

INDIAN AFFAIRS MANUAL

- 1.1 Purpose.** This chapter provides guidance on reprogramming procedures for funding directly appropriated to Indian Affairs (IA).
- 1.2 Scope.** This policy applies to all IA bureaus and offices receiving funds, allotments, apportionments, etc. subject to the Antideficiency Act where the Deputy Assistant Secretary – Management (DAS-M) is responsible for internal controls (i.e., excepting only the Bureau of Trust Funds Administration (BTFA)).
- 1.3 Policy.** It is IA’s policy that the reprogramming of funds (i.e., “reprogrammings”) will comply with all legal restrictions, congressional reprogramming requirements, and Department of the Interior (DOI or the Department) guidelines.

1.4 Authority.

A. Statutes and Regulations.

- 1) 31 U.S.C. § 1341, Limitations on expending and obligating amounts
- 2) 31 U.S.C. §§ 1511 - 1519, Apportionment
- 3) P.L. 117-328 § 505, Consolidated Appropriations Act, 2023

B. Guidance.

- 1) Office of Management and Budget (OMB) Circular A-11, Preparation, Submission, and Execution of the Budget
- 2) 328 Departmental Manual (DM) 1: Statute, Responsibility, Violations
- 3) DOI Office of Budget (POB) Memorandum: Guidance – FY 23 Reprogramming Guidelines and Other Related Requirements, June 2, 2023

1.5 Responsibilities.

A. Director, IA Office of Budget and Performance Management (OBPM) is responsible for:

- 1) approving all reprogrammings and Tribal Priority Allocations (TPA) within the Bureau of Indian Affairs (BIA) and the Bureau of Indian Education (BIE), except those requiring congressional approval, in accordance with assigned duties and responsibilities;

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- 2) ensuring all reprogrammings are in accordance with all rules, limitations, and legal restrictions;
- 3) providing all final approvals for reprogrammings, including those requested and authorized by suballottees;
- 4) providing the final review and submission to the Department of all reprogrammings requiring prior congressional approval; and
- 5) ensuring all approved reprogrammings are processed in the Financial and Business Management System (FBMS).

B. Suballottees (all suballotment, allocation, and suballocation holders) are responsible for authorizing reprogramming requests, but only for the amounts suballotted, allocated, and suballocated to them.

1.6 Definitions.

A. Reprogramming is defined as:

- 1) **General.** Reprogramming is the movement of funds from a congressionally-defined purpose to another. Any such movement within IA's accounting system is defined as a reprogramming, and all such movements are processed as reprogrammings using the IA approval process. However, congressional and legal reprogramming limits are established at levels below and above the program functional area level.
- 2) **Specific.** Congress defines a reprogramming as the movement of funds from one 'account' to another within the same appropriation. 'Account' describes the congressionally established level(s) to which reprogramming limitations apply. In some cases, account equals a single program functional area; in other cases, it equals a combination of program functional areas or even an entire Fund. Further, reprogramming levels may change from year to year based on congressional action.

B. Suballottee is defined as someone who has been designated as the responsible party for a portion of the IA budget allotment. For IA, this is usually at the Deputy Bureau Director level or at the Office level (for the Assistant Secretary – Indian Affairs (AS-IA) level).

In the FBMS accounting system, this is someone who is responsible for the V0 level of funding (i.e., usually designated at the four character Fund Center). Suballottees allocate and suballocate portions of their funding to lower levels of responsibility within their suballotment. However, suballottees are held responsible for all funding within their suballotment and sign reprogrammings originating from their suballotment.

1.7 Standards, Requirements, and Procedures.

A. Reprogramming Rules and Limitations. Congress establishes/updates the reprogramming rules and limitations as part of the appropriation process. These rules and limitations apply to the appropriations provided directly to IA. Based on congressional guidance and clarifying discussions with the Department, the current congressional rules and limitations are as follows:

1) For all accounts:

- a. No reprogrammings are allowed that exceed \$1 million or ten percent (10%) in cumulative increases or decreases, whichever is less, of the specific budget activity, budget line item, or program within an account, as reflected on the Congressional Committee Support Table, without congressional approval.
- b. Reprogrammings also consist of any significant departure from the program described in budget justifications. In this case, funding could remain within the same budget line and program, but be used for a very different purpose than described in the budget justification. The latest congressional budget guidance also notes that a reprogramming is triggered for reorganizations and workforce actions, which affect a total of ten staff members or more, or ten percent (10%) of the staffing of an affected program or office, whichever is less.
- c. For reprogrammings below the \$1 million or 10% threshold, bureaus/offices must include information in the quarterly report submitted to POB in order to submit to Congress.

2) For all appropriations:

- a. There is no restriction on the reprogramming of funds involving TPA or Office of Self Governance (OSG) funding when initiated by a Tribe, although an annual report is required.
- b. No reductions are allowed in programs specifically increased by Congress without congressional approval.
- c. No reprogrammings are allowed that would create a new program start, i.e., a program that was not presented to Congress, without congressional approval.

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- d. Supplemental funds are subject to the same restrictions as the appropriation being supplemented unless otherwise stated. The same reprogramming thresholds and reporting requirements apply to supplemental appropriations, consistent with the level of detail provided in the relevant statute, report language, and projects/purposes as identified in Congressionally directed spend plans submitted to Congress.

3) For Construction and Great American Outdoors Act (GAOA) appropriations:

- a. The reprogramming threshold for construction accounts receiving annually appropriated funding is at the project level.
- b. Regarding GAOA, Legacy Restoration Fund projects and project funds identified in the project funding tale in the explanatory statement are specific allocations which are considered as “statutory by reference” and cannot be changed unless through law in a subsequent fiscal year (FY), or through use of the Contingency Fund specified.

B. Legal Restrictions on Reprogrammings. In a limited number of instances specific to individual IA programs, there are legal provisions that control reprogramming in those programs. These restrictions and the list of associated programs are maintained by the OBPM.

C. Reprogrammings Subject to Prior Congressional Approval. The Director, OBPM is responsible for the final review and submission to the Department of all reprogrammings requiring prior congressional approval. The Director, OBPM ensures that all such reprogrammings comply with congressional reprogramming rules and legal restrictions.

1.8 Reports and Forms.

- A. The Director, OBPM will submit all reprogramming reports as required by the Department and/or Congress.

As of FY 2023, there is quarterly reporting to the Department for all reprogrammings, and annual reporting to Congress for internal TPA reprogrammings only.

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- B.** The Electronic-FBMS Entry Document (E-FED) is used for all reprogramming requests. Authorized users may access the system at: <http://iabert.doi.net/biaefed/>. A manual form with instructions may be accessed at: <https://www.bia.gov/policy-forms/online-forms>.

Approval

JASON FREIHAGE Digitally signed by JASON FREIHAGE
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Jason Freihage
Deputy Assistant Secretary – Management (DAS-M)

Date