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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

BY ELECTRONIC MAIL TO: [jdenale@usaid.gov](mailto:jdenale@usaid.gov)

Dear Mr. Denale:

This letter responds to the Notice of Public Information Collection which was republished on October 2, 2007 in the *Federal Register* (72 FR 56041-4) relating to collection of information by USAID for the proposed "Partner Vetting System".

The Global Health Council is the world's largest membership alliance devoted to improving the health of the poor in low and middle income countries, with over 460 organizational members, including non-governmental organizations, businesses, academic and research institutions, foundations and associations. We also represent the more than 4,000 individuals who are members of the Council.

In our letters to Mr. Philip M. Heneghan of USAID dated August 23, 2007 we have already expressed our strong opposition to the imposition of the Partner Vetting System (PVS). We refer you to that letter and stand by the reasons expressed therein.

We are therefore deeply disappointed at the apparent effort to pursue this ill-conceived effort. There has been no response to our August 23, 2007 letter. The appearance of the proposed Partner Information Form simply ignores all the objections the Global Health Council and the many other development associations, organizations and professionals that submitted comments earlier in the year. Rather, USAID has simply developed a form to implement the PVS without responding to any of the concerns expressed by the Council and others.

We reiterate and incorporate in this letter the concerns expressed in our August 23, 2007 letter. In addition, we bring to your attention the following:

1. The PVS will be applied only to non-governmental and private voluntary organizations (NGOs and PVOs). This excludes all for-profit businesses. It is not clear whether this would also exclude universities and academic institutions. This is clearly discriminatory, applying one standard to NGOs and PVOs but not to other recipients of USAID funds. This raises very troubling questions. The purported rationale of the PVS is to ensure that no USAID funds are mis-directed to persons "associated with terrorism". On what basis was the decision made that only NGOs and PVOs would be subject to this requirement? How was it decided that funds could be "inadvertently diverted" from NGOs and PVOs, but not from for-profit firms? Why are PVOs and NGOs being subjected to requirements not applied to business when the for-profit versus non-profit distinction is clearly immaterial to the issue at hand? Does this not exacerbate the potential for legal challenges to the PVS given discriminatory application of rules where there is no valid basis for distinctions? Does it not foster the perception that USAID is responding to political pressures rather than developing a thoughtful policy response to a well founded concern? We do not propose that you extend the PVS to businesses, but the discriminatory application of a bad rule to only some of USAID's partners further weakens USAID's case for the PVS.
2. The scope of the PVS remains murky and ill-defined. It encompasses "any..person with significant responsibilities for administration of USG-financed activities." This statement is unintelligible and admits of potentially sweeping interpretation. A very wide range of people, particularly as one considers the number, diversity and scope of sub-grantees and sub-contractors, could be deemed to have a "significant" role in "administration". Who will make this determination and what will be the criteria? How are either NGOs or USAID officers in the field supposed to distinguish between those who are "significant" and those who are insignificant? Does this ambiguity not create the likelihood that USAID officers will issue sweeping demands for fear of missing somebody "significant"? Will the NGOs be sanctioned if they omit somebody "significant"?

We also find it repugnant that the volunteers who serve in leadership positions on the boards of NGOs and PVOs and typically give selflessly of their time, energy, intellect and money should be "vetted" by the United States Government. Absent any cause to suspect illegality or impropriety, this requirement is antithetical to the encouragement of volunteerism on which USAID's partners so depend. We suspect it is also likely to generate a legal challenge. We find it hard to imagine that the NGO boards – which include some of the most prominent citizens in our country – will not challenge the propriety of government "vetting" of their volunteer service.

3. We find the estimate of 15 minutes effort for each of the 2,000 USAID recipients to be highly implausible. How was the number 2,000 determined? On what basis was it determined that the level of effort would be 15 minutes? What studies or analyses were carried out to arrive at these figures? Based on our knowledge of our membership both numbers are highly suspect. We very much suspect that the number of affected organizations, once all sub-awardees are taken into account is much higher than the 2,000 figure. We are quite certain that the level of effort involved will be much higher than 15 minutes per organization. Many of our

member NGOs have country offices around the world, in 60 or 70 countries. Each country office would have to be queried as to their distinct sub-awardees. The PVS would have to be explained and justified at every level. The burden estimate is implausible on its face and no system should be adopted on the basis of clearly specious burden and cost estimates.

One of the most disturbing elements of the entire process for proposing the PVS has been the degree to which USAID has violated core development principles with which it should be familiar. Chief among those is that the affected community must be involved in defining the problem and finding solutions. All of our member organizations are opposed to having violent criminals or terrorists of any sort in their midst. All are committed to the security of their employees and the people they serve. It is very telling that none of our members reported a problem in the manner defined by USAID or, more accurately, by those pressing USAID to implement something like the PVS.

Moreover, USAID would be much better served to ask for a group of NGOs to propose reasonable measures to strengthen their internal security procedures rather to foist upon their partners a system that is both burdensome and, worse, doomed to fail. The PVS simply will not achieve its intended purpose. We therefore urge USAID to approach its NGO partners in a true spirit of partnership to arrive at a mutually agreeable approach to strengthening security. That would be much more likely to yield a strategy that will be mutually acceptable and actually succeed. It is likely that such a dialogue would gravitate towards strengthening NGO and PVO security skills and capacities, rather than generating mountains of paperwork to no avail.

The Global Health Council stands ready to work with you in partnership to find effective solutions. We urge you to slow the process of implementing the PVS and engage in genuine dialogue with USAID's partners and their representatives.

Thank you for your consideration.

Sincerely,



Nils Daulaire, M.D., MPH  
President and CEO

cc: Henrietta Fore, Acting Administrator, USAID  
Beverly Johnson, Office of Administrative Services, Bureau for Management  
The Honorable Patrick Leahy  
The Honorable Judd Gregg  
The Honorable Joseph Biden  
The Honorable Frank Lugar  
The Honorable Nita Lowey  
The Honorable Frank Wolf  
The Honorable Thomas Lantos