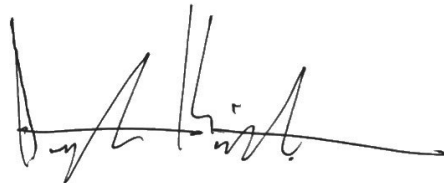


UNITED STATES MISSION TO THE UNITED NATIONS
NEW YORK

July 1, 2020

The Permanent Mission of the United States to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1540 (2004), and has the honor to refer to the April 30, 2020 request by the Chair, and transmits herewith the updated national matrix on the United States implementation of resolution 1540, an attachment is enclosed.

The Permanent Mission of the United States to the United Nations avails itself of this opportunity to express appreciation to the Chair of the 1540 Committee and renews assurances of its highest consideration.

A handwritten signature in black ink, appearing to be "D. A. Hill", written in a cursive style.

The Honorable Chair of the 1540 Committee,
The United Nations Headquarters,
New York, New York 10017.

Attachment
POL/2020/40

DIPLOMATIC NOTE

DRAFT 1540 COMMITTEE MATRIX

The information in the matrices originates primarily from national reports and is complemented by official government information, including that made available to inter-governmental organizations. The matrices are prepared under the direction of the 1540 Committee.

The 1540 Committee intends to use the matrices as a reference tool for facilitating technical assistance and to enable the Committee to continue to enhance its dialogue with States on their implementation of Security Council Resolution 1540.

The matrices are not a tool for measuring compliance of States in their non-proliferation obligations but for facilitating the implementation of Security Council Resolutions 1540 (2004), 1673 (2006), 1810 (2008), 1977 (2011), 2055 (2012) and 2325 (2016). They do not reflect or prejudice any ongoing discussions outside of the Committee, in the Security Council or any of its organs, of a State's compliance with its non-proliferation or any other obligations. Information on voluntary commitments is for reporting purpose only and does not constitute in any way a legal obligation arising from resolution 1540 or its successive resolutions.

Matrix entries are only indicators of fact and not indicators of the degree of compliance under resolution 1540 (2004) and its successor resolutions. Thus:

An “X” in any data field signifies only that the 1540 Committee considers that a State has taken the steps required, and/or has provided specific references to the applicable legal basis or executive behaviour as evidence of such steps. An “X” against any data field does not necessarily signify that a State has met in full its 1540 obligations for that data field.

A “?” in any data field signifies that the references to legislative or other measures may not be directly relevant or are incomplete.

A “NA” (Not Applicable) in any data field signifies that the data field is not applicable to that State where through legally binding instruments States specified that they do not possess related materials or facilities.

A blank in any data field signifies that there is insufficient information available to enter an “X” or “?” against a particular data field.

State:	United States of America
Date of Report:	12 October 2004
Dates of Additional Reports:	13 September 2005
	21 December 2007
	11 October 2013
	29 September 2014 (national submission)
	23 March 2016

Last Revised:	<u>[Date of publication of final approved Matrix on the Committee website]</u>
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I. OP 1 and related matters from OP 5, OP 8 (a), (b), (c) and OP10

Adherence to legally binding instruments, membership of organisations, participation in arrangements and statements made.	Relevant information (i.e. signing, deposit of instrument of accession, ratification, etc)	Remarks (information refers to the page of the English version of the national report or an official web site)	
1	Nuclear Non-Proliferation Treaty (NPT)	Deposit 5 March 1970	
2	Nuclear Weapons Free Zone/ Protocol(s)	Treaty of Tlatelolco: Additional Protocol I deposit 23 November 1981, Additional Protocol II deposit 12 May 1971 Treaty of Rarotonga: Protocols signed 25 March 1996 Treaty of Pelindaba: Additional Protocols I and II signed 11 April 1996	
3	International Convention for the Suppression of Acts of Nuclear Terrorism	Deposit 30 September 2005	
4	Convention on Physical Protection of Nuclear Material (CPPNM)	Deposit 13 December 1982	
5	2005 Amendment to the CPPNM	Deposit 31 July 2015	
6	Comprehensive Nuclear-Test-Ban Treaty (CTBT) (not in force)	Signed 24 September 1996	
7	Chemical Weapons Convention (CWC)	Deposit 25 April 1997	
8	Biological Weapons Convention (BWC)	Deposit 26 March 1975	
9	Geneva Protocol of 1925	Deposit 10 April 1975	
10	1997 International Convention for the Suppression of Terrorist Bombings	Deposit 26 June 2002	
11	1999 International Convention for the Suppression of the Financing of Terrorism	Deposit 26 June 2002	

