



FEMA

DISASTER ASSISTANCE POLICY

DAP9524.6

I. TITLE: **Collection and Individual Object Eligibility**

II. DATE: **JUN 30 2008**

III. PURPOSE:

This policy outlines the criteria by which the Federal Emergency Management Agency (FEMA) determines the eligibility of collections and individual objects, and the eligible work and costs related to the treatment of these collections and individual objects.

IV. SCOPE AND AUDIENCE:

This policy is applicable to all major disasters declared by the President on or after its publication date. It is intended to assist FEMA personnel involved in making eligibility determinations under the provisions of the Public Assistance (PA) program, in coordination with FEMA's Office of Environmental Planning and Historic Preservation.

V. AUTHORITY:

Robert T. Stafford Disaster Relief and Emergency Assistance Act, P.L. 93-288 as amended; 42 U.S.C. 5121-5207; 42 U.S.C. 5172; 44 CFR §§13.3, 206.222-206.223, 206.226, 206.250, 206.252-206.253.

VI. BACKGROUND:

A. Under 44 CFR §206.226(h) and (i), "equipment and furnishings" in an eligible facility are eligible for FEMA assistance, as are "library books and publications," to include cataloging and other work incidental to replacement.

B. 44 CFR §13.3 defines equipment as "tangible, non-expendable, personal property having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit. A grantee may use its own definition of equipment provided that such definition would at least include all equipment defined above." 44 CFR §13.3 defines supplies as "all tangible personal property other than equipment." For the purposes of this policy, the term "furnishing" refers to any tangible property other than equipment, as defined in 44 CFR §13.3.

C. Items that may be replaced with comparable items at a reasonable cost are not subject to the provisions of this policy. In some cases, this may include obtaining copies of the damaged items, or reproducing them through xerography or electronic means.



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D. Plant materials are subject to the provisions of Disaster Assistance Policy (DAP) 9524.5, *Trees, Shrubs, and Other Plantings Associated with Facilities*. Animals that are housed and/or displayed in an eligible facility and die or are otherwise destroyed as a result of a major disaster may be eligible for replacement in accordance with 44 CFR §206.226(h). See draft policy DAP9524.9, *Replacement of Animals Associated with Eligible Facilities*.

E. Relevant definitions have been adapted from the American Association of Museums (AAM), the American Association for State and Local History (AASLH), the American Institute for Conservation of Historic and Artistic Works (AIC), the American Library Association (ALA), the Institute of Museum and Library Services (IMLS), the Library of Congress, and the Society of American Archivists (SAA).

F. All references to FEMA in this policy refer to the Public Assistance Program, in coordination with the Office of Environmental Planning and Historic Preservation.

VII. POLICY:

A. Definitions

1. **Accession** is a formal process used to legally accept and record a specimen or artifact as a collection item (Malaro, Marie C. *A Legal Primer on Managing Museum Collections*, 2nd edition. Washington D.C.: Smithsonian Institution Press, 1998). It involves the creation of an immediate, brief, and permanent record utilizing a control number or unique identifier for objects added to the collection from the same source at the same time, for which the institution accepts custody, right, or title (AAM, 2005).

2. **Archives** are materials created or received by a person, family, or organization, public or private, and preserved because of the enduring value they contain, or as evidence of the functions and responsibilities of their creator; especially those materials maintained using the principles of provenance, original order, and collective control (SAA).

3. A **catalog** is a full record of information specific to an item and cross-referenced to other records and files, including identification and documentation of the material in some detail (AAM, 2005).

4. **Collections** and **Individual Objects** are artifacts, specimens, artworks, archives, public records, and other items that because of their artistic, educational, historic, legal, scientific, or social significance are often considered irreplaceable. Collections and individual objects referred to in this policy are **nonliving** (do not include animals or plant materials).



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5. **Complete devastation or loss** refers to a state in which a disaster destroys a collection, or portion thereof, or an object in its entirety; thus, stabilization of the collection or individual object to a point where it retains its physical integrity and conveys the characteristics for which it is significant is no longer practicable or possible.

