

Johnson, Beverly(M/AS/IRD)

From: Copeland, Ruth [RCOPELAND@popcouncil.org]
Sent: Monday, September 24, 2007 4:34 PM
To: Johnson, Beverly(M/AS/IRD)
Subject: RE: Proposed Partner Information Form

Many thanks!

*Ruth Copeland
Program Administrator
Population Council
Voice: (212) 339-0504
Fax: (413) 539-6677
Email: <rcopeland@popcouncil.org>*

From: Johnson, Beverly(M/AS/IRD) [mailto:BJohnson@usaid.gov]
Sent: Monday, September 24, 2007 3:48 PM
To: Copeland, Ruth
Subject: Proposed Partner Information Form

Dear Ms. Copeland,

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: Copeland, Ruth [RCOPELAND@popcouncil.org]
Sent: Friday, September 21, 2007 5:57 PM
To: Johnson, Beverly(M/AS/IRD)
Cc: drostker@omb.eop.gov
Subject: Comments on FR Notice re: USAID PVS Information Collection / FR Vol 72 No 140 p 40110, 23 July 2007
Attachments: PVS.doc

To: Beverly Johnson, Bureau for Management, Office of Administrative Services, Information and Records Division, U.S. Agency for International Development
Cc: David Rostker, Desk Officer for USAID, OIRA
From: Ruth Copeland, Program Administrator, Population Council
Re: Comment on FR Notice re: USAID PVS Information Collection / FR Vol 72, No 140, p 40110, 23 July 2007

Dear Ms. Johnson:

Attached please find my comments in response to the Federal Register Notice of July 23, 2007 regarding the proposed USAID information collection titled "Partner Vetting System (PVS)."

Best regards,

Ruth Copeland
Program Administrator
Population Council
Voice: (212) 339-0504
Fax: (413) 539-6677
Email: <rcopeland@popcouncil.org>

Comment in response to Notice of Public Information Collections Being Reviewed by the U.S. Agency for International Development; Comments Requested

Published in: Federal Register Vol. 72, No. 140, page 40110, July 23, 2007

OMB No. not given

Title: Partner Vetting System (PVS)

*Comments by Ruth Copeland, Program Administrator, Population Council
Submitted September 21, 2007*

I am writing to comment on the above-referenced information collection. I write as the administrative coordinator for a five-year USAID cooperative agreement to the Population Council, which is an organization registered with USAID as a Private Voluntary Organization.

The Notice states that it is published "as required by the Paperwork Reduction Act for 1995." However, the Notice is not in compliance with the Paperwork Reduction Act. The Code of Federal Regulations at 5 CFR 1320 implements the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35) concerning collections of information. At 5 CFR 1320.8, Agency collection of information responsibilities, paragraph (d) speaks to the Agency's responsibility for publishing a 60-day notice in the Federal Register. At subparagraph (2), it is stated,

- 2) If the agency does not publish a copy of the proposed collection of information, together with the related instructions, as part of the Federal Register notice, the agency should—
 - (i) Provide more than 60-day notice to permit timely receipt, by interested members of the public, of a copy of the proposed collection of information and related instructions; or
 - (ii) Explain how and from whom an interested member of the public can request and obtain a copy without charge, including, if applicable, how the public can gain access to the collection of information and related instructions electronically on demand.

USAID did not publish a copy of the proposed collection of information, together with the related instructions, as part of the Federal Register notice. Nor did USAID provide more than a 60-day notice to permit timely receipt, by interested members of the public, of a copy of the proposed collection of information and related instructions; nor did USAID explain how and from whom an interested member of the public can request and obtain a copy without charge, nor how the public can gain access to the collection of information and related instructions electronically on demand.

Indeed, inquiries to the person listed as the contact for further information revealed that the proposed collection of information does not yet exist in a form available to the public, even up to this day, the deadline given to the public for submitting comments on the proposed information collection.

According to the publication of the Final Rule 5 CFR 1320 in the Federal Register on August 29, 1995 [FR Vol. 60, No. 167, page 44978], the Paperwork Reduction Act of 1995 changed existing law "in several significant ways.... Among other things, it requires agencies to seek public comment concerning proposed collections of information through 60-day notice to the public

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*Comments by Ruth Copeland, Program Administrator, Population Council
Submitted September 21, 2007*

before submission for clearance by the Office of Management and Budget.” This “significant” feature of the law is mocked by the publication of a 60-day notice for public comment on an information collection which does not yet exist.

Therefore, my comment: This collection of information may not go forward until USAID complies with the provisions of the Paperwork Reduction Act, by republishing the 60-day notice in the Federal Register, and either publishing a copy of the proposed collection of information, together with the related instructions, as part of the Federal Register notice; or providing more than 60-day notice to permit timely receipt, by interested members of the public, of a copy of the proposed collection of information and related instructions; or by explaining how and from whom an interested member of the public can request and obtain a copy without charge, including, if applicable, how the public can gain access to the collection of information and related instructions electronically on demand. Alternately, USAID may receive an exemption from these requirements from OMB, through the process described at 5 CFR 1320.13, Emergency processing.

Of course, the proposed collection of information and related instructions must exist before the Federal Register notice is republished; and I would guess that it must also exist for USAID to request emergency processing from OMB.

If USAID does not receive an exemption from the requirements for 60-day notice from OMB, when the 60-day Federal Register notice is republished with the proposed collection of information and related instructions available to the public, the public will then be able to comment in order to (1) evaluate whether the proposed collection of information is necessary for the proper performance of the functions of USAID, including whether the information will have practical utility; (2) evaluate the accuracy of USAID’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) enhance the quality utility, and clarity of the information to be collected; and (4) minimize the burden of the collection of information on those who are to respond.

Johnson, Beverly(M/AS/IRD)

From: Copeland, Ruth [RCOPELAND@popcouncil.org]
Sent: Tuesday, August 07, 2007 5:32 PM
To: Johnson, Beverly(M/AS/IRD)
Subject: FR 7/23/07 / Notice of Public Information Collections Being Reviewed by USAID

Dear Ms. Johnson:

Thanks so much for talking to me today about the proposed information collection, notice of which was published in the Federal Register on July 23 (p. 40110).

This e-mail is to record my observations on the notice, some of which I made to you over the phone.

- First, that although the notice requests comments from the public, it does not say where to address those comments. The only address given is yours -- "for further information" -- but I came away from our conversation with the impression that you are not the one to receive the comments.

- Second, the notice does not comply with 5 CFR 1320.8(d)(2), Controlling Paperwork Burdens on the Public, Agency collection of information responsibilities:

(2) If the agency does not publish a copy of the proposed collection of information, together with the related instructions, as part of the FEDERAL REGISTER notice, the agency should-

(i) Provide more than 60-day notice to permit timely receipt, by interested members of the public, of a copy of the proposed collection of information and related instructions; or

(ii) Explain how and from whom an interested member of the public can request and obtain a copy without charge, including, if applicable, how the public can gain access to the collection of information and related instructions electronically on demand. But USAID does not provide more than 60-day notice; and, although the notice explains to contact you for further information, as we discussed, you do not have access to a copy of the proposed collection of information, together with related instructions.

Perhaps USAID will need to republish the notice once the proposed collection of information and related instructions are available, at that time either publishing them, or else giving more than 60 days notice to permit timely receipt of these items by interested members of the public.

Many thanks for your attention,
Ruth Copeland

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rcopeland@popcouncil.org