12	2005 Protocol to the Convention for the suppression of unlawful acts against the safety of maritime navigation	Deposit 28 August 2015	
13	2005 Protocol to the Protocol for the suppression of unlawful acts against the safety of fixed platforms located on the continental shelf	Deposit 28 August 2015	
14	2010 Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation	Signed 10 September 2010	
15	Other relevant regional legally binding instruments	Inter-American Convention Against Terrorism: deposit 15 November 2005	
16	International Atomic Energy Agency (IAEA)	Deposit 29 July 1957	
17	Directly relevant Arrangements	<p>Proliferation Security Initiative (PSI) Wassenaar Arrangement (WA) Australia Group (AG) Zangger Committee (ZC) Nuclear Suppliers Group (NSG) Missile Technology Control Regime (MTCR) Global Initiative to Combat Nuclear Terrorism (GICNT) WCO SAFE Framework Hague Code of Conduct (HCoC) G7 Global Partnership Against the Spread of Weapons of Mass Destruction Container Security Initiative WMD-related ship boarding agreements with eleven key flag or transshipment States. Container Security Initiative (CSI) is now operational at 58 ports in North America, Europe, Asia, Africa, the Middle East, and Latin and Central America. CBP's 58 operational CSI ports now prescreen over 80 percent of all maritime containerized cargo imported into the United States. 67 Customs Mutual Assistance Agreements (CMAA) have been concluded for the exchange of Customs information. More than 60 Mutual Legal Assistance (MLA) Agreements to assist in prosecution of cases.</p>	
18	Statement on non-provision of WMD and related materials to non-State actors	<p>State reports that U.S. policy aims to prevent any form of support to non-State actors that attempt the activities listed in operative paragraph 1 of the Resolution.</p> <p>National Strategy for Countering Weapons of Mass Destruction Terrorism (2018) (states that The National Strategy for Countering WMD Terrorism is designed to achieve a set of strategic objectives whose common purpose is to greatly reduce the probability that extremist groups and individuals will conduct attacks using WMD. Strategy also notes the U.S. will</p>	

		<p><u>encourage other countries to implement their obligations under the Biological and Toxins Weapons Convention and of Security Council resolution 1540 (2004) and support their efforts to do so.</u></p> <p>National Security Strategy (2017) (sets out priority actions to defend against WMD)</p> <p>National Strategy for Counterterrorism (2018) (includes a strategic objective of preventing terrorists from acquiring or using Weapons of Mass Destruction (WMD), including chemical, biological, radiological, and nuclear weapons, and other advanced weaponry)</p> <p>National Strategy to Combat Transnational Organized Crime (2011) National Strategy for Countering Biological Threats (2009) 2011 U.S.-EU Joint Declaration in support of UNSCRs 1540 and 1977 National Strategy for Biosurveillance (2012)</p> <p><u>The 2019 Global Health Security Strategy (GHSS) underscores the United States commitment to strengthen global biosafety and biosecurity systems and oversight frameworks that identify, secure, and safely monitor and store dangerous pathogens; to provide essential training to and share best practices with professionals to advance the safe and responsible handling and management of dangerous pathogens. It underscores how these efforts will reduce the threat of terrorist acquisition and use of biological weapons.</u></p> <p><u>National Biodefense Strategy (2018) and accompanying National Security Presidential Memorandum on the Support of Biodefense (NSPM-14) outlines a national vision to prevent accidental, naturally occurring, and deliberate biological threats and incidents and to minimize the impact of those events while facilitating innovation and legitimate uses of the life sciences and biotechnology. A main objective of the Strategy is to prevent hostile actors from obtaining or using biological material, equipment, and expertise for nefarious purposes consistent with United States Governments approach to countering WMD terrorism.</u></p> <p><u>The National Security Presidential Memorandum on the Support of Biodefense (NSPM-14) outline a structure for interagency cooperation to ensure that biodefense efforts are integrated, comprehensive, efficient, and effective, by creating a dedicated mechanism, housed within the U.S. Department of Health and Human Services, to lead and coordinate federal biodefense activities and assess the effectiveness with which the NBS goals and objectives are being met.</u></p> <p><u>The 2019-2022 National Health Security Strategy (NHSS) establishes a strategic approach to enhance the security of the nation's health in times of crisis and, among others, aims to ensure that the benefits of scientific research are effectively realized, while the potential for misuse is minimized, by strengthening biosafety and biosecurity, supporting responsible conduct in the life sciences, and by working with national and international stakeholders to implement and strengthen biosafety and biosecurity risk management frameworks.</u></p>	
19	Membership in relevant international, regional or sub-regional organisations	Egmont Group World Customs Organization (WCO) INTERPOL World Health Organization (WHO) Financial Action Task Force (FATF) World Organisation for Animal Health (OIE) Organization of American States (OAS) Organization for Security and Co-operation in Europe (OSCE)	

	<p>North Atlantic Treaty Organization (NATO) International Maritime Organization (IMO) International Monetary Fund (IMF) World Bank G7 Global Partnership Against the Spread of Weapons and Materials of Mass Destruction Global Initiative to Combat Nuclear Terrorism Proliferation Security Initiative Global Health Security Initiative</p>	
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II. OP 2 - Nuclear Weapons (NW), Chemical Weapons (CW) and Biological Weapons (BW)

