

January 6, 2012

Office of Information and Regulatory Affairs  
Office of Management and Budget  
725 17th Street, NW  
Washington, DC 20503  
OIRA\_Submission@omb.eop.gov

34834 Weyerhaeuser Way South  
PO Box 9716  
Federal Way, WA 98063-9716

Tel. 253.815.1000  
Fax. 253.815.3444

[www.worldvision.org](http://www.worldvision.org)

**RE: Comments responding to USAID's proposed Partner Information Form (Form AID 500-13)/Extension of Information Collection**

Dear Sir/Madam,

World Vision, Inc. (WV) respectfully submits the following comments in response to the U.S. Agency for International Development's (USAID), Office of Management Services, Bureau for Management's notice of request for public comments on USAID's submission of the extension of a Partner Information Form (Form AID 500-13) to OMB for review and clearance under the Paperwork Reduction Act of 1995.

OMB Number: OMB 0412-0577

Form Number: AID 500-13

Title: Partner Information Form

Type of Submission: Extension of Information Collection

See 76 Fed. Reg. 76,359 (December 7, 2011).<sup>1</sup>

WV is grateful for USAID's commitment to advance and protect U.S. foreign policy interests through the compassionate use of international aid and support of human dignity. This expands stable, free societies, creates markets and trade partners for the United States, and fosters goodwill abroad.

USAID states that it "intends to collect information from approximately 10,000 individuals and/or officers of non-governmental organizations (NGOs) who apply for USAID contracts, grants, cooperative agreements, other funding from USAID, or who apply for registration with USAID as Private and Voluntary Organizations (PVO)." Id. USAID states further that the "collection of personally identifiable information from these individuals is specifically used to conduct screening to ensure that neither USAID funds nor USAID-funded activities inadvertently provide support to entities or individuals associated with terrorism." Id. We understand that the personally identifiable information will be compared against commercial,

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<sup>1</sup> WV also submitted comments in response to the U.S. Department of State's (DOS) notice of request for public comments on DS-4184, Risk Management and Analysis ("RMA"). See 76 Fed. Reg. 65,317 (October 20, 2011). See WV comment to Vazquez (December 19, 2011). We understand that the DOS and USAID are intending to coordinate their anti-terrorism efforts in their respective proposals to collect personal information from individuals and/of officers of partner NGOs and PVOs. We incorporate by reference WV's comments dated December 19, 2011.

public, and U.S. government databases to determine the potential that USAID funds or programs might benefit terrorist entities.

WV is deeply concerned about the proposal and its impact on our staff security and ability to conduct humanitarian and development operations. We explain in detail below.

### **World Vision, Inc.**

WV is a Christian relief, development and advocacy organization. For over 60 years we have been committed to working with children, families and communities to overcome poverty and injustice. Inspired by our Christian mission, beliefs, and standards of conduct, we are dedicated to working with the world's most vulnerable people. We serve close to 100 million people in nearly 100 countries around the world, regardless of religion, race, ethnicity, or gender. World Vision currently implements critical development and aid programs with approximately US\$ 1.1 billion, 20% of which comes from USG grants. These programs will be severely impacted by the PVS program.

### **General Comments/Questions Regarding Partner Information Form/Extension of Information Collection**

1. The proposed information collection is not necessary for proper performance of USAID's functions, nor is it legally authorized

WV and the NGO community are committed to ensuring proper performance, compliance with applicable laws and appropriate use of U.S. Government funds. Therefore, WV has already implemented due diligence procedures adequate to safeguard against violating the prohibitions against giving material assistance to terrorists as codified in 50 U.S.C. § 1701, related Executive Orders, and 18 U.S.C. § 2339A and B, which we understand attach to both United States Government and private funding streams. To date, there is insufficient evidence indicating these procedures have been unsuccessful in preventing the provision of material support to blocked parties. Without evidence that current practices are inadequate, USAID's proposal to extend its collection of information on employees and partner organizations, particularly with the intent to collect sensitive personal biodata, is an unnecessary, costly and overly burdensome requirement.

WV questions USAID's legal authority to use, let alone extend the use of, Partner Information Form (Form AID 500-13) to collect information on WV's subgrantees, contractors, and other partners.

The Privacy Act of 1974, as amended, 5 U.S.C. § 552a, prohibits the Department from collecting such information on U.S. citizens and permanent residents. The requested information would constitute a "record" for purposes of this federal law and would be sought for use in counter-terrorism, not for "routine use" (5 U.S.C. § 552b(3)) or for "law enforcement activity" (5 U.S.C. § 552b(7), e(7)).

