

Justification - Supporting Statement

1. Necessity of Information Collection

The National Endowment for the Arts' mission is "to advance artistic excellence, creativity, and innovation for the benefit of individuals and communities."

The Chairman establishes eligibility requirements and criteria for the review of applications for funding as authorized by the agency's enabling legislation (20 U.S.C. §954).

The NEA's Translation Fellowship program gives grants to translators of previously written works which may be protected by copyright. The NEA typically requires that these applicants obtain from the publisher the affirmative "right to translate" the work (or, in cases that do not apply to this request that the work be in the public domain). Some publishers, due to industry standard practices, have refused to provide applicants with the "right to translate" but do not object to the work being translated. In order to ensure that these otherwise qualified applicants are eligible, the NEA has developed this form in which a non-applicant rights-holder affirmatively acknowledges and approves of the applicant's project.

2. Needs and Uses of Information

The NEA needs this information in order to verify eligibility for grant awards, and to ensure that the intellectual property rights in the material that is the subject of a federal award is not contested. The identifying information of the rights-holder is necessary to identify and contact that entity in case an issue arises in the administration of a grant.

3. Uses of Information Technology

The use of information technology has been a prime consideration in the design of this form. Forms will be uploaded with the complete application.

4. Efforts to Identify Duplication

The National Endowment for the Arts has carefully analyzed existing forms to make certain that there is no duplication with the information requested.

Applicants will apply for a single, specific project. This project may change from year to year, which may make the information collected one year irrelevant to the next year's request.

5. Minimizing the Burden in Small Businesses or Small Entities

Not Applicable

6. Consequences of Not Conducting Data Collection

Many publishers, due to standard practices in the publishing industry, will not affirmatively provide a translator with the “right to translate”, but will merely acknowledge that the rights to a particular work are “available.” This assertion must be given in writing for the NEA to have a record that the appropriate rights have been secured by the applicant. Failure to do so could result in legal liability for the agency, or reputational harm to the agency’s interest should it be found to have funded an unauthorized translation.

7. Special Circumstances

Not Applicable

8. Public Comment and Consultation Outside the Agency

The collection is conducted consistent with the guidelines in 5 CFR 1320.6. A notice in the Federal Register was published on 11/9/2017 (82 FR 52073), to solicit comments on the approval of the data collection. No comments were received.

9. Payment to Respondents

Not Applicable

10. Assurance of Confidentiality

Assurance of confidentiality is provided under the terms of the Privacy Act of 1974.

11. Questions of a Sensitive Nature

No questions of a sensitive nature are included in the information collection.

12. Estimated Hour Burden of Respondents

Hour Burden to Respondents

| <i>Number of Potential Applicants</i> | | <i>Time to Complete Form</i> | | <i>Total (Annual) Hour Burden to Respondents</i> |
|---------------------------------------|---|------------------------------|---|--|
| | x | | = | |
| 20 | x | 1 hour | = | 20.0 hours |

There is no cost to the respondent other than that of their time to respond.

13. Cost Burden to Respondent

Not applicable. There are no annual costs to respondents or recordkeepers resulting from this collection of information.

14. Cost to the Federal Government

The publishers of these materials that will be translated into English do not typically conduct business in the English language. Because the NEA must be certain that the legal effect of the assurances provided is the same as it is in the English language as it is in the language in which the rights are being obtained, the NEA has created translations of this document in languages it commonly receives. The cost of procuring these translations in preparation for this information collection has been \$920.16, and these costs will not need to be replicated. The NEA may, on a case by case basis, elect to create further translations of this form to ensure for a *de minimis* cost. Since the forms are electronic and will be provided as a part of the application, no mailing costs will be incurred.

15. Explanation of Changes

Not Applicable

16. Statistics

Not applicable. We do not plan to publish data.

17. Seeking Approval to Not Display OMB Expiration date

Not applicable. We are not seeking this approval.

18. Exception to the Certificate Statement

Not applicable. There are no exceptions to the certification statements.