



October 4, 2019

VIA ELECTRONIC MAIL

Desk Officer for USAID
Office of Information and Regulatory Affairs
Office of Management and Budget
725 17th Street NW
Washington, DC 20503
OIRA_Submission@omb.eop.gov

RE: USAID Proposed Information Collection, 84 FED. REG. 46933-4 (September 6, 2019)

Dear USAID Desk Officer:

Humentum hereby submits comments in response to USAID's Proposed Information Collection, Partner Information Form, AID 500-13, OMB #0412-0577, as noticed in 84 FED. REG. 46933-4 (September 6, 2019).

Humentum is a global, membership-based, not-for-profit social enterprise dedicated to advancing the operational excellence of international development and humanitarian assistance organizations. Humentum is comprised of over 300 member organizations who are among USAID's largest and most productive implementers of US foreign assistance. On our membership's behalf, Humentum undertakes targeted outreach and advocacy with USAID and other US Government donor agencies. We seek to identify obstacles to the effective implementation of US foreign assistance, articulate our member's first-hand experiences, and propose dialogue and solutions that enable positive change. It is in this spirit that Humentum submits these comments.

According to the notice, the purpose of USAID's information collection is to ensure that USAID funds, activities, and resources are not used to support organizations or individuals that are determined to pose a risk to US national security. According to the notice, to achieve this purpose, USAID gathers and vets data – using the Partner Information Form (hereinafter, “form” or “PIF”), AID 500-13 – on the directors, officers, and key personnel of prospective awardees and subawardees. The notice estimates that each year, 5,800 respondents will be responsible for

humentum.org

1120 20th Street, NW, Suite 520-S • Washington, DC 20036 USA • +1 202 509 0465
Chester House, 21-27 George Street • Oxford OX1 2AU UK • +44 (0) 1865 423818

completing the form, taking an average of 90 minutes per respondent. USAID characterizes the obligation of prospective awardees and subawardees to complete the form as voluntary.

The point of information collection requests under the Paperwork Reduction Act (hereinafter, “PRA”) of 1995, as amended, is to provide the public with advance notice of proposed collections and an opportunity to provide input. The PRA’s implementing regulations, at 5 CFR §1320.8(a), require agencies to, *inter alia*, evaluate the ongoing need for an existing information collection, review its plan for collection, and calculate an “objectively supported” estimate of the burden on prospective respondents. Such a review must precede the notice of proposed information collection. Pursuant to 5 CFR §1320.8(b)(3), the notice itself, in turn, must inform the public regarding the reason for the collection, how the information will be used, an estimate of the burden on prospective respondents, whether response is voluntary or mandatory, and the nature and extent of confidentiality to be provided.

Since the nature and extent of the “revision” is neither explained in the original 60-day notice, as published in 84 Fed. Reg. 28000 (June 17, 2019) nor in the current 30-day notice, as published in 84 Fed. Reg. 46933-4 (September 6, 2019), it is unclear how the form is being revised and if such a revision substantively expands the reach and/or burden imposed on prospective respondents. Without further information, the public is left to guess USAID's main objectives underlying each of the "revisions" in the absence of the information necessary to assess the significance of the proposed changes and to provide effective input.

Moreover, to reflect our members’ concerns regarding the adequacy of the notice and comment process, the necessity of the proposed instrument, and the accuracy and scope of the estimated burden on respondents, Humentum respectfully offers the following.

First, it is unclear in the notice how this specific information collection relates to information collection undertaken in and through the Partner Vetting System (PVS) pilot countries for which Congress approved vetting in 2012; and in the West Bank and Gaza, Afghanistan, Iran and Syria, for which vetting was separately approved, apparently without reference to Congress's authorization of the PVS, over a number of years. It is unclear from the notice whether this information collection is now the data-collection instrument of a global expansion of the PVS, to include other countries where USAID funds activities and chooses to use PIF as an instrument for beneficiary vetting based on USAID Mission orders. For instance, pursuant to USAID Iraq Beneficiary Vetting Mission Order #303.3, the Mission uses PIF as an information collection instrument on USAID-funded, above-US\$500, in-kind and cash receiving, beneficiaries and trainees in Iraq. Should the “revision” of the proposed instrument apply to all vetted persons, with an expansion of the scope to in-kind and cash beneficiaries, Humentum believes the burden estimate to be unrealistically low and the notice and comment process inadequate for the scale of the change proposed.

