



CHIEF OF THE NATIONAL GUARD BUREAU INSTRUCTION

NGB-AQ-A
DISTRIBUTION: A

CNGBI 9101.00
27 January 2023

NATIONAL GUARD GRANTS AND COOPERATIVE AGREEMENTS

References: See Enclosure B.

1. Purpose. This instruction establishes policy and assigns responsibilities for awarding and administering National Guard grants and cooperative agreements in accordance with (IAW) the references.
2. Cancellation. This instruction cancels and replaces National Guard Regulation 5-1, 28 May 2010, "National Guard Grants and Cooperative Agreements."
3. Applicability. This instruction applies to the National Guard and the National Guard Bureau (NGB) as defined in reference a.
4. Policy. It is NGB policy to enter into Department of Defense appropriation-funded cooperative agreements with recipient States, or other non-Federal entities, as necessary to help recipients stimulate public purposes, such as Army National Guard (ARNG) and Air National Guard (ANG) construction, minor construction, maintenance, repair, operation of facilities, mission operational support, and for other programs authorized by the Department of Defense or Congress.
 - a. Chief of the National Guard Bureau. On behalf of the Secretary of Defense and Congress, the Chief of the National Guard Bureau properly manages and uses Federal funds, including all authorities delegated to a proxy, primarily the United States Property and Fiscal Officers (USPFOs) IAW the references. USPFOs may be appointed as Grants Officers for cooperative agreement awards.
 - b. NGB Cooperative Agreement Awards. NGB cooperative agreement awards are legally binding instruments reflecting assistance relationships between the United States Government and its cooperative agreement award recipients. NGB cooperative agreements are awarded IAW reference b, reference c, and reference d. NGB assistance awards are considered cooperative agreements awards instead of grants because substantial Federal involvement is required in the administration of the assistance award IAW reference e. Executed cooperative agreements awards and any modifications to them are the official documents obligating Federal funds for the assistance as described in each.

UNCLASSIFIED

c. Prohibited Actions. Grants Officer Representatives will not make financial obligations, commitments, adjustments, or corrections in any financial systems of record. Their role will be restricted to “view only”. They will not award, agree or otherwise make changes to, or execute any cooperative agreement award or modification which would in any way obligate or certify funds on behalf of the Federal Government.

d. Substantial Involvement. Substantial involvement must be detailed in each individual cooperative agreement. Examples include Agency guidance to the recipient in technical management of the effort of work under the cooperative agreement, Agency review and approval can be required before work can proceed, and Agency involvement in selecting key personnel of the recipient who will be managing the key work as detailed under the cooperative agreement award by participating directly on a selection board or reviewing the short list from a selection board and giving comment.

e. Training. Training, at minimum, will include completion of the cooperative agreements training courses, and a fiscal law course within the first year of appointment to position for grants officers, cooperative agreement program managers, the Office of Primary Responsibility (OPR) Program Manager, and grants officer representatives. Grants officer representative training will also include the Grants Officer Representative Training course when it is offered.

5. Definitions. See Glossary.

6. Responsibilities. See Enclosure A.

7. Summary of Changes. This is the initial publication of Chief of the National Guard Bureau Instruction 9101.00.

8. Releasability. This instruction is approved for public release; distribution is unlimited. It is available at <<https://www.ngbpmc.ng.mil/>>.

9. Effective Date. This instruction is effective upon publication and must be revised, reissued, cancelled, or certified as current every five years.



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Enclosures:

- A -- Responsibilities
- B -- References
- GL -- Glossary

ENCLOSURE A
RESPONSIBILITIES

1. Director of Acquisitions. The Director of Acquisitions will:
 - a. Perform duties as the Head of Contracting Authority (HCA) for NGB.
 - b. Appoint and warrant grants officers within the States and NGB for the Army Compatibility Use Buffer Program.
 - c. Establish training requirements for grants officers, grants officer representatives, and other Federal employees responsible for the management and oversight of cooperative agreements awards for the NGB.
 - d. Establish procedures for management of NGB cooperative agreements in a Chief of the National Guard Bureau Manual.
 - e. Establish the NGB Acquisitions Grants and Cooperative Agreement Oversight and Compliance Division (NGB-AQ-A) as the division responsible for ensuring cooperative agreements are properly awarded and executed and Chief of the National Guard Bureau Issuances and cooperative agreements conform to Federal laws and regulations.
2. NGB-AQ-A. NGB-AQ-A will:
 - a. Provide centralized policy management of the NGB cooperative agreements and grants in compliance with Federal laws, Executive orders, regulations, directives, and best practices.
 - b. Establish policies and procedures and create templates to ensure cooperative agreements awards and support agreements are conducted IAW Federal laws, Executive orders, regulations, and directives.
 - c. Provide guidance on cooperative agreement and support agreement policy changes.
 - d. Support staff actions addressing the NGB organizational policies, regulations, procedures, guidance, as it relates to the creation, execution, and daily management of cooperative agreements.
 - e. Conduct NGB Program Management Reviews of cooperative agreements and support agreements.
 - f. Conduct the review and follow-up on Corrective Action Plans resulting from Program Management Reviews.