National legislation which prohibits persons or entities to engage in one of the following activities and its enforcement		National legal framework						Enforcement and civil/criminal penalties			Remarks
		X / ?			Source document of national implementation law	X / ?			Source document		
		N W	C W	B W		N W	C W	B W			
1	manufacture	X	X	X	<p>NW/CW/BW: Title 18 USC Section 832 (“weapons of mass destruction program” defined to include production of WMD (WMD as defined in Title 18 USC Section 2332a(c))</p> <p>NW: Atomic Energy Act, as amended, Title 42 USC Section 2077 (unauthorized engagement or participation in production of special nuclear material), 2122 (produce an atomic weapon) 2011 et seq</p> <p>CW: Chemical Weapons Convention Implementation Act of 1998, as amended, Title 18 USC Section 229 (produce a chemical weapon)</p> <p>BW: Biological Weapon Anti-Terrorism Act of 1989, as amended, Title 18 USC Section 175 (produce a biological agent, toxin or delivery system for</p>	X	X	X	<p>NW/CW/BW: Title 18 USC Section 832 (penalty)</p> <p>NW: Atomic Energy Act, as amended, Title 42 USC Sections 2272, 2273 (penalties) 2011 et seq</p> <p>Crimes and Criminal Procedure, 18 USC Sections 831 (prohibited transactions involving nuclear materials, including “alter”) and 832 (participation in nuclear and weapons of mass destruction threats to the United States; “nuclear weapons program” is defined to include production of nuclear weapons), 2332h (produce a radiological dispersal device), 2332i (make a device with the intent to commit nuclear terrorism)</p> <p>CW: Crimes and Criminal Procedure, Title 18 USC Sections 229 and 229A (penalties)</p> <p>Export Administration Act (EAA) and Export Administration Regulations (EAR), through the</p>		

					use as a weapon), 175c (produce a variola virus)				International Emergency Economic Powers Act (IEEPA) Chemical Weapons Convention Regulations, Title 15 CFR Part 720 (denial of export privileges)
									BW: Crimes and Criminal Procedure, Title 18 USC Sections 175, 175a, 175c, 176, and 177
2	acquire	X	X	X	<p>NW/CW/BW: Title 18 USC Section 832 (“weapons of mass destruction program” defined to include acquisition of WMD)</p> <p>NW: Atomic Energy Act, as amended, Title 42 USC Sections 2077 (acquisition), 2122 (acquire, receive) <u>2011 et seq</u></p> <p>CW: Chemical Weapons Convention Implementation Act of 1998, as amended, Title 18 USC Section 229 (otherwise acquire, receive)</p> <p>BW: Biological Weapon Anti-Terrorism Act of 1989, as amended, 18 USC 175, 175b, 175c</p>	X	X	X	<p>NW/CW/BW: Title 18 USC Section 832 (penalty)</p> <p>NW: Atomic Energy Act, as amended, Title 42 USC Sections 2272, 2273 (penalties) <u>2011 et seq</u></p> <p>Crimes and Criminal Procedure, Title 18 USC Section 831 (receives), 832 (“nuclear weapon program” includes acquisition), 2332h (otherwise acquire a radiological dispersal device)</p> <p>CW: Crimes and Criminal Procedure, Title 18 USC Parts 229 and 229A</p> <p>Export Administration Act (EAA) and Export Administration Regulations (EAR), through the International Emergency Economic Powers Act (IEEPA) Chemical Weapons Convention Regulations, Title 15 CFR Part 720</p> <p>BW: Crimes and Criminal Procedure, Title 18 USC Parts 175, 175a, 175c, 176, and 177</p>
3	possess	X	X	X	<p>NW: Atomic Energy Act, as amended, Title 42 USC Sections 2077 (possess, own), 2122 (possess) <u>2011 et seq</u></p> <p>CW: Chemical Weapons Convention Implementation Act of 1998, as amended, Title 18 USC Part 229 (possess)</p> <p>BW:</p>	X	X	X	<p>NW: Atomic Energy Act, as amended, Title 42 USC Sections 2272, 2273 (penalties) <u>2011 et seq</u></p> <p>Crimes and Criminal Procedure, Title 18 USC Parts 831 (possess) and, 832 (possess a radiological weapon), 2332h (possess a radiological dispersal device), and 2332i (possess radioactive material or a device with intent to commit nuclear terrorism)</p>

