



## ADVOCACY UPDATE – JANUARY 31, 2023

### **U.S Department of Homeland Security Issues Proposed Rule to Increase Petition Fees: Other Policy Changes**

The U.S. Department of Homeland Security (DHS) has issued a [proposed rule](#) which would impose steep increases to some of its filing fees, including for [O and P artist visa applications](#) filed by U.S. petitioners. The proposed rule would revive and worsen many elements from a [2019 DHS proposal](#) that was ultimately enjoined and prevented from going into effect. This proposed rule would do the following, among other provisions:

Filing fees for regularly processed **O visa petitions would increase by 260% from \$460 to \$1,655 per petition** (this would include a \$600 surcharge to fund the Asylum Program Fee).

- Filing fees for regularly processed **P visa petitions would increase by 251% from \$460 to \$1,615 per petition** (this would include a \$600 surcharge to fund the Asylum Program Fee).
- The total number of individuals on a single petition, including O and P arts petitions, would be **capped at 25 beneficiaries**. This would require numerous petitions for [larger ensembles](#).
- The [Premium Processing Service](#) (already unaffordable for many companies and organizations at the **current cost of \$2,500**) would take longer with [U.S. Citizenship and Immigration Services \(USCIS\)](#) redefining the timeframe **from 15 calendar days to 15 business days (federal working days)** in order to complete processing.

**The public comment period is open until March 6, 2023.** It is anticipated that USCIS and its parent agency, DHS, will take several months to review public feedback and consider any adjustments. Dance/USA is working with other national partners across the arts and cultural sector to submit joint comments by the deadline urging USCIS to not raise its fees and to improve the petition processing times and address current backlogs. Joint comments will indicate the severe economic harm that these proposals would inflict upon an arts and cultural sector that is still recovering from the pandemic. Dance/USA encourages its members through its [action alert](#) to also submit public comments and explain how the proposed rule and its increased fees and extended processing time will cause further significant challenges for the opera community to bring international artists to the United States. Comments should be filed online through the [Federal Register portal](#) by the **March 6, 2023 deadline**.

## **Biden Administration Extends National Public Health Emergency Related to the Pandemic to May 11**

The Biden Administration has extended the national public health emergency related to the pandemic until May 11. It is anticipated that this will be the last time that the White House will extend this national declaration. After May 11, the federal government will no longer directly support states, local governments, business community, or the non-profit community concerning the pandemic except through the Medicare and Medicaid programs. As a reminder, performing arts organizations are eligible to receive natural disaster public assistance support from the Federal Emergency Management Agency (FEMA) with any federal declared national disaster like adverse weather events or public health emergencies like a pandemic. With the current national public health emergency related to the pandemic, dance companies and non-profit organizations can receive support for pandemic-related expenses. Dance companies and non-profit organizations should reach out to their [state emergency management agencies](#) to start the application process and receive guidance. Dance companies and non-profit organizations should also register in the [FEMA grant portal](#) and develop and maintain working relationships with their state emergency management agencies to secure support for future national natural disasters and public emergencies.

## **American Rescue Plan Act of 2021 Provides \$350 Billion Aid to States, Local, and Tribal Governments**

A reminder that the \$1.9 trillion American Rescue Plan of 2021, enacted in March 2021, provides [\\$350 billion for eligible state, local, territorial, and tribal governments](#) to respond to the current pandemic and to preserve jobs. The law allows governors to provide economic support to those “**hardest-hit industries**” within their states. Many states and local governments have yet to obligate their entire federal share to support their state and local economies, respectively. State and local governments have **until December 31, 2024**, to obligate their funding and have **until December 31, 2026**, to spend their funding. Any unobligated funding will be returned to the U.S. treasury. Because of the current stalemate between congressional leadership concerning lifting the country’s \$31.4 trillion debt limit, Congress may require state and local government entities to return any unobligated funding **before the December 31, 2024 deadline**. This was a major topic of discussion during the [U.S. Conference of Mayors 91st winter meeting](#) in Washington, DC earlier in January. Mayors are racing to obligate their federal share of funding before the deadline. The National Conference of State Legislatures (NCSL) is [tracking how states](#) are spending their federal shares. The National League of Cities (NLC) is [tracking how local governments](#) are spending their federal shares. **It is important for the dance ecosystem and the overall arts and cultural sector to reach out to their governors, state legislators, and mayors to urge them to immediately obligate funding to support the arts and cultural sector.**

## **National Endowment for the Arts Announces First Round of FY2023 Grantmaking: Accepting Applications for Additional Rounds**

The National Endowment for the Arts (NEA) commenced its [next round of grantmaking](#) for its various programs with approaching deadlines, including the first deadline for its [Grants for Arts Projects program](#) of **February 9**. The NEA provides a variety of resources, including webinars, to help the arts sector effectively apply for various grants and to help them comply with grant requirements. Further information can be found in specific sections for each of the grants.

The NEA announced the first round of approvals for its FY2023 grantmaking (more than \$34 million), including grants to organizations through the Grants for Arts Projects, Challenge America, and Research Awards categories. The full list of recommended grants is available in a [state-by-state listing](#) and organized by [grant category/discipline](#). Additional information about the projects can be found using the NEA's [Grant Search](#).