g. Monitor and report metrics from the Financial Assistance Award Data Collection database to leadership.

h. Recommend USPFOS for appointment as a Grants Officer to HCA or HCA designee.

3. The Adjutants General (TAGs) and the Commanding General of the District of Columbia (CG). TAGs and the GC will:

a. Maintain compliance with the terms, conditions, and standards of the executed cooperative agreements awards on behalf of their respective State.

b. Supervise and manage all activities and projects within the scope of the executed cooperative agreement awards on behalf of their respective State, IAW reference b, reference c, and reference d.

c. Provide the personnel, supplies, services, and matching funds required of their respective State to allow for the proper management and execution of the work IAW the cooperative agreement award.

d. Receive funds, property, and account for all expenditures and property acquired through a cooperative agreement award and make returns and reports concerning those expenditures and property, as required.

4. ARNG, ANG, NGB Joint Staff, and NGB Space Operations Directors. ARNG, ANG, NGB Joint Staff, and NGB Space Operations Directors will:

a. Identify areas where the NGB can provide Federal assistance.

b. Appoint an OPR Program Manager for each cooperative agreement within their area of responsibility.

5. OPR Program Managers. OPR Program Managers will:

a. Perform all duties and fulfill requirements IAW appointment memorandums as the OPR Program Managers.

b. Provide draft copy templates for respective agreements and modifications for review and approval to NGB-AQ-A before publication.

c. Provide administrative and financial guidance to Federal Cooperative Agreement Program Managers.

d. Coordinate with the USPFOS or Grants Officers on all changes to the administrative and financial guidance in executed agreements.

- e. Coordinate the allocation of the program's Federal funding to the USPFO or Grants Officer for awarding the cooperative agreement.
- f. Establish NGB-level management and internal controls program directives.
- g. Complete specified NGB-AQ-A sponsored training related to cooperative agreement management and oversight within the first year of appointment as the OPR Program Manager.
- h. Coordinate with NGB-AQ-A for review of all trainings for technical accuracy given by directorates pertaining to cooperative agreement awards before use.
- i. Provide a copy of the delegation memorandum to NGB-AQ-A when an officer is appointed.
- j. Inform NGB-AQ-A when there is a change of status of the personnel assigned as the OPR Program Manager.

6. Office of the NGB General Counsel. Office of the NGB General Counsel will:

- a. Provide legal guidance concerning cooperative agreement awards as requested.
- b. Conduct legal sufficiency reviews of cooperative agreement awards, Military Construction Cooperative Agreements, and associated General Terms and Conditions templates as requested.

7. USPFOs. USPFOs will:

- a. Perform Grants Officer duties within the authority of the warranted appointment assigned by the HCA.
- b. Display the Grants Officer warrant.
- c. Obligate, expend, and account for Federal funds through cooperative agreement awards.
- d. Award, amend, and terminate cooperative agreement awards.
- e. Ensure laws, regulations, and administrative policies are adhered to under cooperative agreement awards.
- f. Ensure Federal funds are used to reimburse authorized projects, activities, or programs as set forth in the cooperative agreement award.
- g. Ensure adequate management and internal controls are in place to protect Federal interests.

- h. Approve extension of the cooperative agreement award beyond the initially specified period of performance date when deemed appropriate.
- i. Appoint assistant USPFOs to carry out cooperative agreement-related duties.
- j. Appoint a Grants Officer Representative to administer cooperative agreement awards.
- k. Appoint a Federal ARNG Cooperative Agreement Program Manager, who can act as the program subject matter expert, for each ARNG cooperative agreement award as the designated Federal employee to perform agreement duties outlined on the Appointment Memorandum.
- l. Appoint a Federal ANG Cooperative Agreement Program Manager, who can act as the program subject matter expert, for each ANG cooperative agreement award as the designated Federal employee to perform agreement duties outlined on the appointment memorandum. The appointment excludes the funds certification authorization which rests with the Assistant USPFO Air (Fiscal).

