

Johnson, Beverly(M/AS/IRD)

From: Willmott, Ellen [ewillmott@savechildren.org]
Sent: Tuesday, September 25, 2007 1:03 PM
To: Johnson, Beverly(M/AS/IRD)
Subject: RE: Proposed Partner Information Form

Thank you, we appreciate receiving the proposed form.

Ellen D. Willmott
Associate Vice President and
Deputy General Counsel
Save the Children
54 Wilton Road
Westport, CT 06880 USA
Phone: 203.221.3714
Fax: 203.221.3770
Celebrating 75 years of service to children.

From: Johnson, Beverly(M/AS/IRD) [mailto:BJohnson@usaid.gov]
Sent: Monday, September 24, 2007 4:04 PM
To: Willmott, Ellen
Subject: Proposed Partner Information Form

Dear Ms. Willmott,

As requested, attached is the Partner Information Form. Also, for your information, the Federal Register notice will be republished for comment.

Sincerely,

Beverly Johnson
U.S. Agency for International Development
Information and Records Division (M/AS/IRD)
Room 2.07-106
Office No.: 202-712-1365
Fax No.: 202-216-3070
Email: bjohnson@usaid.gov

Johnson, Beverly(M/AS/IRD)

From: Willmott, Ellen [ewillmott@savechildren.org]
Sent: Friday, September 21, 2007 4:47 PM
To: Denale, Jeffrey A(SEC/OD); USAID Privacy; Johnson, Beverly(M/AS/IRD)
Cc: sdudleyomb@omb.eop.gov; afraas@omb.eop.gov; drostker@omb.gov
Subject: Notice of Public Information Collections/USAID Partner Vetting System/72 Fed. Reg. 40110/Response from Save the Children Federation, Inc.
Attachments: USAID-PVS-July23 Response-SavetheChildren-Final-9.21.07.pdf; USAID-PartnerVeting-July20 Fed Notice-Response-Final-pdf18Sept07.pdf; USAID-partner vetting-July 17 Fed Notice Response-StC(final15Aug07).doc

Attached please find a copy of Save the Children's response to the above referenced Federal Register Notice, requesting comments. Also attached are the comments of Save the Children to the prior 2 Federal Register publications related to USAID's Partner Vetting System. Please do not heistate to contact me if you have any questions or concerns.

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Sincerely,

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Celebrating 75 years of service to children.



Save the Children®

Charles F. MacCormack
President

SUBMITTED VIA EMAIL

September 21, 2007

Mr. Jeffrey Denale
Coordinator for Counterterrorism, Office of Security
U.S. Agency for International Development
jdenale@usaid.gov

Mr. Philip M. Heneghan
Chief Privacy Officer
U.S. Agency for International Development
privacy@usaid.gov

Ms. Beverly Johnson
Bureau for Management, Office of Administrative Services,
Information and Records Division
U.S. Agency for International Development
bjohnson@usaid.gov

Re: Notice of Public Information Collections
Partner Vetting System
72 Fed. Reg. 40110
Doc. 07-3555

To Whom It May Concern:

Save the Children is submitting these comments pursuant to the above referenced notice in which the US Agency for International Development (USAID) seeks comments concerning: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the burden estimates; (c) ways to enhance the quality, utility and clarity of the information collected; and (d) ways to minimize the burden of collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

On July 17, 2007, USAID published notice of the creation and implementation of a record system to be known as the Partner Vetting System (PVS). Subsequently, on July 20, 2007, USAID published a proposed rule to exempt the PVS from the protections of the Privacy Act of 1974 (Proposed Rule). As referenced in the comments submitted by Save the Children in response to these publications (copies of which are attached here), USAID failed to provide the impacted community with: detailed impact assessments for the PVS, in-depth descriptions of how and when the PVS information will be collected

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Mr. Jeffrey Denale
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Ms. Beverly Johnson
September 21, 2007
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from applicant NGOs, formal definitions of the covered employees for which an entity will be required to report, and a copy of the proposed information collection form.

Save the Children's comments to the Paperwork Reduction Act Notice are as follows:

(a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility. USAID did not follow the appropriate rule-making processes in connection with the PVS and the Proposed Rule. USAID has not referenced any credible facts, findings or assessments to support its action (e.g. the preliminary information gathering and assessments usually performed by an agency contemplating a significant rule). Comments on whether or not the PVS and Proposed Rule are necessary or if the collected information will have practical utility cannot be assessed without the information that would be provided under a rule-making process.

