

**NATIONAL MARITIME HERITAGE ACT  
NATIONAL MARITIME HERITAGE GRANTS PROGRAM**

Federal Assistance for Preserving the Maritime Heritage of the United States

Administered by the  
National Park Service, U.S. Department of the Interior,  
State Historic Preservation Offices  
And the Maritime Administration, U.S. Department of  
Transportation

**MARITIME HERITAGE  
GRANTS  
APPLICATION  
GUIDELINES AND  
GRANT MANUAL**

**2014**



MARITIME HERITAGE GRANTS MANUAL  
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## **MARITIME HERITAGE GRANTS MANUAL**

### **INTRODUCTION**

The Grants Program is authorized by the National Maritime Heritage Act (NMHA), P.L. 103-451. Projects are overseen at the Federal level by the National Maritime Heritage Program of the National Park Service, Department of the Interior (NPS), and the Maritime Administration, Department of Transportation (MarAd). State Historic Preservation Offices (SHPOs) administer the Preservation Grants Program at the State level. Any eligible organization seeking preservation Grants Program assistance must work with their SHPO. Awards are issued as direct grants to SHPOs which specify approved Preservation Projects to be carried out by the SHPO as well as those projects to be carried out as subgrants through the SHPO.

The Grants Program is funded from 12.5% of the proceeds from the sale or scrapping of those obsolete vessels of the National Defense Reserve Fleet administered by the Maritime Administration, U.S. Department of Transportation.

Of the total funds available for grants:

- 1/2 shall be awarded to Preservation Projects.
- 1/2 shall be awarded to Education Projects.
- No more than 40% of funds may be awarded to projects relating to federally owned or managed historic maritime resources.

In accordance with the Act, 15% of the total amounts available for the grants program, or \$500,000 (whichever is less), is the maximum amount that may be applied towards program administrative costs. The administrative cap may be divided between SHPOs for administering Education and Preservation Project grants and the NPS for carrying out their responsibilities under the Grants Program.

The purpose of the *Maritime Heritage Grants Application Guidelines and Grants Manual* is to assist the National Park Service, MarAd, and the SHPOs in administering Preservation and Education Project grants and subgrants. This document:

- Provides criteria for eligible applicants
- Describes the program funding source and specifies overall amounts to be used for grants and amounts allowed to be used for Grants Program administration
- Provides criteria for eligible maritime heritage Education and Preservation Projects and defines the types of historic maritime resources that may be supported by the program
- Outlines application, screening, comment, and selection procedures
- Specifies Grants Program requirements and conditions and provides guidance for meeting those requirements and conditions
- Provide points of contact for Grants Program assistance, information, and submitting applications

Unlike previous maritime heritage assistance efforts which were funded from portions of the Historic Preservation Fund (HPF), the National Maritime Heritage Grants Program has its own enabling legislation and funding source and therefore is not administered as part of the HPF. However, the administrative structure and many of the requirements for the Grants Program are similar to those for the HPF. Thus, the *Historic Preservation Fund Grants Manual* should be used in conjunction with this document in administering the grants program. All administrative requirements and procedures which are unique to the National Maritime Heritage Grants Program are specified in this document. For those administrative requirements and procedures that are applicable to the Grants Program as well as HPF, the *Historic Preservation Fund Grants Manual* is referenced as the source for further guidance in complying with those requirements. See [http://www.nps.gov/history/hpg/downloads/HPF\\_Manual.pdf](http://www.nps.gov/history/hpg/downloads/HPF_Manual.pdf)

## **GOALS**

The National Maritime Heritage Grants Program (Grants Program) is established to help State and local governments and private nonprofit organizations preserve and interpret their maritime heritage. It is a national, competitive matching grants program which provides funds for Maritime Heritage Education Projects and Maritime Heritage Preservation Projects designed to reach a broad audience and enhance public awareness and appreciation for the maritime heritage of the United States.

## **GRANTS PROGRAM SUMMARY**

**Eligible Applicants:** To be eligible for a grant, the applicant must:

- Be a unit of state or local government or a private nonprofit organization
- Demonstrate that the project has the potential for reaching a broad audience
- Match the requested grant amount on a 1-to-1 basis with nonfederal contributions from nonfederal sources (this includes cash or donated services and property valued at fair market rates. See the *Historic Preservation Fund Grants Manual*, chapter 14: [http://www.nps.gov/history/hpg/downloads/HPF\\_Manual.pdf](http://www.nps.gov/history/hpg/downloads/HPF_Manual.pdf))
- Agree to maintain and allow access to records which will allow for an effective accounting of project funds and any required audits

Eligible applicants will be considered for, but are not guaranteed funding.

**Federal Applicants:** Federal agencies may not apply directly for assistance. However, projects involving federally owned historic maritime resources are eligible for funding.

Proposals relating to federally owned or managed historic maritime resources should be submitted by a nonfederal organization working under a legal written agreement (such as a cooperative agreement, memorandum of agreement, or memorandum of understanding) with a Federal agency to carry out the objectives of the project. Any grants awarded will be made to the nonfederal applicant, not the Federal agency owning or managing Federal historic maritime resources. As well, nonfederal organizations applying for funds to support activities relating to federally owned maritime resources must match the requested grant amount on a 1-to-1 basis with nonfederal contributions from nonfederal sources.

### **Application and Selection Procedures:**

- The NPS and MarAd publicize the Maritime Grants Program. SHPOs may participate in publicizing the program as desired.
- Application procedures are established by the Secretary of the Interior. A single application form is used for Education and Preservation project proposals. It is available at [www.grants.gov](http://www.grants.gov) (a link is provided from the National Maritime Heritage Website: <http://www.nps.gov/maritime/>)
- Applicants, including SHPOs, may submit more than one application.
- The NPS screens all application packages for completeness and forwards electronic copies to SHPOs for comment and rating via a points system.
- The NPS forwards all applications and SHPO comments to a maritime review committee.
- The review committee reviews applications and makes funding recommendations to the Secretary of the Interior.
- The Secretary of the Interior makes final decisions regarding distribution of awards.
- Funds are apportioned and obligated to SHPOs after the amounts for individual awards are decided by the Secretary.
- The NPS announces awardees and begins grant paperwork.

## **WHAT IS FUNDED**

The Grants Program funds maritime heritage Education Projects and Preservation Projects designed to reach a broad audience and enhance public awareness and appreciation for the maritime heritage of the United States. Historic

maritime resources include: Historic Maritime Properties, Maritime Heritage Collections, Traditional Maritime Skills, and Maritime History Topics and are defined below.

