$25,000–\$100,000 for the purchase of sound equipment that would operate in a different area of the broadcast spectrum.
- **Preserve nonprofit performing arts, education, and media organizations' financial investments in their technical equipment. This includes wireless microphones** and communications devices used for backstage communications in order to produce and present performances of the highest caliber. Performing arts, education, and community media organizations provide demonstrable service to the public in improving quality of life; preserving our cultural heritage; in providing jobs, education, enlightenment, entertainment; and of course, contributing to local economies in every community across this country. K–16 schools committed to the performing arts and media literacy as part of their core curriculum have also expended considerable funding to ensure that their students have the opportunity to learn and train on the most up-to-date audio equipment.
- **We urge Congress to consider the financial burden already borne by organizations in the performing arts, education, and media community.** The *Middle Class Tax Relief and Job Creation Act of 2012*, intended in part to help close our nation's budget deficit and create jobs, included spectrum auctions as a means of raising federal revenue. The valuable public benefits produced by our nation's performing arts sector should be considered in any future plan to reallocate or 'repack' the broadcast spectrum as a result of these auctions and the FCC's proceeding, introduced in September 2014, to promote spectrum access for wireless microphones. If the FCC requires that wireless microphones operate in a different part of the broadcast spectrum, it will most likely demand the purchase of new sound equipment—an expense beyond the limited budgets of nonprofit performing arts organizations, educational institutions, and community media centers. It has been conservatively estimated that \$17.5 million—a fraction of the actual cost—would be needed to be set aside to defray equipment replacement costs for the performing arts community.

BACKGROUND

There are more than 26,000 school theater programs in the United States which impact approximately 600,000 enrolled students. Performances by opera and dance companies, symphony orchestras, community theaters, and regional theaters reach a combined audience of 190 million Americans annually and collectively represent an annual \$7.8 billion industry. Given the thousands of performances held by arts organizations each year, the use of wireless microphones is both essential to producing high-quality performances and also mitigates against significant public safety concerns. Professional wireless capability, with interference protection that works successfully, is essential to the performing arts and community media sector.

For 35 years, wireless microphone technology has allowed users unrestricted on-stage movement and helped to create sophisticated sound. Nonprofit performing arts organizations, commercial theaters, schools, and performers have all relied on this equipment operating within the “white space” radio frequencies between broadcast channels of the television band. Wireless systems are also integral to backstage communications used by stagehands to execute complex technical activity. Interference to these backstage communications could compromise the safety of performers, technicians, and audiences. Community media studios also use wireless microphone technology, removing the hazards of cords.

The FCC ruled on September 23, 2010 that portions of the broadcast spectrum called “white space” would be shared by wireless microphones used in the performing arts and new white space devices (aka TV band devices), such as PDAs, cordless phones, and wireless laptops. In order to implement the rule, the FCC ordered several protection measures including the establishment of a geo-location database (or multiple databases) which would allow the new devices and wireless microphones to share spectrum without interference. In addition, the FCC set aside two safe-haven channels for use by wireless microphones. The FCC allowed the geo-location database to become operational nationwide in December 2012 and allowed new white space devices to operate nationally as of March 2013. As the FCC monitors the operational effectiveness of these interference protection mechanisms, we encourage the Commission to ensure that it protects existing services, including wireless microphones for performers, performing arts organizations, venues, and educational facilities.

Further, the FCC issued a Notice of Proposed Rulemaking in October 2012, as it worked to implement the Middle Class Tax Relief and Job Creation Act of 2012 which transitions spectrum from TV broadcasting to wireless broadband through spectrum auctions. The FCC will ‘repack’ or reorganize the broadcast spectrum following the incentive auctions—resulting in another relocation for wireless microphones and likely the costly replacement of sound equipment. The FCC is currently considering revisions of rules regarding the operations of wireless microphones under Part 15 rules vs Part 74 licensing as well as a long-term home for wireless microphones.

Performers, performing arts organizations and venues, educational facilities, religious institutions, and multi-generational community media centers will benefit from interference protection mechanisms. School theater programs and performing arts organizations need to be protected by access to the geo-location database with a goal of preserving interference-free cultural and educational programs as well as protections for new commercial electronic devices.

