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OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT
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Subject: Allocation and Suballotment of Small Operator Assistance Program Funds

Approval:

William J. Stone, Jr.

Title:

Director

1. **Purpose.** This directive provides policy and procedures for use by the Office of Surface Mining Reclamation and Enforcement (OSM) for allocation and suballotment of Small Operator Assistance Program (SOAP) funds. These funds are used to support State and Federal Small Operator Assistance Programs.

2. **Summary.**

a. Field Office Directors are required to:

4.b.(1)). (1) obtain budget information from States (par.

b. Assistant Directors, Field Operations are required to:

4.b.(2)). (1) analyze field office budget submissions and provide information and recommendations to the Assistant Director, Program Policy (par. 4.b.(2)), and

4.b.(4)). (2) adjust State allocations as necessary (par.

c. Assistant Directors for Field Operations have the authority to adjust allocations within the limitations of their suballotment (4.c.(4)).

3. **Definitions.**

a. **Allocation.** The distribution of appropriated funds by OSM to States.

b. **Suballotment.** Transfer of SOAP funds to OSM Field Operations accounts, along with the fiscal and legal responsibility for these funds. All such transfers are subject to the Anti-Deficiency Act, Section 3679, revised statute.

c. **SOAP funds.** No-year fund authority appropriated by Congress to OSM for providing authorized technical services through either State SOAP operational grants or Federal SOAP contracts with qualified laboratories. This also includes recovered funds.

d. **Operational grant.** A grant to a State to pay for authorized services in the SOAP on behalf of approved applicants.

e. Recovered funds. SOAP funds obligated under a grant or contract in a previous fiscal year which have become available in the current year by virtue of a deobligation resulting in unused fund authority. A deobligation of current fiscal-year funds is not a recovery.

4. Policy/Procedures.

a. Policy. The basis for approving State allocations and suballotments shall consist of budget information routinely supplied by the States. The basis for approving Federal allocations and suballotments shall consist of budget information supplied by the Field Office Directors. State and Federal budget information shall be analyzed, revised as appropriate by OSM officials and acted upon by the Deputy Director, Operations and Technical Services. Recovered SOAP funds shall be reallocated for the specific purpose of the program.

b. Responsibilities.

(1) Field Office Directors (FOD) shall obtain annual budget projections and budget update information from their States 18 months and 3 months prior to the applicable Federal fiscal year as specified in 30 CFR 735.13. FODs shall review the information and provide budget recommendations to the Assistant Directors, Eastern/Western Field Operations. FODs shall provide budget recommendations for any Federal SOAP within their area of responsibility.

(2) Assistant Directors, Eastern/Western Field Operations shall analyze the FOD recommendations, and provide budget recommendations with supporting documentation and reports as specified in paragraph (5.) of this directive to the Assistant Director, Program Policy.

(3) The Assistant Director, Program Policy shall review the Assistant Directors', Eastern/Western Field Operations budget recommendations and provide recommendations for suballotments and State allocations to the Deputy Director, Operations and Technical Services.

(4) The Chief, Division of Budget, Planning and Management Analysis shall insure that proposed suballotments do not exceed available funds and shall prepare the necessary suballotment forms for signature/approval by the Deputy Director, Operations and Technical Services.

(5) The Deputy Director, Operations and Technical Services shall approve or disapprove recommendations for funding and shall provide written suballotments to the Assistant Directors, Eastern/Western Field Operations which contain State

allocations. The Deputy Director shall reallocate recovered prior-year SOAP funds. The Deputy Director shall notify the Assistant Director, Program Policy of suballotments made to the Assistant Directors, Eastern/Western Field Operations.

c. Procedures.

(1) Budget information. The Assistant Directors, Eastern/Western Field Operations shall provide the following information each year to the Assistant Director, Program Policy:

(a) Seventeen months prior to the Federal fiscal year for which an operational grant(s) will be requested (April 30), budget recommendations for each State or Federal regulatory program reflecting funding needs over the entire fiscal year.

(b) Two months prior to the Federal fiscal year for which an operational grant will be requested (July 31), updated budget recommendations for each State or Federal regulatory program reflecting funding needs over the entire fiscal year.

(c) Budget recommendations for each State shall to the extent practical, be based on information previously submitted on OSM Form 51-C, program management information, and OSM Form 47, budget information report.

(2) Recommendations for Allocations. The Assistant Director, Program Policy shall develop recommendations for suballotments and State allocations based on analysis of State budget information, Eastern/Western Field Operations and Field Office analyses, and available SOAP funds. The Assistant Director, Program Policy may combine several grant requests into one general allocation category for those States, who in the past have not used the grant funds or have used only a small percentage of the awarded funds. If available funds are less than those required to satisfy the updated State budget requests, the recommendations will be based on the proportion of each justified State budget to the total of all State requested and justified budgets. Alternately, the Assistant Director, Program Policy may base the allocation recommendation on a case-by-case evaluation of individual grant requests. If additional SOAP funds become available and State operational grant requests have not been fully funded, the Assistant Director, Program Policy shall provide additional recommendations for allocations and suballotments. Recommendations shall be made in writing to the Deputy Director, Operations and Technical Services through the Chief, Division of Budget, Planning and Management Analysis.

(3) Suballotments. The Deputy Director, Operations and Technical Services shall provide written suballotments to the

Assistant Directors, Eastern/Western Field Operations which contain State allocations. The Chief, Division of Budget, Planning and Management Analysis shall certify that SOAP funds are available by signing the memorandum containing the recommendations of the Assistant Director, Program Policy, shall prepare the necessary suballotment forms and shall forward the recommendation memorandum and the suballotment forms to the Deputy Director, Operations and Technical Services for action.

(4) Adjustment of allocations. The Assistant Directors, Eastern/Western Field Operations have the authority to adjust State allocations to meet unusual or unexpected conditions, within the limitations of their total suballotment. They shall notify the Assistant Director, Program Policy in writing of any adjustments and the reasons for them.

5. Reporting Requirements. Submission to the Assistant Director, Program Policy:

- a. a projection of the SOAP contractual budget for each State 17 months (April 30) prior to the Federal fiscal year for which an operational grant will be requested.
- b. updated SOAP budget summary for each State two months (July 31) prior to the Federal fiscal year for which an operational grant will be requested.
- c. copies of approved grant documents (Form MB 212).
- d. copies of semi-annual progress reports (OSM Forms 51-C and 47, and Standard Form 269).
- e. copies of approved grant performance period and close-out extensions (Form MB 212).
- f. copies of approved grant close outs and deobligations of funds (Forms MB 212, OSM 61, and OSM 61A).

6. Effect on Other Documents. None

7. References. Sections 507(c) and 712(b) of the Act, 30 CFR Parts 735 and 795, OSM Directive FIN-5, Administration Control of Funds (January 12, 1988), and OSM Director OPM-5, Delegation of Authority (January 29, 1988).

8. Effective Date. Upon issuance.

9. Contact. Chief, Division of Technical Services, 343-1480.

10. Keywords. Small Operator Assistant Program, Grants, Allocation, Suballotment.

11. Appendices. None.