**Types of Historic Maritime Resources:**

The Grants Program supports various maritime heritage Education Project and Preservation Project activities which focus on four broad categories of historic maritime resources. Based on the provisions of the Act, NPS guidelines, and Secretary of the Interior Standards, historic maritime resources, for the purposes of the Grants Program, shall consist of: Historic Maritime Properties, Maritime Heritage Collections, Traditional Maritime Skills, and Maritime History Topics as defined below:

**1. Historic Maritime Properties:** Although grant properties do not have to be listed in or eligible for the National Register of Historic Places, historic maritime properties are defined in accordance with the criteria established by the National Register, and refer to those properties associated with the sea or inland waters, especially those relating to naval, navigational or commercial activities associated with the sea or inland waters, and **include:**

Maritime Districts which make up a geographically definable area possessing a significant concentration of maritime sites, buildings, structures or objects united by past events;

Maritime Sites such as submerged or terrestrial maritime-related archeological sites or other maritime sites which are the location of significant event or activity, where the location itself maintains historical or archeological value regardless of the value of any existing structure or building;

Maritime Buildings such as lighthouses, lifesaving stations, custom houses, warehouses, hiring halls, sailors homes, marine hospitals, or other maritime buildings or building complexes created to shelter any maritime-related form of human activity;

Maritime Structures such as locks, drydocks, canals, stationary waterfront cranes, large vessels (over 40 feet in length), or other maritime structures consisting of large-scale engineering projects where a work is made up of interdependent and interrelated parts in a definite pattern of organization;

Maritime Objects including quayside fixtures such as bollards, capstans, winches, or cranes or other maritime objects that are relatively small in scale, often moveable, yet related to a specific setting or environment;

**which are significant in** American history, architecture, archeology, engineering, or culture at the national, State, or local level and possess integrity of location, setting, materials, workmanship, feelings, and association. To be considered significant, a maritime property must **meet one of the four National Register criteria:**

**A.** Be associated with events that made a significant contribution to the broad patterns of American History, **or**

**B.** Be associated with the lives of persons significant in our nation's past, **or**

**C.** Embody characteristics that are distinctive of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic value; or represent a significant and distinguishable entity whose components may lack individual distinction, **or**

**D.** Have yielded or may be likely to yield, information important in prehistory or history.

In general, maritime properties must be **50 years of age or older** to be considered historic and therefore eligible for funding considerations under the Grants Program. However, a maritime property which has **achieved significance within the past 50 years** may also be considered eligible if it is of exceptional importance.

Historic maritime properties can also consist of **archeological resources** which **include the submerged or terrestrial remains** of historic or prehistoric shipwrecks, hulks, lighthouses, lifesaving stations as well as canals, piers, docks, waterfront properties and other maritime districts, sites, structures, buildings, or objects.

**2. Maritime Heritage Collections:** Maritime heritage collections consist of assemblages of objects, documents, and archeological resources pertinent to the understanding of the maritime heritage of the United States which are

collected according to a rational scheme and maintained so they can be properly cared for, studied, and interpreted for public benefit.

Objects: An object when used within the context of a maritime heritage collection is considered a material thing possessing functional, aesthetic, cultural, symbolic, or scientific value, usually portable by nature design. Objects which are part of a maritime collection consist of those material things reflective of human activity associated with the sea or inland waters and may include prehistoric and historic maritime artifacts, small craft, models, works of art, and fragments or components of maritime buildings, maritime structures, or maritime objects which are obtained or collected through non-archeological methods or techniques.

Documents: A document when used in the context of a maritime collection refers to recorded information that will contribute substantially to the understanding and interpretation of maritime heritage in the United States. These records should be directly linked to those human activities associated with maritime history and culture, and shall be organized in a manner which facilitates access, especially for research and reference use.

Such recorded information consists of assemblages of archival records, manuscripts, or published materials comprised of textual, electronic, sound, or visual formats and may include plans, drawings, blueprints, books, reports, journals, pamphlets, microforms, photographs, film, and other documents related to the maritime heritage of the United States.

Archeological Resources: Archeological resources within the context of maritime collections **consist of those submerged or terrestrial material remains that have been excavated or removed from their original site** in connection with an archeological investigation of prehistoric or historic maritime properties. Archeological resources shall also consist of associated records that are prepared or assembled in connection with the archeological investigation of prehistoric or historic maritime properties.

Classes of material remains may include excavated fragments or components of shipwrecks (pieces of hulls, rigging, armaments, cargo, associated material culture, etc.), and other historic (non-shipwreck) maritime properties, as well as excavated artifacts such as tools, weapons, and other materials related to maritime history and culture. Classes of associated records include all records relating to the investigation of a resource, records relating to the identification of a resource, and records essential to understanding the resource.

**3. Traditional Maritime Skills**: Traditional maritime skills consist of those naval, commercial, and navigational activities relating to the sea or inland waters which are handed down from generation to generation, by word of mouth or by practice. Traditional maritime skills may be considered endangered and generally not used in contemporary maritime occupations and are no longer taught through standardized, institutionalized maritime training programs or current established educational facilities. These traditional activities include those maritime skills, arts, crafts, trades, techniques, or occupations generally thought of as requiring use of hands or special training.

**4. Maritime History Topics**: Maritime History Topics consist of intangible maritime resources rather than tangible properties, collections, or skills, and include any topic related to the maritime heritage of the United States. Where appropriate, projects should reflect current scholarship in maritime and general historical theory.

Based on the provisions of the Act, seven (7) general categories of grant-supported activities have been developed each for Education Projects and four (4) for Preservation Projects. Each category describes a basic set of activities associated with particular types of historic maritime resources that may be supported by the Grants Program. These project categories serve as the basic criteria for identifying the types of projects which are eligible for funding considerations and for which proposals may be submitted. Applicants' projects should conform to these basic criteria.

**Education Project Categories:** Education Projects should focus on providing information about the maritime heritage of the United States. Activities address curation, instruction, and interpretation of maritime heritage collections, traditional maritime skills, historic maritime properties, and maritime history topics. Education Project categories include:

Maritime Heritage Collections Activities focus on exhibit services, curatorial services, information management services, or any other activities which serve to enhance public access, use, and appreciation for Maritime Heritage Collections. Collections may include items such as maritime art, manuscripts, photographs or any other media which is pertinent to the understanding of the maritime heritage of the United States. (NOTE: Acquisition or purchase of collection items is not supported by the Grants Program.)

Maritime Heritage Area Programs Projects should focus on introducing the public to, and promoting awareness of, groups of historic maritime properties which are linked together through common historic, geographical, and cultural themes. Activities focus especially on planning, developing, and interpreting maritime heritage trails, corridors, and areas. (NOTE: Preservation treatments of historic maritime properties are not included under this project category.)

Maritime Field Programs Informal, hands-on participation rather than formal training is used as the means to introduce the non-professional maritime enthusiast to various aspects of maritime history, technology, and culture. Activities may include, but are not limited to, waterborne-experience programs in historic vessels and field schools designed to introduce the novice to maritime archaeological resources.

Maritime History Programs Includes activities necessary establish and carry out any sort of program or activity which will facilitate an exchange of ideas and information and enhance participants' understanding and appreciation of various maritime history topics.

Preservation of Maritime Skills Activities address programs involving serious formalized instruction or apprenticeships that teach, in order to preserve, the traditional skills, techniques, and methodologies of maritime occupations, crafts, or art forms such as boatbuilding, sail training, woodcarving, etc.

Maritime Resource Replicas Covers activities associated with the reconstruction or reproduction of historic maritime resources to be use for educational purposes upon completion. Educational activities utilizing replicas should only be considered if the resource to be produced no longer exists or would be damaged or consumed through direct use.

Facilities Improvements Allows for minor physical improvements which will enhance public access, use and appreciation of existing educational facilities and exhibit spaces of maritime museums, historical societies, or other maritime heritage organizations. (NOTE: Preservation treatments are not included under this project category.)

**Preservation Project Categories:** Preservation Projects encompass all facets of preservation planning and treatment for historic maritime properties (which include archeological sites). Preservation Project categories include:

Preservation Activities include measures designed to sustain the historic form and original fabric of a historic maritime property. Focus is on the regular maintenance and repair of the property rather than extensive replacement or new construction of materials and features. Projects may also include preliminary treatments necessary to protect and stabilize a property against immediate peril or decay.

Rehabilitation Activities include measures designed to return a historic maritime property to a useful state through repair or alteration while still preserving those portions or features of the property which convey its historical, cultural, technological, or architectural value.

Restoration Activities include measures designed to depict a historic maritime property as it appeared at a particular period of time by removing features from other periods of its history and reconstructing missing features from the restoration period.

