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February 17, 2012

Department of State Desk Officer  
Office of Information and Regulatory Affairs  
Office of Management and Budget  
Washington, DC 20503

BY ELECTRONIC MAIL (WITH ATTACHMENTS) TO:  
[oira\\_submission@omb.eop.gov](mailto:oira_submission@omb.eop.gov)

**RE:** 30 DAY NOTICE OF PROPOSED INFORMATION COLLECTION: DS-4164 OMB CONTROL  
NUMBER 1405-XXXX, JANUARY 18, 2012 (77 FR 2601); Public Notice 7753

Dear Desk Officer:

This letter responds to the above referenced notice of proposed information collection published by the U.S. Department of State concerning use of proposed Form DS-4164 in connection with "Risk Analysis and Management."

InsideNGO is a membership organization comprised of 270 non-governmental organizations that operate humanitarian relief, economic development, health promotion and civil society programs worldwide. Most member organizations receive federal assistance awards (grants and cooperative agreements) from the U.S. Department of State (DOS) and the U.S. Agency for International Development (USAID). Some also receive contract awards from those agencies. Accordingly, they are vitally interested in policies and practices that affect the award, administration and audit of those awards.

Since July, 2007, InsideNGO and its members have been fully engaged regarding the proposals first made by USAID, subsequently by DOS, and now jointly by both agencies to pursue a program that would vet prospective grantees, contractors, sub-grantees and subcontractors against databases maintained by security components of U.S. Government agencies in an attempt to reduce the possibility that federal funds will benefit terrorists or terrorist supporters.

To document this level of engagement, with this letter we are transmitting copies of each of the letters that have been sent by InsideNGO to the State Department, to USAID, and to OIRA concerning this matter. I realize that some or all of these letters may already be present within the files of your agency but, for your convenience in review, we are taking the liberty of sending them at this time. The objections in the letters to the various iterations of this vetting program, regardless of the title used by the proposing agencies, are extensive and well-documented. We respectfully request that these documents as well as letters submitted by many of our individual members on the subject be reviewed in connection with the current information collection proposal identified in the January 18 notice.

With respect to the specific solicitation for public comments contained in the January 18 notice, we offer the following additional comments:

**1. Whether the proposed information collection is necessary for the Department of State to perform its functions.**

The State Department notice states that the implementation of a Risk Analysis and Management program is being undertaken “at the direction of Congress in the FY 2010 Department of State, Foreign Operations and Related Programs Appropriations Act.” Such characterization is misleading. In the subject Act, Congress *prohibited* (emphasis added) the State Department and USAID from establishing a comprehensive vetting program and *authorized but did not require* (emphasis added) the establishment of a “pilot” program. Despite receiving numerous comments submitted in opposition to its October 20, 2011 Proposed Information Collection Notice including this objection, the State Department has dismissed these and is proposing to continue forward as if this activity is necessary for the performance of its functions and is likely to be expanded beyond the pilot.

However, it has provided no evidence that existing screening and information collection procedures conducted by the Department, its grantees and contractors utilizing the Excluded Parties List System (GSA), the Special Designated Nationals List (OFAC/Department of Treasury), the regulations issued pursuant to the Federal Funding Accountability and Transparency Act (2 CFR 25, 2 CFR 170), and the procedures mandated by the Department’s implementation of Office of Management and Budget Circular A-110 (22 CFR 145.44(d)) are failing to screen out terrorists or their supporters. Overlaying an additional screening procedure, even on a test basis, is unnecessary.

**2. The accuracy of the State Department’s estimates of the burden of the proposed collection, including the validity of the methodology and assumptions used.**

Nothing contained in either the subject notice on January 18 or the previous notice of October 20, 2011 effectively documents the basis for the estimates of the number of respondents (1250), of the number of responses (5 each or 6,250) or the average time for response (75 minutes). Given that the proposed pilot project is (a) to be confined to activities in five foreign countries, (b) would relate to award solicitations that have yet to be identified and formulated and (c) would involve an unknown number of respondents who would have to decide whether to submit grant applications or contract proposals, we respectfully suggest that the estimates are speculative.

Further, given the visible and lengthy opposition to such vetting expressed by the grantee and contractor community, it is quite likely that estimates that were based in any way on the level of interest in participating in State Department programs that predated the RAM/PVS effort may be inaccurate. It is quite possible that some U.S. based organizations will choose not to become involved in solicitations where the proposed screening is conducted and it is very likely that many local partner organizations in the five host countries will decline to subject themselves and their directors, officers and employees to such scrutiny. This will impact achieving the development objectives of U.S. foreign policy.

**3. Whether the quality, utility, and clarity of the information to be collected can be enhanced.**

Our strong and sustained opposition to the initiation and implementation of the Risk Analysis and Management program and the companion Partner Vetting Program at USAID has been documented. Thus, we are not suggesting ways to enhance the quality, utility, and clarity of the information collected. However, we would be remiss if we did not point out that there has been no clear articulation by the State Department about how this information collection proposal would be integrated with the screening methods and reporting requirements that are conducted under the regulatory policies identified in Item 1 above. We understand that the federal agency and OMB reviews mandated by the regulations issued pursuant to the Paperwork Reduction Act (5 CFR 1320) are intended, among other things, to help avoid duplicative information collection. We respectfully submit that information collection related to directors, officers and employees of parties that might do business with the State Department is already taking place to a considerable and comprehensive degree under those previously cited regulatory policies. Thus, it is our position that, not only is the information collection unnecessary, it is duplicative.

InsideNGO and its members have no interest in seeing U.S. Government resources purposefully or inadvertently provide support to entities or individuals that conduct or support terrorism. We also understand the harm that would be done to the U.S. Government's foreign assistance program and to affected non-governmental organizations if that were to happen. However, as we have stated here and elsewhere, we believe that the approach being pursued in connection with the subject information collection request is not well conceived.

We urge OIRA to disapprove the request and to direct the State Department to develop an alternative in consultation with affected organizations such as our members and others that have shown their longstanding commitment to organizational and program integrity. We suggest that OIRA might help foster a more cooperative approach by sponsoring a "listening meeting" in which responsible State Department and USAID officials could meet with selected representatives of the affected community to discuss other options. As you may know, such an approach worked effectively when USAID initiated a policy on marking and branding in 2006 and related concerns about visibility, privacy, and security in the face of the terrorist threat surfaced.

We appreciate the opportunity to make our views known and hope that they will be seriously considered as you proceed with your review.

Sincerely,



Alison N. Smith  
Executive Director