2. The Proposal would subject WV and other NGOs to significant security risk

This program threatens to severely impact WV's operations. Specifically, as a humanitarian and development organization, WV operates mainly based on the acceptance of the community within which it works. This acceptance of WV by local governments, organizations and communities as an impartial and independent entity, apart from U.S. Government foreign policy interests, ensures protection for our staff and beneficiaries. The proposed information collection threatens to undermine this impartiality and independence. It is likely to be perceived as collusion with the U.S. government on intelligence gathering. This misperception could strip WV of the protection of communities, especially in high risk countries, and expose WV staff to a greater risk of physical harm. We also anticipate that local staff in the field might be unable or less willing to operate under these conditions. Indeed, WV's offices in Pakistan and Afghanistan have seen multiple staff members executed by unknown assailants within the past few years. WV offices in south-central Somalia were forcibly shutdown by militants in August 2010 when our mission there was misperceived.

USAID's proposal to extend the use of the information collection form could reduce the ability of WV to partner with local organizations or to employ expert staff members who do not want to be vetted and added to an intelligence database, or in other ways perceived to be colluding directly with the United States Government. WV's ability to provide effective assistance to support sustainable development could be greatly reduced.

### 3. Experts Advised the US President Not To Implement PVS As Conceived

In its Final Report dated March 2010, the President's Advisory Council on Faith-Based and Neighborhood Partnerships made the following recommendation:

Recommendation 9: Ensure that the Partner Vetting System (PVS), as currently designed, is not implemented, and enter into more detailed discussions with U.S. [Private Voluntary Organizations] to create an effective system that addresses their concerns that PVS as currently designed would significantly harm partnerships with local communities and compromises the safety of U.S. PVO personnel. (p. 111)

The authors of this recommendation were fourteen CEOs and other experts selected by the White House from twelve of the nation's largest NGOs involved in international relief and development, from Protestant, Catholic, Jewish and secular communities.

### 4. Calculation of burden estimates is unclear.

The December 7, 2011 notice does not provide any information about the validity of the methodology or the assumptions used to determine the annual reporting burden. It is unclear:

- a. whether the burden estimates include respondents from the five pilot countries (Guatemala, Philippines, Ukraine, Lebanon and Kenya as provided in a September 9, 2011 joint briefing by USAID and DOS) or the five pilot countries plus those countries which have asserted a separate authority to conduct screening (West Bank/Gaza and Afghanistan);
- b. who constitutes the 44,000 respondents; and

c. the time period that the data cover.

The other detail that raises the most uncertainty about the accuracy of burden estimates is when a comparison is made between the December 7, 2011 Federal Register notice issued by USAID and the October 20, 2011 notice issued by the DOS. The DOS identifies a total of 1,250 respondents, while USAID provides a total of 44,000 respondents, which in a June 17, 2011 announcement indicated that of the 44,000 respondents, 40,000 represented individuals and 4,000 represented organizations. WV understands that this information collection program is to be a coordinated pilot between the DOS and USAID. As a coordinated pilot, there is a significant discrepancy between the numbers of respondents provided by each organization, which causes WV to question the validity of the annual reporting burden.

#### 5. Operational details are unclear

USAID is seeking comment on expansion of Form AID 500-13, but has provided no information on how the program will work in practice. This raises additional questions about the necessity and accuracy of the program. For example, it appears that organizations will be required to submit required data to a federal database that will be used to conduct "screening." However, it is unclear whether prime grantees and contractors will be restricted from making lower tier awards, not identified in the proposal, until clearance is provided by the federal awarding agency. If so, what guarantee is there that this will not impede program implementation?

#### 6. Security and collection of information is suspect

The information proposed to be collected is sensitive personal information about individuals (e.g. Social Security and Passport Numbers). Notwithstanding USAID's use of the term "screening," this sensitive personal information will be placed into a federal database. There have been earlier statements that the collected information will be secure, although no information has been provided with regards to how security will be maintained. Given some recent high profile breaches of computer security at the federal level, this issue alone could cause organizations and individuals to refrain from getting involved with DOS and USAID funded programs.

#### 7. Coordination in a coordinated pilot is suspect

As a Congressionally mandated joint pilot between the DOS and USAID, it is disappointing that each Agency is proposing a separate and unique form. This raises serious doubts about the level of coordination between the agencies. Lack of coordination and separate requirements will increase the unnecessary burden on respondents.

#### 8. Congress has not authorized expansion beyond the five pilot countries

An expansion from the five pilot countries is not authorized based on the Congressional appropriations language cited as the authority for the information collection. This information request suggests, disconcertingly, that there is a plan to expand PVS activities to other countries during the five-country pilot phase.

WV is very much committed to working with the U.S. Government to find ways to reduce the risk of making funds available to entities or individuals associated with terrorism. However, for the reasons discussed above, WV strongly urges USAID to cease the employment of Partner Information Form (Form AID 500-13) and certainly not expand its use. If you have any questions on these comments, please do not hesitate to contact me at 253.815.2280.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Alyssa', followed by a horizontal line.

Alyssa Todhunter  
Director, Contract and Grant Services  
World Vision, Inc.