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REQUIREMENTS FOR CONGRESSIONAL NOTIFICATION: FY 2000 OPERATING YEAR BUDGET (OYB)

This note summarizes when and how Congress will be notified by USAID on FY 2000 appropriated funds.

A. Vehicles and Units for Notifications: Unless noted as a requirement or an exception,

- the primary **vehicle** for notifications of the FY 2000 OYB will be the FY 2001 budget justification, also known as the Congressional Presentation (CP), and
- the primary **unit** of notification will be by strategic objective for most overseas and Washington programs.

There are four categories of requirements and exceptions where the vehicle for notification will not be the Congressional Presentation, and/or the unit of notification will not be by strategic objective.

The first category is comprised of the traditional legislative requirements for separate, or individual, notifications. The CP cannot serve as the vehicle for notification in these cases. Examples include countries listed in Section 520. For this category, the notification vehicle will be a separate CN, submitted either before or after the CP is submitted. These separate CNs will notify by strategic objective, unless specifically prohibited. For example, for the Independent States, the CP will not serve as the vehicle for notification this year. The CP will be used to present the information on the States along with the rest of the Agency, but the formal notification vehicle will be to re-submit what was contained in the CP by objective, updated as necessary, when the time of actual obligation approaches.

The second category is comprised of programs where the unit of notification will not be by strategic objective. These have been agreed to with Committee staff. In these cases, the unit of notification will be at a level lower than the strategic objective. For all the programs funded in Cuba, the unit of notification will be the individual activity. The G/PHN and G/ENV centers will notify at the level of intermediate results. In these cases, the vehicle for notification still will be the CP. Since Cuba falls in the first category as well, the unit of notification is the activity and the vehicle is a notification separate from the CP.

The third category is comprised of those cases where USAID needs to obligate funds before the CP is submitted. This might occur when prior year funds are running out or new activities need to begin. Before the CP is submitted, any obligations of FY 2000 funds (and of prior year funds in excess of the amount notified previously) must be notified individually. The only exception is for those programs funded by Development Assistance and Child Survival and Disease Programs Fund where funding changes increase by less than 10 percent. For these cases, the vehicle for notification will be a separate CN and the unit of notification can be the strategic objective, unless otherwise noted in the second category.

The fourth category is comprised of those cases where USAID makes significant changes to what was notified in the Congressional Presentation (e.g., change in purpose, changes in amounts that

hit the triggers, and so forth) and cannot wait for the next CP to notify and begin implementation.. For these cases, the vehicle for notification will be a separate CN, updated and modified when compared to what was presented in the CP, and the unit of notification can be the strategic objective, unless otherwise noted in the second category.

Attachment A contains the complete list of the requirements for separate (i.e., not in the CP) notifications. Attachment B contains the currently complete list of programs and/or strategic objectives that will be notified at a level below the objective.

B. Format of CNs: A CN has the exact same format and content as the Activity Data Sheet prepared for the CP. Hence, when in the CP, the Activity Data Sheet serves two purposes vis-a-vis USAID-Congressional relations. First, it serves to request a budget for FY 2001. Second, it serves to notify the FY 2000 OYB. (Note that format and content of the ADS is the same as the strategic objective write-ups prepared in the R4s. For some G centers, the R4 write-ups are the same as those done for the intermediate results.)

All new CNs notified as part of the CP will be identified in the CP in a summary table by bureau.

If a CN must be prepared and submitted separately before the CP is submitted, the out year budget information will not be included. The official request for the out year cannot be made until the President's budget goes forward in early February.

If a CN must be prepared and submitted separately after the CP is submitted, it will be updated as required by the circumstances at the time of the submission. For example, for the Independent States, the Activity Data Sheet presented in the CP will not serve as the vehicle for notification. Separate CNs (Activity Data Sheets) will be submitted as the time of actual obligation approaches.

There will no longer be TNs. All notifications outside the CP will be CNs.

