

# INDIAN AFFAIRS MANUAL

Part 26  
Chapter 5

Budget  
Reprogramming

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- 5.1 Purpose.** This chapter provides guidance on reprogramming procedures for funding directly appropriated to Indian Affairs.
- 5.2 Policy.** Reprogrammings will comply with legal restrictions and congressional reprogramming and departmental guidelines.
- 5.3 Definitions.**
- A. General.** Reprogramming is generally defined as the movement of funds from one program class to another, since any such movement within IA's accounting system is defined as a reprogramming and all such movements are processed as reprogrammings using the designated form and IA approval process. However, Congressional and legal reprogramming limits are established at levels below and above program class.
- B. Specific.** Congress defines 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 program class; in other cases it equals a combination of program classes or an entire budget activity (Fund). Further, account composition can change from year to year based on Congressional action.
- 5.4 Reprogramming Rules and Limitations.** Congress establishes/updates the reprogramming rules and limitations as part of the appropriation process, using report language, which is not law. These rules and limitations apply to the appropriations provided directly to Indian Affairs. Based on Congressional guidance and clarifying discussions with the Department, the current Congressional rules and limitations (as of FY 2009 enacted budget) are as follows:
- A.** For the non-construction appropriations, currently (FY 2009) **Operation of Indian Programs (OIP), Indian Land and Water Claim Settlements and Miscellaneous Payments to Indians, and Indian Guaranteed Loan Program Account**, no reprogrammings are allowed that exceed **\$1 million or 10%** in cumulative increases or decreases at the 'account' level without Congressional approval with the following exception:
- There is no restriction on the reprogramming of funds between Program Classes that are designated as Tribal Priority Allocations (TPA).
- B.** For the **Construction appropriation**, no reprogrammings are allowed that exceed **\$2 million or 25%** in cumulative increases or decreases per construction project, or that result in a project cancellation or deferral, without Congressional approval.

**C. For all appropriations:**

- (1) There is no restriction on the reprogramming of funds involving the Office of Self Governance, so long as there is no change in the purpose of the funds.
- (2) No reductions are allowed in programs specifically increased by Congress without Congressional approval.
- (3) No reprogrammings are allowed that would create a new start program, i.e., a program that was not presented to Congress, without Congressional approval.

**D. 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 OBM.

**5.5 Authorities.**

**A. Authority to Request Reprogrammings.** All **suballocation, allocation, and suballotment** holders are authorized to request reprogrammings, but only for the amounts suballocated, allocated, and suballotted to them. The responsibility must be exercised at the highest level in each such organization.

**B. Authority to Approve Reprogrammings.** Generally, all reprogrammings require final approval by the Director, Office of Budget Management, unless otherwise noted below.

- (1) **Director, Office of Budget Management** has authority to approve all reprogrammings, except those requiring Congressional approval, in accordance with assigned duties and responsibilities. OBM will ensure that all reprogrammings are in accordance with all rules, limitations and legal restrictions.
- (2) **Central Office Suballottees** approve reprogrammings involving non-base Tribal Priority Allocations (TPA) and non-base Regional accounts, and all other programs. Reprogrammings involving multiple suballottees must be approved by all such suballottees. All reprogrammings require final approval by Director, OBM.
- (3) **Regional Directors** approve reprogrammings within the Regional Office base and those within the Regional TPA base. These do **not** require Director, OBM final approval. The Regional Director ensures that these reprogrammings comply with Congressional reprogramming rules, limitations and legal restrictions. All reprogrammings involving the Regional Office must indicate on the reprogramming request whether they are Regional/TPA base or not. While Regional Directors also approve reprogrammings involving non-base, these reprogrammings

must be sent to OBM (Central Office) for approval by the cognizant Central Office Director and final approval by the Director, OBM. Decreases to TPA base allocations to Tribes require Tribal consent by the Tribal leader (i.e., Chairperson, Chief, Governor, etc.) and/or Tribal governing body in writing.

- C. Authority to Process Reprogrammings in FFS.** The Office of Budget Management is authorized to process approved reprogrammings in FFS.
- 5.6 Reprogrammings Subject to Prior Congressional Approval.** The Director, Office of Budget Management is responsible for the final review and submission to the Department of all reprogrammings requiring prior Congressional approval. The OBM ensures that all such reprogrammings comply with Congressional reprogramming rules and legal restrictions.
- 5.7 Reporting.** Reprogramming reports will be submitted by Director, OBM as required by the Department and/or Congress. Currently (FY 2009), there is quarterly reporting to the Department for all reprogrammings and annual reporting to Congress for internal TPA reprogrammings only.
- 5.8 Reprogramming Form.** The Combined Funding Document (Illustration 1) is used for all reprogramming requests.