Second, the abstract of the proposed collection refers only to its use in vetting directors, officers, and/or key employees. The form itself states that it is applicable to directors, officers, and key individuals, including key personnel. As such, it is unclear how, if at all, this proposed instrument will be used to vet beneficiaries. Should the form apply also to beneficiaries, as does the current PIF, the scope and scale of the burden estimate is exceedingly low. Furthermore, it would be helpful to know whether beneficiary vetting – enabled in select countries through USAID

Mission Orders using the PIF as the data collection and submission instrument – has been effective in achieving USAID’s national security objectives.

Third, in the notice USAID characterizes the completion of the form as “voluntary.” However, this statement is inconsistent with the current PVS regulations. The failure to complete the form, including its myriad “mandatory” fields, and provide the requested personally identifying information for vetting would render those entities ineligible for funding, as indicated in the regulations and the form’s own disclosure section. Moreover, in the proposed instrument there are more mandatory fields to complete than in the current form, including primary phone number and email address, current employer and project title, and organizational rank or title. Additionally, in the instructions section of the proposed instrument, there is language that adds additional mandatory fields (those marked by asterisk), and if applicable, all other fields must be completed. Such language renders completion of nearly the entire form mandatory, rather than voluntary. And, those who are dual citizens must now provide identification information from both countries of citizenship, again adding to the already weighty burden.

Given all of this, the burden on prospective awardees and subawardees at both the proposal stage and beyond is excessive. Indeed, some of our member organizations have been forced to hire personnel solely dedicated to the processing of the current version of the PIF, which estimated an average of only 75 minutes to complete, instead of the now estimated 90 minutes. And, this is an estimate that clearly does not include the administrative burden on respondents to educate the vetted party about the requirement, answer questions or complaints, and obtain consent for information sharing. Taken together, these factors suggest that the overall financial, time, and resource cost burden to respondents is significantly higher than USAID is estimating.

Accordingly, Humentum respectfully recommends that USAID: (1) reconsider the procedure itself; and (2) clarify the scope, scale, and applicability of the proposed form. Humentum recommends USAID append the PIF to the vetting regulations rather than run three parallel tracks – the regulations, the PIF, and the Mission Orders. The rulemaking process is designed for comprehensive public input, such as is needed in the case of vetting and any instruments used to vet. Conversely, the PRA process is more tailored to obtaining specific data that, in the case of vetting, are not broad enough to meet implementers' needs. Humentum believes the PIF should be part of the rule.

Moreover, Humentum recommends that USAID adopt a process for batch upload of data requested through the form. Presently, all data requested in the current PIF must be submitted through the PVS portal. The portal requires respondents to individually enter every field for each entity or beneficiary. By instead adopting a batch processing capacity, USAID would significantly reduce the estimated *and* actual time burden on respondents.

Finally, Humentum respectfully recommends that USAID reconsider how it seeks data entry of the “Name Listed on Government-Issued Photo ID” in section 4 of the proposed form. In the proposed instrument, it lists the order of name entry to be last name, first name, middle initial. However, oftentimes government-issued ID, such as in Iraq, lists in the order of first name, middle name, last name. In the current form, all USAID requests is an individual’s “Name (As in passport or other government-issued photo ID)”. Changing this simpler language could prove unnecessarily confusing for those completing the form and result in serious and consequential errors. We recommend returning to the existing language.

Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Proulx". The signature is fluid and cursive, with the first name "Chris" being more prominent.

Chris Proulx
Interim President & CEO

CP/cms

CC: Humentum membership