

March 30, 2015

Submitted Electronically: [FARRELLM1@state.gov](mailto:FARRELLM1@state.gov)

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U.S. Department of State  
Office of Risk Analysis and Management  
2201 C Street, NW  
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RE: 60-Day Notice of Proposed Information Collection: Risk Analysis and Management (RAM), OMB Control Number 1405-0204, Form Number DS-4184

Dear Ms. Farrell,

I write to you on behalf of Catholic Relief Services – United States Conference of Catholic Bishops in response to the 60-Day Notice of Proposed Information Collection related to the pilot Risk Analysis and Management (RAM) program initiated by the Department of State, and attendant information collection form DS-4184, published in the Federal Register in Volume 80, No. 18, on Wednesday, January 28, 2015, on page 4618.

The proposed information collection identifies four main questions the Department is seeking public response to. You will find below our comments to these four questions, as well as additional concerns that the Department of State should consider before proceeding with additional collection of information for the RAM system.

**Question #1: Is the proposed information collection necessary for the proper functions of the Department?**

**Response #1: Catholic Relief Services does not believe the proposed information collection is necessary, and we believe the collection will negatively impact the proper functions of the Department.**

Catholic Relief Services is committed to ensuring no funds entrusted to us are used to support terrorists or other bad actors, regardless of whether those funds are provided by the United States government or any other donor. As stewards of these resources, we take a number of precautions to ensure such diversion does not occur. Cumulatively, we believe these precautions achieve the objective that the RAM



system seeks to achieve. Thus, we believe this proposed information collection is not necessary for the proper functions of the Department.

The precautions Catholic Relief Services already takes include checking the names of staff, subawardees and vendors against the master list of Specially Designated Nationals and Blocked Persons maintained by the Department of Treasury's Office of Foreign Assets Control (OFAC), the State Department and FBI exclusion lists, the list of debarred and suspended parties as well as the UN 1267 Committee Consolidated List and the European Union List maintained by the Bank of England. Catholic Relief Services employs strict internal audit practices, which often include site visits that routinely examine project finances and implementation to ensure funds are spent on proper purposes. Catholic Relief Services employs a legal officer to ensure organizational compliance with other existing United States laws and requirements managed by the Department of the Treasury and the Department of Commerce intended to prevent diversion of resources to terrorist purposes. Catholic Relief Services also complies with existing recommendations for Non-Profit Organizations provided by the Financial Action Task Force, which is an intergovernmental body that develops the international standard for measures to combat money laundering and terrorism financing.

Most importantly, Catholic Relief Services uses its vast network, including institutions of the global Catholic Church, to understand the history, position and past performance of existing and potential subawardees. Standard CRS practices of pre-award due diligence include reference checks of individuals and partner agencies, program and site visits, and personal interviews asking for lists of other donors, partners and prior experience. More than mere list checking, these practices allow CRS to develop a substantive understanding of the people with whom we work. This familiarity puts CRS in the best position to screen whether subawardees or their employees are affiliated with terrorist or criminal organizations. We believe these practices render the information collection under RAM unnecessary and duplicative.

Additionally, Catholic Relief Services believes that the information collection will in fact impede and undermine the proper functions of the Department of State. The humanitarian and development activities funded by the Department of State are important instruments of soft power that the United States employs, particularly in sensitive and dangerous regions of the world. These instruments have generally been highly effective in promoting positive change in foreign countries and winning the hearts and minds of people who may otherwise be adversarial to United States interests. As you know, the RAM system entails the collection of detailed biographical information of foreign nationals to compare against secret terrorist lists developed by United States intelligence, military and law enforcement agencies. This process creates an association between State Department funded programs and United States foreign spying activities. We believe this association will lead to communities and countries around the globe becoming less willing to receive State Department funding and suspect of the United States' motivations behind this funding. Ultimately, the implementation of RAM will severely and irreparably damage the



reputation of the Department of State and its ability to effectively execute humanitarian and development programs.

