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January 5, 2012

United States Agency for International Development (USAID)
Submitted via e-mail to OIRA_Submission@omb.eop.gov

Re: **Notice of Proposed Information Collection Requirements Submitted to OMB for Review Vol. 76 Fed. Reg. No. 235, page 76359, OMB Number 0412-0577, Form No. AID 500-13, Partner Information Form**

Dear Sir or Madam:

The Muslim Public Affairs Council (MPAC) submits this comment in response to USAID's proposed Partner Vetting System (PVS) information collection requirements for nongovernmental organizations (NGOs) who apply for USAID contracts, grants, cooperative agreements, or other funding from USAID, or who apply for registration with USAID as Private Voluntary Organizations (PVO).

MPAC is a public service agency working for the civil rights of American Muslims and for a positive, constructive relationship between American Muslims and their representatives. As a community-based policy advocacy group, MPAC actively strives to effect policy reforms that uphold core American values and preserve protected Constitutional freedoms of all Americans. We appreciate the opportunity to comment on the proposed PVS information collection requirements for USAID grant applicants as it pertains to American Muslim humanitarian organizations dedicated to reducing human suffering in the United States and abroad.

We share the goal of protecting USAID resources from diversion to terrorist groups and emphasize that effective national security requires partnered solutions, which draw from the public, private, academic and non-profit sectors. MPAC serves on the Advisory Committee of the Charity and Security Network, a nonprofit organization launched in November 2008 by charities, grantmakers, faith-based and advocacy groups, that works to address negative long-term consequences for the entire U.S. nonprofit sector caused by short-term solutions to national security threats passed since 2001. The Charity and Security Network promotes alternative regulatory approaches that reflect the realities and needs of successful nonprofit programs and grantmaking.

Information Provided in Notice Is Inadequate for the Submission of Meaningful Remarks

Although we commend USAID for reaching out to the public to solicit comments on the proposed information collection, the Federal Register notice provides insufficient information

about the pilot program to allow us to provide a sufficiently substantive response. Specifically, the USAID notice lacks information regarding the plan for implementation, operational guidelines for how the information collected by PVS will be used, and standards for use of the PVS system including vetting timeframes.

USAID Should Engage with PVOs Regarding Security Concerns

In 2010, the President's Advisory Council on Faith-Based and Neighborhood Partnerships recommended that the President: "Ensure that the Partner Vetting System (PVS), as currently designed, is not implemented, and enter into more detailed discussions with U.S. PVOs 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. Ensure that the Department of Defense's Synchronized Pre-deployment and Operational Tracker (SPOT) database authority is not expanded and that it is not applied to grants and operational agreements"[1] Attacks on aid workers have risen sharply over the past ten years, and the expanded use of PVS could exacerbate the problem by creating a perception in the field that aid workers are intelligence gathering agents of the U.S. government. The State Department and USAID should engage with stakeholders regarding security concerns for field workers.

USAID Must Address Logistical Challenges to NGOs Caused by PVS and Provide Opportunities for Stakeholder Engagement on the Implementation of the Proposed PVS Expansion

InterAction, the largest alliance of U.S.-based international nongovernmental organizations (NGOs), with more than 190 members working in every developing country, stated in a 2009 report on members' activities in the West Bank and Gaza, that "Navigating USAID's Partner Vetting System has also presented its share of logistical challenges. Still, programs in Gaza are 100% audited and have regularly undergone Inspector General audits and anti-terrorism reviews, with zero findings."[2] In the 2007 Office of the Inspector General's audit report of USAID's antiterrorism vetting systems, the Office of Acquisition and Assistance (OAA) noted that systems, policies, and procedures recommended in the draft audit report "may cause serious delays in awarding grants and contracts."[3] The Department of State and USAID should analyze

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[1] President's Advisory Council on Faith-Based and Neighborhood Partnerships, *A New Era of Partnerships: Report of Recommendations to the President* (March 2010) available at *http://www.whitehouse.gov/sites/default/files/partnerships-global-poverty-development.pdf*.

[2] InterAction, *InterAction Member Activity Report: West Bank/Gaza A Guide to Humanitarian and Development Efforts of InterAction Member Organizations in West Bank/Gaza* (December 2009) available at
http://www.interaction.org/sites/default/files/WestBankGazaMARDecember2009FINAL_0.pdf

[3] Office of the Inspector General, *Audit of the Adequacy of USAID's Antiterrorism Vetting Procedures, Audit Report No. 9-000-08-001-P*, Appendix II (November 6, 2007) available at *http://www.usaid.gov/about/foia/9-000-08-001-p.pdf*.

and engage with stakeholders on the effectiveness of PVS implementation in the West Bank/Gaza in achieving its goals including the resulting delays as well as the anticipated effects of expanded used of PVS in other countries prior to any expansion.

Conclusion

As the Charity and Security Network stated in its December 2011 report on *U.S. Muslim Charities and the War of Terror*, "there has not been sufficient re-examination of the government's policy toward charities, and many of the same problems that existed in 2006 remain today" including "a general view that charities are a threat to national security rather than a source of confronting terrorism through their humanitarian work."[4]

The Department of State and USAID should work with the nonprofit sector to devise a vetting process that is effective, accurate and respects the neutrality of NGOs. Such steps forward would be consistent with the 2010 recommendation of the President's Advisory Council on Faith-Based and Neighborhood Partnerships.

Sincerely,

Haris Tarin
Director, MPAC Washington, DC Office

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[4] Charity and Security Network, *U.S. Muslim Charities and the War on Terror: A Decade in Review* (December 2011) available at *http://www.charityandsecurity.org/system/files/USMuslimCharitiesAndTheWarOnTerror.pdf*.