

PATRIOT ACT PROTOCOL

Board of Regents of the University System of Georgia

USA PATRIOT Act Task Force

Bioterrorism Subcommittee Guidance Recommendations for USG Institutions

1. President Shall Designate a “Responsible Facility Official (RFO)”:
 - a. Safety officer / biosafety officer / senior official
 - b. Should report through existing hierarchy and collaborate closely with the Institutional Biosafety Committee (IBC)
 - c. Should NOT be individual who possesses, uses or transfers select agents
 - d. Should NOT be a *restricted person*
2. Responsibilities and Authority of the RFO:
 - a. Reviews and signs all federal (CDC, USDA) notification forms in consultation and cooperation with the IBC
 - b. If no IBC exists, the RFO shall work to establish an IBC
 - c. Point of contact for federal agencies
 - d. RFO should NOT have unilateral policy-making authority
 - e. RFO should NOT have unilateral authority to approve / disapprove requests for registrations or modifications of registrations. Must work in cooperation with the IBC.
 - f. Spearhead campus surveys for *select agents*. Collect data for initial federal notifications and changes base on biennial updates of select agent lists

- g. Keeps relevant records and manages databases. Coordinates “cradle to grave” tracking of *select agents*.
- h. Facilitates bio-safety committee sign off on all purchases, transfers and disposal of *select agents* (42 CFR 72.6)
- i. Work closely with Chair of the IBC.
- j. Provide coordination and oversight during *select agent, registered person* and *registered facility* process. Track *registered facilities* and conduct periodic inspections
- k. Provide training and information updates regarding biosafety / security to IBC and campus community, particularly with regard to the facility / personnel registration rules under the *Public Health Security and Bioterrorism Preparedness and Response Act (PL 107-188)* to be published on December 9, 2002

3. Identify and Monitor “Restricted Persons”:

- a. Restricted Persons are clearly defined in the USA PATRIOT Act as an individual who:
 - i. Is under indictment for a crime punishable by imprisonment for a term exceeding one year; or
 - ii. Has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year; or
 - iii. Is a fugitive from justice; or
 - iv. Is an unlawful user of any controlled substance (as defined in section 102 of the Controlled Substances Act, 21 USC 802; or
 - v. Is an alien illegally or unlawfully in the United States; or
 - vi. Has been adjudicated as a mental defective, or has been committed to any mental institution; or
 - vii. Is an alien (other than an alien lawfully admitted for permanent residence) who is a national of a country as to which the Secretary of State, pursuant to section 6(j) of the Export Administration Act of 1979, 50 USC App. 2405(j), section 620A of chapter 1 of part M of the Foreign Assistance Act of 1961, 22 USC 2371, or section 40(d) of chapter 3 of the Arms Export Control Act, 22 USC 2780(d), has made a determination (that remains in effect) that

such country has repeatedly provided support for acts of international terrorism (Cuba, Iran, Iraq, Libya, North Korea, Sudan or Syria); or

viii. Has been discharged from the Armed Services of the United States under dishonorable conditions.

4. Background Checks / Human Reliability / Security:

- a. RFO shall compile list of ALL individuals who have access to select agents, including faculty, staff and students, and submit to DHHS according to registration process outlined in the PL 107-188 December 9, 2002 rules.
- b. RFO shall work closely with law enforcement / public safety on *security clearances* for identified individuals.
- c. RFO shall coordinate all efforts with the campus International Services Office and Human Resources Department.
- d. This could be a lengthy process and could restrict / delay research productivity. Pre-planning will be critical.
- e. International Services / Human Resources Departments shall monitor and limit certain areas of study for certain foreign nationals (considering Visas Mantis, the Technology Alert List and SEVIS).
- f. Individuals who “fall out of status” will immediately enter deportation procedures.

5. Physical Facilities Security Measures:

- a. All USG institutions shall complete *physical facilities security reviews* including systems such as closed circuit television, key and card access controls, intrusion alarms, fire alarms, photo ID cards. Plans for upgrades shall be developed, where necessary.
- b. All USG institutions shall complete *security assessments of potential target operations* such as chemical / biological agent storage areas, fuel storage facilities, food storage/dining facilities, research labs, residence halls, etc.
- c. All USG institutions shall comply with the security requirements as specified in the December 9, 2002 PL 107-188 rules (likely to be Appendix F of the CDC publication titled: “Biosafety in Microbiological and Biomedical Laboratories”. Anticipated measures will include:

- i. Recognition that lab security is related but different than lab safety.
 - ii. Control access to areas where biologic agents or toxins are used and stored.
 - iii. Know who is in the lab area.
 - iv. Know what materials are being brought into the lab area.
 - v. Know what materials are being removed from the lab area.
 - vi. Have an emergency action plan.
 - vii. Have a protocol for reporting incidents.
6. Other Concerns:
 - a. Remote facilities separate from campus. “Deputy RFOs”,
 - b. Research foundation operations
 - c. Incubator companies
 - d. AG may need to revise Open Records Act to restrict access to certain sensitive information
 - e. Improvements in the operation and maintenance of autoclaves. Improved Recordkeeping (maintenance, certificates of destruction, etc.)