Reconstruction Activities include measures designed to depict a historic maritime property by means of new construction. Reconstructions must be used for educational purposes upon completion and may only be considered for funding if the resource no longer exists and a reconstruction is vital to the interpretation of the vanished resource type. Reconstructions will only be eligible for grant assistance when the maritime property to be reconstructed is well-documented.



**What is Not Eligible:** In general, the Grants Program does not fund projects which will train the individual maritime heritage professional to do his or her job better or assist in career recognition or promotion. This includes activities such as developing training or continuing education courses for the maritime heritage education or preservation professional, personal research, or research resulting in highly specialized reports or publications with narrow audience appeal and little potential for public use or applications. Although such activities improve the skills of the education and preservation professional and ultimately may benefit the public, the grants are to support projects which will directly touch a broader audience and enhance public awareness and appreciation for the maritime heritage of the United States.

### **AMOUNTS FOR GRANTS AND ADMINISTRATIVE EXPENSES**

The Grants Program administrative cap is determined for each new grants cycle and calculated from the total new funds credited for that year. After the administrative cap is calculated, the remaining amount shall be divided equally to determine estimated amounts for Education and Preservation Project grants.

### **APPLICATION AND SELECTION PROCEDURES**

**Grant Priorities:** All seven categories of Education Projects and all four categories of Preservation Projects shall be eligible for funding with each grants cycle.

**Grant Funding Levels:** Funding levels for each maritime grants cycle shall be determined by the NPS. The total amount available in the 2014 grants cycle is \$1,700,000. Awards for the 2014 grants cycle will range from \$25,000 to \$200,000. Education awards will be awarded from \$25,000-\$50,000; Preservation awards will be awarded from \$50,000-\$200,000. The amount requested must be matched on a 1-to-1 basis with nonfederal contributions from nonfederal sources. Project activities should be designed with these funding levels in mind.

**Grants Program Announcement:** For each annual grants cycle the NPS and MarAD will announce the availability of maritime heritage grants through various preservation media. The following items will be included in the announcement:

- A brief description of the Grants Program
- Minimum and maximum funding levels
- Project funding priorities and brief descriptions of project categories
- NPS point of contact for more information and application materials
- Application deadline (3 months from the date applications become available)

SHPOs may participate in publicizing the program as desired.

#### **Distributing Applications:**

Application forms will be available, and must be submitted, via [www.grants.gov](http://www.grants.gov).

#### **Completing Applications:**

A single Application Form is used for Education and Preservation project proposals. It is designed by the NPS and consists of six parts to be completed by the applicant:

- Part 1- General Project Data
- Part 2- The Project Description
- Part 3- The Budget
- Part 4- The Project Completion Schedule
- Part 5- Supporting Documents
- Part 6- Submission Instructions

**SHPO Assistance:** Applicants will contact the SHPO to discuss their project proposals *prior* to submitting completed application materials to [www.grants.gov](http://www.grants.gov). Contact information for SHPOs may be found here: <http://www.ncshpo.org/find/index.htm> SHPOs are requested to inform applicants of any requirements specified by the State. SHPOs are also requested to advise applicants in completing application materials and supporting

documentation to ensure proposed activities meet Secretarial Standards and Grants Program requirements, including compliance with Section 106 if necessary.

**Submitting Applications:**

- Applicants may submit more than one project proposal.
- For each project proposal, applicants must submit a complete application packet through [www.grants.gov](http://www.grants.gov).
- E-mail notification of receipt will be sent within two weeks.

**Screening Applications:** The NPS screens all applications to ensure the following five requirements are met:

- The application package is complete.
- Proposals conform to funding levels.
- Proposals conform to Education or Preservation Project categories and eligibility requirements.
- Proposals are submitted by an eligible applicant.
- The requested grant amount is matched on a 1-to-1 basis with nonfederal contributions from nonfederal sources.

A screening form is completed and attached to each copy of the Application Form. Applications which do not meet all five requirements cannot be considered further for funding. Amended application forms may be accepted up to the application deadline.

**Commenting on Applications:** After screening, SHPOs will be notified of eligible applications and asked to comment on and assign points for each application in their state. The SHPOs evaluate projects using the six criteria for evaluation listed below. A total of 30 points is possible (each criterion is given 1-5 points).

Criterion 1 The project objectives are clearly described.

Criterion 2 The project objectives are consistent with the goals of the National Maritime Heritage Grants Program.

Criterion 3 The project objectives address important aspects of maritime history, technology, or culture that are significant to the maritime heritage of the United States.

Criterion 4 The budget is reasonable to accomplish the project objectives.

Criterion 5 The project objectives can be accomplished in a realistic and timely manner.

Criterion 6 Key project personnel are appropriate for achieving the project objectives.

SHPOs will ultimately be asked to manage, as subgrants, projects which have been recommended by the Advisory Committee and approved by the Secretary. Thus, SHPOs are highly encouraged to examine the applications they receive and assess the quality of the proposed project. This is to ensure that any opinions they may have regarding the proposal will be conveyed to the Advisory Committee and considered in the recommendation process.

**Forwarding Applications to the Review Committee:**

The NPS will organize all applications and submit them to a maritime review committee for review. The committee will review proposals individually, then meet collectively to confer and finalize recommendations. The committee consists of 5 members, who are representatives or knowledgeable of various sectors of the maritime heritage community. Federal agencies represented include the National Park Service, Maritime Administration, National Oceanic and Atmospheric Administration, Naval History and Heritage Command, United States Coast Guard, and the Advisory Council on Historic Preservation

**Selecting Projects to Recommend for Funding:** The review committee reviews and evaluates Education and Preservation Project applications and provides funding recommendations to the Secretary of the Interior. The Committee's funding recommendations to the Secretary are based on their overall evaluation of project proposals as well as any comments provided by SHPOs. The Committee evaluates projects using the six criteria for evaluation listed above. A total of 150 points is possible (each criterion is given 1-25 points).

Members will have approximately 30 days prior to the committee meeting (s) to complete their reviews. During the committee meeting (s), members will discuss applications and make final decisions to recommend or not recommend projects for funding.

The committee must assure that half of the funds available is allocated to Education Projects, half is allocated to Preservation Projects, and not more than 40% of those funds are allocated to projects relating to federally owned or managed resources.

Committee members shall participate in reviewing and discussing all Education and Preservation project proposals. They shall be in simple majority agreement regarding those projects recommended for funding. **Members of the Committee will be required to recuse themselves from reviewing, scoring or voting on any applications submitted from an organization in which they are an officer, member, or employee.**

**Submitting Recommendations to the Secretary:** The committee's final funding recommendations to the Secretary shall describe projects recommended to receive funding, alternate projects qualified to receive awards should funds become available, and projects recommended not to receive funding. The NPS assists the committee in preparing this data for the Secretary.

**Secretarial Approval:** The NPS is responsible for submitting the committee's funding recommendations to the Secretary for final review and approval or disapproval of awards. Upon Secretarial approval of awards, the NPS shall prepare funding notifications.

**Other Duties of the Review Committee:** In addition to reviewing and recommending projects for funding, the Committee is to identify and advise the Secretary regarding priorities for achieving the National Maritime Heritage Policy, stipulated in Section 3 of the National Maritime Heritage Act. As well, the Committee is asked to recommend maritime heritage education and preservation project priorities for future grants cycles. The Committee is also requested to include recommendations for encouraging Federal leadership, direction, and support in maritime heritage activities and to review the annual report on the Grants Program before it is submitted to Congress by the Secretary.

## **NOTIFICATION AND EFFECT OF GRANTS**

**Notification:** Upon Secretarial approval of an apportionment certificate stipulating Education and Preservation Project grant awards, funding decisions shall be made public. The apportionment certificate serves only as a notice of fund availability and is not considered the formal award of grant assistance.