8. Grants Officer Representative. The Grants Officer Representative will:

- a. Complete daily administrative actions and technical monitoring of cooperative agreement awards and ensure internal controls are in place and effective.
- b. Establish and maintain a separate file for each cooperative agreement award.
- c. Establish and maintain a current reference library.
- d. Prepare and staff cooperative agreement award modifications for execution.
- e. Distribute executed awards and modifications to the OPR Program Manager, Federal Cooperative Agreement Program Manager, TAG, the CG, and other parties as required.
- f. Report assistance obligations and de-obligations through the Financial Assistance Award Data Collection within 15 days of execution of the award or modification IAW reference d.
- g. Distribute Grants and Agreements Policy Letter to the Cooperative Agreement Program Manager, Office of the Staff Judge Advocate, USPFO Internal Review, TAG, the CG, and other appropriate parties as required.

9. Cooperative Agreement Program Manager. The Cooperative Agreement Program Manager will:

- a. Perform duties assigned by the USPFO or Grants Officer per the appointment memorandum.
- b. Monitor and evaluate, on behalf of the USPFO and OPR Program Manager, assigned cooperative agreement's performance to ensure compliance with the terms and conditions of the cooperative agreement award.
- c. Provide technical input, direction, and guidance to assist the recipient in adhering to the terms and conditions of the cooperative agreement award.
- d. Provide recommendations and concerns on recipient personnel matters, as necessary, to the recipient personnel's State supervisor.
- e. Complete specified NGB-AQ-A sponsored training related to cooperative agreement management and oversight within the first year of appointment as a Federal Cooperative Agreement Program Manager.
- f. Complete specified NGB-AQ-A sponsored training related to cooperative agreement award management and oversight.
- g. Ensure personnel receive the appropriate training to assist in cooperative agreement duties in coordination with NGB-AQ-A recommendations.
- h. Coordinate and conduct, in conjunction with the recipient, periodic cooperative agreement training related to the administration and execution of their cooperative agreement program.
- i. Ensure cooperative agreement award data is entered into Financial Assistance Award Data Collection database within 15 days of execution for both increases and decreases of the cooperative agreement award obligations in accordance with reference d.

10. State, Office of the Staff Judge Advocate. Office of the Staff Judge Advocate will:

- a. Provide legal guidance concerning cooperative agreement awards as requested from their USPFO Grants Officer.
- b. Conduct legal sufficiency reviews of cooperative agreement awards and associated General Terms and Conditions prior to execution when requested.

ENCLOSURE B

REFERENCES

- a. Department of Defense Directive 5105.77, 30 October 2015, "National Guard Bureau (NGB)," Incorporating Change 1, 10 October 2017
- b. Code of Federal Regulations (CFR), Title 2, Chapter II, Subtitle B, Chapter XI, "Department of Defense"
- c. CFR, Title 2, Chapter II, Subtitle A, Part 200, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards," Amended 06 September 2022
- d. CFR, Title 32, Chapter I, Subchapter C, Part 21, "DoD Grant and Agreement Regulations"
- e. Title 31 U.S. Code (U.S.C.), Sub Statute 6305, "Using Cooperative Agreements"
- f. Chief of the National Guard Bureau Instruction 9501.01, 08 July 2021, "National Guard Bureau United States Property and Fiscal Officer Program"
- g. Title 10 U.S.C., Chapter 1803, "Facilities for Reserve Components"
- h. Title 31 U.S.C., Chapter 61, "Program Information"
- i. Title 31 U.S.C., Chapter 65, "Intergovernmental Cooperation"
- j. Chief of the National Guard Bureau Manual 9501.01, 09 August 2022, "National Guard Bureau United States Property and Fiscal Officer Program Procedural Guidance"

GLOSSARY

PART I. ACRONYMS

ANG	Air National Guard
ARNG	Army National Guard
CG	Commanding General of the District of Columbia
HCA	Head of Contracting Authority
IAW	In accordance with
NGB	National Guard Bureau
NGB-AQ-A	NGB Acquisitions, Grants and Cooperative Agreement Oversight and Compliance Division
OPR	Office of Primary Responsibility
TAGs	The Adjutants General
USPFO	United States Property and Fiscal Officer

PART II. DEFINITIONS

Air National Guard -- Part of the organized militia of the States, Territories, the Commonwealth of Puerto Rico, and the District of Columbia, active and inactive, which is an air force; is trained, and has its officers appointed; is organized, armed, and equipped wholly or partly at Federal expense; and is Federally recognized.

