

2.1 Purpose. This chapter establishes Administrative Control of Funds policies for the Bureau of Indian Affairs and the Bureau of Indian Education and identifies the responsibilities of Indian Affairs officials in the control and distribution of obligational authority and the expenditure of funds. These procedures are intended to:

- A.** Provide the framework in which Indian Affairs will operate a positive administrative control of funds system designed to restrict obligations and expenditures against each appropriation or fund account to the amount available.
- B.** Ensure that programs are executed and funds are expended pursuant to enacted appropriations and in accordance with specific directives of the Congress.
- C.** Enable the Assistant Secretary - Indian Affairs to determine responsibility for the over obligation or over disbursement of appropriations, apportionments, statutory limitations, allotments, suballotments, and other administrative subdivisions of funds.
- D.** Provide procedures for reporting violations of the Anti-Deficiency Act.

2.2 Policy. Each official receiving funds will be held administratively accountable for all funds distributed to such official. The officials who are designated as suballottees are subject to the provisions of the Anti-Deficiency Act (31 U.S.C. §§1301, 1341-1342, 1349-1351, 1511-1519).

2.3 Authority.

A. Title 31 U.S.C., Subtitles I and II:

- (1) Chapter 9, Agency Chief Financial Officers
- (2) Chapter 11, The Budget and Fiscal, Budget, and Program Information
- (3) Chapter 13, Appropriations
- (4) Chapter 15, Appropriation Accounting

B. Title 31 U.S.C. §3512, Federal Managers' Financial Integrity Act

C. Appropriations Acts for the Department of the Interior and Related Agencies

D. Federal Credit Reform Act of 1990, Public Law 101-508

2.4 Guidance. Federal managers may obtain additional guidance from the following publications:

- A. OMB Circular A-11, Preparation, Submission, and Execution of the Budget, Part 4, Instructions on Budget Execution**
- B. Principles of Federal Appropriations Law, GAO, Third Edition**

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C. Part 328 Department Manual, Administrative Control of Funds.

2.5 Handbook. The Financial Management Handbook, which contains information on all fund codes, organization codes, budget object class codes/definitions, and program codes, is available on the Indian Affairs intranet at <http://intranet.bia.gov/sublevel/index.cfm?fuseaction=showSubLevel&docID=724&topLevelID=560&parentID=718>

2.6 Hierarchy of Fund Control. The following chart displays the relationship between the various levels of fund control:

Appropriation															
Apportionment															
Allotment								Allotment							
Suballotment				Suballotment				Suballotment				Suballotment			
Allocation		Allocation		Allocation		Allocation		Allocation		Allocation		Allocation		Allocation	
Sub-allocation															

2.7 Responsibilities.

A. Chief Financial Officer (CFO) establishes an overall system of fund control in Indian Affairs and reports statutory violations of the Anti-Deficiency Act.

B. Director, Office of Budget Management, ensures that:

- (1) The budgetary data entered into the accounting system accurately reflects enacted appropriations, approved apportionments, allotments, and suballotments;
- (2) Reprogramming actions and reports conform to public laws, and Congressional and Departmental guidance;
- (3) Senior management is advised of potential or actual problems in resource allocations or obligation rates;
- (4) Appropriate automated controls are established and maintained within the budget execution subsystem of the Federal Financial System (FFS);
- (5) Requests for FFS overrides involving non-expired funding, excluding prior year no-year funding, are processed in a timely fashion. The Director is the decision authority for these requests; and
- (6) Security level of privilege to update budget tables in the official accounting system (i.e., Federal Financial System) is properly controlled and monitored. The Director is the approval authority for requests for update authority.