6. **Conservation** is the preservation of a collection or object for the future. Conservation activities include examination, documentation, treatment, and preventive care, supported by research (scholarly and technological, x-rays, paint sampling, etc.) and education (AIC).

7. **Culturally significant** items such as works of art and artifacts and their authenticity are, in part, defined by provenance (history of ownership) and by those characteristics including materials, design, setting, craftsmanship, feeling, and association with a place, and/or being the work of an artist of local, State, regional or national importance. Items may include those of artistic, educational, historic, legal, scientific, or social significance.

8. **Extraction/Removal** refers to removing a collection or individual object from an unstable environment, e.g., mud and humidity.

9. **Inventory** is a detailed, itemized list, report, or record of items in one's possession (American Heritage Dictionary).

10. An **institution** is a facility that stores and/or displays collections or individual objects. To be eligible for Public Assistance funding, the facility must be an eligible public or private nonprofit (PNP) facility, owned by an eligible public entity or PNP organization, in accordance with 44 CFR §206.223. See 44 CFR §206.221 for definitions of PNP facility, PNP organization, public entity, and public facility.

11. The **owner** of a collection or individual object is typically a public entity or PNP organization. The owner legally possesses, and has accessioned, inventoried, and/or cataloged the collection or individual object. **Lenders**, i.e., institutions or individuals that have lent items to a public entity or PNP organization, may be considered owners as well. In these cases, the public entity or PNP organization is the **borrower**. See definition of "responsible institution" below.

12. **Proof of ownership** may be established through the existence of a bill of sale for purchased acquisitions, through the execution of a Deed of Gift that is signed and dated by all parties for the conveyance of donations, or other appropriate methods of proving ownership.



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13. **Public records** contain information accessible to the public that were created or received by a government agency in the course of business and are preserved for future reference. Public records may include, but are not limited to, birth, death, property, trial, and court records. Public records may be significant depending on the artifactual (intrinsic), associational, evidential, informational, legal, or monetary values of the records. Other factors used to determine significance may include age, rarity, or research potential (Library of Congress).

14. The **responsible institution** is the owner, borrower, or lender legally responsible for care of a collection or individual object at the time of the disaster. Typically, the owner or borrower of the item(s) is the responsible institution. In some cases, the lender may be the responsible institution if it has retained legal responsibility for the care of the item(s). (See 44 CFR §206.223(a)(3)). The responsible institution must be an eligible public entity or PNP organization in order to apply for Public Assistance, in accordance with 44 CFR §206.223.

15. **Restoration** is a series of treatment procedures intended to return collections or objects to a known or assumed state, often through the addition of non-original material (AIC). This method of conservation often removes the aging process that has become part of the history of an artwork or artifact. Generally, restoration of collections and objects is not eligible for Public Assistance funding, but in some cases items may be returned to predisaster (though not original) condition.

16. **Special Library Collections** are typically comprised of unique, rare printed books, first editions (often author-signed), manuscripts, archives, artifacts, photos, engravings, graphics, music, and ephemera, as well as limited edition print runs of special collections of maps or other important topics. Such collections do not circulate among the public because of their rarity, fragility and importance, and are normally only available for research purposes.

17. **Stabilization** is a series of treatment measures intended to maintain the integrity of a collection or object and to minimize deterioration (AIC). It involves the minimum steps necessary to return a collection or object to a condition in which it can function in the same capacity as it did prior to the disaster and is generally eligible for Public Assistance funding.

B. Eligibility

1. FEMA, in consultation with grantee and the subgrantee, will determine if a collection or individual object is eligible for treatment. FEMA will determine if the collection or individual objects meet other eligibility criteria.



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2. Collections and individual objects are eligible for treatment if they are damaged as a result of a declared disaster, they are located within a designated disaster area, and the responsible institution is an eligible applicant (see 44 CFR §206.222 and 44 CFR §206.223). Damage caused by negligence (i.e., failure of the applicant to take prudent measures to prevent further damage) is not eligible for FEMA assistance, in accordance with 44 CFR §206.223(e).

