



Save the Children.

Charles F. MacCormack
President

SUBMITTED VIA EMAIL

December 3, 2007

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Further Response To:

Notice, Privacy Act System of Records, 72 Fed. Reg. 39042, Doc. 07-3330 ("Partner Vetting System")

Proposed Rule, Privacy Act Exemptions, RIN: 0412-AA61, 72 Fed. Reg. 39768, Doc. E7-3494 ("Proposed Rule")

Notice, Public Information Collections/Draft Partner Information Form, 72 Fed. Reg. 40110, Doc. 07-3555 ("Burden Assessment")

To Whom It May Concern:

Save the Children hereby submits further response to the above referenced Partner Vetting System, Proposed Rule, Burden Assessment and Partner Information Form ("Draft Form") proposed by USAID. Our prior responses are attached for your reference. We continue to believe USAID has not provided sufficient information to assess the burden of, need for or implications of implementing the Partner Vetting System. In addition, we do not believe that USAID provided any substantive reason as to why the required rule-making oversight processes were not applicable to the Proposed Rule. Nor did USAID demonstrate how it, as an independent agency with a primary function to implement foreign assistance, has standing to claim broad exemptions from the Privacy Act of 1974; exemptions that are usually reserved for criminal records and law enforcement investigations.

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The Draft Form does not provide additional clarity. The parameters of and process for implementing the Partner Vetting System (PVS), as loosely described in the above referenced publications, remain inconsistent and without evidence of proportionality. The overly vague definitions of "covered individuals" as set forth in the Partner Vetting System Notice and "key individuals" as defined in the Draft Form is evidence of the gaps and inconsistencies in the PVS information provided by USAID. Had USAID engaged in the required rule-making analysis and processes, as contemplated in EO 12866 and the Congressional Review Act, the many of the gaps, inconsistencies and other deficiencies in the PVS would likely have been addressed. Without access to the supporting information that would have been developed during the appropriate rule-making processes, Save the Children is unable to engage in a meaningful assessment of the burdens of compliance with the PVS.

Further, given the significance of the Privacy Act protections, we do not see how the USAID's application to exempt the PVS from the Privacy Act, is not subject to EO 12866 and Congressional review. While preventing the purposeful or inadvertent support of those engaged in or associated with terrorism is an obligation USAID and Save the Children share, USAID has not provided reliable information to suggest that the NGO community isn't already meeting this obligation without the PVS. The EO 12866 and Congressional review processes are in place to ensure the integrity and legitimacy of US agency rule-making and to assure that rule-making with significant impact on a particular segment of the public is an open and accessible process and that the end result does not place an unwarranted burden on the impacted community.

USAID has not demonstrated the need to impose additional burdens of the PVS on the NGO community; neither has it justified the risks to the security of our personnel nor the costs to the NGO community who are required to implement it. If the PVS and Proposed Rule are finalized "as is," there is a potential that Save the Children's ability to provide critical, life-saving social services around the world will be significantly hampered.

Sincerely,

SAVE THE CHILDREN FEDERATION, INC.



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

Enclosures