

# ARTS ADVOCACY DAY

THE 2013 NATIONAL ARTS ACTION SUMMIT

April 8–9, 2013

## Congressional Arts Handbook

### *Facts & Figures at Your Fingertips*

Arts Advocacy Day is organized by **Americans for the Arts** and cosponsored by more than 85 national organizations representing thousands of arts, culture, business, civic, and education organizations and individuals nationwide.

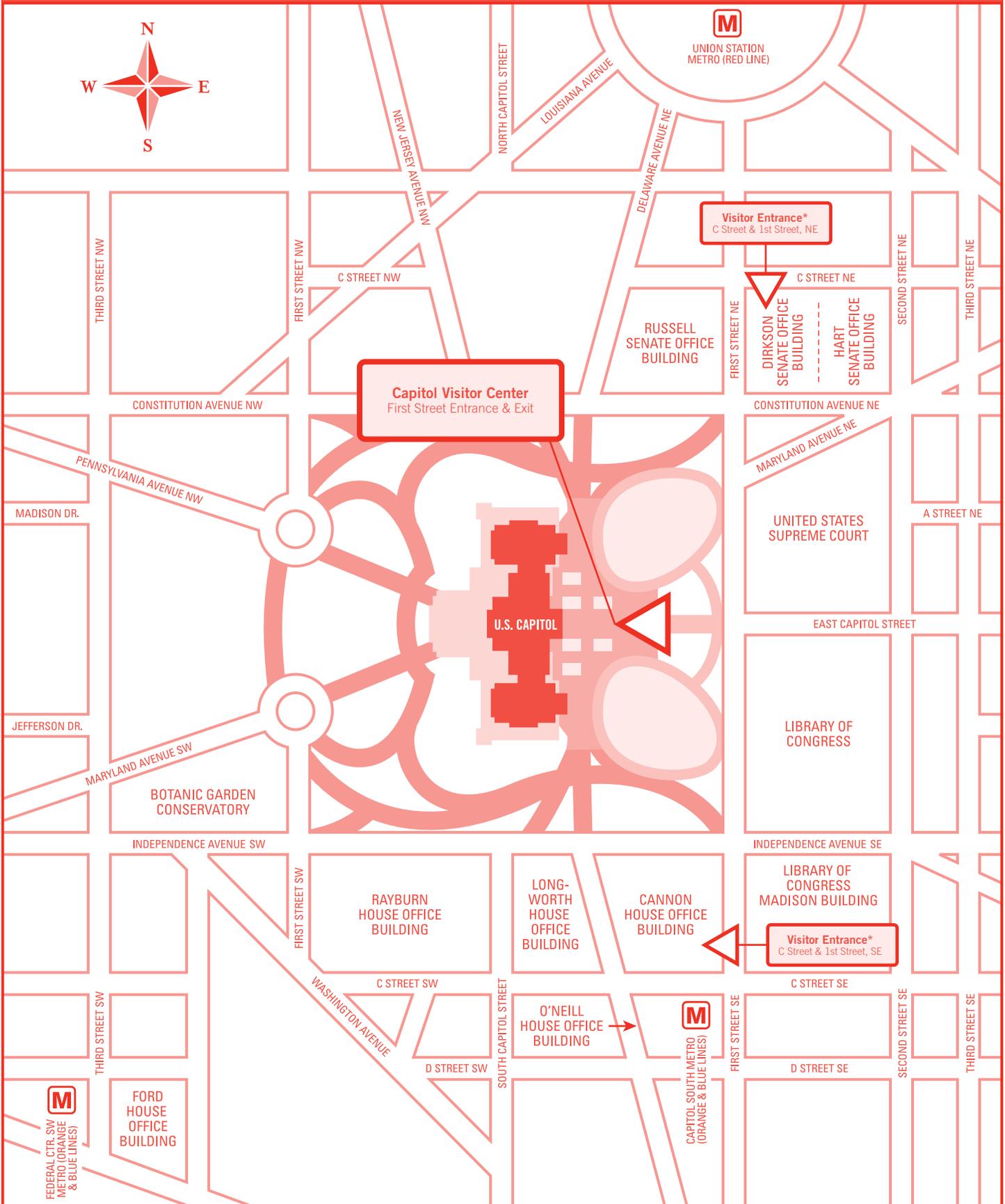


Actors' Equity Association  
The Actors Fund  
Alliance for Community Media  
Alliance of Artists Communities  
American Alliance for Theatre and Education  
American Alliance of Museums  
American Architectural Foundation  
American Art Therapy Association  
American Association of Community Theatre  
American Dance Therapy Association  
American Federation of Musicians  
American Institute for Conservation of Historic and Artistic Works  
American Music Therapy Association  
American Society of Composers, Authors and Publishers  
American String Teachers Association  
Americans for the Arts  
Americans for the Arts Action Fund  
Art Dealers Association of America  
Arts Management Program at American University  
ArtsGeorgia  
Association for Theatre in Higher Education  
The Association of American Cultures  
Association of American Publishers  
Association of Art Museum Curators  
Association of Arts Administration Educators  
Association of Independent Colleges of Art and Design  
Association of Performing Arts Presenters  
Association of Writers and Writing Programs

Best Principled Solutions  
The Broadway League  
CERF+  
Certification Board for Music Therapists  
Chamber Music America  
Chorus America  
College Art Association  
College Board  
Colorado State Thespians  
Council on Undergraduate Research  
Dance/USA  
Educational Theatre Association  
Fractured Atlas  
Free Press  
Future of Music Coalition  
Global Alliance for Arts and Health  
Grantmakers in the Arts  
HandMade in America  
International Alliance of Theatrical Stage Employees  
International Council of Fine Arts Deans  
League of American Orchestras  
League of Resident Theaters  
Literary Network  
The MacDowell Colony  
Mid-America Arts Alliance  
Mid Atlantic Arts Foundation  
Music for All  
Music Teachers National Association  
MusicianCorps  
NAMM—The National Association of Music Merchants

National Alliance for Media Arts and Culture  
National Art Education Association  
National Assembly of State Arts Agencies  
National Association for Music Education  
National Center for Creative Aging  
National Dance Association  
National Dance Education Organization  
National Federation of Music Clubs  
National Federation of State High School Associations  
National Guild for Community Arts Education  
National Music Council  
National PTA  
New Music USA  
New York Society of Women Artists  
New York State Dance Education Association  
North American Drama Therapy Association  
Opera America  
Performing Arts Alliance  
The Recording Academy  
Recording Industry Association of America  
SAG-AFTRA  
South Arts  
Stage Directors and Choreographers Society  
Theatre Communications Group  
Theatre Development Fund  
The United States Conference of Mayors  
VH1 Save The Music Foundation  
YoungArts  
Young Audiences Arts for Learning

# CAPITOL HILL



\*See inside back cover for additional visitor and accessible entrances for each congressional office building.

**NATIONAL ENDOWMENT FOR THE ARTS (NEA)**  
**PROMOTING CREATIVITY AND PUBLIC ACCESS TO THE ARTS**

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**ACTION NEEDED**

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**We urge Congress:**

- **To support a budget of \$155 million for the National Endowment for the Arts (NEA) in the FY 2014 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
\$	176.0	174.5	170.2	162.3	99.5	98.0	97.6	104.8	115.2	115.7	121.0	121.3	124.4	144.7	155	167.5	155	146	146*

\*Subject to change pending final action on Continuing Resolution and sequestration. Note: Figures above are not adjusted for inflation. Source: NEA

**TALKING POINTS**

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*The NEA budget has been reduced in previous years to a level that threatens the agency's ability to make grants in every congressional district.*

- Due to recent congressional budget cuts, the NEA had to decrease funding to state arts agencies and cut more than 175 direct grants to arts organizations.
- Restoring the NEA to \$155 million will help maintain grant support to arts organizations and partnerships in communities across the country.

