

§ 2892. Office of Grants Management and State Clearinghouse: Duties and Responsibilities.

In addition to the duties and responsibilities of the CNMI OGM-SC, as may be prescribed by the Office or the Governor, or by law, the CNMI OGM-SC shall also have the following duties and responsibilities:

(a) Administer the initiation, coordination and review process of all governmental activities within line agencies, such as departments, public corporations, and autonomous agencies under the Executive Branch and excludes independent offices established by the Commonwealth Constitution and Judicial Branch involving federal financial assistance; and in accordance with U.S. Executive Order 12372.

(b) Ensure that line agencies and departments under the Executive Branch grant proposals for federal assistance are in accordance with plans, policies, programs, objectives and procedures of the government of the CNMI and applicable Code of Federal Regulations. A stamp of approval or clearance letter shall be furnished to signify concurrence from this office.

(c) Review federal grant formulae at the time of the reauthorization of continuing federal grants by the U.S. Congress to ensure that the Commonwealth receives an optimized share of funding.

(d) Ensure that the proposed government projects for which federal financial assistance is sought are fiscally and environmentally sound and are in compliance with all applicable federal laws.

(e) Ensure that the government of the CNMI complies with all applicable federal laws relating to federal financial assistance and that there exists sound tracking, management, and financial accountability for all federal programs awarded.

(f) To develop and maintain a database on all grants received by the CNMI as a state, government and non-government; the database shall include at a minimum, the subject area of the grant, the fiscal year in which the grant applies, the program title, the type of grant (e.g., formula or discretionary), the amount of the grant, the recipient, the grantor agency, any local cash or in-kind matching requirements, any special conditions or restrictions, and the name, title, and contact number of all persons responsible for grant management and administration, both for the CNMI and for the grantor agency.

(g) Perform cost analysis on all federal aid programs, grants, loans, contracts, contributions, advances, direct federal development or other federal funding for financial impact on the government of the CNMI's General Fund, especially if there is a matching requirement or if federal funds will expire. Said analysis shall include indirect costs review, utility charges, and other affected sub-accounts.

(h) Conduct activities for the acquisition of federal grants and when possible, coordinate to full extent the activities and objectives of an approved grant award. This will include the procurement of equipment, the execution of contracts, and other activities related to the grant, including operations, training and management.

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This office will also have the capacity to award sub-grants with the concurrence and approval of the Office of the Governor.

(i) Identify all grants that the CNMI is eligible to receive but has not applied for, and to determine whether the CNMI should submit a future application.

(j) Provide training to government agency staff in grant writing and grant management and administration and other technical assistance to agency staff and other interested organizations.

(k) Conduct activities directly related to indirect cost associated with federal assistance. Indirect cost is for use on grants, contracts, and other agreements with the federal government to which 2 C.F.R. § 225 applies, subject to the limitations in Section II.A. of this agreement. The rate shall be negotiated by the U.S. Department of the Interior, Interior Business Center, and the CNMI OGM-SC.

(l) (1) With the exception of the CNMI Public School System, the Northern Marianas College, Commonwealth Health Care Corporation (CHCC), Northern Marianas Housing Corporation (NMHC), Commonwealth Utilities Corporation (CUC), Office of the Attorney General, Office of the Public Auditor, Commonwealth Ports Authority (CPA), and the Northern Marianas Technical Institute, and notwithstanding any other provision of law to the contrary, no application for any federal aid programs, grants, loans, contracts, contributions, advances, direct federal development, or other federal funding shall be submitted or deemed approved on behalf of the government of the CNMI or any agency, division, office, department or instrumentality thereof, or any public corporation, without the final approval of the Administrator of the CNMI Office of Grants Management and State Clearinghouse.

(2) Notwithstanding subsection (l)(1) above, the Northern Marianas Technical Institute may seek the assistance of the CNMI OGM-SC; however, the Northern Marianas Technical Institute may be subject to the grant requirements of OGM-SC including sharing a percentage of the indirect costs in order to avail of such assistance.

(m) Assist agencies with suspended or terminated grant awards through direct communication and involvement of federal grantors.

(n) Shall take part in activities of the single audit committee.

(o) Compile and compose grants on behalf of the Governor and executive line agencies.

Source: PL 16-48, § 4; PL 19-49, § 4 (June 13, 2016), modified; amended by PL 22-13, § 2 (Nov. 19, 2021).

Commission Comment: In the original codification of this section, the Commission changed the capitalization of “executive branch” in subsection (a); “Federal” in subsections (d), (e), (g), (h), (k), and (l); and “Government” in subsection (k) for the purpose of conformity pursuant to 1 CMC § 3806(f). The Commission changed the final semicolons to periods in subsections (b)–(k), inserted “the” before “Commonwealth” in subsection (c), and changed “2 CFR 225” to “2 C.F.R. § 225” in subsection (k) pursuant to 1 CMC § 3806(g).

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Legislative Findings of 2021 Amendment.— In addition to severability and savings clause provisions, PL 22-13 included the following Findings and Purpose section:

Section 1. Findings and Purpose. The Legislature finds that one of the reasons that the Northern Marianas Technical Institute (NMTI) was converted to a government entity was to assist the institute in qualifying for additional federal aid programs, grants, loans, contracts, contributions, advances, direct federal development, or other federal funding. The Legislature further finds that NMTI was created as a public corporation and therefore, granted certain autonomy including its financial affairs. In line with NMTI's financial autonomy, it is imperative that NMTI be exempt from any other government agency oversight with regard to its federal grants and funding including the Office of Grants Management and State Clearinghouse. The Office of Grants Management and State Clearinghouse was established primarily to oversee the federal grant programs within the executive departments and line agencies not public corporations or autonomous agencies. Accordingly, the purpose of this legislation is to exempt NMTI from the Office of Grants Management and State Clearinghouse's oversight authority; provided that if NMTI avails of the assistance of the Office of Grants Management and State Clearinghouse, NMTI may be subject to the grant requirements of the Office of Grants Management and State Clearinghouse.

Drafting Marks Omitted.— In codifying PL 22-13, the Commission omitted text marked with strikethrough and removed underlines from new statutory text.