					Biological Weapon Anti-Terrorism Act of 1989, as amended, Title 18 USC Parts 175, 175b, 175c				<p>CW: Crimes and Criminal Procedure, Title 18 USC Parts 229 and 229A</p> <p>Export Administration Act (EAA) and Export Administration Chemical Weapons Convention Regulations (EAR), through the International Emergency Economic Powers Act (IEEPA), Title 15 CFR Part 720</p> <p>BW: Crimes and Criminal Procedure, Title 18 USC Parts 175, 175a, 175b, 175c, 176, and 177</p>	
4	develop	X	X	X	<p>NW/CW/BW: Title 18 USC Section 832-(“weapons of mass destruction program” defined to include development of WMD)</p> <p>NW: Atomic Energy Act, as amended, Title 42 USC Sections 2077 (engagement or participation in development), 2122 (participate in the development of)<u>2011 et seq</u></p> <p>CW: Chemical Weapons Convention Implementation Act of 1998, as amended, Title 18 USC Section 229-(develop)</p> <p>BW: Biological Weapon Anti-Terrorism Act of 1989, as amended, Title 18 USC Parts 175, 175c</p>	X	X	X	<p>NW/CW/BW: Title 18 USC Section 832-(penalty)</p> <p>NW: Atomic Energy Act, as amended, Title 42 USC Sections 2272, 2273 (penalties)<u>2011 et seq</u></p> <p>Crimes and Criminal Procedure, Title 18 USC Section 832 (develop a radiological weapon)</p> <p>CW: Crimes and Criminal Procedure, Title 18 USC Parts 229 and 229A</p> <p>Export Administration Act (EAA) and Export Administration Regulations (EAR), through the International Emergency Economic Powers Act (IEEPA), <u>Chemical Weapons Convention Regulations</u> Title 15 CFR Part 720</p> <p>BW: Crimes and Criminal Procedure, 18 USC 175, 175a, 175c, 176, and 177</p>	
5	transport	X	X	X	<p>NW/CW/BW: Title 18 USC Section 2283-(prohibition on transport of biological, chemical, or radioactive or nuclear materials on a vessel)</p> <p>NW: Atomic Energy Act, as amended, Title 42 USC Section 2077 (receive in interstate commerce)<u>2011 et seq</u></p>	X	X	X	<p>NW/CW/BW: Title 18 USC Section 2283-(prohibition on transport of biological, chemical, or radioactive or nuclear materials on a vessel)</p> <p>NW: Atomic Energy Act, as amended, Title 42 USC Section 2272, 2273 (penalties)<u>2011 et seq</u></p>	

					<p>CW: National Defense Authorization Act for Fiscal Year 1995, Section 143-(transportation of chemical munitions not in chemical weapons stockpile)</p> <p>BW: Title 18 USC Section 175b</p>				<p>BW: Title 18 USC Section 175b</p>
6	transfer	X	X	X	<p>NW: Atomic Energy Act, as amended, Title 42 USC Sections 2077 (transfer, export, import), 2122 (transfer)<u>2011 et seq</u></p> <p>CW: Chemical Weapons Convention Implementation Act of 1998, as amended, Title 18 USC Section 229-(transfer)</p> <p>BW: Biological Weapon Anti-Terrorism Act of 1989, as amended, Title 18 USC Section 175, 175b, 175c</p> <p><u>DHHS CDC Import Permit Program (the Public Health Service Act allows for the development and enforcement of regulations to prevent the introduction, transmission, or spread of communicable disease from foreign countries into and throughout the U.S. or its possessions. The regulations (42 CFR § 71.54) require that anyone wishing to import infectious biological agents, infectious substances, or vectors must first obtain a permit issued by CDC.)</u></p>	X	X	X	<p>NW: Atomic Energy Act, as amended, Title 42 USC Sections 2272, 2273 (penalties) <u>2011 et seq</u></p> <p>Crimes and Criminal Procedure, Title 18 USC Section 831-(transfer), 2332h-(transfer a radiological dispersal device)</p> <p>CW: Crimes and Criminal Procedure, Title 18 USC Sections 229 and 229A</p> <p>Export <u>Administration Control Reform Act of 2018 (EAAECRA)</u> and Export Administration Regulations (EAR) <u>15 CFR Parts 730-774;</u> through the International Emergency Economic Powers Act (IEEPA)<u>Chemical Weapons Convention Regulations</u>, Title 15 CFR Part 720</p> <p>BW: Crimes and Criminal Procedure, Title 18 USC Sections 175, 175a, 175b, 175c, 176, and 177</p>
7	use	X	X	X	<p>NW/CW/BW: Crimes and Criminal Procedure, Title 18 USC Section 2332a-(use of a weapon of mass destruction)</p> <p>NW: Crimes and Criminal Procedure, Title 18 USC Sections 831-(use of nuclear material), 832(c) (use of a radiological weapon), 2332h-(use a radiological dispersal device), <u>and 2332i-(use radioactive material, a device, or a nuclear</u></p>	X	X	X	<p>NW/CW/BW: Crimes and Criminal Procedure, Title 18 USC Section 2332a-(penalty), 2332e (military assistance to enforce prohibition in emergencies), 2333 (civil remedies)</p> <p>NW: Crimes and Criminal Procedure, Title 18 USC Sections 831-(use of nuclear material), 832(c) (penalty), 2332h-(use a radiological dispersal device), <u>and 2332i-(use radioactive material, a</u></p>

