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Bioterrorism Risk Assessment Group (BRAG) Security Risk Assessment (SRA) Overview

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Introductions

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Process of Conducting an SRA

- Initiated upon receipt of FD-961 and fingerprints via email at FD961@leo.gov or by mail
- FD-961 data and fingerprints are entered into the eSRA
- Lead bioterrorism risk analysts assign SRAs to each analyst
- Bioterrorism risk analysts research criminal, immigration, national security, and other databases to determine eligibility

Findings:

- BRAG determines if a candidate meets the criteria of a “restricted person” based on search results
- Results are provided to the U.S. Department of Health and Human Services’ Centers for Disease Control and Prevention’s (CDC) Division of Select Agents and Toxins or the U.S. Department of Agriculture’s Division of Agricultural Select Agents and Toxins, who then deny or grant access



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Database Searches

Biometric Based Checks:

Next Generation Identification (NGI) – criminal and civil information

Automated Biometric Information Services (ABIS) – Department of Defense (DoD) information

Real Time Identification – Royal Canadian Mounted Police data

Department of Homeland Security (DHS) – immigration and terrorist information

Biographic Based Checks:

Accurint – biographic and criminal information

Department of Veteran's Affairs/DoD (DVA/DoD) – mental health records

FBI Disposition Document File (DDF) – criminal/court records

National Data Exchange (N-DEx) – criminal/civil/wellness/complainant/traffic incident reports



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Database Searches

National Crime Information Center (NCIC)

- Query Wanted Person All (QWA) – wants and warrants, no fly list, terrorist information
- NICS Denied File – firearm restrictions

The following searches are performed via the NCIC application:

- Identity Query (IQ) – provides an existence of State Identification Number (SID)
- File Query (FQ) – provides the criminal/court records associated with a SID
- Immigration Alien Query (IAQ) – immigration records
- Interstate Identification Index (III) – criminal records query
- Canadian Indices – Canadian criminal/court records



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Database Searches

Additional Checks:

Classified FBI databases – provides federal, state, and local criminal matters, terrorist information, and any type of on-going federal investigations

Court websites – provides criminal record information and dispositions

Westlaw – provides federal and state statute information



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Continuous Monitoring: NGI Rap Back Service

A major tool for suitability and investigative purposes that propels agencies to the next level with electronic notifications to the submitter

- **NGI Noncriminal Justice Rap Back** – *Allows authorized agencies to receive notification of subsequent activity on individuals who hold positions of trust (e.g., government employees, school teachers, or daycare workers)*
- **NGI Criminal Justice Rap Back** – *Designed to provide immediate notifications to law enforcement on an NGI identity of subscribed individuals currently under an active criminal investigation or on active probation or parole*



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NGI Rap Back Services

- **NGI Noncriminal Justice Rap Back Triggers**

- **Automatic**

- Criminal arrest – NGI will notify a subscriber anytime a subscribed identity is arrested

- **Optional**

- Disposition – including expunge/partial expungement
 - Want Entry/Deletion/Modification
 - Sexual Offender Registry Entry/Deletion/Modification
 - Death notice with or without fingerprints
 - Civil (only for agencies authorized under the Security Clearance Information Act)



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Continuous Monitoring: Encounter Notifications

An Encounter Notification is a service offered within the DHS's Automated Biometric Identification System (IDENT) where a contributor (BRAG) can choose to enroll select transactions into the service and receive notification when a subsequent submission to IDENT matches to the enrolled transaction

All foreign-born applicants are automatically enrolled during SRA processing



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Bioterrorism Restrictors

Title 18, United States Code (U.S.C.), Section 175b (d) (2):

- (A) An individual who is under indictment for a crime punishable by imprisonment for a term exceeding one year
- (B) An individual who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year
- (C) An individual who is a fugitive from justice
- (D) An individual who is an unlawful user of any controlled substance [as defined in section 102 of the Controlled Substance Act (21 U.S.C. § 802)]
- (E) An individual who is an alien illegally or unlawfully in the U.S.
- (F) An individual who has been adjudicated as a mental defective or has been committed to any mental institution



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Bioterrorism Restrictors

18 U.S.C. § 175b (d) (2):

- (G) (i) An individual who 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 U.S.C. App. 2405(j)], section 620A of chapter 1 of part M of the Foreign Assistance Act of 1961 (22 U.S.C. § 2371), or section 40(d) of chapter 3 of the Arms Export Control Act [22 U.S.C. § 2780 (d)], has made a determination (that remains in effect) that such country has repeatedly provided support for acts of international terrorism (ii) acts for or on behalf of, or operates subject to the direction or control of, a government or official of a country described in this subparagraph
- (H) An individual who has been discharged from the armed services of the United States under dishonorable conditions
- (I) An individual who is a member of, acts for or on behalf of, or operated subject to the direction or control of, a terrorist organization as defined in section 212 (a) (3) (B) (vi) of the Immigration and Nationality Act [8 U.S.C. § 1101(a) (20)]



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Bioterrorism Restrictors

42 U.S.C § 262a, 7 U.S.C § 8401:

- (I) An individual who is reasonably suspected by a federal law enforcement or intelligence agency of committing a crime set forth in section 2332b(g)(5) of 18 U.S.C.
- (II) An individual who is reasonably suspected by any federal law enforcement or intelligence agency of knowing involvement with an organization that engages in domestic or international terrorism (as defined in section 2331 of such title 18) or with any other organization that engages in intentional crimes of violence
- (III) An individual who is reasonably suspected by any federal law enforcement or intelligence agency of being an agent of foreign power (as defined in subsection 1801 of 50 U.S.C.)



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Common Mistakes

- Placing personal information in the entity information section
- Not answering all questions on the FD-961
- Not providing the state with the driver's license number
- Not initialing each page of the FD-961
- Not providing additional states of residence
- Answering "unsure" to a certification question, followed by not providing supporting documentation (court documents)
- Not completing question 23b, when you have indicated that you are not a U.S. citizen, or you were not born in the U.S.
- Providing nicknames that are not true names, such as: Tinkerbelle, Tink, Q, or Black – nicknames should be true names like Mike, Zach, Rich, or Bob
- Missing signatures of the FD-258/fingerprint card (both the person taking the prints and the applicant must sign)
- Sending in the SRA too soon/too late (please submit a renewal within the 90-day timeframe of expiration)



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Frequently Asked Questions

Can I still be restricted for smoking marijuana, even if the state I live in has legal recreational marijuana?

- *Yes, marijuana is still federally illegal, if you have used or have been arrested for use or possession of marijuana within the past year.*

I have an Employment Authorization Document (EAD), can I be approved for access to select agents and toxins?

- *No, an EAD gives a person the right to work in the U.S. However, it does not give you a legal status in the U.S. A person must have a valid status (visa, or legal permanent resident) in the U.S. before they can gain access to select agents and toxins.*

Does BRAG accept electronic fingerprints?

- *No, not at this time. BRAG has future plans to implement this function.*

Does BRAG accept electronic signatures?

- *No, not for the current FD-961. Once the outward facing part of eSRA is deployed to Federal Select Agent Program, the applicant will be using an electronic signature to submit a request.*

Does the applicant have to be physically in the U.S. to request an SRA?

- *Yes.*



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BRAG Stats

By the numbers:

- Individuals (active) continuously monitored:
 - Animal and Plant Health Inspection Service: 2,015
 - CDC: 8,721

Entities (active): 264

- Totals since inception:
 - SRA's completed: 88,536
 - Restricted: 500



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