

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 IA’s Office of Budget and Performance Management (OBPM), and to all IA bureaus and offices receiving funds, allotments, apportionments, etc. subject to the Antideficiency Act.
- 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) 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

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

1.5 Responsibilities.

A. Director, OBPM is responsible for:

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

INDIAN AFFAIRS MANUAL

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 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 AS-IA). 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 using report language, which is not law. 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:

INDIAN AFFAIRS MANUAL

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 affected budget activity, budget line item, or program within an account, as reflected on the Congressional Committee Support Table, without congressional approval.

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.

2) **For all appropriations:**

- a. There is no restriction on the reprogramming of funds involving the Office of Self Governance (OSG), so long as there is no change in the purpose of the funds.
- 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.

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.

INDIAN AFFAIRS MANUAL

Part 26
Chapter 5

Office of Budget and Performance Management
Reprogramming

Page 4

1.8 Reports and Forms.

The Director, OBPM will submit all reprogramming reports as required by the Department and/or Congress. As of FY 2020, there is quarterly reporting to the Department for all reprogrammings, and annual reporting to Congress for internal TPA reprogrammings only.

The Electronic-FBMS Entry Document (E-FED) is used for all reprogramming requests. Authorized users may access the system at: <http://bert.ia.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