				<p>facility with the intent to commit nuclear terrorism)</p> <p>Atomic Energy Act, as amended, Title 42 USC Sections 2077 (use for nuclear explosive purposes), 2122 (use or threaten to use) 2011 et seq</p> <p>CW: Chemical Weapons Convention Implementation Act, Title 18 USC Section 229 (use)</p> <p>BW: Title 18 USC Section 175 (use as a weapon), and 175c</p>			<p>device, or a nuclear facility with the intent to commit nuclear terrorism)</p> <p>Atomic Energy Act, as amended, Title 42 USC Sections 2272, 2273 (penalties) 2011 et seq</p> <p>CW: Crimes and Criminal Procedure, Title 18 USC Sections 229 and 229A</p> <p>BW: Crimes and Criminal Procedure, Title 18 USC 175, 175a, 175c, 176, and 177</p>			
8	attempt to engage in abovementioned activities	X	X	X	<p>NW/CW/BW: Crimes and Criminal Procedure, Title 18 USC Sections 832, 2332a</p> <p>NW: Crimes and Criminal Procedure, Title 18 USC Sections 831, 2332h, 2332i</p> <p>CW: Crimes and Criminal Procedure, Title 18 USC Section 229</p> <p>BW: Title 18 USC Section 175, 175c</p>	X	X	X	<p>NW/CW/BW: Crimes and Criminal Procedure, Title 18 USC Sections 832, 2332a</p> <p>NW: Crimes and Criminal Procedure, Title 18 USC Sections 831, 2332h, 2332i</p> <p>CW: Crimes and Criminal Procedure, Title 18 USC Sections 229 and 229A</p> <p>BW: Crimes and Criminal Procedure, Title 18 USC 175, 175a, 175c, 176, and 177</p>	
9	participate as an accomplice in abovementioned activities	X	X	X	<p>NW/CW/BW: Crimes and Criminal Procedure, Title 18 USC Sections 2 (aid, abet, counsel), 832 (conspiracy), and 2332a (conspiracy)</p> <p>NW: Crimes and Criminal Procedure, Title 18 USC Sections 831 (party to a conspiracy), 2332h, and 2332i</p> <p>CW: Chemical Weapons Convention Implementation Act, Title 18 USC Section 229 (conspiracy)</p>	X	X	X	<p>NW/CW/BW: Crimes and Criminal Procedure, Title 18 USC Sections 2 (punishable as a principal), 832, 2332a (conspire), 2333 (civil remedies), and 2339 (harboring or concealing terrorists in relation to inter alia chemical, biological or nuclear related offences)</p> <p>Weapons of Mass Destruction Proliferators Sanctions Regulations, as amended, Title 31 CFR Part 544 (conspiring, aiding or abetting and added penalties)</p> <p>NW:</p>	

					<p>BW: Title 18 USC Sections 175 and 175c (conspiracy)</p>			<p>Crimes and Criminal Procedure, Title 18 USC Sections 831, 2332h, 2332i</p> <p>CW: Crimes and Criminal Procedure, Title 18 USC Section 229, 229A</p> <p>Export Administration Control Reform Act (EAAECRA) and Export Administration Regulations (EAR), through the International Emergency Economic Powers Act (IEEPA), <u>15 CFR Parts 730-744</u></p> <p><u>Chemical Weapons Convention Regulations, Title 15 CFR Part 720</u></p> <p>BW: Title 18 USC Sections 175 and 175c (penalties)</p>		
10	assist in abovementioned activities	X	X	X	<p>NW/CW/BW: Crimes and Criminal Procedure, Title 18 USC Sections 2 (aid, abet, counsel), 832 (knowingly provides material support or resources), 2339 (harboring or concealing terrorists)</p> <p>CW: Chemical Weapons Convention Implementation Act, Title 18 USC Section 229</p> <p>BW: Title 18 USC Sections 175 (assists) and 175c (aids or abets)</p>	X	X	X	<p>NW/CW/BW: Weapons of Mass Destruction Proliferators Sanctions Regulations, as amended, Title 31 CFR Part 544 (includes conspiracy, aiding or abetting and added penalties)</p> <p>Crimes and Criminal Procedure, Title 18 USC Sections 2 (aid, abet, counsel), 832, 2333, 2339 (harboring or concealing terrorists), 2339B (providing material support or resources to designated foreign terrorist organizations)</p> <p>CW: Crimes and Criminal Procedure, Title 18 USC Sections 229, 229A</p> <p>Export Administration Control Reform Act (EAAECRA) and Export Administration Regulations (EAR), through the International Emergency Economic Powers Act (IEEPA), <u>15 CFR Parts 730-744</u></p> <p><u>Chemical Weapons Convention Regulations, Title 15 CFR Part 720</u></p> <p>BW:</p>	

