

# INDIAN AFFAIRS MANUAL

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Part 3

Delegations of Authority

Chapter 7

Delegations to the Office Directors under the

Page 1

Deputy Assistant Secretary – Policy and Economic Development (DAS-PED)

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- 1.1 Purpose.** This chapter provides for the delegation of the authorities of the Principal Deputy Assistant Secretary - Indian Affairs (PDAS) as provided in 209 Departmental Manual (DM) 8, through the Deputy Assistant Secretary - Policy and Economic Development (DAS-PED) as provided in 210 DM 8, to the Office Directors reporting to the DAS-PED to fulfill the responsibilities for those functions, programs, and activities assigned to their respective organizations as provided in 110 DM 8.4.
- 1.2 Scope.** This policy applies to the offices of the AS-IA that report to the DAS-PED, specifically: the Director, Office of Strategic Partnerships; the Director, Office of Indian Gaming; the Director, Office of Federal Acknowledgment (OFA); the Director, Office of Self-Governance (OSG)<sup>1</sup>; and the Director, Office of Indian Economic Development (OIED).
- 1.3 Program Authorities.** Subject to the limitations in 210 DM 8, the DAS-PED is delegated all program and administrative authorities of the PDAS necessary to fulfill the responsibilities identified in 110 DM 8.4. The Office Directors reporting to the DAS-PED are further delegated the program and administrative authorities to fulfill the responsibilities identified in 110 DM 8.4 assigned to their respective organizations, subject to the stipulations set forth in this policy.
- 1.4 Redlegation of General Authorities.** Except where redelegation is prohibited by statute, Executive Order, or limitations established by other competent authority, including the limitations in this chapter, the general program and administrative authorities assigned in 110 DM 8.4 to the respective organizational Office Directors may be further redelegated by the Office Directors to an appropriate supervisor/manager as appropriate/needed.
- 1.5 Limitations on Authorities that are Redelegated.**

## A. General

1. Office Directors may not redelegate the authority to review and surname directives.<sup>2</sup> The DAS-PED signs all directives for offices that report to the DAS-PED.

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<sup>1</sup> Redlegation of authority to the Director, OSG was previously documented in 3 IAM 9 (issued in 2012). That document has been superseded by this policy, and all applicable content has been incorporated into this chapter.

<sup>2</sup> An individual in an “acting” capacity may review and surname on behalf of the Office Directors.

## INDIAN AFFAIRS MANUAL

---

Part 3

Delegations of Authority

Chapter 7

Delegations to the Office Directors under the

Page 2

Deputy Assistant Secretary – Policy and Economic Development (DAS-PED)

---

### **B. Performance, Monetary, and Non-Monetary Awards**

1. Office Directors may not redelegate the authority to review and approve Employee Performance Appraisal Plans (EPAPs) and Individual Development Plans (IDPs).
2. Office Directors may not redelegate the authority to approve awards (i.e., time-off, monetary, non-monetary recognition, letters of commendation, certificates, plaques, employee-to-employee recognition).
3. Office Directors may not redelegate the performance appraisal reconsideration process (see also 28 IAM 8).
4. All award considerations should follow the Department's policies as documented in 370 DM 451; specifically, 370 DM 451.1 - 451.4. Guidance is also provided in 28 IAM 9: Awards and Recognition. Proposed awards must include a justification statement.<sup>3</sup> Appendix A in 370 DM 451.4 provides guidance for evaluating and justifying a proposed award amount.

### **C. Authority to Fill Key Positions and Other Personnel Matters**

1. Office Directors may not redelegate the decision to hire employees for their respective offices.
2. All positions which are classified at the GS-15 level must be reviewed and approved by the DAS-PED.
3. Office Directors may not redelegate the authority to sign and issue notices to employees of the following:
  - a. Proposed adverse actions, and decisions on adverse actions, including disciplinary demotions and separations.
  - b. Proposed demotions or removals, and decisions on demotions or removals, based on unacceptable performance.
  - c. Terminations during probationary or trial periods.

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<sup>3</sup> As documented in 370 DM 451.2, the annual EPAP may be used for the performance-based award justification, but other awards, such as a STAR award, must use the DI-451 form.

# INDIAN AFFAIRS MANUAL

Part 3

Delegations of Authority

Chapter 7

Delegations to the Office Directors under the  
Deputy Assistant Secretary – Policy and Economic Development (DAS-PED)

Page 3

4. Office Directors may not redelegate the following actions:
  - a. Approval of additional travel expenses incurred by an employee with a disability.
  - b. Authorization and approval of actual subsistence expenses.
  - c. Authorization and approval of rooms used for other than lodging.

## D. Specific Program Delegations

1. The **Director, OSG** is delegated the authority to approve Self-Governance Funding Agreements and Amendments negotiated under the Tribal Self-Governance Act (25 U.S.C. 458aa, et seq.).

## 1.6 Specific Authorities That May Not Be Redelegated.

- A. The authority delegated to the **Deputy Assistant Secretary – Management (DAS-M)** to cancel, compromise, or modify debts that arise under the Indian Financing Act (IFA) is not re delegated to the PDAS or Office Director, OIED (per 210 DM 8.2 B. (2)).
- B. The **Director, Office of Indian Gaming** has specific authorities which may not be re delegated, including approving or disapproving:
  1. Class III Tribal-State gaming compacts;
  2. requests to take land into trust for gaming purposes including determining the eligibility of newly acquired lands for gaming under 25 U.S.C. 2719 and 25 CFR part 292;
  3. gaming leases;
  4. two-part determinations issued under 25 U.S.C. 2719(b)(1)(A);
  5. Revenue Allocation Plans under 25 CFR part 290;
  6. issuance of Class III procedures under 25 CFR part 291 or 25 U.S.C. 2710(d)(B)(vii);

# INDIAN AFFAIRS MANUAL

---

Part 3

Delegations of Authority

Chapter 7

Delegations to the Office Directors under the

Page 4

Deputy Assistant Secretary – Policy and Economic Development (DAS-PED)

---

7. issuance of Findings of No Significant Impacts and Records of Decision under the National Environmental Policy Act for gaming acquisitions, off-reservation gaming leases, and two-part determinations under 25 U.S.C. 2719(b)(1)(A);
8. issuance of required Federal Register Notices; and
9. issuance of Departmental guidance or bulletins on gaming policy.

**C. The Director, Office of Self-Governance** has specific authorities which may not be redelegated, including:

1. authority to sign Self Governance Annual and Multi-Year Funding Agreements;
2. authority to sign Indian Reservation Roads Addenda to Self-Governance Funding Agreements;
3. authority to select additional Tribes for participation in self-governance;
4. authority to award Planning and Negotiation Grants;
5. authority to prepare the Secretary's Annual Report to Congress on Self-Governance; and
6. authority to coordinate with non-Bureau of Indian Affairs (BIA) bureaus for the publication of the Federal Register Notice of List of Programs, Services, Functions, and Activities that are eligible to be included in self-governance funding agreements with non-BIA bureaus.

## Approval

KATHRYN ISOM-  
CLAUSE

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Kathryn Isom-Clause  
Deputy Assistant Secretary – Policy and Economic Development

Date