*The NEA contributes to the economic growth and development of communities nationwide.*

- **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 successful strategy for revitalizing rural areas and inner cities. Arts organizations purchase goods and services that help local merchants thrive. Arts organizations spend money—more than \$61 billion—on salaries, local products, and professional and skilled trade services that boost local economies. (Source: Americans for the Arts, *Arts & Economic Prosperity IV* (AEP-IV) study, 2012). In 2013, the American creative sector will be measured by the federal Bureau of Economic Analysis (BEA). The BEA and the NEA will develop an "Arts and Cultural Production Satellite Account" which will identify and calculate the arts and culture sector's contributions to the gross domestic product (GDP).
- **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 income taxes. (Source: AEP-IV study).
- **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. Cultural & Heritage Tourism Marketing Council, U.S. Department of Commerce, *Cultural and Heritage Traveler Research*, 2009.)
- **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 \$8 from other state, local, and private sources. Private support cannot match the leveraging role of government cultural funding.

## TALKING POINTS (CONTINUED)

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*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 more than 2,200 grants in 2012, totaling more than \$108 million in appropriated funds. A listing of these grants is online at [www.AmericansForTheArts.org/go/NEAgrants](http://www.AmericansForTheArts.org/go/NEAgrants).
- **State arts agencies extend the reach of federal arts dollars.** Forty percent of all NEA program funds—approximately \$46 million in FY 2013—are re-granted through state arts agencies. In partnership with the NEA, state arts agencies awarded more than 22,000 grants to organizations, schools, and artists in 5,000 communities across the United States. (Source: National Assembly of State Arts Agencies, *Summary Report: 2011 Funding and Grant Making*, 2011)
- **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)
- **Rural and underserved communities benefit** from the Challenge America Fast-Track category which offers support to small and mid-sized 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. The Lawton Philharmonic Orchestra in Lawton, OK for instance, received funding for an original work paying tribute to Native American themes in a concert that drew 250 Native American guests from the surrounding tribal nations.
- **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

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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 close to 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.

As of this publishing, the FY 2013 NEA appropriation remains under a Continuing Resolution at a level of \$146 million despite the President requesting an increase to \$154.3 million and the Senate Appropriations Committee proposing an equal amount. The Administration's FY 2014 budget hasn't yet been released. However, funding the NEA at the level requested by the nonprofit arts community of \$155 million would provide support to a healthy nonprofit arts sector in communities nationwide. Current funding amounts to just 47 cents per capita, as compared to 70 cents per capita in 1992.

# Legislative Recap of FY 2013 NEA & NEH Appropriations

As of March 11, 2013

## Comparison of FY 2011 to FY 2013 Appropriations for NEA and NEH (in millions of dollars)

	FY 2011 Final	President FY 2012 Request	FY 2012 House Approps Cmte	FY 2012 House	FY 2012 Senate Approps Cmte	FY 2012 Senate	FY 2012 Final	President FY 2013 Request	FY 2013 House Approps Cmte	FY 2013 Senate Approps Cmte Draft	CR
NEA	\$155.0*	\$146.3	\$135.0	**	\$155.3	**	\$146.3	\$154.3	\$132	\$154.3	\$146.3***
NEH	\$155.0*	\$146.3	\$135.0	**	\$155.3	**	\$146.3	\$154.3	\$132	\$154.3	\$146.3***

\*Reflects FY 2011 level funding negotiated as part of long-term Continuing Resolution (CR).

\*\*Congress unable to complete regular order of appropriations.

\*\*\*Final appropriation subject to 5.3% cut through sequestration legislation and pending final CR by March 27, 2013.

### FY 2013 Appropriations Timeline

**February 13, 2012**—The **Obama Administration proposes an increase for the NEA and NEH to \$154.3 million in its FY 2013 request.** The president's proposal is an increase of \$8 million more than his FY 2012 request and what congress had approved for the previous year's final appropriation of \$146.3 million. NEA's "Our Town" program is doubled to \$10 million compared to the previous year. All grant funding categories were increased as well.

**June 28, 2012**—The **House Appropriations Committee approves a \$14 million cut for the NEA and NEH** to the House Appropriations Interior Subcommittee bill representing a 10% cut from the previous year's budget. Though it was never advanced to the House Floor, if signed into law, the \$132 million spending proposal would have represented the lowest appropriation for the NEA since 2006. Since FY 2010, the NEA has been cut over \$20 million.

**September 22, 2012**—Congress avoided a government shutdown by agreeing to a stopgap funding measure called a **Continuing Resolution (CR) that would keep the government running until March 27 of 2013.** The measure keeps most agencies and programs operating at their previous year's funding levels until a final funding agreement can be reached. No appropriations measures were considered for final passage heading into the November 2012 Election.

**September 25, 2012**—The **Senate Interior Appropriations Subcommittee releases a FY 2013 draft appropriations bill, which includes \$154.3 million each for the NEA and NEH,** matching the president's request. No further action on the Senate bill was taken.

**January 2, 2013**—The **American Taxpayer Relief Act of 2012** is signed into law averting major tax hikes for most taxpayers. The Act also postponed the January 1, 2013 start of automatic sequestration cuts to March 1, 2013. The tax deal spread a portion of the cuts over future budgets reducing the impact of the sequester to 5.3% in funding reductions for the NEA and NEH and most federal agencies.

**March 1, 2013**—The **sequester cuts take effect reducing funding for the NEA and NEH by \$7 million each.** The agencies' appropriation levels are pending the outcome of the FY 2013 CR, which could change the final impact of sequestration.

**March 11, 2013**—The White House and Congress have yet to release their FY 2014 spending proposals.

Please visit [www.AmericansForTheArts.org/AAD/Handbook](http://www.AmericansForTheArts.org/AAD/Handbook) to find the most up-to-date version of the Legislative Recap.



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

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**ACTION NEEDED**

We urge Congress to:

- **Appropriate \$30 million for the Arts in Education (AIE) programs in the FY 2014 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 2014 appropriations.**

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

Fiscal Year	'02	'03	'04	'05	'06	'07	'08	'09	'10	'11	'12	'13
Appropriation	30.0	33.8	35.1	35.6	35.3	35.3	37.3	38.1	40	25.5	24.6	24.6*

\*Subject to change pending final action on Continuing Resolution and sequestration. Note: Figures above are not adjusted for inflation. Source: U.S.D.E.

**TALKING POINTS**

- **Restored funding would support the Arts in Education program at the U.S. Department of Education and newly emerging education models that improve arts learning in high-poverty schools. The Arts in Education program includes:**
  - *Model Development and Dissemination 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 158 projects, identifying excellent models of arts education that impact schools and communities nationwide.
  - *Professional Development for Arts Educators grants* identify innovative models that improve instruction for arts specialists and classroom teachers. The Professional Development grants program has supported 65 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 multiyear 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. Most grant awards support projects over the course of four years. Cuts to AIE funding would place these projects in extreme jeopardy.
- **When the U.S. Department of Education makes direct grants through the Arts in Education program, it is exercising 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 218 congressional districts in 31 states.**
  - In 2010, the Tennessee Arts Commission was awarded a four-year grant of \$1,062,000 to develop its Arts360 program to improve instruction and student achievement by making arts-based and arts-integrated learning a critical component of every child's education. Arts360 is based on an innovative model pioneered by the Perpich Center for Arts Education, the North Dakota Council on the Arts, and the Minnesota State Arts Board and includes year-round professional development for classroom teachers, arts specialists, and teaching artists. Evidence from Tennessee's Value Plus Schools program showed greater academic gains than the control schools, despite having larger numbers of economically disadvantaged students.

## TALKING POINTS (CONTINUED)

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- Through a 2010 four-year, \$1.15 million grant, Wolf Trap Education is partnering with Fairfax County Public Schools in Virginia and the American Institute for Research to develop, evaluate, and disseminate arts-based science, technology, engineering, and math (STEM) teaching strategies for pre-K and kindergarten. This project will both advance arts learning and have a profound impact toward achieving STEM-related education goals for young children.
  - Through a four-year 2008 grant, California State University San Marcos—in collaboration with the North County Professional Development Federation, the San Diego County Office of Education, and 10 North San Diego County school districts that included 141 teachers and more than 3,000 students—revealed the groundbreaking results from Developing Reading Education with Arts Methods (DREAM), an arts integration program. The study results found that the control group—the group *without* a DREAM teacher—averaged a 25 point improvement over the year, and students with teachers who attended a summer training institute and received in class coaching gained 87 points.
  - A 2008 grant supported the formation of a new fine arts partnership between the Wichita Public Schools and Wichita State University in Kansas. The partnership provides staff development for arts educators focused on standards-based music instruction for students in Wichita public schools with 50 percent poverty or more. Ninety-one teachers serve an estimated 23,000 students.
  - In FY 2012, the Arts in Education National Program Competition granted funds 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.
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- **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 following actions by the U.S. Department of Education and the Obama administration can make an immediate difference:
    - ***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 in arts education and spur increased local support for equitable access to arts education.

