SECRETARY OF THE ARMY
WASHINGTON

25 AUG 2016

MEMORANDUM FOR THE SURGEON GENERAL

SUBJECT: Delegation of Authority for Department of Defense Executive Agent Responsibility for the Department of Defense Biological Select Agent and Toxin Biosafety Program

1. References:

a. Department of Defense (DoD) Directive 5101.1 (DoD Executive Agent), September 3, 2002, Incorporating Change 1, May 9, 2003, and Certified Current as of November 21, 2003.

b. Memorandum, Deputy Secretary of Defense, July 23, 2015, subject: Implementation of the Recommendations in the Comprehensive Review Report: Inadvertent Shipment of Live *Bacillus anthracis* (Anthrax) Spores by Department of Defense.

c. DoD Directive 4715.1E (Environment, Safety, and Occupational Health (ESOH)), March 19, 2005.

d. DoD Instruction 5210.88 (Security Standards for Safeguarding Biological Select Agents and Toxins (BSAT)), January 19, 2016.

e. Army Directive 2016-11 (Department of Defense Executive Agent Responsibilities Assigned to the Secretary of the Army), 16 March 2016.

f. Memorandum, DASG-HSZ, 3 June 2016, Subject: Request Approval to Further Delegate Execution Authority for Department of Defense (DoD) Executive Agent Responsibility for the DoD Biological Select Agent and Toxin (BSAT) Biosafety Program.

g. Memorandum, SASA, 26 October 2015, Subject: Delegation of Authority for Department of Defense (DoD) Executive Agent Responsibility for the DoD Biological Select Agent and Toxin (BSAT) Biosafety Program (hereby canceled).

2. Pursuant to paragraph 4.3 of reference 1a, I delegate to you the authority to act on my behalf for all DoD Executive Agent responsibilities, functions, and authorities assigned to me in reference 1b and reiterated in reference 1d. You will execute this delegated authority in consultation with a credentialed biological safety professional.

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3. Pursuant to my approval of your request in reference 1f, you may further delegate your authority to act on my behalf as the DoD Executive Agent for the DoD BSAT Biosafety Program to the Commander, U.S. Army Medical Research and Materiel Command (USAMRMC). Should you choose to do so, you may restrict or condition that delegation; however, you must require the Commander, USAMRMC to execute the delegated authority in consultation with a credentialed biological safety professional. Any further delegation of authority will not be effective unless it is in writing; determined to be legally sufficient upon review by the Office of The Judge Advocate General in coordination with the Office of the Army General Counsel; signed by you; and provided for archiving to the Office of the Administrative Assistant to the Secretary of the Army, my focal point for DoD Executive Agent matters. Notwithstanding any further delegation, I will hold you responsible for any and all actions taken pursuant to this delegation of authority.

4. Although not a limitation of your authority to act on my behalf as the DoD Executive Agent, in those cases where a proposed decision represents a change in precedent or policy; is of significant White House, congressional, DoD, or public interest; or has been, or should be, of interest or concern to me for any reason, you will coordinate and brief me before the decision unless the exigencies of the situation prevent a briefing.

5. This delegation is effective immediately. The Office of the Administrative Assistant will initiate a review of the delegation with your office every 3 years from the date of this memorandum to ensure that the delegation is current.

Eric K. Fanning

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