


MEMORANDUM

TO: USG Presidents

FROM: Thomas C. Meredith
Chancellor 

DATE: October 1, 2002

RE: USA PATRIOT ACT Compliance Letter

This memorandum is to update you on recent activities of the University System Office regarding new federal legislation known as the USA PATRIOT Act, and to provide recommendations on steps that should be taken at your campus to meet the new requirements.

The Patriot Act has been described as a very complex puzzle. The Act calls for numerous new security-related requirements that reach across many campus department lines including legal affairs, environmental safety, international affairs, human resources, police, physical plants, student affairs, and academic affairs. Senior Vice Chancellor Cummings has formed a Task Force with University System representatives from each of these areas. Provisions of the Act that are being examined for potential University System impact include the following:

Enhanced Electronic Communications Surveillance

- IT networks
- Wiretaps

Enhanced Human Surveillance

- Broad new "sneak-and-peek" warrant powers
- Expanded background checks / security clearances

International Personnel Monitoring / Surveillance

- Expansion of the student visa monitoring program of the Illegal Immigration Reform and Immigration Responsibility Act
- The Immigration and Naturalization Service's Student and Exchange Visitor Information System (SEVIS)
- Amended provisions of the Family Education Rights and Privacy Act (FERPA)
- Restricted academic curricula for certain individuals

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Bioterrorism Planning and Preparedness (the Public Health Security and Bioterrorism Preparedness and Response Act (PL 107-188))

- Designate a "Responsible Facility Official" (RFO)
- Conduct surveys for "select agents"
- Registration of people and facilities
- Identifying "Restricted Persons"
- Facility security measures

Given the fact that the Act impacts so many different departments, it is recommended that you appoint a Campus Homeland Security Committee to assist in facilitating compliance at your institution. Members of the committee should represent the campus departments referenced above.

The Bioterrorism planning / preparedness provisions of the Act are perhaps the most complex. It is recommended that you appoint an RFO who is a senior safety or biosafety officer, and who is also able to work cooperatively and effectively across department lines within the institution. The RFO will be the institution's primary point of contact for federal agencies such as the Departments of Agriculture, Justice and Health and Human Services, and the Centers for Disease Control and Prevention. Under the Act, the RFO has broad authority to approve and monitor the use of select biological agents on campus. The RFO also bears significant responsibility for tracking registered persons and facilities, providing training and updates to the campus community, and coordinating with the Institutional Biosafety Committee (IBC). Note: If your institution does not have an IBC, it is recommended that one be established.

Obviously, there are still many unanswered questions associated with this legislation, and the effects that it may ultimately have on our institutions cannot yet be fully determined. However, by taking the preliminary steps outlined in this letter, we will be better prepared.

Further information regarding the USA PATRIOT Act and its requirements will be forthcoming. In the meantime, please feel free to call Betsey Neely, Associate Vice Chancellor for Legal Affairs, at (404) 656-2221 or Mark Demyanek, Director of Environmental Safety, at (404) 656-2247 if you have any questions or concerns.

Thank you for your attention to this very important matter.

TMC/mlld

cc: Corlis Cummings, Senior Vice Chancellor
Tom Daniel, Senior Vice Chancellor
Dan Papp, Senior Vice Chancellor
Shelley Nickel, Special Assistant to the Chancellor
Linda Daniels, Vice Chancellor for Facilities
Betsey Neely, Associate Vice Chancellor for Legal Affairs
Mark Demyanek, Director of Environmental Safety