## BACKGROUND

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The Arts in Education (AIE) program at the U.S. Department of Education has survived intense funding challenges, ultimately winning congressional support year after year. 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 2012, the AIE program survived another round of program eliminations to receive near-level funding, and in FY13 the Senate Appropriations Committee recommended \$26.5 million, enough to continue program activities, along with directing the Department to be more effective in disseminating program results. As of this printing, the final FY13 appropriations are subject to a continuing resolution and the FY 2014 budget has not yet been released.

The president's previous budgets have proposed consolidating the AIE program into a new, broader funding pool entitled "Effective Teaching & Learning for a Well-Rounded Education." The consolidation would merge funding for a wide range of subjects of learning, and the pool of total available funds for all subjects has diminished from \$246 million to just \$90 million. Communities representing the disciplines that would be consolidated are in opposition to the proposal, as it would diminish direct competition and federal leadership for each of these essential subjects of learning.

At a public forum, U.S. Secretary of Education Arne Duncan 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

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## ACTION NEEDED

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

- **Retain the arts in the definition of core academic subjects 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.
  - Improve success in school, work, and life for all students, including those with disabilities, by strengthening arts education in provisions relating to afterschool/extended learning, teaching effectiveness, school turnaround, charter schools, 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.
- **Reauthorize the Arts in Education Programs of the U.S. Department of Education:**
  - Retain a direct, national funding 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

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- **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 means that for federal education programs (such as Title I, teacher training, school reform, and technology programs) targeted to core academic subjects, the arts may be an eligible expenditure of funds.
- **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. 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, amount of professional development in each of the core subjects, and other measures chosen by the state and significant in the subject area.
- **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 to 12th grade public school teachers and found that according to most teachers, 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.

## TALKING POINTS (CONTINUED)

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- **Learning in the arts should be among the “multiple measures” of student progress.** Comprehensive national standards for what children should know and be able to do in the arts were created for dance, music, theater, and the visual arts in 1994. These 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 demonstrates that schools can and should measure student progress in creating, performing, and responding to works of art. The standards and assessment framework are currently undergoing revision to support the 21st-century needs of students and teachers, help ensure that all students are college and career ready, and affirm the place of arts education in a balanced core curriculum. The arts are a model of the performance and portfolio-based measurements envied by other core academic subjects.
- **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.
- **Efforts to improve afterschool learning opportunities should not displace teaching of the arts from the core school day or an extended day setting.** As a core academic subject of learning, the arts have a rightful place in the main instructional day. While a complete education in the arts can be supplemented with afterschool offerings, those programs should not replace a complete arts education.
- **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 the arts in studies conducted on the condition of education, practices that improve academic achievement, and the effectiveness of federal and other programs.**

The Department of Education should include all core academic subjects, including the arts, as defined under ESEA Title IX, when collecting and reporting data on academic areas at the school, local education agency and state level, such as the annual schools and staffing survey. In addition, the U.S. Department of Education should continue to administer the National Assessment for Educational Progress (NAEP), known as “the nation’s report card,” in the arts, including comprehensive measurements in dance, music, theater, and visual arts across the entire public education system. 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

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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 committees author reauthorization proposals. In the meantime, 34 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.

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.**

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# **ARTS EDUCATION**

## **Creating Student Success In School, Work, and Life**

### **National Signatories**

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

# ARTS EDUCATION

## Creating Student Success In School, Work, and Life

March 2013

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."

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 21<sup>st</sup> Century Skills argues that "the arts are among society's most compelling and effective paths for developing 21<sup>st</sup> Century Skills in our students."<sup>1</sup> 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."<sup>2</sup>

### ✧ **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.<sup>3</sup> Additionally, studies have found that 8th graders from under-resourced environments who are highly involved in the arts have better grades, are less likely to drop out by grade 10, have more positive attitudes about school, and are more likely to go on to college.<sup>4</sup>

### ✧ **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.<sup>5</sup> As we aim to improve the teaching environment, the arts can help us retain outstanding future and current educators in our nation's schools.

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<sup>1</sup> Partnership for 21<sup>st</sup> Century Skills (2010). *The 21<sup>st</sup> Century Skills Map in the Arts*. (p. 2)

<sup>2</sup> Duncan, A. (2011). Foreword in PCAH *Reinvesting in Arts Education: Winning America's Future Through Creative Schools*. (p. 1).

<sup>3</sup> Stevenson, L. M. & Deasy, R. J. (2005). *Third Space: When Learning Matters*. Washington, DC: Arts Education Partnership. (pp. 10-11).

<sup>4</sup> Catterall, J. (2009). *Doing Well and Doing Good by Doing Art*. I-Group Books.

<sup>5</sup> Barry, N.H. (2010). *Oklahoma A+ Schools: What the research tells us 2002-2007*. Volume 3, quantitative measures.

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.<sup>6</sup> 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.<sup>7</sup>

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.”<sup>8</sup>

**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.<sup>9</sup> 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.”

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<sup>6</sup> Center on Education Policy. (2006). From the Capitol to the Classroom: Year 4 of the No Child Left Behind Act, March 2006. (p. xi).

<sup>7</sup> 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).

<sup>8</sup> The College Board. (2009). *Arts at the Core: Recommendations for Advancing the State of Arts Education in the 21<sup>st</sup> Century*. (p.11).

<sup>9</sup> 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 after-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."<sup>10</sup>

**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.<sup>11</sup> Most affected are urban, rural, and minority communities with large populations of students in economic poverty<sup>12</sup> and studies have found that the costs of teacher turnover can be significant both in terms of finances and student success.<sup>13</sup> 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.<sup>14</sup> 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 the future of public education, it is imperative that sound research is available on the status of learning and

<sup>10</sup> U.S. Department of Education. Progress and Promise: Ten Years of the Arts Education Model Development and Dissemination Program. (p. 13)

<sup>11</sup> Ingersoll, R. M. (2003). Is There Really a Teacher Shortage. (pp. 13 & 22).

<sup>12</sup> Ingersoll, R. M. (2002). Teacher shortage: A case of wrong diagnosis and wrong prescription. *NASSP Bulletin*. 86. (pp. 16-31).

<sup>13</sup> Ronfeldt, M., Loeb, S., Wyckoff, J. (Forthcoming). How teacher turnover harms student achievement. *American Educational Research Journal*.

<sup>14</sup> Stevenson, L. M. & Deasy, R. J. (2005). *Third Space: When Learning Matters*. Washington, DC: Arts Education Partnership. (pp. 10-11).

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.<sup>15</sup> 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.

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<sup>15</sup> 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.