The Wireless Microphone Users Interference Protection Act of 2013 (H.R. 2911), introduced by Rep. Bobby L. Rush (D-IL), had five cosponsors: Reps. Kathy Castor (D-FL), Steve Cohen (D-TN), Gene Green (D-TX), Ben Ray Lujan (D-NM), and Carolyn Maloney (D-NY).

A bipartisan letter of support was sent to the FCC in October 2013 in support of wireless microphones signed by 11 members of the House Energy and Commerce Committee: Reps. Eliot Engel (D-NY), Gene Green (D-TX), Ben Ray Lujan (D-NM), Joe Pitts (R-PA), Leonard Lance (R-NJ), Pete Olson (R-TX), Gus Bilirakis (R-FL), Billy Long (R-MO), Mike Pompeo (R-KS), Marsha Blackburn (R-TN), and Bobby Rush (D-IL).

NETWORK NEUTRALITY

PRESERVING AN OPEN INTERNET

ACTION NEEDED

We urge Congress to:

- **Support net neutrality, which preserves an open Internet where artists and creative entrepreneurs can reach potential audiences, build businesses, and contribute to culture.**

TALKING POINTS

- The Internet must remain a place where users can learn, engage, express themselves, innovate, and be entrepreneurial. Working artists of all disciplines depend on the Internet to promote and sell their work, cultivate audiences, and make a living. Therefore, it is important that artists and arts organizations not be disadvantaged based on the business practices or other preferences of Internet Service Providers (ISPs).
- ISPs, must not be allowed to block, throttle, degrade, or otherwise discriminate against lawful online content. If such discrimination were allowed, smaller artists and creative entrepreneurs would find themselves at an extraordinary disadvantage against larger commercial enterprises that are able to pay for premium delivery to end users.
- Network neutrality rules should not impair the ability of ISPs or the federal government to protect copyrighted content openly and transparently. Nor should such rules compromise users' privacy, inhibit competition from lawful actors, or stifle innovative business models that could benefit artists and consumers.
- Net neutrality principles should extend to those accessing the Internet from wireless or mobile devices, such as smart phones and tablet computers. Increasingly, arts organizations rely on mobile devices for their programs. For example, museums are creating specific tour apps for exhibitions.

We support congressional efforts that preserve the FCC's ability to preserve an open and accessible Internet while protecting copyrighted content. Congress should be prepared to act quickly should actual abuses by ISPs materialize in the marketplace. The viability of the arts and culture communities in the 21st century depends on our ability to compete on a level online playing field.

BACKGROUND

The open Internet has created unprecedented opportunities for artists, cultural organizations, and creative entrepreneurs to promote their work or to sell their creative products and services. Because of the Internet's level playing field, organizations and individuals can reach Internet users without having to ask permission from an ISP or pay an additional toll to deliver lawful content to ISP subscribers who have already requested it.

ISPs can exert immense control over how Internet users access our sites and services. Worse, without clear rules of the road, ISPs could potentially stifle speech that they find objectionable, discriminate against threatening business models, block certain Internet applications, slow down the delivery of certain online content, or compromise users' privacy.

In December 2010, the Federal Communications Commission (FCC) approved its Open Internet Order to preserve "net neutrality"—the principle that allows any Internet user to access the lawful content or application of their choosing without interference from an ISP. These rules were passed by a 3-to-2 vote by the FCC, and made official in September 2011.

On January 14, 2014, the U.S. Court of Appeals for the D.C. Circuit overturned portions of the FCC's Open Internet Order, but affirmed the FCC's authority to regulate broadband networks. In response to the ruling, FCC Chairman Tom Wheeler stated, "We will consider all available options...to ensure that these networks on which the Internet depends continue to provide a free and open platform for innovation and expression, and operate in the interest of all Americans."

Following a public proceeding at the FCC that saw more than 4 million individual comments filed—the vast majority in support of net neutrality—the FCC on February 26, 2015 voted on new net neutrality rules. Given the broad and bipartisan public support of an net neutrality, Congress should be prepared to take action to ensure that content creators and everyday users can continue to benefit from the open Internet and the innovations it inspires.