**Question #2: Are the estimates of the time and cost burden for this proposed collection accurate, including the validity of the methodology and assumptions used?**

**Response #2: Catholic Relief Services believes that there are several aspects of the estimated time burden of the proposed collection that are inaccurate and underestimates the time burden associated with compliance of RAM.**

In a 2013 letter to Sam Worthington, President and Chief Executive Officer of InterAction, an organization that represents the collective interests of aid groups including Catholic Relief Services, Under Secretary of State for Management Patrick Kennedy confirmed that the Department of State would provide a “direct vetting” option for organizations required to implement RAM as a condition of State Department funding in all five pilot countries – Guatemala, Ukraine, Kenya, Lebanon and the Philippines. In sum, the process for this direct vetting option outlined in Under Secretary Kennedy’s letter includes 1) notification by the State Department to a prime awardee that they have the option of direct vetting of subawardees, 2) the prime awardee opts for direct vetting, 3) the subawardee(s) is given its own access to the RAM web portal, 4) the prime awardee provides direction to the subawardee(s) in how to engage with the State Department’s RAM portal, and 5) the subawardee provides all required RAM information directly to the State Department.

While the Department of State has not yet provided official guidance in RAM documentation operationalizing this direct vetting process, for instance there is no mention of direct vetting in the most recent RAM portal user guide, we expect the Department to live up to the commitment made by Under Secretary Kennedy. We also anticipate that the vast majority of prime award recipients will utilize the direct vetting option, which in turn means there will likely be much more than the 800 respondents cited by the Department of State in the Federal Register notice.

Another assumption that we believe is incorrect is the estimated 75 minutes needed to complete a RAM submission. Form DS-4184 states that key individuals whose information must be provided include an organization’s President, Vice President, Executive Director, Deputy Executive Director, Chief Executive Officer, Chief Operating Officer, Treasurer, Secretary, its Board of Directors, and may also Program Managers or Project Managers. Given the number of individuals whose information will and may be required, we estimate that each organization making a RAM submission may have to provide vetting information for up to 15 people. Furthermore, we believe it will take a minimum of 15 minutes to collect and input the necessary information into the system for each individual. Considering these factors, we believe a more reasonable time burden estimation is 225 minutes to complete each RAM submission.



Additionally, the 75 minute time burden estimation does not take into account that prime awardees will also have to explain the purpose of the RAM collection to subawardees, and provide them with guidance on how to successfully provide their required information. At minimum, this will require face-to-face meetings between prime awardees and potential subawardees, and in some cases may include travel costs and travel time. We estimate that a prime awardee will need at minimum 120 minutes to explain vetting and provide support to each subawardee subject to RAM vetting.

Catholic Relief Services cannot provide comments on the accuracy of the Department of State's cost burden estimate since none was provided in the Federal Register Notice. Suffice it to say though that compliance with RAM vetting will entail a significant cost burden on prime and subawardees.

**Question #3: What measure will enhance the quality, utility, and clarity of the information to be collected?**

**Response #3: Catholic Relief Services believes that the direct vetting approach will provide the best quality submissions for the RAM vetting.**

Catholic Relief Services is a humanitarian and development agency, and our expertise is in helping the poor and vulnerable become self-sufficient and live in dignity. We do not have the kind of resources available to the Department of State to examine, verify, and investigate all RAM submissions.

**Question #4: How can the Department minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology?**

**Response #4: Catholic Relief Services believes that the Department of State has flexibility under current law to limit the scope and intrusiveness of the pilot RAM system, and because there is no evidence of wide spread diversion of State Department funding the Department of State should use this discretion to limit RAM vetting to only those instances that pose the greatest risk of diversion.**

Current law requiring the implementation of the RAM pilot program states that the Secretary of State is to use appropriated funds "to support the continued implementation of the . . . pilot program." Accompanying report language indicates that Congress wants to ensure RAM implementation "preserv[es] important and sensitive relationships with grantees." To this end, Congress has required State to provide "a description of consultations with . . . nongovernmental stakeholders affected by the pilot program, including long-standing implementing partners . . . concerns raised during such consultations; and any changes . . . the Department of State plan[s] to make in response to such concerns." This legislative text and accompanying report language demonstrates that while a pilot is



required, the general scope, process and requirements are up to the Department of State and that Congress is very concerned with how the pilot will impact nongovernment stakeholders who are long-standing implementing partner of the Department of State.