# TAX REFORM

## ENCOURAGING CHARITABLE GIFTS TO SUPPORT COMMUNITY ACCESS TO THE ARTS

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### ACTION NEEDED

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We urge Congress to:

- **Preserve incentives for charitable giving by protecting the charitable tax deduction from rate caps or other new limitations.**
- **Reject any attempts to divide the charitable sector which would create a hierarchy of tax deductibility favoring certain types of charities over others.**
- **Extend the IRA Charitable Rollover.**

### TALKING POINTS

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- **Nonprofit arts organizations serve the needs of people and community partners through education, artistry, economic development, and social service programs serving the poor. Support from donors across the economic spectrum is essential to making this work possible.** The arts communicate across religious, ethnic, and political divides, both at home and abroad; explore civic issues, both current and past; create human and social services programs focusing on healthcare, addiction, senior services, and many other areas; provide in-school and afterschool programs for children and teachers, as well as 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.
- **Unlike other tax deductions, charitable giving incentives do not enrich individual donors: they are an investment in the public good.** Preserving tax incentives for charitable giving will expand nonprofit services and provide a net benefit to the public. For every \$1 dollar in deductions claimed, charities receive \$3 to provide necessary services. As all charities struggle to meet increased demands for their services, we need to encourage all individuals—regardless of income and wealth—to give more to nonprofit organizations.
- **Diminishing charitable giving incentives will have lasting, harmful consequences for nonprofit services and jobs.** Charitable giving is a significant revenue source for a broad range of nonprofit organizations, which cannot withstand even slight declines in contributions given the fragility of all revenue sources. 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 the high quality arts programming would be greatly diminished.
- **Proposed changes to the charitable tax deduction will reduce giving.** While the initial charitable impulse to give often comes “from the heart,” history has shown that donors do respond to tax law changes by altering what, when, and how much they give. Limiting the value of the charitable deduction could fundamentally change a tax structure that has established a tradition of charitable giving unmatched in the world.
- **The public supports the charitable deduction.** A 2012 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. Of those who indicate they would reduce charitable giving, the majority (62 percent) indicate they would have to reduce their contributions by a significant amount—by 25 percent or more. Two out of every three Americans (67 percent) are opposed to reducing the charitable tax deduction.
- **A Senate Finance Committee hearing on October 18, 2011, included a highly supportive discussion of the value of the arts as part of the nonprofit community.** Sen. Orrin Hatch (R-UT) initiated the dialogue with witnesses by asking them to comment on the benefits of contributions to nonprofit arts organizations. The dean of the Southern Baptist Theological Seminary made a particularly compelling statement: “This isn't simply about economic impact. 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.”

## **BACKGROUND**

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There are approximately 1.4 million nonprofit 501(c)(3) organizations, including arts organizations, hospitals, private schools and institutions of higher education, religious congregations, public television and radio stations, soup kitchens, and foundations. They also contribute \$1.1 trillion in human 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.

As the momentum for tax reform increases and the federal deficit mounts, there have been proposals to curtail or eliminate the income tax deduction for gifts to 501(c)(3) organizations, including the nonprofit arts, in order to increase revenue for the federal government. Such proposals are short-sighted and are often made on the basis of false assumptions. Congress should fully understand the impact of proposed tax reform on incentives for charitable giving and should protect the charitable giving that supports the valuable community services provided by the nonprofit arts sector.

The deduction remains a key topic in all tax policy discussions. A February 2013 House Ways and Means hearing examined recent attempts to make changes to the deduction in the wake of the recent fiscal cliff negotiations and in preparation for possible comprehensive tax reform. The hearing highlighted broad agreement in support of charities but also underscored some disagreement on whether the current charitable donation structure best supports the nonprofit sector. The committee also created 11 tax reform working groups. The working group on Charitable/Exempt Organizations is chaired by Reps. Dave Reichert (R-WA) and John Lewis (D-GA) and will be tasked to inform potential policy changes in preparation of a new Joint Committee on Taxation report.

### **RECENT PROPOSALS TO REDUCE TAX DEDUCTIBILITY OF CHARITABLE GIFTS:**

- President Obama's FY 2013 budget proposal sought to decouple the value of tax deductions from income tax rates—capping all deductions, including the charitable deduction, at 28 percent for individual taxpayers earning more than \$200,000 and couples earning more than \$250,000. Congress has previously rejected identical proposals from the administration, and key tax policymakers have objected to the negative impact the proposal would have on charitable contributions. The American Taxpayer Relief Act of 2012 passed in January 2013 did *not* include a flat percentage or dollar cap on charitable giving incentives as had been feared in the final weeks of 2012. It does, however, reinstate the so-called “Pease” limitation which lowers the value of all itemized deductions based on income above the thresholds of families earning more than \$300,000 per year (\$250,000 for individuals). Pease took effect in 1991 as a federal revenue generator, but was gradually phased out in the 2006–2010 tax years as part of a larger effort at tax simplification. Congress should consider exempting the charitable deduction and other caps and limitations under consideration from the Pease provision. In the past two years, more than a dozen potential changes to deductibility of giving have been on the table.
- 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. Another plan would limit the amount taxes could be reduced by all deductions to 2 percent of adjusted gross income. At the end of 2012, a dollar cap on the deductibility was under consideration. Any of these changes could lead to decreased giving.
- 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 many others in the 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.) Since 1917, the nonprofit arts have expressly 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.

### **IRA CHARITABLE ROLLOVER PROVISION:**

The IRA Charitable Rollover provision, extended through the American Taxpayer Relief Act of 2012, permits donors age 70 ½ and older to make tax-free charitable gifts directly from their IRAs, up to an annual ceiling of \$100,000. Since its enactment, it has spurred millions of dollars in new and increased charitable gifts, but is once again set to expire at the end of 2013. President Obama's FY 2013 budget proposal supports extension of the IRA Charitable Rollover. 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 donation to charity. Congress will be considering proposals to make the IRA Rollover permanent, lift the \$100,000 limit, and reduce the age of eligibility to 59 ½ .

# TAX FAIRNESS FOR ARTISTS AND WRITERS

## CREATING AMERICA'S ARTISTIC HERITAGE

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### ACTION NEEDED

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We urge Congress to:

- **Cosponsor the Artist-Museum Partnership Act (H.R. 1190 in the 112<sup>th</sup> Congress), which will be reintroduced by Rep. John Lewis (D-GA).**

### TALKING POINTS

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- 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 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 bipartisan 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. Creators should have the same right when they donate their own 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, our heritage is often sold abroad or goes into private collections.
- A report prepared by the National Endowment for the Arts at the request of Sen. Patrick Leahy (D-VT) demonstrates how current law impacts artists and writers and undermines the ability of cultural organizations to preserve our nation's heritage.

### FREQUENTLY ASKED QUESTIONS

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**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.

**2. *Since art is so subjective, will it be difficult to establish a fair evaluation?*** No. For gifts 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.

## FREQUENTLY ASKED QUESTIONS (CONTINUED)

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**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 this bill 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 bill cost?** Revenue loss estimates have varied over several Congresses, running from as low as \$6 million per year to as much as \$20 million.

### BACKGROUND

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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 biggest loser was 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 past years, but the bills have not been reviewed by the House. In the 111<sup>th</sup> Congress, the bills gained 93 cosponsors in the House and 23 in the Senate. When he served in the Senate, President Obama was a cosponsor of the legislation and also included support for this legislation in his campaign platform for the arts.

# OFFICE OF MUSEUM SERVICES (OMS)

PROMOTING LIFELONG LEARNING AND PROTECTING OUR NATIONAL HERITAGE

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## ACTION NEEDED

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We urge Congress to:

- Support full funding for the Office of Museum Services (OMS) within the Institute of Museum and Library Services. OMS is authorized at \$38.6 million.
- Support Dear Colleague letters being circulated in the Senate by Sen. Kirsten Gillibrand (D-NY) and in the House by Reps .Paul Tonko (D-NY), Leonard Lance (R-NJ), Michael Grimm (R-NY), and Louise Slaughter (D-NY) in support of the Office of Museum Services to demonstrate leadership on museum funding.

Office of Museum Services Appropriations, FY 2005 to present (in millions of dollars)

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

\*Subject to change pending final action on Continuing Resolution and sequestration.

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

## TALKING POINTS

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*Office of Museum Services 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 provide more than 18 million instructional hours for educational programs and spend more than \$2 billion on education each year.
- Through the 21<sup>st</sup> Century Skills initiative, OMS gives learners tools they will need in a modern economy: critical thinking, creativity, numerical literacy, 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 and local curriculum standards in subjects including math, science, art, literacy, language arts, history, civics and government, economics and financial literacy, geography, and social studies.

*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.*

- The 2005 "Heritage Health Index" concluded that immediate action is needed to prevent the loss of millions of artifacts that are in need of conservation treatment.

## BACKGROUND

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

The Institute of Museum and Library Services encourages leadership, innovation, and applications of the most current technologies and practices to enhance museum services and supports museums as core providers of learning 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. 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.