3. Collections and individual objects may be in storage or on display in a public or PNP facility, and may include item(s) located outdoors, such as outdoor sculpture and public art installations. (See 44 CFR §206.223(b) and (c)).

4. FEMA will fund treatment of "special library collections," (see definitions) but will not fund replacement of rare books, manuscripts and other fragile materials. General library books and publications are subject to the provisions of 44 CFR §206.226(i).

5. Applicants should provide documentation of collections and individual objects, including:

a. Clear title to all items. Proof of ownership is established through a bill of sale for purchased acquisitions, legal conveyance through the execution of a Deed of Gift for donations, or other appropriate methods of proving ownership.

b. Collections and individual objects should be accessioned and cataloged and/or inventoried.

c. Items on loan should be inventoried. In the case of loans, loan forms should establish legal responsibility for care of the item(s).

6. Insurance.

a. In accordance with 44 CFR §206.250(c), FEMA will offset otherwise eligible disaster-related cost reimbursements by "actual and anticipated insurance recoveries."

b. FEMA will approve assistance only under the conditions of 44 CFR §206.252 and 44 CFR §206.253, which require the subgrantee to obtain and maintain such types of insurance as are reasonable and necessary to protect against future loss to such collections from the types of hazards which caused the major disaster.

7. The materials, equipment, and exhibition furnishings associated with the storage, display, preservation, or exhibition of collections and individual objects are eligible for FEMA assistance as "equipment and furnishings" of a facility, in accordance with 44 CFR §206.226(h).



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These may include (but are not limited to): equipment regulating temperature or humidity; exhibit panels; models, video and audio equipment. General equipment and furnishings not essential to the collection may also be eligible for assistance under the provisions of 44 CFR §206.226(h).

C. Treatment Measures for Eligible Collections and Individual Objects. FEMA, in consultation with the grantee and the subgrantee, will determine the eligible scope of work (treatment measures) and the eligible costs (extent of compensation) that will be provided for the treatment of collections and individual objects. Treatment will be conducted by qualified conservation professionals with the appropriate specialty, in accordance with the AIC Code of Ethics and Guidelines for Practice. When non-intervention best serves to promote the preservation of the damaged items, it may be appropriate to recommend that no treatment be performed.

1. Reasonable costs associated with the development of the treatment plan for the collection or individual object are considered eligible for FEMA assistance.
2. Removing items from disaster-related conditions in which they are likely to suffer additional damage (extraction/removal) as soon as practicable is considered eligible work.
3. Work necessary to return items to a condition in which they can function in the same capacity as they did prior to the disaster (stabilization) is eligible for FEMA assistance. This includes treating damaged items through proper environmental controls (temperature and humidity), and chemical or mechanical cleaning to stabilize the items in order to prolong their existence, maintain their integrity, and minimize further deterioration from the damaging effects of the disaster.
4. FEMA in consultation with the grantee and the subgrantee, will determine if additional treatment beyond stabilization is necessary to maintain the integrity of the items and return them to their predisaster function. In some cases, costs associated with restoring an item to predisaster (but not original) condition may be eligible. For example, repairing a tear in a painting that was a direct result of the disaster may be an eligible cost, whereas costs to remove signs of aging (e.g., layers of old varnish) evident prior to the disaster would not be eligible.

D. Complete Devastation or Loss. FEMA, in consultation with the grantee and the subgrantee, will determine the extent of damage to the collections and individual objects. Collections and individual objects that have been completely destroyed by the disaster are not eligible for FEMA assistance.



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VIII. RESPONSIBLE OFFICE: Disaster Assistance Directorate (Public Assistance Division).

IX. SUPERSESSION: This policy supersedes Response and Recovery Policy RP9524.6 Collections and Individual Objects, dated August 17, 1999, and all previous guidance on this subject.

X. REVIEW DATE: This policy does not automatically expire, but will be reviewed 3 years from the date of publication.

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Disaster Assistance Directorate