The NPS will notify all applicants of final funding decisions by the Secretary for all project proposals. Should any applicants be unable to accept an award, these funds may be offered to alternate applicants recommended for funding or, amounts may be reserved for subsequent grants cycles.

**Grant Agreements and Application for Awards:** Upon formal notification of grant offers, grant agreements shall be issued to grantees stipulating requirements and descriptions for each Education or Preservation Project to be supported by an award. The NPS shall issue direct grants to SHPOs for each Preservation project in their State that is awarded funding. SHPOs shall issue subgrant agreements to each organization in their State that receives the award.

**(1) Required Content of Direct Grant Agreements:** The grant agreement establishes the terms and conditions of the grant award and must include at a minimum:

- Legal name and address of the grantee agency to whom the grant is awarded
- Identifying grant number assigned by the NPS
- Grant period, which specifies the length of time the NPS intends to support the proposed effort, and during which costs may be charged to the grant
- Federal share awarded and minimum nonfederal share required
- Amounts allowable for grant administration
- Obligations assumed by the grantee through acceptance of the Federal assistance award, including the applicability of Federal cost principles and administrative requirements, other Federal laws and regulations requiring compliance, and any additional program requirements or grant conditions
- Brief summaries of the projects to be carried out as direct grants
- Other information or provisions deemed necessary by NPS to carry out its granting activities or to accomplish the purpose of the grant.

**(2) Required Content of Subgrant Agreements:** When the applicant agrees to accept an award, this action is formalized with a written grant agreement between the SHPO and the grantee. The grant agreement:

- Specifies all Grants Program requirements and conditions applicable to the grantee
- States the grant-supported activities to be performed by the grantee, the period for conducting those activities, and the maximum amount of Federal Funds obligated to the grantee under the agreement
- Contains suitable provisions for termination by the SHPO and the grantee
- Contains any additional provisions the SHPO considered necessary

**Effect of the Grants:** Grants become effective upon the submission and NPS approval of the Standard Form 424 "Application for Federal Assistance" and when the Grant Agreement is signed by the NPS authorized Grant Awarding Official. This certifies that the Grant Agreement is complete and the NPS-approved grant application is in keeping with applicable laws, regulations, and program requirements.

**GRANTS PROGRAM REQUIREMENTS AND CONDITIONS**

SHPOs shall administer maritime heritage direct grants and subgrants in accordance with the relevant Grants Program requirements and conditions listed below, applicable Federal financial and administrative requirements listed in subsequent sections, as well as any relevant requirements specified by the State.

**Education Project Requirements:**

**(1) Curation of Maritime Heritage Collections:** Curation of any federally-owned and administered archeological collections must be carried out in accordance with 36 CFR 79, "Curation of Federally-Owned and Administered Archeological Collections."

**Preservation Project Requirements:**

**(1) Secretary of the Interior's Standards:** All Preservation Projects must be carried out in accordance with applicable preservation standards prescribed by the Secretary of the Interior. These include: (a) Standards for Historic Vessel Preservation Projects <http://www.nps.gov/maritime/grants/pdf/SecretarysStandardsForHistoricVesselPreservation.pdf>; (b) Standards for the Treatment of Historic Properties <http://www.nps.gov/history/hps/TPS/standguide/>; and (c) Standards for Archeology and Historic Preservation: [http://www.cr.nps.gov/local-law/arch\\_stnds\\_0.htm](http://www.cr.nps.gov/local-law/arch_stnds_0.htm).

**(2) Predevelopment Requirements:** Predevelopment documents are required of applicants for review and approval before any preservation, rehabilitation, or restoration activities may begin. This includes compliance with Section 106 of the National Historic Preservation Act, for any projects that will affect a National Register-eligible property. Applicants are required to submit with their application:

**(a)** Photographs documenting the appearance and condition of the property, both on the exterior and on the interior, and its site and environment. Photographs must be labeled with the following information: property name and/or address, view (e.g., north side), and description (e.g., plaster damage in dining room, north wall). Photographs keyed to a plan(s) of the property and site, while not required, facilitate review of the proposed work. Grantees must use their own judgment as to how many photographs adequately document the property. Photographs should include overall views of elevations or rooms, as well as detail shots of significant features. Larger projects will require more photographs in order to fully document the property.

**Photographs of Exteriors should include:**

- views of the property in its setting, including any outbuildings and its neighbors to either side and across the street
- overall views of each side of the property
- close-up views of important features or other things unique to your project
- close-up views showing the condition of the property's materials, especially if there are problems with deterioration

**Photographs of Interiors should include:**

- overall views of each room of the (An easy way to do this: stand in one corner and shoot the opposite side of the room, then take a picture from the corner)
- close-up views of important features or other things unique to your project
- close-up views showing the condition of the interior finishes, especially if there are problems  
Include close-up views of important elements.

**Clarity of Photographs**

- Good quality digital photographs are acceptable. NPS offers the following recommendations for good quality digital photographs:
- Digital photographs work better for overall views than for details.
- Photographs should be taken at a high resolution.
- Laser-printed digital photographs seem to be better than ink-jet-printed photographs.
- Photographs should be printed on photographic paper, not photocopy paper.
- Photographs should be printed in a reasonable size, least 4” x 6”
- Digital photographs must be printed for submission unless there are only a small number of images; these may be sent electronically to NPS.
- Disks of photographs are not acceptable.
- Photocopied photographs (black and white or color), instant photographs, phone camera images, and photographs smaller than 3x5 are not acceptable.

(b) Copies of working drawings, architectural plans, or specifications that will sufficiently illustrate the work to be accomplished

**SHPOs are requested to advise applicants, as needed, in completing predevelopment documentation for the preservation treatment to ensure compliance with Secretarial standards and Grants Program requirements.**

**(3) Continued Upkeep and Maintenance:** Covenants and preservation agreements are used to enforce ongoing maintenance and preservation of the historic maritime property after completion of the grant-funded project. SHPOs are responsible for issuing and enforcing covenants or preservation agreements. In carrying out these responsibilities, SHPOs should consult the *Historic Preservation Fund Grants Manual*, Chapter 6.

**(4) Archeology Projects:** Preservation Projects dealing with maritime archeological investigations must be carried out according to the following provisions:

**Legal Requirements:** Archeological projects carried out on Federal lands must be conducted in accordance with the Archeological Resource Protection Act of 1979 (16 U.S.C. 470aa; 43 CFR 7) and any other Federal regulations governing such archeological work. Compliance with any State or local legislative provisions which address archeological work may also be required where applicable.

**Principal Investigator:** Archeological investigations are to be carried out under the supervision of a principal investigator with relevant specialized expertise in maritime archeology and professional qualifications which meet the Secretary of the Interior's Historic Preservation Professional Qualification Standards.

**Research Design:** A research design is required of applicants for review and approval before any archeological investigation may begin. Applicants are required to submit this document with their application. The research design shall be a written statement which:

- Explains the purpose or rationale behind the investigation
- Describes and assesses prior investigations
- Defines the scope of the proposed new investigation
- Identifies methods, techniques, and procedures to be used in the collection and recordation of data
- Describes forms of analysis to be used for data analysis upon completion of the investigation
- Provides a timetable for completion of the activities to be carried out under the investigation

**SHPOs are requested to advise applicants, as needed, in completing the Research Design to ensure compliance with Secretarial standards and Grants Program requirements.**

**Data Collection and Preservation of Archeological Sites:** Recordation and preservation in-place rather than recordation through excavation is the preferred methodology for investigating and documenting a maritime archeological site. To the greatest extent possible, data collection shall be accomplished without disturbing or destroying the property, shall have limited or no recovery of artifacts, and shall preserve the site for future research. Recovery of artifacts is only allowed if an approved Conservation Plan is in place.