## **BACKGROUND (CONTINUED)**

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During the past several years, the demand for museum educational services has grown; collections are at even more risk; and museum staff are in increasing need of professional development in education and technology. Many museums also report increased visitation during times of economic uncertainty, as families seek activities that are close to home, free or reasonably priced, educational, and safe.

## **ABOUT MUSEUMS**

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America's more than 17,500 museums attract more than one billion visitors annually. Their collections consist of hundreds of millions of objects, artifacts, and living specimens in the fields of art, history, science, and specialized disciplines, needing constant care and protection. They hold these collections on behalf of the public

Museums are also part of a robust nonprofit community working to address a wide range of our nation's greatest challenges, from conducting medical research to hosting supervised visits for the family court system, and from creating energy efficient public buildings to collecting food for needy families. They tailor programming to meet community needs, working with military families, persons with memory loss, veterans, children with special needs, and those with limited English proficiency.

More than one-third (35 percent) of U.S. museums are always free to the public, and more than 97 percent of the rest offer discounts, special fee schedules, or free admission days, according to American Alliance of Museums' 2009 Museum Financial Information Survey.

Museums provide trustworthy information on complex art, historical, and scientific issues in an era in which faulty, incomplete, or biased information is rampant. The credibility of museums stems, in part, from the solid foundation research and collections provide for exhibitions and educational programs. Teachers, students, and researchers participate in formal programs through online collections and exhibitions—and increasingly through social networking.

Museums foster discussion and engagement around complex issues in contemporary society. Increasingly they provide a venue both for scholarly research and interpretation as well as for interactive activities connecting members both of the general public and specific audiences. They are offering a host of activities including lectures, performances, discussions, art-making, scientific experiments and web-based exhibitions, conversations, and blogs.

Museums provide extensive services to America's teachers and students. Their programs nearly always include professional development workshops and courses for teachers and curriculum-based educational visits. Museums can develop intensive partnerships with individual schools in which students undertake multiple visits, museum staff co-writes curriculum and lesson plans with teachers, and, in some cases, museums actually take responsibility for running charter schools. Art museums alone reach approximately 35,000 public, private, charter, parochial, magnet, and home schools in nearly every congressional district.

# SUPPORTING PUBLIC AND COMMUNITY MEDIA

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## **ACTION NEEDED**

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We urge Congress to:

- **Restore public broadcasting funding to the FY 2013 appropriation level of \$445 million through the Corporation for Public Broadcasting (CPB).**
- **Pass the Community Access Preservation Act (CAP Act) to preserve public, educational, and governmental (PEG) non-commercial cable channels for local communities.**

## **OVERVIEW—PUBLIC AND COMMUNITY MEDIA**

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Public media consists of the Public Broadcasting Service (PBS), National Public Radio (NPR), and more than 1,000 local public broadcasting stations. Community media is comprised of public, educational, and government (PEG) cable access TV and community radio stations. Both public and community media have a long history of presenting local, regional, and national nonprofit arts programming, a great majority of which is not available on commercial channels. These organizations play a unique role in bringing both classics and contemporary works to the American public. All of these systems exist because of federal funding or legislation.

## **TALKING POINTS— CORPORATION FOR PUBLIC BROADCASTING**

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- In creating America's unique public broadcasting system, Congress acknowledged public broadcasting's role in transmitting arts and culture: "It is in the public interest to encourage the growth and development of public radio and television broadcasting, including the use of such media for instructional, educational, and cultural purposes." And Corporation for Public Broadcasting (CPB) is the vehicle through which Congress has chosen to promote noncommercial public telecommunications.
- CPB does not produce or broadcast programs. The vast majority of funding through CPB goes directly to local public broadcast stations in the form of Community Service Grants.
- 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. The cost of funding this unique public-private partnership is only \$1.37 per American per year.
- All public broadcasting stations, large and small, urban and rural, are distinctive voices in their community. Small and rural stations—which are often the only sources of broadcast arts programming in their communities—are more heavily dependent on a federal investment through CPB funding. Numerous rural public radio stations rely on CPB funding for more than 30 percent of their annual budgets because they simply lack the large listenership and network of public supporters that urban stations naturally possess. Without these federal funds, many of these smaller stations could disappear.
- In FY 2012, public broadcasting funding was cut by a total of \$56 million. Public broadcasting is expecting 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.
- 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 no longer 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. Essentially, local stations have become part of the "cultural infrastructure" that supports the music economy in America today.
- Public Broadcasting System (PBS), with its nearly 360 member stations, is the nation's largest stage for the arts with 500 hours of PBS arts and culture programming watched by 117 million people in 2012. The critical percentage of public broadcasting's overall budget that comes from the federal appropriation is the foundation of PBS' capacity to serve all Americans with content and services they rely on.

## **BACKGROUND—CORPORATION FOR PUBLIC BROADCASTING**

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Local public radio and television stations have relied on funds provided by the Corporation for Public Broadcasting (CPB), which is advance-funded by two years in order to protect station editorial independence and allow for long-term program planning. Public media outlets offer arts programming not aired by their commercial counterparts. However, they are often under-resourced and staffed by volunteers.

## **TALKING POINTS— COMMUNITY ACCESS PRESERVATION ACT (CAP ACT)**

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- In 2007, the FCC ruled, subject to some important exceptions, that part of the franchise fees paid to PEG programs may only be used for facilities and equipment and not for operating expenses or local programming. As a result, communities are closing PEG facilities because there are no funds to operate them. The CAP Act amends the Cable Act to ensure that PEG fees can be used for any purpose, including arts and culture programming and media arts training, like CreaTV San Jose’s Film Arts Academy for middle and high school students.
- The bill reaffirms that operators must deliver PEG channels to subscribers without additional charges, and via channels whose quality, accessibility, functionality, and placement is equivalent to local commercial television stations. These channels are invaluable assets in their communities, providing hyper-local nonprofit arts programs. For example:
  - Minneapolis Telecommunications Network’s *Annual Loring Park Acoustic Music Festival*
  - Access Sacramento’s *STC School for the Arts Winter Ensemble Musical*
  - PhillyCAM’s *Philadelphia Jazz Project*
  - BRIC Arts in Brooklyn, NY presents and produces a wide array of contemporary art, performing art, and community media arts;
  - Cambridge Community TV’s *Cambridge Art Association’s Blue exhibit*
  - AOC Community Media’s *Acadian Symphony Orchestra and Conservatory of Louisiana Christmas Concert*
- Federal law envisioned that PEG franchise terms would be established on a community-by-community basis. Several states, while intending to preserve PEG broadcasting, have adopted statewide video franchising standards without regard to local needs and interests. Such statewide standards are prompting widespread *elimination* of PEGs. To ensure PEG stations are preserved and critical local programming protected, each cable operator must provide the channels and critical facilities it had been providing in the past. Operators must also make ongoing PEG support payments equal to the greater of the cash payment required under state law, or the value of the PEG support it historically provided.
- The CAP Act requires the FCC to study the effect state video franchise laws have had on PEG channels, including loss of funding and impact on local programming.

## **BACKGROUND—COMMUNITY ACCESS PRESERVATION ACT (CAP ACT)**

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Historically, public, educational, and government (PEG) access stations have received support from cable companies through franchise fees paid to cities, though more recently funding has come from a mix of local and state franchise agreements. In some communities, these community media outlets are the sole source for local news and information and arts and culture programming and provide critical media arts training not available elsewhere. They reach large segments of the population often overlooked by national conglomerates that in recent years have replaced local programs with programming created for a national audience. Supporting and sustaining these valuable noncommercial hyper-local media outlets becomes increasingly important in a world where many local media outlets are disappearing and being replaced with corporate-owned outlets that don’t provide local coverage for the nonprofit arts and cultural community.

# CULTURAL EXCHANGES THROUGH THE U.S. DEPARTMENT OF STATE

## STRENGTHENING TIES BETWEEN THE UNITED STATES AND THE WORLD

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### ACTION NEEDED

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We urge Congress to:

- Direct the State Department to appropriate a minimum of \$15 million for the Cultural Programs Division of the State Department's Office of Citizen Exchanges within the FY 2014 State and Foreign Operations appropriations bill and dedicate increased resources to the application-based exchanges and Arts Envoy program.
- 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.

