

To the office of U.S. Senator Ben Ray Luján

Re: S 5635 (119th Congress), Arts Education for All Act • Latest action (2026-09-30): Read twice and referred to the Committee on Health, Education, Labor, and Pensions.

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Office of record (Congress.gov): 498 Russell Senate Office Building Washington, DC 20510, Washington, DC • (202) 224-6621

Arts Learning Opportunity and Accountability Act

The measure, as described from the official record: Expand access to arts education and arts programming for young children, K-12 students, and juveniles and adults in the criminal justice system.

THE PROPOSAL

The Constitution gives Congress power to spend for the general welfare under Article I, Section 8, Clause 1, but the Tenth Amendment reserves control of schools and criminal justice to the states. This proposal therefore uses voluntary funding, not federal mandates. States and local agencies that choose to accept the funds agree to limited reporting. Those that decline keep full control with no penalty.

The Arts Learning Opportunity and Accountability Act would expand access to arts education through voluntary federal support. It would permit states, child care providers, schools, and reentry programs to use eligible federal funds for arts instruction, teacher training, supplies, and partnerships with local arts groups. Participation by states and local agencies would be optional and tied only to funds they choose to accept.

The proposal would create a five-year competitive grant program for early learning providers, public schools, juvenile programs, and adult reentry programs. No funds could be used to require particular artistic viewpoints, and decisions on curriculum, hiring, and instruction would remain with states and local agencies. State plans and report cards could include arts information only where a state seeks the related funds.

Federal education research and statistics offices would study participation, costs, and student outcomes, with special attention to low-performing schools. A national arts assessment would proceed on a sample basis without publishing individual student scores. Consistent with Fifth Amendment Due Process, grantees accused of misuse would receive notice and time to correct the problem before loss or repayment of the arts-education award.

Oversight would include annual public reports on spending and results, audits by the Department of Education Inspector General, and an independent review before expiration. The authority would expire after five years unless Congress reviews the evidence and reauthorizes it.

OPERATIVE PROVISIONS (VFA PROPOSAL)

Effective Date	Fiscal year beginning October 1 after enactment, applying to new grant awards and state plan updates.
Enforcement Mechanism	Administrative grant conditions only: noncompliant grantees receive notice and a cure period, then loss or repayment of the relevant federal arts-education funds; no criminal penalties and no loss of unrelated federal aid.
Funding Amount	Capped at \$120 million per year in new competitive grant and research funding, subject to annual appropriations.
Funding Source	Existing Department of Education discretionary appropriations and existing Child Care and Development Block Grant funds; no new tax.
Oversight Body	Department of Education, Office of Inspector General, with annual public reporting and Government Accountability Office review before sunset.
Sunset Years	5 years

CONSTITUTIONAL BASIS

- Article I, Section 8, Clause 1
- Tenth Amendment
- Fifth Amendment Due Process

Concerns with the measure as written:

- Federal direction of state education plans, report cards, and teacher staffing goals raises Tenth Amendment and federalism concerns if read as a mandate rather than a condition on voluntary federal funds.
- Requirements tied to state juvenile justice plans raise federalism concerns unless states retain discretion and participation remains tied to voluntary grants.

WHY BOTH SIDES CAN BACK IT (VFA'S ASSESSMENT)

VFA assesses this draft honors Democratic priorities by expanding access to arts learning for young children, public school students, and justice-involved youth and adults, including in low-performing schools. VFA assesses it honors Republican and conservative priorities by making participation voluntary, preserving state and local control over curriculum, hiring, and staffing, capping federal spending with no new tax, and sunseting the authority so Congress must review results before renewal.

CHECK BEFORE RELYING ON THIS

Basis: The official Congress.gov summary of S. 119-5635, Arts Education for All Act, supports the goal, target groups, listed education and justice provisions, research duties, and committee referral stage.

The official summary does not supply full bill text, current law, eligibility rules, existing appeal rights, fiscal effects, or statutory conflicts; readers should verify those points and program details at the Congress.gov bill page before relying on this draft.

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