

## **SUMMARY OF LEGISLATIVE REQUESTS**

### **National Endowment for the Arts (NEA)**

We urge support for 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.

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.

The NEA awarded more than 2,200 grants in 2012, totaling more than \$108 million in funds in FY 2012. Forty percent of all NEA program funds are re-granted through state arts agencies. In partnership with the NEA, state arts agencies awarded 22,000 grants to organizations, schools, and artists in nearly 5,000 communities across the United States.

### **Encouraging Charitable Gifts to Arts and Culture**

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; and, extend the IRA Charitable Rollover. 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.

We also urge Congress to expand and make permanent the IRA Charitable Rollover. 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. 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.

### **Allow Artists a Tax Deduction for Charitable Gifts of Their Own Work**

We urge Congress to cosponsor the Artist-Museum Partnership Act, to be introduced in the House by Rep. John Lewis (D-GA). 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.

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.

## **Institute of Museum and Library Services (IMLS)—Office of Museum Services**

We urge Congress to support full funding for the Office of Museum Services (OMS) within the Institute of Museum and Library Services in the FY 2014 Labor-HHS-Education appropriations bill (OMS is authorized at \$38.6 million) and 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.

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.

## **Arts Education through the U.S. Department of Education and ESEA**

We urge Congress to appropriate \$30 million for the Arts in Education program in the FY 2014 Labor-HHS-Education appropriations bill and retain the Arts in Education program as a distinct grant competition in FY 2014 appropriations. The Arts in Education program is authorized under the Elementary and Secondary Education Act (ESEA).

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 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." 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.

Secondly, we urge Members of Congress to retain the arts in the definition of core academic subjects of learning 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; and 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. Additionally, we ask Congress to reauthorize the Arts in Education Programs of the U.S. Department of Education and to conduct dedicated hearings on how arts education develops skills in creativity and innovation.

Numerous national organizations have endorsed a paper titled *Arts Education: Creating Student Success in School, Work, and Life*, which serves 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.

## **Cultural Exchange Programs in the U.S. Department of State**

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. Additionally, we ask Congress to 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.

## Arts and Healthcare

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. We ask Congress to 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.

We ask that Congress 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.

## Public Media

We urge Congress to restore funding for public broadcasting to the FY 2013 appropriation level of \$445 million through the Corporation for Public Broadcasting (CPB). In FY 2012, public broadcasting funding was cut by a total of \$56 million. Local public radio and television stations have relied on funds provided by the Corporation for Public Broadcasting, 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. Currently, the United States provides relatively modest support to public broadcasting compared to the rest of the industrialized world—\$1.37 per capita annually.

Secondly, we call for the passage of the Community Access Preservation Act to preserve public, educational, and governmental (PEG) non-commercial cable channels for local communities. The Act would amend the Cable Act to ensure that public, educational, and governmental channels (PEG) fees can be used for any purpose, including arts and culture programming and media arts training; 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; and 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. 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.

## Foreign Guest Artist Visas

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.

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.

## Statements of Concern

- National Service and the Arts – to strengthen the arts at the Corporation for National & Community Service
- Net Neutrality – on providing a platform for artistic creation, while protecting copyrighted content
- Protecting Performing Arts Technology – relating to wireless “white spaces” for use in the performing arts

## Arts Advocacy Day 2013 National CoSponsors

*Arts Advocacy Day is a national advocacy and grassroots campaign presented by **Americans for the Arts** and sponsored by **Ovation**. It is also cosponsored by more than 85 national organizations representing thousands of arts, cultural, business, civic, and educational groups and individuals nationwide.*

Actors' Equity Association	Future of Music Coalition
The Actors Fund	Global Alliance for Arts and Health
Alliance for Community Media	Grantmakers in the Arts
Alliance of Artists Communities	HandMade in America
American Alliance for Theatre & Education	International Alliance of Theatrical Stage Employees
American Alliance of Museums	International Council of Fine Arts Deans
American Architectural Foundation	League of American Orchestras
American Art Therapy Association	League of Resident Theaters
American Association of Community Theatre	Literary Network
American Dance Therapy Association	The MacDowell Colony
American Federation of Musicians	Mid-America Arts Alliance
American Institute for Conservation of Historic & Artistic Works	Mid Atlantic Arts Foundation
American Music Therapy Association	Music for All
American Society of Composers, Authors & Publishers	Music Teachers National Association
American String Teachers Association	MusicianCorps
Americans for the Arts	NAMM - The National Association of Music Merchants
Americans for the Arts Action Fund	National Alliance for Media Arts and Culture
Art Dealers Association of America	National Art Education Association
Arts Management Program at American University	National Assembly of State Arts Agencies
ArtsGeorgia	National Association for Music Education
Association for Theatre in Higher Education	National Association of Latino Arts & Culture
The Association of American Cultures	National Center for Creative Aging
Association of American Publishers	National Dance Association
Association of Art Museum Curators	National Dance Education Organization
Association of Arts Administration Educators	National Federation of Music Clubs
Association of Independent Colleges of Art and Design	National Federation of State High School Associations
Association of Performing Arts Presenters	National Guild for Community Arts Education
Association of Writers and Writing Programs	National Music Council
Best Principled Solutions	National PTA
The Broadway League	New Music USA
CERF+	New York Society of Women Artists
Certification Board for Music Therapists	New York State Dance Education Association
Chamber Music America	North American Drama Therapy Association
Chorus America	OPERA America
College Art Association	Performing Arts Alliance
College Board	The Recording Academy
Colorado State Thespians	Recording Industry Association of America
Council on Undergraduate Research	SAG-AFTRA
Dance/USA	South Arts
Dancing Classrooms	Stage Directors and Choreographers Society
Educational Theatre Association	Theatre Communications Group
Fractured Atlas	Theatre Development Fund
Free Press	The United States Conference of Mayors
	VH1 Save The Music Foundation
	YoungArts
	Young Audiences Arts for Learning