								Crimes and Criminal Procedure, Title 18 USC Sections 175, 175c, 176, and 177	
11	finance abovementioned activities	X	X	X	<p>NW/CW/BW: Title 18 USC Sections 2339A (providing material support to terrorists, including financial, in relation to nuclear, chemical and biological-related offences), 2339B, <u>and</u> 2339C (prohibition against the financing of terrorism, including offences under ICSTB, CPPNM)</p> <p>USA Patriot Act includes Title III on international money laundering abatement and anti-terrorist financing</p> <p>Weapons of Mass Destruction Proliferators Sanctions Regulations, as amended, Title 31 CFR Part 544 (distinguishes persons blocked for proliferation purposes (from activities that parallel resolution 1540 plus imports) from persons blocked for other purposes)</p> <p>NW: Prohibition on assisting nuclear proliferation through financing, Title 22 USC Section 6303</p>	X	X	X	<p>NW/CW/BW: Title 18 USC Sections 2339A (providing material support to terrorists, including financial, in relation to nuclear, chemical and biological-related offences), 2339B, <u>and</u> 2339C (prohibition against the financing of terrorism, including offences under ICSTB, CPPNM)</p> <p>Weapons of Mass Destruction Proliferators Sanctions Regulations, as amended, Title 31 CFR Part 544 (added penalties)</p> <p>Financial Crimes Enforcement Network (FinCEN) 314(a) program on information sharing on terrorist activity or money laundering (Title 31 CFR Part 1010.520)</p> <p>FinCEN advisories on trade-based money laundering</p> <p>NW: Prohibition on assisting nuclear proliferation through financing, Title 22 USC Section 6303</p>
12	abovementioned activities related to means of delivery ¹	X	X	X	<p>NW/CW/BW: Crimes and Criminal Procedure, Title 18 USC Sections 921 (“destructive device” includes inter alia any explosive or poison gas rocket or missile), 922 (unlawful activities involving destructive devices), <u>and</u> 923 (licensing)</p> <p>Internal Revenue Code Title 26 USC Sections 5842 and 5845 (“destructive device” includes inter alia any explosive or poison gas rocket or missile)</p> <p>Weapons of Mass Destruction Proliferators Sanctions Regulations, as amended Title 31 CFR Part 544 (distinguishes persons blocked for proliferation purposes from activities that parallel resolution 1540, including means of delivery)</p>	X	X	X	<p>NW/CW/BW: Weapons of Mass Destruction Proliferators Sanctions Regulations, as amended, Title 31 CFR Part 544 (added penalties)</p> <p>Crimes and Criminal Procedure, Title 18 USC Section 924 (penalties)</p> <p>NW: Title 18 USC Section 832 (penalty)</p> <p>CW: Title 18 USC Sections 229, 229A</p> <p>BW: Crimes and Criminal Procedure, Title 18 USC Sections 175, 176, 177 and 178</p>

				<p>NW: Title 18 USC Section 832 (nuclear weapon program)</p> <p>CW: Title 18 USC Section 229 (chemical weapon)</p> <p>BW: Biological Weapons Anti-Terrorism Act of 1989, Title 18 USC Sections 175 (delivery system), 178 (definition of delivery system)</p>					
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1. Means of delivery: missiles, rockets and other unmanned systems capable of delivering nuclear, chemical, or biological weapons that are specially designed for such use.

III. OP 3 (a) and (b) – Account for/Secure/Physically protect NW, CW and BW, including Related Materials ²

Measures to establish domestic controls to prevent the proliferation of NW, CW, BW, and their means of delivery; controls over related materials		National legal and/or regulatory framework				Enforcement and civil/criminal penalties				Remarks
		X /?		Source document	X /?		Source document			
		N W	C W		B W *	N W		C W	B W	
1	Measures to account for production	X	X	X	<p>NW/CW/BW: International Traffic in Arms Regulations (ITAR), 22 CFR Parts 121 (US munitions list which includes biological agents, chemical agents and associated equipment and nuclear weapons related articles), 122 (registration of businesses manufacturing defense articles) and 124 (manufacturing license agreements)</p> <p>NW: Atomic Energy Act, as amended, Title 42 USC Section 2073 (licensing for special nuclear material) 2011 et seq)</p> <p>NRC Material Control and Accounting, and Safeguards Title 10 CFR Parts 40, 74-75, 150</p> <p>Safeguards Agreement (INFCIRC/288)</p> <p>U.S. Additional Protocol Implementation Act of 2006, Executive Order 13458 of 2008, and Title 15 CFR Parts 781 to 786</p> <p>CW: CWC Regulations, Title 15 CFR Parts 712- (production of Schedule 1 chemicals), 713 (production of Schedule 2 chemicals), 714 (production of Schedule 3 chemicals), 715 (production by synthesis of unscheduled discrete organic chemicals)</p> <p>Chemical Agent Security, U.S. Department of Defense Directive (DoDD) 5210.65, as amended</p>	X	X	X	<p>NW/CW/BW: International Traffic in Arms Regulations (ITAR), 22 CFR Part 127 (violations and penalties)</p> <p>NW: Subpart B of Title 10 CFR Part 2 (NRC) (procedure for Imposing Requirements by Order, or for Modification, Suspension, or Revocation of a License, or for Imposing Civil Penalties)</p> <p>Department of Energy (DoE) Order 474.2, Change 4 "Nuclear Material Control and Accountability," of 13 September 2016</p> <p>Atomic Energy Act, as amended, Title 42 USC Section 2073 2011 et seq</p> <p>Department of Energy, Title 10 CFR Parts 74, 75, 820 (enforcement process, compliance orders, penalties)</p> <p>Joint DoE/NRC Nuclear Materials Management and Safeguards System (NMMSS)</p> <p>NRC Integrated Source Management Portfolio (ISMP)</p> <p>CW: CWC Regulations, 15 CFR Parts 719, 721 (enforcement, inspection of records and record-keeping)</p>	