Army National Guard -- Part of the organized militia of the States and Territories, the Commonwealth of Puerto Rico, and the District of Columbia, active and inactive, which is a land force; is trained, and has its officers appointed; is organized, armed, and equipped wholly or partly at Federal expense; and is Federally recognized.

Award -- The transfer of a thing of value from the Federal government to the State or local government or other recipient to carry out a public purpose of support or stimulation authorized by a law of the United States.

Chief of the National Guard Bureau -- The appointed head of the National Guard Bureau and a member of the Joint Chiefs of Staff.

Cooperative Agreement -- Legally binding instruments reflecting the complex assistance relationships between the United States government and its recipients. Significant involvement by National Guard Bureau is required due to the complexity of the assistance award. As a Department of Defense component, the National Guard Bureau is authorized to award grants and cooperative agreements based on statutory authority.

Federal Cooperative Agreement Program Manager -- Is the appointed Federal representative to manage the cooperative agreement award on behalf of the United

States Property and Fiscal Officer or Grants Officer and reports to the United States Property and Fiscal Officer or Grants Officer for this portion of their duties and is the subject matter expert who ensures the recipient's performance follows the intent, terms, and conditions of the cooperative agreement award.

Grants -- The transfer of a thing of value from the Federal government to the State or local government or other recipient to carry out a public purpose of support or stimulation authorized by a law of the United States which does not require substantial involvement between the parties.

Grants Officer -- An individual appointed and warranted by the National Guard Bureau's Head of Contracting Activity to award cooperative agreements on behalf of the National Guard Bureau.

Grants Officer Representative -- A representative of the United States Property and Fiscal Officer or Grants Officer who acts within the limits of his or her authority as delegated, in writing, by the United States Property and Fiscal Officer or Grants Officer.

Local Government Entities -- Political subdivisions, counties, cities, towns, townships, airport authorities, or school districts of a State government.

National Guard Bureau (Grantor) -- A Joint Activity of the Department of Defense headed by a Chief who sits on the Joint Staff and is the advisor on National Guard matters. The National Guard Bureau is the channel of communication between the departments concerned and the States, Territories, and the District of Columbia, on all matters pertaining to the National Guard, the Army National Guard of the United States, and the Air National Guard of the United States.

Recipient -- An entity, usually but not limited to non-Federal entities, which receives a Federal award directly from a Federal awarding agency. The term recipient does not include subrecipients or individuals who are beneficiaries of the award.

State -- Any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, and any agency or instrumentality thereof exclusive of local governments. For Military Construction Cooperative Agreements and other cooperative agreements awarded to meet the purpose of facilities in accordance with reference e, the term "State" means any of the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and each Territory and possession of the United States and includes political subdivisions and military units thereof and tax-supported agencies therein.

Territory -- For purposes of laws relating to the militia, the National Guard, the Army National Guard of the United States, and the Air National Guard of the United States, "Territory" includes Guam, the United States Virgin Islands, and the Commonwealth of Puerto Rico.

The Adjutants General and the Commanding General of the District of Columbia -- The head of the State military department, appointed by the Governor of the State, according to the respective State's constitution, or statute. As the State-authorized representatives, The Adjutants General receive funds and property, account for all expenditures and property acquired through a cooperative agreement award and make returns and reports concerning those expenditures and property. Note: This same definition applies to the District of Columbia whose mayor appoints a Commanding General as the head of the district's military department.

United States Property and Fiscal Officers -- The qualified commissioned officers of the Army National Guard or the Air National Guard designated by the Chief of the National Guard Bureau to be the United States Property and Fiscal Officers of the States, Territories, Commonwealth of Puerto Rico, and the District of Columbia. He or she receives and accounts for all funds and property of the United States in the possession of the National Guard for which he or she is the property and fiscal officer; and make returns and reports concerning those funds and property, as required by the Secretary concerned.