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Featured Article

USA PATRIOT Act Impact on the University of Georgia

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On October 26, 2001, only six weeks after the September 11th terrorist attacks, President Bush signed the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (the USA PATRIOT Act). The bill that created that Act was 342 pages long and affected more than 15 previously existing statutes. The Act addresses terrorism investigation funding, immigration requirements, the enhancement of federal authorities, assistance to terrorism victims, sharing of information among law enforcement agencies, bioterrorism prevention, and enhanced surveillance activities.

This brief article will concentrate on four major issues that have been addressed by UGA since the USA PATRIOT Act was passed – the amendments to the Family Educational Rights and Privacy Act (FERPA) relating to anti-terrorism activities; amendments to the Illegal Immigration Reform and Immigrant Responsibility Act, particularly the implementation of the Student and Visitor Exchange Information System (SEVIS), which is an electronic tracking system of foreign student information; expansion of legislation restricting the use and possession of biological agents and toxins

and new legislation making it an offense for certain restricted persons to possess “select agents”; and new provisions which broaden the powers of law enforcement and national security agencies to conduct surveillance.

Amendments to FERPA

FERPA is a federal law that applies to educational institutions that receive federal funds under any program administered by the Secretary of Education. FERPA generally prohibits the release of a student’s educational record without consent by the student, except in limited circumstances. FERPA defines “education records” as “those records, files, documents and other materials which – (i) contain information directly related to a student; and (ii) are maintained by an educational agency or institution or by a person acting for such agency or institution.” Exceptions to the consent rule include requests made pursuant to a court order or lawfully issued subpoena. In addition, the law allows for release of a student’s educational record in the event of a health or safety emergency. The USA PATRIOT Act amends FERPA to permit disclosure of a student’s educational record without notice or the student’s consent, pursuant to a court order, of education records law enforcement officials consider relevant to a terrorism investigation. In addition, the amendments provide protection to an educational institution that, in good faith, produces educational records in accordance with a court order. Following September 11th, federal agencies have used the amendments to FERPA in addition to the emergency exception to FERPA to obtain protected educational records. To view the UGA FERPA Policy Statement visit <http://www.reg.uga.edu/or.nsf/html/ferpa>.

Amendments to Illegal Immigration Reform and Immigrant Responsibility Act

The USA PATRIOT Act accelerates and expands the full implementation of a foreign student visa monitoring program. This electronic information gathering and reporting program covers all nonimmigrant foreign students of all nationalities in covered foreign exchange programs. The intent of the program is to track the activities and education status of nonimmigrant foreign students. FERPA does not apply to the information collected under SEVIS. For more information about SEVIS, reference the September 2003 issue of *Readiness Rules*, visit the UGA Office of International Education (OIE) website (www.uga.edu/oie), or go to the US Immigration and Customs Enforcement (ICE) website (www.ice.gov/graphics/sevis/).

Legislation Restricting the Use and Possession of "Select Agents"

The USA PATRIOT Act punishes by fine and imprisonment knowing possession of a biological agent, toxin or delivery system of a type or in a quantity not "reasonably justified" by a research or other peaceful purpose. A list of "select agents" has been identified by the U.S. Department of Health and Human Services and the U.S. Department of Agriculture. UGA has identified a responsible official to monitor our research activities that involve the use of "select agents" and to ensure compliance with the law; implemented strict security measures to protect against unapproved persons having access to select agents; and provided training to laboratory personnel regarding the registration, use, tracking, and disposal of select agents.

Legislation Impacting Information Technology

As a provider of communication services, including telephones, computers, and Internet access, the University is subject to requests by law enforcement and national security agencies for information obtainable through these outlets. Requests for information may come from these different entities by a simple information request, a letter request, a subpoena, a search warrant, a pen/trap order and/or

a wiretap order. The legislation is intended to make it easier for agencies to obtain information in limited circumstances. There are many exceptions to the notice and procedural provisions typically required by federal law when an agency is attempting to gather information from and/or on an individual or group. It is important that all requests for information by law enforcement and/or national security agencies be handled in a consistent manner. At UGA such requests should be forwarded to the UGA Police Department.

The USA PATRIOT Act has been in full use since it was signed into law by President Bush in 2001. Many provisions of the Act are scheduled to "sunset" unless renewed by Congress prior to December 31, 2005. Therefore, it is important to follow this evolving legislation through the end of this year in order to understand what portions of the USA PATRIOT Act will endure into the future.

Campus Services Fair

Come by to meet and visit with UOSP staff and check out the GRAB AND GO! emergency kit at the UOSP table during the Campus Services Fair to be held on Thursday, June 2, 2005 from 2:00-3:00 pm at the East Village Commons.

Best Practices Grand Finalist

The University Office of Security Preparedness (UOSP) was honored to receive recognition as a 2005 Best Practices Grand Finalist during the Southern Association of College and University Business Officers' (SACUBO) annual conference held in Miami, Florida during April. UOSP's submission entitled "Terrorism: Meeting the Challenge through Innovative Ideas and New Approaches" was one of just four selected from more than 50 entries for this prestigious award. June Oliver and Opal Haley presented the department's best practice during the conference. At the annual business luncheon, the University Office of Security Preparedness received a plaque and monetary award.



Upcoming Issue: Crime prevention on campus by the UGA Police Department.