**Conservation of Recovered Artifacts:** A Conservation Plan is required of applicants for review and approval if recovery of artifacts is anticipated under the proposed archeological investigation. Applicants are required to submit this document with their application. The Conservation Plan shall be a written statement which describes the conservation facilities and methods to be used for conserving any recovered artifacts.

Conservation Plans and facilities must meet the standards outlined in the Secretary's Standards for Archeology and Historic Preservation and, where applicable, 36 CFR 79, "Curation of Federally-Owned and Administered Archeological Collections."

**SHPOs are requested to advise applicants, as needed, in completing the Conservation Plan to ensure compliance with Secretarial standards and Grants Program requirements.**

**(5) Acquisition:** Purchase of property or fee title acquisition of a historic maritime property is allowable under the Grants Program. Requirements for acquisition projects may be found in Chapter 6 of the *Historic Preservation Fund Grants Manual*.

**(6) Reconstruction:** For the purposes of the Grants Program, a reconstruction is the process of reproducing, by new construction, the form and features of a historic maritime property as it appeared at a specific period of time. The following provisions apply to reconstruction of historic maritime properties:

- Explains the purpose or rationale behind the investigation
- Reconstructions must be based on accurate duplication of a historic maritime property substantiated by archeological, documentary, or physical evidence, rather than on conjectural designs. Construction of designs that were never executed historically is not supported by the Grants Program.
- Reconstructions should be full-scale and, where applicable, appear on the original site. Reconstruction of a historic maritime property in its historic location must be preceded by an archeological investigation to identify and evaluate those features and artifacts essential to an accurate reconstruction.
- Interpretation of reconstructions should clearly indicate which features: (a) are non-historically based concessions to modern use, and (b) employ modern methods or materials in their construction.
- Conversion of a non-historic vessel to represent a historic vessel is discouraged.
- Conversion of one historic vessel to represent another historic vessel is not allowed.

**Predevelopment Requirements:** Predevelopment documents are required of applicants for review and approval before reconstruction activities may begin. Applicants must submit with their application:

- Copies of working drawings, architectural plans, and specifications that will sufficiently illustrate the work to be accomplished. Black and white or color documents are acceptable.

**SHPOs are requested to advise applicants, as needed, in completing predevelopment documentation for the maritime reconstruction to ensure compliance with Secretarial standards and Grants Program requirements.**

**(7) Section 106 Compliance:** Preservation projects may require review under Section 106 of the National Historic Preservation Act, which requires Federal agencies to take into account the effect of their grant-assisted activities on historic properties included on or eligible for inclusion on the National Register of Historic Places. *Applicants should consult their SHPO early in the application process about whether it will be necessary to initiate Section*

**106 review.** When applicable, SHPOs are requested to assist the NPS in assuring compliance with Section 106 in accordance with procedures established the Programmatic Agreement among the National Park Service, the Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers for the National Maritime Heritage Grants Program. A list of SHPO offices may be found at the National Conference of State Historic Preservation Officers website: <http://www.ncshpo.org/find/index.htm> For further information and guidance on Section 106, applicants should also consult *Protecting Historic Properties: A Citizen's Guide to Section 106 Review*, at <http://www.achp.gov/citizensguide.html>, and the *Section 106 Applicant Toolkit*, at <http://www.achp.gov/apptoolkit.html>, both published by the Advisory Council on Historic Preservation.

**Acknowledgement of NPS Assistance:** An acknowledgement of Federal support by the National Park Service, Department of the Interior, must be made in connection with the publication of any materials based on, or developed under, activities supported by the Grants Program. As well, a sign acknowledging this Federal support must be displayed at each Preservation Project site while work is in progress. This provision may be waived by written NPS approval if the SHPO determines that a project sign would create a risk of destruction or harm to the site. A permanent sign is not required. See Chapter 3 of the *Historic Preservation Fund Grants Manual* for additional guidance on this requirement.

### **Additional Program Requirements:**

**(1) Conflict of Interest:** This provision applies to persons or organizations who participate in or influence the grant award decision-making process, gain information not available to the general public, or provide oversight or administration of any aspect of the NMHA Grants Program.

No person shall participate in the selection, award, or administration of any NMHA-assisted grant, subgrant, contract, or subcontract if a conflict of interest, real or apparent, exists.

No person shall engage in outside employment or have any direct or indirect financial interest that conflict or would appear to conflict with the fair, impartial, and objective performance of officially assigned duties and responsibilities for administration of the NMHA Grants Program.

Employees or agents of grantee organizations shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to potential or actual subgrant awards.

A conflict of interest or an apparent conflict of interest exists whenever:

- Circumstances are such that a person may benefit, or appear to benefit, from a position they hold with respect to the NMHA-assisted program.
- Circumstances are such that a person may be unable, or appear unable, to make impartial decisions or render impartial advice with regard to the NMHA Grants Program due to outside relationships or activities.
- Circumstances are such that a person may have, or appear to have, an unfair competitive advantage because of his/her relationship with the grantee organization.

**(2) Quality Partnerships:** Should SHPOs or the NPS choose to share their administrative responsibilities with a Cooperator, they must ensure that the selected Cooperator is reliable, capable, and can reasonably carry out the requirements of the Cooperative Agreement. SHPOs, MarAD, and the NPS must ensure that a Cooperator has the appropriate technical and financial management qualifications in order to meet and maintain the following standards throughout the duration of the Agreement:

- The Cooperator must have adequate financial resources and the necessary experience, organization, technical qualifications, and facilities to carry out the terms of the Agreement.
- The Cooperator must have a satisfactory record of integrity, judgment, and performance under other Cooperative Agreements or similar contracts.
- The Cooperator must have established procedures and experience to carry out and comply with all applicable Federal laws, regulations, and executive orders.
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**(3) Contingent Fees:** No person, agency, or other organization may be employed or retained to solicit or secure a grant or contract upon agreement or understanding for commission, percentage, brokerage, or contingent fee. For breach or violation of this prohibition, the Federal Government shall have the right to annul the grant without liability or, at its discretion, to deduct from the grant or otherwise recover the full amount of such commission, percentage, brokerage, or contingent fee, or to seek other such remedies as may be legally permissible.

**(4) Dual Compensation:** If an NMHA grantee or subgrantee staff member or consultant is involved simultaneously in two or more projects supported by Federal funds, and compensation on either project is based upon percentage of time spent, he or she may not be compensated for more than 100 percent of his/her time from any Federal funds during any part of the period of dual involvement.

**(5) Religious Institutions:** Development projects for religious properties and acquisition of religious properties are not eligible. As well, such activities shall not be proposed as nonfederal matching share. However, nonconstruction assistance to a religious property that is carried out in the same manner as it would be for a secular property is allowable under the NMHA Grants Program.

**(6) Safety Precautions:** NPS assumes no responsibility with respect to accidents, illness, or claims arising out of work performed under a grant supported project. The grantee is expected to take necessary steps to insure itself and its personnel and to comply with the applicable local, State, or Federal safety standards, including those issued pursuant to the National Occupational Safety and Health Act of 1970 (see 20 CFR 1910).

**(7) Site Supervision:** Grantees must assure that competent and adequate architectural, engineering, and archeological supervision and inspection is performed at grant-assisted construction sites, and also that completed work conforms with the approved plans and specifications and the applicable Secretary of the Interior's Standards.

**(8) Assurances:** Where applicable, all construction/nonconstruction projects must be carried out in compliance with relevant Federal laws and regulations. SHPOs ensure grantee/subgrantee compliance with nondiscrimination laws and other Federal requirements through submission of required assurances which accompany the SF 424, "Application for Federal Assistance."