USAID has not provided Save the Children or others impacted by the PVS and the Proposed Rule with any information as to how it will administer the system, what forms and types of technology it intends to utilize to implement information collection and information security, and how a recipient of USAID funds will be impacted if a "flag" is raised as to a particular individual. It is therefore impractical for USAID to seek comments and assessments as to whether or not the PVS and the information collected are necessary for the performance of USAID's functions.

(b) The accuracy of the burden estimates. We do not believe USAID's estimates are accurate. Without access to the supporting information that would have been developed during the rule-making process, we do not see how USAID developed these burden estimates. The PVS notice did not provide a form or other indication of the exact type/quantity of information to be supplied, how often a recipient organization would be required to supply information regarding their Boards and employees, and the PVS Notice's definition of "covered" individuals and entities is so broadly and conditionally worded as to make it impossible to discern the exact number of individuals subject to the PVS reporting (e.g. the July 20, 2007 PVS Notice states, among other things: "The PVS will support the vetting of individuals, officers, or other officials of nongovernmental organizations who apply for USAID contracts, grants, cooperative agreements, or other funding, or who apply for registration with USAID as Private and Voluntary Organizations" and "it is necessary to collect information on the principal officers and other employees of applicant organizations or on individuals that are applying directly for awards on their own behalf. Principal Officers may include directors, program managers, members of governing bodies, or other individuals with operational control of the organization or those individuals that administer funds." 72 Fed. Reg. 39042, emphasis added).

Even using a conservative calculation and minimizing the number of covered individuals, we believe the burden imposed may well be much higher than the estimate USAID provided. USAID has estimated the Annual Reporting Burden to be 2000 Respondents; 2000 total annual responses; and 500 total annual hours for all categories of individuals covered by the PVS. Based on a calculation limiting the number of covered individuals at Save the Children to: Trustees, Principle Officers/Senior Management and both headquarters and field based Program Directors, key program personnel and financial personnel that administer funds, we have a potential current total of 332 covered employees and other officials.

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Using 30 minutes as the estimated time to complete and process the approved "form", the total time burden is: $332 \times 30 \text{ minutes} (.5) = 166$ total employees for our annual registration with USAID. That total represents Save the Children alone, and although we may be one of the larger organizations, we are but one organization among 609 registered PVOs.

To estimate a total annual burden on the NGO community, our calculations include the 609 entities registered with USAID and an additional 150 unregistered applicants for a total 759 entities that will need to respond at least one-time annually on behalf of its employees and other officials. Assuming that that average size of the entities is one-third the size of Save the Children that still requires 110 staff for each of the 759 organizations to complete and process their information. Our calculations suggest that the total number of hours for a one-time submission annually will be 41,745. We further calculate that with 110 informational responses per each of the registered USAID recipient and 150 unregistered applicant entities, the total number of responses is 83,490. These calculations do not include any potential burdens that may be imposed if the PVS is intended to include submissions of employee/official information more than one time each year or if such submissions are required for each application for USAID funds, regardless of whether or not an entity is registered with USAID.

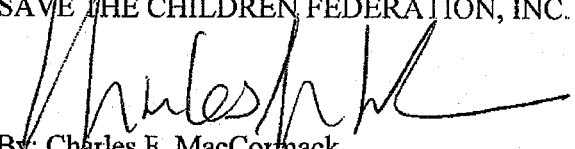
(c) Ways to enhance the quality, utility and clarity of the information collected. Since USAID did not provide any clear definition of the information they intend to collect or the method by which they intend to collect it, or how USAID's use of the information may impact the respondents, Save the Children is without the necessary facts to provide meaningful comment on enhancing the quality, utility and clarity of system that has, at best, been ambiguously explained.

(d) Ways to minimize the burden of collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. See our responses (a), (b) and (c) above.

For the reasons stated above and in its responses to the July 17 Notice and July 20 Proposed Rule, Save the Children urges USAID to reconsider the proposed Partner Vetting System, withdraw the notice and Proposed Rule and take the necessary steps to involve the impacted communities in a meaningful dialog on how USAID can ensure its funds are used for their intended purposes.

Sincerely,

SAVE THE CHILDREN FEDERATION, INC.


By: Charles F. MacCormack
Its: President and Chief Executive Officer

cc: Susan Dudley, Administrator OIRA (by email: sdudleyomb.eop.gov)
Arthur Fraas, Branch Chief, OIRA (by email: afraas@omb.eop.gov)
David Rostker, Desk Officer for-USAID, OIRA (by email: drostker@omb.gov)