**Budget for State Department Cultural Programs Division, FY 2003 to present (in millions of dollars)**

Fiscal Year	'03	'04	'05	'06	'07	'08	'09	'10	'11	'12
Cultural Programs Division	2.7	3	4.3	4.7	9.3	8.4	9.1	11.5	TBD	TBD

### TALKING POINTS

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- ***Policymakers agree that cultural exchange enhances international understanding.***
  - Assistant Secretary of State Ann Stock said in a 2011 speech, "Cultural diplomacy is an essential element in America's foreign policy. It builds on Secretary of State Clinton's concept of 'smart power,' which utilizes a variety of means to achieve our 21<sup>st</sup>-century foreign policy goals. It is a concept that recognizes and emphasizes those aspects of our society that are literally attractive—that cause others to come forward and join us and partner with us. Nothing in 'smart power' is 'smarter' than cultural diplomacy: it bridges language barriers, opens lines of communication, and connects people to one another in a way that is both lasting and immediate."
  - At the 2012 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, 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."
  - On his first official day as Secretary of State, John Kerry welcomed the Afghan National Institute of Music Ensembles to the State Department and affirmed that "music is the international language of peace and of possibilities and dreams."
- ***Increased funding and operational capacity for the Cultural Programs Division will strengthen exchange and collaboration in the arts and cultural fields that build bridges among people of different countries, cultures, and faiths.***
  - A May 2006 evaluation of the State Department's Jazz Ambassadors Program found that more than 90 percent of embassy staff agreed that the program is effective in extending the reach of traditional diplomacy and providing alternative venues for policy dialogue.
  - 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 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."

## TALKING POINTS (CONTINUED)

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- *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

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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, the agency administered educational and cultural exchanges; international radio, television, and film broadcasting; and extensive information programs. Support for the United Nations Educational, Scientific and Cultural Organization (UNESCO), a major international organization with significant cultural diplomacy programs, has been withheld by Congress due to diplomatic concerns.

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 in the visual arts, performing arts, film, arts education, arts management, and cultural studies. Active programs include Arts Envoys, DanceMotion USA, International Writing Program, Museums Connect, OneBeat, American Music Abroad, American Film Showcase, Biennales, smARTpower, and Center Stage. 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.

### 2012 Cultural Exchange Highlights

**DanceMotion USA: The Trey McIntyre Project** toured the Philippines, Vietnam, China, and South Korea as part of the DanceMotion USA cultural diplomacy program. As part of a pilot initiative, the dance company was asked to identify a foreign dance troupe to participate in a residency based in the United States. Months after TMP traveled to Asia, the Korea National Contemporary Dance Company arrived in the United States to collaborate on a new ballet, performed in four states in the fall of 2012.

**Museums Connect:** During the first of three international exchanges, 25 teenage girls met with female community leaders, minority groups, and plantation workers in Sri Lanka to learn about gender, social, and labor issues. High school students from New York and Chile visited their peers as part of Girl Ambassadors for Human Rights, which engages young women in face-to-face dialogues about gender issues across time and cultures using the unique histories of women's struggles for equality as represented by local partner museums. At the end of their visit, the girls shared their own stories and compared experiences at a public event on human and women's rights.

**American Music Abroad: Mahogany Jones – Live**, an inspirational rapper, singer, and poet, spent a month and half touring Zambia, Botswana, Uganda, Rwanda, and Ethiopia. Joined by a percussionist and DJ, the Detroit-based ensemble performed free concerts, conducted music workshops, worked with young people in public schools, collaborated with local artists local, and engaged with foreign dignitaries.

For a complete listing of programs, please visit the arts and culture tab at:

<http://exchanges.state.gov/us/special-focus-areas>

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

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## ACTION NEEDED

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We urge Congress to

- **Enact the Arts Require Timely Service (ARTS) Act, 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.**
- **We further call on Congress and the administration to persuade USCIS to take ongoing immediate administrative action to improve the artist visa process.**

## TALKING POINTS

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- **Immediate assistance is needed to improve the artist visa process.** Passage of the Arts Require Timely Service (ARTS) Act would ensure USCIS action. The proposed timeframe for processing O and P visas—the categories used by artists—is eminently reasonable and consistent with security concerns. Congress recognized the time-sensitive nature of arts events when writing the 1991 federal law regarding O and P visas, in which the USCIS is instructed to process O and P arts visas in 14 days. Although USCIS has made efforts in recent years to observe this timeframe, the mandate has not been consistently implemented and the agency can, under its current authority, 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 Act has strong, bipartisan support and has been found by the by the Congressional Budget Office (CBO) to come at no cost to the federal government.** Key House and Senate Judiciary Committee members have signaled bipartisan support for improving the artist visa process, and a provision was included in the 2006 and 2007 comprehensive Senate immigration reform bills. The full House approved a stand-alone version of the measure, H.R. 1312, in April 2008, the bill was reintroduced in both the House and Senate in 2009, and was reintroduced in 2011. On November 7, 2007, the Congressional Budget Office issued a cost estimate for the ARTS Act, stating that the bill would have no significant cost to the federal government.
- **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 (CONTINUED)

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- **Global cultural exchange is important now more than ever.** American nonprofit arts organizations provide an important public service 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. 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

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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, American artists scheduled to work alongside international guest artists lose important employment opportunities, and 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 an unaffordable cost for most nonprofit arts organizations—\$1,225 per petition. 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.

We ask Congress to include enactment of the Arts Require Timely Service (ARTS) Act in any immigration reform effort. The ARTS Act, as passed by the House in 2008, would reduce the total processing times for O and P arts-related visa petitions. USCIS would be required to treat any arts-related O and P visa petition that it fails to adjudicate within the statutory timeframe as a Premium Processing case (15-day turn around), free of additional charge. Previous versions of the ARTS Act has had strong bipartisan support and has been found by the Congressional Budget Office to come at no cost to the federal government.

# ARTS IN HEALTH

## IMPROVING OUR NATION'S HEALTH THROUGH THE ARTS

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### ACTION NEEDED

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We urge Congress to:

- **Designate funding to Department of Defense, TRICARE, and Veterans Affairs for Demonstration Projects for veterans and active military, increasing access to cost-effective creative arts services in healthcare treatment and programming.**
- **Support funding for creative arts in healthcare research priorities within the federal agencies involved with the Arts and Human Development Interagency Task Force, including the National Institutes of Health, Administration on Aging, and the Department of Education.**
- **Support the Mental Health in Schools Act, S.195, sponsored by Sen. Al Franken (D-MN) and H.R. 628 sponsored by Rep. Grace Napolitano (D-CA), which will provide a comprehensive system for education and healthcare providers, such as creative arts therapists, to improve access to mental health services and support for students, families, school personnel, and communities.**

### TALKING POINTS

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Creative arts in healthcare includes the professional disciplines of art therapy, music therapy, dance therapy, drama therapy, and poetry therapy, as well as artist-directed applications of visual, literary and performing arts, and design within a wide variety of healthcare and community settings for therapeutic, educational, and expressive purposes. These nationally credentialed therapists and artists are dedicated to improving our nation's health and healthcare experience by providing quality, cost-effective services that achieve positive outcomes for patients, families, and caregivers.

#### **Veterans and Active Military**

- Funding for creative arts and arts therapies demonstration projects, services, and multi-site research within VA Hospitals and on military bases will provide for increased access to affordable and outcomes-based healthcare.
- The Intrepid Center for Excellence at Walter Reed Hospital, which includes art therapy, music therapy, and a writing program for veterans with PTSD and Traumatic Brain Injury, demonstrates the successful integration of arts therapies and creative arts in critical healthcare programming.
- Providing creative arts therapies in healthcare increases successful treatment options for veterans and military personnel who do not respond to traditional interventions.
- Research outcomes for creative arts therapies programs include improved quality and effectiveness of care, enhanced psychosocial and physical health, decreased agitation, increased response to rehabilitation treatment, and improved caregiver coping skills.