## **FINANCIAL AND ADMINISTRATIVE REQUIREMENTS**

Administration of NMHA grants shall be carried out by grantees and subgrantees in accordance with the standards specified in 43 CFR 12, "Administrative and Audit Requirements and Cost Principles for Assistance Programs", which incorporates applicable Office of Management and Budget Circulars.

Below are listed descriptions of the various financial and administrative actions that are required under 43 CFR 12. This section is not comprehensive. For complete descriptions of all Federal financial and administrative requirements and detailed guidance in carrying out those requirements, please consult with 43 CFR 12, relevant OMB Circulars, as well as the *Historic Preservation Fund Grants Manual*.

**Matching Share:** Matching share represents that portion of the total project cost not supported with Federal funds and that is supplied by the grantee or other third parties in cash, in-kind, or in services contributed. All grant awards must be matched on a 1-to-1 basis with nonfederal assets from nonfederal sources, which may include cash or donated services and property valued at fair market rates. Thus a \$2,500 award of Federal assistance must in turn be matched by the grantee or subgrantee with \$2,500 in nonfederal contributions for a total project cost of \$5,000.

The allowability and evaluation of cash or in-kind contributions in satisfying matching share requirements are carried out in accordance with OMB Circulars A-87, A-I02 (as codified in 43 CFR 12 for State and local governments, and OMB Circulars A-122 and A-110 (as codified in 43 CFR 12.923) for private nonprofit organizations.

**(1) Definitions:**



- Cash contributions represent the grantee's or subgrantee's cash outlay, including the outlay of money contributed by nonfederal third parties. Unless authorized by Federal legislation, outlays charged to other Federal grants or funds received from other Federal grants shall not be used as part of the grant recipient's cash contribution.
- In-kind contributions represent the value of noncash contributions provided by the grantee, subgrantee, or nonfederal third party. Only when authorized by Federal legislation may property purchased with Federal funds be considered as the grantee's in-kind contribution. In-kind contributions may consist of charges for real property, nonexpendable personal property, and the value of goods and services directly benefitting and specifically identifiable to approved objectives of the grant-supported project.
- Grant costs are the sum of allowable costs incurred and the values of cash or allowable in-kind contributions accumulated to accomplish the objective of the grant or subgrant during the specified grant period.
- Grant period refers to the span of time stipulated in the grant agreement during which all nonfederal share is contributed and during which all work to be accomplished under the terms of the agreement must be completed.

**(2) Basic Guidelines:** Matching shares may consist of: (1) charges incurred by the grantee or subgrantee as costs during the grant period, (2) costs financed with cash contributed or donated by other nonfederal third parties, including other public agencies, institutions, and private organizations and individuals, (3) costs represented by services and real and personal property, or use of these, contributed or donated by nonfederal third parties during the grant period. Examples of the kind of record keeping forms grantees should maintain to evaluate donated labor, materials or equipment use may be found in the *Historic Preservation Fund Grants Manual*. These are suggested models only; comparable formats would also serve for audit purposes.

**Method of Payment and Financial Reporting:** Maritime Heritage Grants will be issued as direct grants to SHPOs, who will issue subgrants to awardees. Therefore, grant recipients will need to work closely with SHPOs to access their allocated funds. SHPOs should not draw the entire grant amount at one time and hold the funds in their accounts; rather, they should draw the funds as subgrantees incur costs and request reimbursement from them. The National Park Service uses a business and accounting system called the Financial and Business Management System (FBMS). FBMS uses a payment system called the **Automated Standard Application for Payments (ASAP)**. Payment will be made to SPHOs for subgrants by advance and/or reimbursement through the ASAP system.

- Requesting Reimbursement. Reimbursements are the preferred method of payment. Requests for reimbursements must be submitted via the ASAP system. Requests for reimbursement should coincide with normal billing patterns. Each request must be limited to the amount of disbursements made for the Federal share of direct project costs and the proportionate share of allowable indirect costs incurred during that billing period.
- Requesting Advances. Requests for advances must be made submitted via the ASAP system. If feasible, each request should be timed so that payment is received on the same day that the funds are dispersed for direct project costs and/or the proportionate share of any allowable indirect costs. If same-day transfers are not feasible, advance payments must be as close to actual disbursements as administratively feasible.
- Adjusting payment requests for available cash. Funds that are available from repayments to, and interest earned on, a revolving fund, program income, rebates, refunds, contract settlements, audit recoveries, credits, discounts, and interest earned on any of those funds must be disbursed before requesting additional cash payments.
- Bank Accounts. All payments are made through electronic funds transfer to the bank account identified in the U.S. Treasury ASAP payment system by the grant recipient.
- Supporting Documents and Agency Approval of Payments. Additional supporting documentation and prior Agency (NPS) approval of payments may be required when/if a grant recipient is determined to be "high risk" or has performance issues. If prior Agency payment approval is in

effect for an award, the ASAP system will notify the grant recipient when they submit a request for payment. The Recipient must then notify the NPS Awarding Officer identified on the Grant Agreement that a payment request has been submitted. The NPS Awarding Officer may request additional information from the recipient to support the payment request prior to approving the release of funds, as deemed necessary. The grant recipient is required to comply with these requests. Supporting documents may include invoices, copies of contracts, vendor quotes, and other expenditure explanations that justify the reimbursement requests.

**Allowable Costs:** Grant funds may be used only to support grant-related activities. Federal Cost Principles are used to determine allowable costs for project activities supported by the NMHA Grants Program. All costs claimed under the grant/subgrant are subject to the applicable Federal cost principles as well as those selected items of cost addressed in the *Historic Preservation Fund Grants Manual*. Direct grants to SHPOs are subject to OMB Circular A-87 "Cost Principles for State and Local Governments". All subgrants are subject to the Federal cost principles applicable to the particular subgrantee organization.

**(1) Administrative Costs:** Costs incurred prior to receipt of a grant agreement by SHPOs for publicizing the Grants Program and assisting applicants may be charged towards the NMHA grant they receive, within the limits of the amount allowable for Grants Program administration.

**(2) Indirect Costs:** NMHA grants are subject to statutory limitation upon the amount of indirect costs that may be allowed in accordance with the current indirect cost rate approved by the cognizant Federal agency. The total direct administrative costs and any indirect costs charged for grants administration may not exceed 15% of the total funds allocated to the Grants Program:

#### **Audit Responsibilities:**

State and local governments shall carry out their audit requirements in accordance with the provisions prescribed in OMB Circular A-133 (see also 43 CFR 12 Subpart B - Audit Requirements for State and Local Governments which is issued pursuant to the Single Audit Act of 1984, as amended in 1996). Institutions of higher education or other nonprofit organizations are also subject to nonfederal audits in accordance with OMB Circular A-133.

#### **Project Reporting Requirements:**

**(1) Progress Reports:** In order to simplify the administrative process, interim progress reports do not have to be submitted to NPS for the Grants Program. However, SHPOs are strongly encouraged to monitor the progress of Education or Preservation Projects. SHPOs should periodically contact subgrantees to determine if any events have occurred (or are anticipated) that will affect the progress of the project.

**(2) Project and Budget Changes:** Events that will require budget or product changes and amendments to the grant agreement must be reported to the NPS. Such substantive revisions in the NPS- approved grant applications which served as the basis of the Grant Agreement must be approved in writing by the NPS or the Trust prior to effecting the change.

Such post-award programmatic changes and budget revisions on grants and subgrants are to be carried out in accordance with 43 CFR 12.70 (for State and local governments) and 43 CFR 12.925 (for nonprofit organizations and institutions of higher education) and procedures established in the *Historic Preservation Fund Grants Manual*.

