



December 3, 2007

Mr. Jeff Denale
Coordinator for Counterterrorism
Office of Security
United States Agency for International
Development, Ronald Reagan Building
1300 Pennsylvania Avenue, NW.
Washington, DC 20523

SENT BY ELECTRONIC MAIL TO: jdenale@usaid.gov

Dear Mr. Denale:

I am writing to you on behalf of PATH, a nonprofit global health organization that has worked as a USAID implementing partner for more than 25 years.

In response to the call for comments on the recently proposed USAID Partner Vetting System (PVS), we would like to share several major concerns about this proposed system. Please note that this letter supplements a response to a previous call for comments and has been expanded to include additional items.

I hope you will consider these concerns as you weigh the potential adoption of PVS. We have a number of specific questions about the demonstrated need and statutory basis for worldwide adoption of this system, as well as concerns about the administrative burden to nongovernmental organizations (NGOs) and the feasibility of NGO partners' implementation. We strongly urge USAID to conduct a more extensive analysis of the need for and risks associated with implementing such a system for the following reasons:

1. **Consultation.** We understand that the PVS is scheduled to go into operation on the same day that comments are due from the first *Federal Register* notice. We are concerned that this timing will not allow adequate review of the comments and feedback expressed by the NGO community and others. We suggest that the proposal be withdrawn and a dialogue and full assessment of the options be carried out. If such a process indicates that some system of this type is needed, we recommend that USAID implement it after due process and not before following all of the procedural steps required by federal law and regulation.
2. **Statutory basis.** We are not aware of any evidence to suggest that USAID funds are flowing to terrorist organizations through NGOs, nor that there is any statutory basis for the PVS or any similar system outside of the West Bank and Gaza. To our knowledge, Congress has not required such measures elsewhere, nor are they required by Executive Order 13324, which calls the genesis of the proposal into question.

3. **Burden for NGOs.** The PVS would place a heavy and costly burden on many of its implementing partners. PATH's overseas workforce includes nearly one-third of our worldwide staff. Collecting the required data would be a significant drain on personnel and other resources intended to be used to provide international assistance.
4. **Overseas adherence.** Compliance with the information-collection requirements of the PVS could constitute violation of privacy laws in foreign jurisdictions where our country programs are operating and expose them to penalties imposed by local courts.
5. **Risk to American staff.** Implementation of the PVS could also potentially jeopardize the lives of American citizens engaged in humanitarian relief activities abroad. If they are perceived to be an extension of the US intelligence community, the risk of terrorist attacks against them may increase. Putting our employees in this position is inconsistent with USAID's efforts to help implementing partners improve the security of staff members working in hazardous places.
6. **Risk to existing relationships with local partners.** For years, NGOs have worked to develop the trust and respect of communities and organizations around the world. Yet, the PVS begins from an assumption of distrust, and will cause suspicion of the very basis on which local groups are receiving resources from the US government. Collecting birth certificates, passport numbers, identity cards, and other sensitive information is not a productive means of engaging in meaningful partnerships with a local organization or a beneficiary community.

Again, we strongly urge you to withdraw the current proposal, and we suggest that USAID work in consultation with NGOs—or at minimum, extend the public comment period—to allow for additional discussion and analysis of the issue.

Sincerely,



Christopher J. Elias, MD, MPH
President