#### **Research Funding**

- Existing studies on the creative arts in health and wellness demonstrate the positive impact these services have on patient outcomes and healthcare cost savings. We must expand on this research foundation through:
  - ✓ Support for larger scale studies.
  - ✓ Collaboration among stakeholders.
  - ✓ Promotion of study results to encourage expansion of creative arts services to the general public.
- The Arts and Human Development Interagency Task Force can provide the strategic support to highlight evidence-based practices, organize distribution of funding opportunities, facilitate technical assistance support, and coordinate a research agenda for the creative arts in healthcare.

## TALKING POINTS (CONTINUED)

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- Research demonstrates that creative arts in healthcare interventions 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
  - ✓ Increased self-esteem

### Mental Health Services

- Creative arts therapies can help facilitate the purposes of the Mental Health in Schools Act by providing school-based mental health services and support; by providing comprehensive staff development for school and community service personnel working in the school; and by providing training for children with mental health disorders, for parents, siblings, and other family members of such children, and for concerned members of the community.
- Creative arts therapies have been used as effective interventions in comprehensive mental health care programs for more than 70 years, using various art forms as a means of communication and expression.
- The creative arts therapies offer supportive services to students, families, and personnel within the educational community. Therapists are able to positively impact mental health by utilizing non-threatening arts interventions to address inappropriate social behaviors, improve communication and socialization, provide successful tools to decrease barriers to learning, increase student compliance, and enhance academic performance.
- Treatment outcomes of creative arts therapies include strengthened coping strategies, successful and safe emotional release, increased verbalization, reduced muscle tension, and improved group cohesiveness.
- Physician ordered and treatment plan based creative arts therapies have been a Medicare covered service within mental health partial hospitalization programs since 1994.

### BACKGROUND

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Economic analyses and cost studies show a positive trend in the use of creative arts practices and their impact on containing healthcare costs. Research confirms that the creative arts 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 interventions reduces patients' level of depression and anxiety, contributes to patient satisfaction, and improves providers' recruitment and retention rates.

Creative arts practitioners work in diverse settings across a wide spectrum of populations, literally serving persons from cradle to grave. Besides private for-profit and nonprofit health facilities, settings 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 historical beginnings in Veterans Hospitals during World War II, inclusion in federal programs such as the *Older Americans Act*, and previously funded research grant awards through agencies within the Department of Health and Human Services, there is a need to expand opportunities for creative arts in healthcare research and program funding so that more Americans can access these cost-effective services. Creative arts in healthcare interventions have the potential to positively impact the healthcare spending concerns, quality of care issues, and mental health needs currently facing our nation. An investment in the creative arts in healthcare is an investment in America's health.

## STATEMENTS OF CONCERN



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# STATEMENT OF CONCERN NATIONAL SERVICE AND THE ARTS

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## **BACKGROUND**

In 2009, Congress passed the *Serve America Act*, which acknowledged the important role of the arts in national service programs administered at the Corporation for National & Community Service (CNCS). Under the legislation's newly formed Education Corps, the placement of skilled artists and musicians in the community is eligible for funding. The legislation states that Education Corps may carry out activities such as "*providing skilled musicians and artists to promote greater community unity through the use of music and arts education and engagement through work in low-income communities, and education, health care, and therapeutic settings, and other work in the public domain with citizens of all ages.*" Sec. 122 (1) (B) (xii). However, using the arts as a strategy for addressing critical community issues was not included as an area of focus or even referenced in the CNCS four-year strategic plan.

In 2011, due to limits in their budget, CNCS had to turn down approximately 500,000 AmeriCorps applications. In addition to the individuals who want to take part, American artists and arts organization are also eager to serve their country by addressing critical needs; yet it is becoming increasingly harder to do so. Support for the arts through a dedicated Artist Corps—as well as continued inclusion of the arts in all national service programs—provides an opportunity for creative skills to be utilized in engaging with communities across the country.

## **STATEMENT OF CONCERN**

We support the creation of an Artist Corps as proposed by President Obama during his 2008 campaign, similar to the Education Corps, Healthy Futures Corps, Clean Energy Corps, Veterans Corps, and Opportunity Corps as called for in the *Serve America Act*. An Artist Corps would support programs administered by, or partnered with, nonprofit community organizations that place skilled artists in the community to address current CNCS focus areas of Disaster Services, Economic Opportunity, Education, Environmental Stewardship, Healthy Futures, and Veterans and Military Families. Establishing an Artist Corps would allow individuals trained in the arts to address community needs through arts-related activities and human capital investments. For example, Artist Corps would place artists in programs using the arts to engage youth in high-risk environments; strengthen civic engagement and community development; increase awareness of the natural environment; enhance the lives of individuals with mental and physical disabilities, seniors, and veterans; and develop cross-cultural understanding. State arts councils could provide guidance to state service commissions, sharing information about community artists and residency programs as well as human service programs receiving arts funding.

We also call on CNCS to be more inclusive of community arts projects and nonprofit cultural organizations as eligible for national service programs, such as AmeriCorps and Senior Corps, the Social Innovation Fund, and National Days of Service, in the funding guidelines and in the tracking of funded programs.

### **Examples of Arts Program Previously Funded By CNCS**

**Music National Service** is a nonprofit organization that uses music as a strategy for public good. MusicianCorps, its flagship program, trains and places musicians to serve as full-time teachers and mentors in low-performing public schools, youth centers, and other high-need community settings. MusicianCorps uses music to re-engage youth in their academic and civic lives and provide them the skills critical to success in the 21<sup>st</sup> century.

**Community Art Corps, Maryland Institute College of Art** matches talented, committed community artists with nonprofits, schools, and community centers throughout Baltimore City. These artists devote a year of service to expanding arts-based afterschool programs for K-12 students.

**Service For Peace** implemented a unique Story of Service component in 50 of programs, collecting the oral histories of military veterans and allowing them to share their personal stories of service while highlighting how the stories exemplify Martin Luther King, Jr.'s vision of peace.

# STATEMENT OF CONCERN NETWORK NEUTRALITY

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## **BACKGROUND**

The open architecture of the Internet has created unprecedented opportunities for artists, cultural organizations, and entrepreneurs. Because of the Internet's level playing field, organizations and individuals can reach Internet users to promote their work or to sell their creative products and services without navigating a complex system of gatekeepers.

Internet Service Providers (ISPs), companies that sell access to the Internet, can exert immense control over that access. Without clear rules of the road, ISPs could potentially stifle certain types of speech that they regard as inflammatory, discriminate against business models deemed threatening, block certain Internet applications, slow down or speed up the delivery of certain online content, or even 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. Telecommunications companies including Verizon have filed suit challenging the FCC's authority to propagate rules regarding broadband access. If the courts decide to vacate the FCC's authority, Congress may have to act to clarify the FCC's role in preserving expression and entrepreneurship online.

## **STATEMENT OF CONCERN**

The Internet must remain a place where users can learn, express themselves, innovate, and build a business. Working artists of all genres, mediums, and styles depend on the Internet to promote and sell their work to their audience and therefore, make a living. The Internet is *critical* to creators of today and tomorrow. Therefore, it is important that the Internet remain accessible to all users, including artists. ISPs should not be allowed to discriminate against lawful online content based on business or other preferences.

It must be stressed that network neutrality rules should not impair ISPs' or the federal government's ability to openly and transparently protect copyrighted content. Nor should such rules compromise users' privacy, frustrate consumer access to lawful online content, or inhibit competition from lawful actors.

While the FCC's rules provide some safeguards for wired networks, they provide meager protections for those accessing the Internet from wireless or mobile devices, such as cell phones or tablet computers. The Internet should be the Internet—regardless of how it is accessed. Increasingly, arts organizations are relying on mobile devices for their programs. For example, museums are creating specific tour apps for exhibitions, and many performing artists, creators, and arts organizations are increasingly using video to promote their works. Still, the FCC's rules should be seen as an important initial safeguard for all internet users, including those in the arts and cultural sector.