C. Holds on CNs and Congressional Recesses: When one of USAID's oversight committees asks for additional information on a particular congressional notification, LPA places the notification on "informational hold" so that no obligation will take place until the requested information has been provided and the "hold" is lifted. Holds can be placed on the entire amount notified or any part(s) thereof.

LPA notifies the affected Bureau immediately of the request for additional written information and/or briefing. It also provides all Bureaus with a weekly status report on all "holds". It is important that Bureaus try to provide the requested information as soon as possible. LPA tries to schedule briefings as soon as is convenient for both the Committee staff and the Agency staff responsible for the presentation.

The Congress is in recess, i.e., out of session, at several points during the year. During these recess periods, the Agency does not send up any notifications unless there is an urgent situation. The only exception is when the Congress recesses for the year. During that period, the Agency continues to send up congressional notifications because of the length of the time between sessions or between new Congresses.

LPA will make every effort not send large numbers of separate CNs to Congress right before recess.

Attachments:

- A. Conditions requiring a Congressional Notification (CN) Outside the Budget Justification to Congress (a.k.a. the Congressional Presentation).
- B. Programs where the Unit for Notification will not be the Strategic Objective.

Attachment A. CONDITIONS REQUIRING A CONGRESSIONAL NOTIFICATION (CN) OUTSIDE THE BUDGET JUSTIFICATION TO CONGRESS (a.k.a. the Congressional Presentation).

A notification to the Congress separate from the Congressional Presentation is required for FY 2000 funds:

- When an objective is new and has not been notified in the FY 2001 CP;
- When the life of objective funding is being increased by \$5 million or more from what was notified in the FY 2001 CP or the last notification;
- When the objective is being changed substantially from when it was last notified, e.g., a significant new component is being added;
- When the objective will be funded from an account(s) different than previously notified;
- When the objective includes a cash transfer component, commodity import program or non-project sector assistance;
- When the objective or activity requires use of the authority contained in section 541 of the FY 2000 Foreign Operations Appropriations Act, which permits activities of non-governmental organizations in a country that would otherwise be prohibited from receiving assistance;
- When, for the Child Survival and Disease Programs or Development Assistance (including the Development Fund for Africa) funds, a previously notified funding level increases by 10 percent or more. Or, when for other accounts, the previously notified level increases.
- When the funds are appropriated under the “Assistance for the Independent States of the Former Soviet Union” heading;
- For any activities in Colombia, Haiti, Liberia, Pakistan, Panama, Serbia, Sudan, or the Democratic Republic of Congo. These are also known as the “520” countries. (NOTE: This requirement includes any funding being provided through a regional or centrally funded activity as well as bilateral funding. In these instances, the notification should be done by country, not by groups of counties);
- For ESF or DA funds for Burma;
- For energy programs aimed at reducing greenhouse gas emissions;
- For programs the primary purpose of which is promoting or assisting country participation in the Kyoto Protocol to the Framework Convention on Climate Change; and
- For democratization assistance for the People’s Republic of China.

In addition, the exercise of other statutory waiver authorities may require separate notification before funds can be obligated. USAID's General Counsel (GC) or Regional Legal Advisors (RLA) and LPA can answer any questions.

USAID Clearances on CNs: The Assistant Administrator or Deputy Assistant Administrator of the notifying Bureau and LPA must clear all CNs. In addition to bureau established clearances, the Development Credit Authority (DCA) office in G must clear all notifications containing Development Credit Authority components. All notifications addressing global climate change need to be reviewed by G/ENV/DAA. Notifications for all activities being funded by ESF must be cleared by M/B.

Attachment B. PROGRAMS WHERE THE UNIT FOR NOTIFICATION WILL NOT BE THE STRATEGIC OBJECTIVE.

Program	Unit for Notification
Cuba:	by activity
G/Population	by Intermediate Result
G/ENV	by Intermediate Result

Others to be added.