Given this backdrop, Catholic Relief Services strongly encourages the Department of State to exercise the discretion provided by Congress to minimize the burdens that RAM vetting will have on implementing partners by limiting its application based on objective factors associated with higher risk agreements. This can be accomplished in a number of ways. First, the Department of State could classify agreements based on their inherent risk of diversion, and then apply RAM only in the most risky of agreements, for instance service contracts for security and transportation. Second, the Department of State can set a minimum threshold of funding before an organization is subject to RAM vetting, for example at \$300,000 which is the funding threshold that the U.S. Agency for International Development requires financial audits, thus concentrating vetting resources and projects that represent large investments while eliminating the burden for organizations with only modest funding. Third, the Department of State could reserve vetting for organizations that have a proven track record of poor management and numerous audit findings; in such cases there would be a clear justification for RAM scrutiny. Catholic Relief Services strongly encourages the Department of State to consider these and other objective factors to base RAM vetting on, instead of the blanket approach currently employed that unnecessarily burdens organizations implementing low risk projects with limited funds and which already take numerous precautions against diversion.

## **Other Concerns**

In addition to addressing the main questions posed by the Department of State in the Federal Register Notice, Catholic Relief Services wants to note the following additional concerns we have with the RAM pilot vetting system:

**RAM will undermine community acceptance.** Catholic Relief Services relies on the “community acceptance” model to operate in troubled regions and to ensure staff safety. As the term implies, community acceptance is when local leaders and community members accept and welcome our presence in their communities. Community acceptance gives us access to areas otherwise inaccessible to other entities because of security risks, and it protects our staff and partners working in those areas. We are greatly concerned that implementing RAM will lead the communities in which we work to view Catholic Relief Services as an extension of United States intelligence. This will erode trust in our organization, reduce our access to communities in need, and put our staff in great danger.

**Our organization will lose implementing partners as a result of RAM.** Much of the work carried out by Catholic Relief Services is implemented through local partners, and in particular entities of the Catholic Church. However, because there will be a perception that compliance with RAM means an organization is



acting on behalf of United States defense and intelligence interests, many of these partners will choose not to work with us in order to preserve their status as independent and neutral actors. This in turn will reduce our ability to implement programs.

The quality of the database used in RAM vetting is suspect. The database that the Department of State uses to vet names against is the Terrorist Screening Database (TSDB) managed by the Federal Bureau of Investigation's Counterterrorism Center. The TSDB is highly restricted, and there is currently no way for the public to know who is in the database, nor is there a way for the public to challenge the information in it. There have been recent high profile cases challenging the accuracy of no-fly lists, which are generated using the TSDB. (Susan Stellin, Who Is Watching the Watch Lists?, New York Times, Nov. 30, 2013, available at [http://www.nytimes.com/2013/12/01/sunday-review/who-is-watching-the-watchlists.html? r=0](http://www.nytimes.com/2013/12/01/sunday-review/who-is-watching-the-watchlists.html?r=0)). According to a recent press report examining the guidebook on the TSDB provided by the Counterterrorism Center to other agencies, these "guidelines allow individuals to be designated as representatives of terror organizations without any evidence they are actually connected to such organizations, and it gives a single White House official the unilateral authority to place entire "categories" of people the government is tracking onto the no fly and selectee lists." (Jeremy Scahill and Ryan Devereaux, The Secret Government Rulebook For Labeling You a Terrorist, The Intercept, July 23, 2014, available at <https://firstlook.org/theintercept/2014/07/23/blacklisted/>). In a second report, it was disclosed that more than 40 percent of the people in the TSDB "are described by the government as having 'no recognized terrorist group affiliation.'" (Jeremy Scahill and Ryan Devereaux, Barack Obama's Secret Terrorist-Tracking System, by the Numbers, The Intercept, Aug. 5, 2014, available at <https://firstlook.org/theintercept/2014/08/05/watch-commander/>). In sum, it is unclear who is in the TSDB, why they are in the TSDB, or even whether they should be included in the TSDB in the first place. If the United States government believes these people to be threats to national security, we would encourage public disclosure of these individuals. With public disclosure we can run names of subawardee personal against the lists ourselves, like we already do with other public lists of barred individuals, and thereby eliminate the need for a RAM system altogether.

Catholic Relief Services appreciates the opportunity to provide these comments on the proposed information collection. If you have any questions concerning our comments, please do not hesitate to contact us.

Sincerely

Eric Garduño  
Senior Policy and Legislative Specialist  
Catholic Relief Services