C. The Office of Financial Management (OFM), that reports to CFO, ensures that:

- (1) Accurate and timely financial reports are produced and distributed;
- (2) Appropriate automated controls are established and maintained within the accounting system;
- (3) An effective system is in place to review and monitor financial data so that:
 - (a) obligations are classified properly
 - (b) obligations are recorded promptly
 - (c) unliquidated obligations reflect only valid undelivered orders
- (4) All requests to record undisclosed obligations are promptly reviewed and entered in the accounting system;
- (5) Quarterly reports are provided to the CFO on the number and dollar amount, by organization, of requests to record undisclosed obligations; and
- (6) Requests for FFS overrides involving expired funding, and prior year no-year funding, are processed in a timely fashion. Depending on the nature of the request, the Chief, Financial Reporting and Analysis Division or Chief, Fiscal Services Division, is the decision authority for these overrides.

D. Suballottees:

- (1) Suballot funds under their control to other suballottees, when needed;
- (2) Allocate resources to subordinate organizations;
- (3) Conduct regular reviews of resource availability and obligation rates for subordinate organizations;
- (4) Verify the availability of funds prior to incurring obligations using established procedures;
- (5) Provide a certification at the end of each fiscal year attesting to the fact that all undelivered orders shown in the accounting system for their organization(s) represent valid obligations; and
- (6) Take appropriate disciplinary action against employees in their chain of command who fail to follow established fund control procedures.

E. Officials Receiving Allocations may suballocate funds to subordinate organizations. Both allocation and suballocation holders are responsible for adhering to established fund control procedures and ensuring that obligations and expenditures are legal, necessary, and within the amounts allocated/suballocated.

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2.8 Designation of Suballottees. In addition to the Assistant Secretary, who has authority over all allotments/suballotments, the following officials are designated as suballottees for funds appropriated for Indian Affairs:

Offices of the Assistant Secretary	KASI
Director, Bureau of Indian Affairs	K100
Director, Bureau of Indian Education	EDUC
Director, Office of Self-Governance	K800
Director, Office of Facilities	K600
Environmental and Cultural Resources	
Director, Office of Indian Energy and Economic Development	K730
Director, Human Capital Management	K240
Deputy Director, Trust Services	K400
Deputy Director, Indian Services	K300
Deputy Director, Justice Services	KLES
Deputy Assistant Secretary Management	K102
Chief Financial Officer	K210
Chief Information Officer	K500
Director, Office of Regulatory Affairs and Collaborative Action	K103
Deputy Director, Field Operations	K101
Regional Director- Great Plains	A
Regional Director- Southern Plains	B
Regional Director- Rocky Mountain	C
Regional Director- Alaska	E
Regional Director- Midwest	F
Regional Director- Eastern Oklahoma	G
Regional Director- Western	H
Regional Director- Pacific	J
Regional Director- Southwest	M
Regional Director- Navajo	N
Regional Director- Northwest	P
Regional Director- Eastern	S

2.9 Statutory Violations of the Anti-Deficiency Act.

A. No officer or employee of the United States may make expenditures or incur obligations in excess of an appropriation or in advance of appropriations.

B. No officer or employee of the United States may accept voluntary services or employ personal services in excess of that authorized by law except in cases of emergency involving the safety of human life or the protection of government-owned property or property for which the government has some responsibility.

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- C.** No officer or employee of the United States shall authorize or create any obligation or make any expenditure in excess of any apportionment or reapportionment.
- D.** Appropriations shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.
- 2.10 Penalties.** In accordance with 31 U.S.C. §§ 1349 and 1518 of the Anti-Deficiency Act, an officer or employee of the United States violating 31 U.S.C. §§ 1341(a), 1342 or 1517(a) may be subject to one of the following administrative disciplines: suspension from duty without pay; or removal from office. In addition, in accordance with 31 U.S. C. §§ 1350 and 1519, an officer or employee convicted of willfully and knowingly violating 31 U.S.C. §§ 1341(a), 1342, or 1517(a) may be fined not more than \$5,000 or imprisoned for not more than 2 years or both.
- 2.11 Reporting Violations.** Any individual with knowledge of a possible violation has the responsibility to report it to their immediate supervisor or to the official responsible for the funds involved, *i.e.*, the suballottee. That official shall notify the CFO of Indian Affairs. Upon verification, the CFO will follow the reporting procedures described in 328 DM 1.6(B).