**(3) Final Project Reports:** When projects supported by the Grant Program have been completed, SHPOs are requested to submit their final project report to the NPS. The Final Project Report Cover Sheet should be used in compiling the report. Final Project Reports shall be submitted no later than 90 days after the end date of the grant period. The final report must be submitted before a final request for payment will be approved. SHPOs may request final reports from subgrantees in a format specified by the SHPO.

**Procurement Standards:** Procurement of supplies, equipment, construction and other services under projects supported by NMHA grant funds must be carried out in compliance with the provisions of applicable Federal laws and of OMB Circular A-102 (as codified in 43 CFR 12.76) and OMB Circular A-110 (as codified in 43 CFR 12.940- 948). These Federal procurement standards are designed to promote fair and open competition for contracts

arising out of federally assisted projects. Grantees/subgrantees shall use their own procurement procedures which reflect applicable State and local laws and regulations, provided they conform to the standards set forth in applicable Federal laws.

**Program Income:** Unless the terms and conditions of the Grant Agreement provide otherwise, the provisions of 43 CFR 12.65 and 43 CFR 12.924 shall be applicable to income earned by the grantee or subgrantee as a result of receipt of the grant or from grant-supported activities.

**Property Management:** The acquisition, use, and disposition of real property, equipment, and supplies purchased in whole or in part with NMHA grant assistance shall be governed in accordance with the standards and procedures set forth in OMB Circular A-102 (as codified in 43 CFR 12.71-73) and OMB Circular A-110 (as codified in 43 CFR 12.930-937).

**Copyrights:** Guidance regarding copyrights shall be governed in accordance with the provisions set forth in 43 CFR 12.74 and 43 CFR 12.936. Except as otherwise provided in the terms and conditions of the grant agreement, the author or grantee/subgrantee is free to copyright any books, publications, or other copyrightable materials developed in the course of, or under a project financed by, NMHA grant funds. However, any such copyrighted materials will be subject to royalty-free, nonexclusive, and irrevocable license to the Federal Government to reproduce, publish, or otherwise use, and to authorize others to use, the work for Government purposes.

**Inventions and Patents:** Guidance regarding inventions and patents shall be governed in accordance with the provisions set forth in 43 CFR 12.74 and 43 CFR 12.936. If any grant-assisted activity or project work produces patentable items, rights, processes, or inventions, in the course of work sponsored by the NMHA Grants Program, such fact will be promptly and fully reported to relevant NPS offices. Unless there is a prior agreement between the grantee and the NPS on disposition of such items, the NPS will determine whether protection on the invention or discovery will be sought. The NPS will also determine how the rights in the invention or discovery, including rights under any patent issued thereon, will be allocated and administered in order to protect the public interest.

**Retention of Records:** Record retention and access requirements for NMHA grants shall be carried out in accordance with OMB Circular A-102 (as codified in 43 CFR 12.82, for States) and OMB Circular A-110 (as codified in 43 CFR 12.950, for nonprofit organizations and institutions of higher education).

(1) **FOIA:** Financial records, supporting documents, statistical records, and all other records pertinent to a grant provided by the NPS are subject to disclosure under the Freedom of Information Act, 5 U.S.C. 552 as limited by Section 304 of the National Historic Preservation Act, as amended. FOIA is not applicable to those grant records held by the grantee or subgrantee. Unless required by other Federal, State or local laws, grantees and subgrantees are not required to permit public access to their records.

**Grant Closeout, Suspension, and Termination:**

Procedures for grant closeout, suspension, and termination are carried out in accordance with OMB Circular A-102 (as codified in 43 CFR 12.90, for State and local governments), OMB Circular A-110 (as codified in 43 CFR 12.960-973, for nonprofit organizations and institutions of higher education), and procedures established in the *Historic Preservation Fund Grants Manual*.

**ADMINISTRATIVE RESPONSIBILITIES**

SHPOs, as grantees, are responsible for both direct grant and subgrant administration of any grant awards received under the National Maritime Heritage Grants Program. SHPOs shall follow the applicable provisions of 43 CFR 12 and all conditions and requirements governing the Grants Program, and ensure that every subgrant includes provisions for compliance with these requirements. If the SHPO has more restrictive policies than the standards specified in the *Maritime Heritage Grants Manual*, then the SHPO's policies shall apply. SHPOs shall ensure that subgrantees are aware of relevant Grants Program requirements as well as any requirements specified by the State.

Grants Program funds cannot be paid for any work or activity that does not conform to the terms of the NPS Grant Agreement which incorporates all applicable grant requirements, conditions, and Federal laws and regulations. Failure of a subgrantee to comply with grant requirements shall be deemed a failure by the grantee to comply with

the conditions of grant assistance, and such grants are subject to recovery. Subgrant agreements between the grantee and any subgrantee should include enforceable provisions allowing the grantee to recover any misapplied funds. The grantee, however, is nevertheless responsible to NPS for repayment of funds misapplied by any subgrantee.

### **OTHER FEDERAL LAWS AND REGULATIONS**

Administration of NMHA grants shall be carried out by grantees and subgrantees in accordance with applicable Federal laws, regulations, and executive orders. Below are listed descriptions for some of the various laws, regulations, and executive orders affecting Federal grants. For more detailed guidance in meeting the responsibilities required by such legislation, grantees should consult with the *Historic Preservation Fund Grants Manual* as well as any referenced NPS guidelines or additional Federal regulations.

**Civil Rights:** NMHA grant-assisted projects must be administered in conformance with the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d-1) and Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794, *et. seq.*). Title VI of the Civil Rights Act of 1964 states that no person will, on the grounds of race, color, or national origin, be excluded from participation in, be denied benefits of, or otherwise subjected to discrimination under any program or activity receiving Federal financial assistance. Section 504 of the Rehabilitation Act of 1973, as amended requires that no qualified disabled individual is solely, by reason of disability, excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving Federal financial assistance.

Guidelines for the implementation of Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973, as amended shall be carried out in accordance with relevant Department of the Interior regulations published in 43 CFR 17 and the instructions specified in Chapter 10 of the *Historic Preservation Fund Grants Manual*.

**(1) Discrimination in Employment Prohibited:** In all hiring or employment made possible by or resulting from grant/subgrants awards, each employer: (1) will not discriminate against any employee or applicant for employment because of race, color, religion, sex, age, or national origin, (2) will ensure that no qualified disabled person shall, on the basis of disability, be subjected to discrimination in employment under a NMHA grants project, and (3) will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their color, religion, sex, age, or national origin.

**(2) Physical Accessibility for the Disabled:** The Architectural Barriers Act of 1968, as amended (42 U.S.C. 4151, *et. seq.*) and Section 502 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 792), require that buildings designed, constructed, or altered with Federal assistance be made accessible to the physically disabled. These Acts also require that public conveyances procured with Federal assistance be readily accessible to, and usable by, physically disabled persons. Minimum accessibility standards for facilities are contained in "Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Disabled" published by the American National Standards Institute (41 CFR 101-19.6, Appendix A). As well, grantees may follow the standards contained in the Americans with Disabilities Act Accessibility Guidelines (28 CFR 36, Appendix A). These provisions are applicable to building or facilities owned or occupied by grantees/subgrantees which are intended to be accessible to the general public and which receive NMHA grant assistance (Refer to 36 CFR 1150, 1190, and the *Historic Preservation Fund Grants Manual*).