				<p>Chemical Surety, Army Regulation AR 50-6, as amended</p> <p>Toxic Substances Control Title 15 USC Sections 2605 and 2614</p> <p>CWC Implementation Act, Title 22 USC Section 6741-(reporting)</p> <p>BW: Title 42 USC Section 262a-(enhanced control of dangerous biological agents and toxins)</p> <p>“Possession, Use, and Transfer of Select Agents and Toxins,” Title 7 CFR Part 331, USDA Animal and Health Inspection Service (APHIS) regulations-(biological agents posing a severe threat to plant or plant health products)</p> <p>“Possession, Use, and Transfer of Select Agents and Toxins,” Title 9 CFR Parts 102-(licenses for biological products which is defined to include viruses and toxins), 116-(records and reports for biological products), 121, USDA APHIS regulations-(biological agents and toxins posing a severe threat to animals and animal products)</p> <p>“Select Agents and Toxins,” Title 42 CFR Part 73, as amended, DHHS Public Health Service regulations-(Health and Human Services select agents and toxins and overlap select agents and toxins)</p> <p><u>NIH Guidelines for Research Involving Recombinant or Synthetic Nucleic Acid Molecules (NIH Guidelines)</u></p> <p><u>The Federal Security Advisory Panel (FESAP) Best Practices Checklist for Assessment of Current and Projected Needs for High or Maximum Containment Laboratory Space</u></p>				<p>Department of Commerce (DoC) enforces the industry compliance with the Chemical Weapons Convention Implementation Act</p> <p>Toxic Substances Control Title 15 USC 2615-2616 (penalties and specific enforcement)</p> <p>CWC Implementation Act, Title 22 USC Sections 6745-(record keeping violations), 6761-6763 (penalties, enforcement and judicial review)</p> <p>BW: Crimes and Criminal Procedure, Title 18 USC Sections 175-176</p> <p>Title 42 USC Section 262a-(enhanced control of dangerous biological agents and toxins)</p> <p>USDA Animal and Health Inspection Service (APHIS) regulations Possession, Use, and Transfer of Biological Select Agent Regulations, Title 7 CFR Part 331 and Title 9 CFR Part 121</p> <p>Animal and Animal Product APHIS regulations, Title 9 CFR Parts 102-(licenses for biological products which is defined to include viruses and toxins), 116, and 121</p> <p><u>DHHS CDC Select Agent and Toxins Regulations, Title 42 CFR Part 73</u></p>		
2	Measures to account for use	X	X	X	NW:	X	X	X	NW: Subpart B of Title 10 CFR Part 2 (NRC)	

