

INDIAN AFFAIRS MANUAL

Part 3

Delegation of Authority

Chapter 4

Delegations to the Deputy Bureau Director, Field Operations
and to Regional Organizational Levels

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- 1.1 Purpose.** This chapter provides for the delegation of the authorities of the Director, Bureau of Indian Affairs (DBIA) as provided in 230 DM 1, to the Deputy Bureau Director (DBD), Field Operations and to the BIA regional organizational levels as appropriate to fulfill the responsibilities for those functions, programs, and activities assigned to their organizations.
- 1.2 Scope.** This policy applies to the DBD, Field Operations, the Regional Directors (RDs), and the subordinate BIA regional organizational levels.
- 1.3 Program Authorities.** The DBD, Field Operations is delegated the program and administrative authorities of the DBIA to fulfill the responsibilities identified in 130 Departmental Manual (DM) 6, subject to the limitations identified in 209 DM 8, 230 DM 1.3 and 1.5, and any other stipulations identified within this policy.
- 1.4 Redelelegation of Program 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 authorities specifically related to the functions and responsibilities in 130 DM 6, Field Operations may be further delegated. In instances of an absence, the DBD, Field Operations may also redelegate his/her program and supervisory authorities to a RD.
- 1.5 Limitations on Authorities that are Redelegated.**

A. General

1. The authorities identified in 209 DM 8.2, 209 DM 8.4B, and 230 DM 1.3 and 1.5, are **Exceptions to General Delegations** and are **not** delegated to RDs.
2. Authority to award and administer Self-Determination contracts and grants to Indian Tribes and Tribal organizations will be redelegated only to employees who are certified under the Awarding Official Certification System (AOCS).
3. Authority to approve “leasehold mortgages” as defined in 25 CFR 162, and “rights of way mortgages” as defined in 25 CFR 169, may be redelegated only to the Agency Superintendent level.
4. Authority to approve on-reservation fee-to-trust acquisitions for non-gaming purposes may be redelegated only to the Agency Superintendent level.¹

¹ This function may be retained at the Regional Director level if an Agency lacks the capacity to fulfill this function.

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5. Authority to approve BIA Agency fires costing up to \$5 (five) million dollars may be redelegated only to the Agency Superintendent level.

B. Performance, Monetary, and Non-Monetary Awards

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.² Appendix A in 370 DM 451.4 provides guidance for evaluating and justifying a proposed award amount. The following additional stipulations apply:

1. Monetary Awards – Individual:

- a. Any proposed award ranging from **\$2,500 - \$5,000** must be reviewed by a RD, and then approved by the DBD, Field Operations.
- b. Any proposed individual awards from **\$5,001 up to \$10,000** must be reviewed by the DBD, Field Operations and DBIA, and submitted to the AS-IA for approval.³
- c. Any proposed award **over \$10,000** must be submitted through the DBD, Field Operations to the DBIA and then to the AS-IA, the Director of Human Resources, and the Department's Assistant Secretary - Policy, Management and Budget, to the Office of Personnel Management for approval or further processing.

2. **Monetary Awards – Group/Team: Not to exceed \$10,000 (provided each member in the group/team receives less than \$5,000).** Any proposed award to a group/team **ranging from \$5,000 - \$10,000** must be reviewed by a RD, and then approved by the DBD, Field Operations. Proposed awards must include a justification statement.

C. Authority to Fill Key Positions and Other Personnel Matters

1. Key positions, including: RDs, Deputy RDs, Agency Superintendents, and Field Office Directors, as well as all field positions which are classified at the GS-14 through GS-15 level, must be submitted to the DBD, Field Operations for review.

² As documented in 370 DM 451.2, the annual Employee Performance Appraisal Plan (EPAP) may be used for the performance-based award justification, but other awards, such as a STAR award, must use the DI-451 form.

³ However, per 370 DM 451.1-4, Personnel Bulletin 19-13, and 29 IAM 8, if a performance-based cash award is based on a *percentage of pay* instead of a set dollar amount, and is \$5,001 or more, approval by the AS-IA is not required.

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The DBD, Field Operations will then forward the hiring request(s) to the DBIA for review and authorization.

2. All regional and agency requests for “Above the Minimum Rate” and “Creditable Service for Leave Accrual” must be submitted to the DBD, Field Operations. The DBD, Field Operations must evaluate the justification provided and consider Superior Qualifications and mission needs when deciding to approve or disapprove these requests. The DBD, Field Operations will work with the servicing Human Resources offices to review, approve, and process these type actions. For additional information, see [Personnel Bulletin 23-13: Appointments Above the Minimum Rate \(Superior Qualifications and Special Needs Pay Setting\)](#).

D. Regional Policy Development and Redelegations in the Field

All regional policy, including Regional Directives, Regional Policy Memorandums (RPMs), and Regional Handbooks must be in the current template as provided by the Office of Regulatory Affairs and Collaborative Action (RACA), and developed in coordination with RACA.

Once a regional policy is deemed ‘final’ by the region and RACA, it will be reviewed and surnamed by the regional staff who participated in its development and any applicable regional management, and then routed by RACA to the appropriate RD for surnaming. Once the RD has surnamed, it will route to the DBD, Field Operations for review and surname, and then to the DBIA for final signature. **RDs do not have the authority to sign off on regional policies.**

Additionally, all redelegations of RD authority other than those specified in this policy must be in writing in the form of a Regional Directive as submitted through the Office of RACA and approved by the DBD, Field Operations. No other form of redelegation is authorized.

- 1.6 Authorities that May Not Be Redelegated.** The DBD, Field Operations may not redelegate the following authorities:

1. Economy Act
2. Approval to carry over annual leave in excess of 240 hours a year due to operational requirements that precluded employees from using scheduled leave
3. Relocation allowances

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4. Authorization and approval of actual subsistence expenses for Temporary Duty Travel (TDY) over 10 days
5. Authority to enter into Memoranda of Understanding (MOU)

1.7 Authorities that are Redelegated only to Regional Directors.

1. Approval of Tribal Charters
2. Approval of Tribal Codes and Ordinances
3. Approval of new Tribal Constitutions and Tribal Constitutional Amendments
4. Approval of Liquor Ordinances
5. Approval of BIA Agency fires exceeding \$5 (five) million dollars and notifying the DBD, Field Operations if an Agency fire has an anticipated cost exceeding \$10 million dollars
6. Authority to authorize and approve TDY expenses of 10 to 29 days
7. Authority to approve actual subsistence expenses for TDY of one (1) to 10 days
8. Authorization and approval of rooms used for other than lodging
9. Additional travel expenses incurred by an employee with a disability
10. Approval of Final Determinations on Enrollment Appeals
11. Approval of designated Tribes' elections
12. Approval of mortgages of allotted trust property (i.e., "land mortgages")
13. Approval of deeds and patents of trust to fee conveyances
14. Approval of off-reservation fee-to-trust acquisitions for non-gaming purposes per Secretary's Order 3400
15. Authority determine BIA held land or real property as "excess," and approval to transfer excess BIA land to Tribes under P.L. 93-638 or 40 U.S.C. § 523 authorities and accept excess land transfers from other federal agencies whose land is located within

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the boundaries of a reservation for the purposes of transferring the land to a federally recognized Tribe.

Approval



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Bryan Mercier
Director, Bureau of Indian Affairs

Date