**Coastal Barrier Islands:** The Coastal Barrier Resources Act (16 U.S.C. 3501) prohibits any form of direct or indirect Federal assistance for projects located on a barrier island. This applies to designated Atlantic and Gulf Coast States (see: 16 U.S.C. 3501). NMHA grant assistance is therefore generally prohibited on any coastal barrier island under the Coastal Barrier Resources Act. However, in accordance with Section 3505(a) of the Act, "...the appropriate Officer, after consultation with the Secretary, may make Federal expenditure or financial assistance available within the Coastal Barrier Resource System..." The authority to review and approve such requests for exception for each proposed grant-assisted activity has been delegated to the Assistant Regional Directors for Fish

and Wildlife Enhancement of the U.S. Fish and Wildlife Service. (See Chapter 5 of the *Historic Preservation Fund Grants Manual*)

For proposed NMHA grant-assisted construction activities involving historic maritime properties, such as lighthouses or lifesaving stations which may be located within designated boundaries of the Coastal Barrier System, there are four possible grounds for exceptions based on Section 6 of the Act (see 16 U.S.C. 3505). These are as follows:

- 16 U.S.C. 3505(a)(3) allows exceptions for "the maintenance, replacement, reconstruction, or repair, but not the expansion, of publicly-owned or publicly-operated roads, structures, or facilities that are essential links in a larger network or system."
- 16 U.S.C. 3505(a)(5) allows exceptions for "the construction, operation, maintenance, and rehabilitation of Coast Guard facilities and access thereto."
- 16 U.S.C. 3505(a)(6)(B) allows exceptions for "the establishment, operation, and maintenance of air and water navigation aids and devices, and access thereto. "
- 16 U.S.C. 3505(a)(6)(F) allows exceptions for "the maintenance, replacement, reconstruction, or repair, but not expansion, of publicly-owned or publicly-operated roads, structures, or facilities."

For proposed non-construction activities (such as survey and planning) involving historic maritime properties which may be located within designated boundaries of the Coastal Barrier Resources System, the following section of the Act provides a possible basis for exception:

- 16 U.S.C. 3505(a)(6)(D) allows exceptions for "scientific research, including but not limited to aeronautical, atmospheric, space, geologic, marine, fish and wildlife and other research, development and applications." (It should be noted that, based on this section, the Secretary of the Interior approved a general exclusion for HPF-assisted survey and planning activities from being subject to the funding restrictions of the Act.)

**Coastal Zone Management:** The Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1451) prohibits Federal assistance to State or local governments which is inconsistent with the requirements of an approved coastal zone management plan. Grantees of coastal States (including Great Lakes States) submitting NMHA grant applications must certify consistency with the appropriate State Coastal Zone Management Plan when proposed work is in a designated coastal zone. Further information may be obtained from the Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, Department of Commerce. See 15 CFR 930.

**Construction Work:** The National Maritime Heritage Act is silent about and therefore does not require compliance with the Davis-Bacon Act (40 U.S.C. 276a-276a-7) and the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-333). Compliance with the Copeland Act (40 U.S.C. 276c and 18 U.S.C. 874) is required under the Grants Program. For exceptions to the applicability of the Davis-Bacon Act and additional guidance on these laws, please see the *Historic Preservation Fund Grants Manual*.

**Convict Labor:** In accordance with Executive Order 11755, no person undergoing a sentence of imprisonment at hard labor shall be employed on any NMHA grant-assisted work. Labor performed by State prisoners who are on work release, parole, or probation does not fall under this prohibition.

**Environmental Compliance:** The National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321, *et. seq.*) establishes national policy goals and objectives for protecting and enhancing the environment. The provisions of this law are applicable to activities supported in whole or in part through NMHA grants.

The national policy concerning assessment of the environmental impact of Federal and federally funded actions is contained in the National Environmental Policy Act (NEPA). All NMHA grants actions are subject to the provisions of NEPA and the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA (CEQ Regulation) (40 CFR 1500-1508). Certain categories of proposed actions may be excluded from the NEPA process. All other proposed actions require the preparation of either an Environmental Assessment (EA) or an Environmental Impact Statement (EIS).

Compliance with NEPA shall be carried out in accordance with the guidelines and provisions set forth in Chapter 11 of the *Historic Preservation Fund Grants Manual*. NPS is responsible for ensuring the adequacy of any Environmental Assessment or Environmental Impact Statement.

**Flood Insurance:** The purchase of flood insurance as required by Section 102(a) of the Flood Disaster Protection Act of 1973, as amended by the National Flood Insurance Reform Act of 1994 (42 U.S.C. 4001), is applicable to acquisition or construction projects involving historic waterfronts and other historic maritime properties subject to flood hazards. Where a project includes an insurable improvement only as a small and incidental portion of the total project, flood insurance is not required if the value of the insurable improvement is less than \$10,000. Flood insurance is not required on any State-owned property that is covered under an adequate State policy of self-insurance satisfactory to the Federal Emergency Management Agency. The States currently approved for self-insurance on State-owned properties are listed in 44 CFR 75.14. Information concerning the applicability of this law to specific projects is obtainable from Federal Emergency Management Agency, Federal Insurance Administration, Office of Flood Insurance, Washington, D.C. Refer to program guidelines in 44 CFR 59.

**Floodplain Management:** The grantee will comply with the provisions of Executive Order 11988, relating to evaluation of flood hazards; Executive Order 11288, relating to prevention, control, and abatement of water pollution; and Executive Order 11990 relating to protection of wetlands.

**Hatch Act:** No officer or employee of the State whose principle employment is in connection with any activity which is financed in whole or part with Federal grant assistance shall take part in any of the political activity proscribed in the Hatch Political Activity Act, as amended (5 U.S.C. 1501, *et. seq.*) with its stated exceptions.

**Lead-Based Paint:** Section 401 of the Lead-Based Paint Poisoning Prevention Act, as amended (42 U.S.C. 4801, *et. seq.*) prohibits the use of lead-based paint in residential structures constructed or rehabilitated with Federal assistance. Grantees and subgrantees shall include provisions in all contracts for construction work on residential structures prohibiting the use of lead-based paint. A residential structure is defined in 24 CFR 35.3 as "any house, apartment or structure intended for human habitation, including any non-dwelling facility operated by the owner and commonly used by children under seven years of age, such as a child care center." Lead-based paint is defined 24 CFR 35.63 as "any paint containing more than six one-hundredths of one percent lead by weight in the total nonvolatile content of the paint or the measure of lead in the dried film of paint already applied".

**Lobbying with Appropriated Funds:** Costs associated with activities to influence legislation pending before the Congress, commonly referred to as "lobbying", are unallowable as charges to any Grants Program project. NMHA grants conform to the provisions of 18 U.S.C. 1913 which state: "No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation; but this shall not prevent officers or employees of the United States or its Departments or agencies from communicating to members of Congress at the request of any Member, or to Congress through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business." (Is this current? I think there is specific language about any funding related to the Interior Department [Land] appropriations and authorizations.)

**Relocation Assistance:** Grantees must comply with the requirements of Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended by Title IV of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (42 U.S.C. 4601, *et. seq.*) which provide for fair and equitable treatment of persons displaced from their homes, businesses, or farms as a result of Federal and federally assisted projects.

Where applicable, compliance with this Act is to be carried out in accordance with procedures and guidelines set forth in Chapter 20 of the *Historic Preservation Fund Grants Manual* which incorporates the government-wide rule in 49 CFR 24 implementing the Relocation Act.

**Travel Allowances:** All grantees and subgrantees are required to follow the travel policies set forth in the Federal Travel Regulations (FTR, see 41 CFR 301). Subgrants, subcontracts, and consultant agreements will not exceed these standard rates. If the grantee or subgrantee has more restrictive travel policies than those of FTR, then the grantee's/subgrantee's policies shall apply.

**Wild and Scenic Rivers:** The grantee/subgrantee will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. 1271, *et. seq.*) related to protecting components or potential components of the national wild and scenic rivers system.