Congress should be prepared to reengage in this issue in order to preserve and promote a lawful, participatory Internet that does not favor or disfavor legitimate content. The viability of the arts and cultural communities in the 21st century depends on our ability to compete on a level online playing field. We support efforts to ensure that the Internet remains an accessible platform for free expression and artistic creation, while protecting copyrighted content.

# **STATEMENT OF CONCERN FEDERAL COMMUNICATIONS COMMISSION PROTECTING PERFORMING ARTS TECHNOLOGY**

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## **BACKGROUND**

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 in 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 auction. The FCC will ‘repack’ or reorganize the broadcast spectrum following the incentive auction which will mean another relocation for wireless microphones and likely the costly replacement of sound equipment. The FCC is also proposing to eliminate the two safe-haven channels in this Proceeding and devote some TV spectrum to new unlicensed devices in White Space spectrum and in a separate Proceeding is seeking Public Comment on limited expansion of Part 74 licensing for wireless microphones.

Performers, performing arts organizations and venues, and educational facilities will benefit from these interference protection mechanisms. School theater programs and small and mid-sized professional performing arts entities will be protected by the two safe-haven channels, and larger performing arts organizations will be protected by expanded licensing that provides 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. There are more than 21,000 school theater programs in the United States which impact approximately 500,000 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 dollar 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 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.

## **STATEMENT OF CONCERN**

Performing arts 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. Nonprofit performing arts organizations in the United States have made substantial financial investments in their technical equipment, including wireless microphones and communications devices used for backstage communications in order to produce and present performances of the highest caliber. K-16 schools committed to the performing arts 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.

A reliable geo-location database will avoid interference between wireless microphones and TV Band Devices. Maintaining two safe-haven channels nationally is critical in preserving interference protection for school theatre programs and for smaller and midsized professional performing arts performances—especially those outside of major urban areas. We urge the FCC to closely supervise the implementation of the geo-location database and be responsive to any concerns raised by the wireless microphone community and to maintain two safe-haven channels nationally for wireless microphones. If the safe-haven channels were eliminated, smaller performing arts entities would then need access to the database.

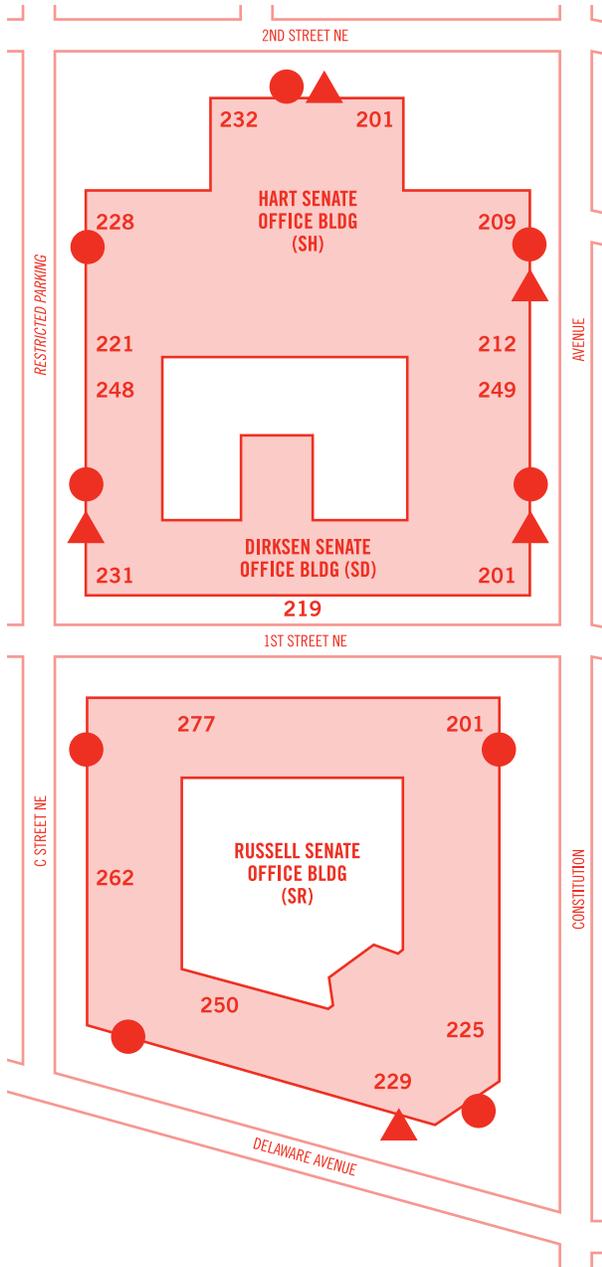
Larger professional performing arts entities should be eligible for Part 74 licensing which would provide them with more immediate access to the database because the 30 day delay in accessing the geo-location database dictated by the FCC's current rules for unlicensed wireless microphones does not allow for the flexibility needed in the professional performing arts sector.

*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, includes spectrum auction 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. If the auction 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 unbearable cost to nonprofit performing arts organizations and educational institutions.

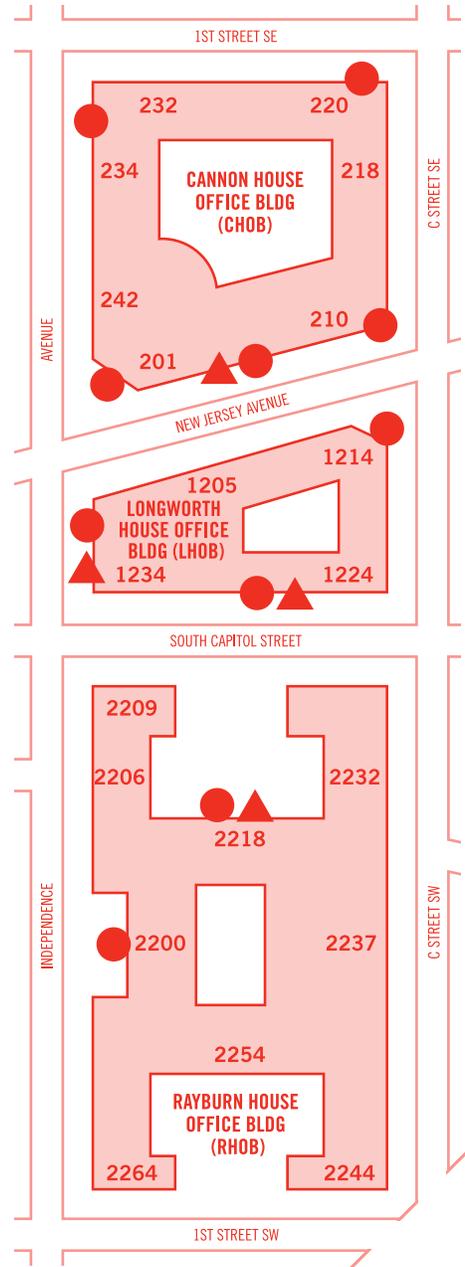
Wireless microphone users, including those in the performing arts, were subject to an FCC Rule that required cessation of operations in the 700 MHz band by June 12, 2010. For many performing arts organizations, this migration out of the 700 MHz band caused an unanticipated expenditure of \$25,000–\$100,000 for the purchase of sound equipment that would operate in a different area of the broadcast spectrum.

As the FCC reviews options for rulemaking on the recently approved spectrum auctions, we urge Congress to consider the burden already borne by the performing arts community. Should another move in the broadcast spectrum be deemed necessary, the performing arts community has 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.

## SENATE OFFICE BUILDINGS GENERALIZED FLOOR PLANS



## HOUSE OFFICE BUILDINGS GENERALIZED FLOOR PLANS



- Visitor's Entrance
- ▲ Accessible Entrance

Sample room numbers and approximate locations are shown as a guide to the nearest entrances.

# ARTS ADVOCACY DAY

THE 2013 NATIONAL ARTS ACTION SUMMIT

April 8–9, 2013

*Arts Advocacy Day is a national advocacy and grassroots campaign organized by Americans for the Arts in support of federal funding for the arts and arts education in America.*

The 2013 Congressional Arts Handbook is current as of March 11, 2013, and can be found online at [www.AmericansForTheArts.org/AAD/Handbook](http://www.AmericansForTheArts.org/AAD/Handbook).

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