			<p>The Atomic Energy Act, as amended, Title 42 USC Section 2073<u>2011 et seq</u></p> <p>Safeguards Agreement (INFCIRC/288) U.S. Additional Protocol Implementation Act of 2006 and Executive Order 13458 of 2008, and Title 15 CFR Parts 781 to 786</p> <p>NRC Material Control and Accounting, Storage, 10 CFR Parts 40, 74-75, 150</p> <p>CW: CWC Regulations, 15 CFR Parts 712 (use of Schedule 1 chemicals), (process or consume Schedule 2 chemicals)</p> <p>Chemical Agent Security, U.S. Department of Defense Directive (DoDD) 5210.65, as amended</p> <p>Chemical Surety, Army Regulation 50-6 (AR), as amended CWC Implementation Act, Title 22 USC 6741 (reporting)</p> <p>BW: Title 42 USC Section 262a</p> <p><u>National Security Presidential Memorandum (2018)</u></p> <p>“Possession, Use, and Transfer of Select Agents and Toxins,” Title 7 CFR Part 331, USDA Animal and Health Inspection Service (APHIS) regulations</p> <p>“Possession, Use, and Transfer of Select Agents and Toxins,” Title 9 CFR Part 121, USDA APHIS regulations</p> <p>“Select Agents and Toxins,” Title 42 CFR Part 73, as amended <u>D</u>HHS Public Health Service regulations</p>		<p>DoE Order 474.2, Change 4 “Nuclear Material Control and Accountability,” of 13 September 2016</p> <p>Atomic Energy Act, as amended, Title 42 USC Section 2073<u>2011 et seq</u></p> <p>Department of Energy, Title 10 CFR Parts 74, 75, 820 Joint DOE/NRC Nuclear Materials Management and Safeguards System (NMMSS)</p> <p>NRC Integrated Source Management Portfolio (ISMP)</p> <p>CW: Chemical Weapons Convention Implementation Act of 1998, Title 22 USC Sections 6745, 6761-6763</p> <p>CWC Regulations, 15 CFR Parts 719, 721</p> <p>DoC enforces the industry compliance with the Chemical Weapons Convention Implementation Act.</p> <p>BW: Crimes and Criminal Procedure, Title 18 USC Sections 175-177</p> <p>USDA APHIS regulations Possession, Use, and Transfer of Biological Select Agent Regulations, Title 7 CFR Part 331 and Title 9 CFR Part 121</p> <p>Animal and Animal Product APHIS regulations, Title 9 CFR Part 121</p> <p><u>D</u>HHS CDC Select Agent and Toxins Regulations, 42 CFR Part 73</p>	
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				<p><u>Involving Recombinant or Synthetic Nucleic Acid Molecules (NIH Guidelines)</u></p> <p><u>US Government Guiding Principles for Biosafety Governance: Ensuring Institutional Compliance with Biosafety, Biocontainment, and Laboratory Biosecurity Regulations and Guidelines</u></p>					
3	Measures to account for storage	X	X	X	<p>NW: The Atomic Energy Act, as amended, Title 42 USC Section 2073<u>2011 et seq</u></p> <p>Nuclear Regulatory Commission (NRC) Material Control and Accounting, Storage, 10 CFR Parts 72, 74-75 and 150</p> <p>Safeguards Agreement (INFCIRC/288)</p> <p>U.S. Additional Protocol Implementation Act of 2006, Executive Order 13458 of 2008, and Title 15 CFR Parts 781 to 786</p> <p>CW: Regulations, 15 CFR Parts 712 (storage of Schedule 1 chemicals),</p> <p>Chemical Agent Security, U.S. Department of Defense Directive (DoDD) 5210.65, as amended</p> <p>Chemical Surety, Army Regulation 50-6 (AR), as amended</p> <p>CWC Implementation Act, Title 22 USC Section 6741</p> <p>BW: Title 42 USC Section 262a</p> <p>“Possession, Use, and Transfer of Select Agents and Toxins,” Title 7 CFR Part 331, USDA Animal and Health Inspection Service (APHIS) regulations</p>	X	X	X	<p>NW: Subpart B of Title 10 CFR Part 2 (NRC)</p> <p>DoE Order 474.2, Change 4 “Nuclear Material Control and Accountability,” of 13 September 2016</p> <p>Atomic Energy Act, as amended, Title 42 USC Section 2073</p> <p>Department of Energy, Title 10 CFR Parts 74, 75, 820</p> <p>Joint DOE/NRC Nuclear Materials Management and Safeguards System (NMMSS)</p> <p>NRC Integrated Source Management Portfolio (ISMP)</p> <p>CW: Chemical Weapons Convention Implementation Act of 1998, Title 22 USC Sections 6745, 6761-6763</p> <p>CWC Regulations, 15 CFR parts 719, 721</p> <p>DoC enforces the industry compliance with the CWC Implementation Act</p> <p>BW: Crimes and Criminal Procedure, Title 18 USC Sections 175-177</p> <p>USDA APHIS regulations Possession, Use, and Transfer of Biological Select Agent Regulations, Title 7 CFR Part 331 and Title 9 CFR Part 121</p>

				<p>“Possession, Use, and Transfer of Select Agents and Toxins,” Title 9 CFR Part 121, USDA APHIS regulations</p> <p>“Select Agents and Toxins,” Title 42 CFR Part 73, as amended, <u>D</u>HHS Public Health Service regulations</p>			<p>Animal and Animal Product APHIS regulations, Title 9 CFR Part 121</p> <p><u>D</u>HHS CDC Select Agent and Toxins Regulations, Title 42 CFR Part73</p>		
4	Measures to account for transport	X	X	X	<p>NW/CW/BW: Pipeline and Hazardous Materials Safety Administration, Department of Transportation (DOT) Title 49 CFR Parts 171-177 (regulation of carriage of hazardous substances by rail, air, vessel, public highway; hazardous substances include poisonous gases, infectious substances and radioactive material)</p> <p>NW: DoDD 4540.05 “DoD Transportation of U.S. Nuclear Weapons,” 23 June 2011 “”</p> <p>Atomic Energy Act, as amended, Title 42 USC Section 2073 (receive in interstate commerce)2011 et seq</p> <p>NRC Nuclear Transport Regulations, Title 10 CFR Parts 71 (licensing to transport radioactive material), 74-75</p> <p>CW: Hazardous Substances Title 15 USC Section 1271 (records of interstate shipments; hazardous substances is defined to include toxic substances)</p> <p>Chemical Agent Security, DoDD 5210.65, as amended</p> <p>Chemical Surety, AR 50-6, as amended</p> <p>BW: “Possession, Use, and Transfer of Select Agents and Toxins,” Title 7 CFR Part 331, USDA Animal and Health Inspection Service regulations</p>	X	X	X	<p>NW/CW/BW: Pipeline and Hazardous Materials Safety Administration, Department of Transportation (DOT) Title 49 CFR Parts 171-177 (regulation of carriage of hazardous substances by rail, air, vessel, public highway; hazardous substances include poisonous gases, infectious substances and radioactive material)</p> <p>NW: DoE directives for the Transportation Safeguard System</p> <p>NRC Title 10 CFR Parts 71, 74</p> <p>Department of Energy Title 10 CFR Part 820</p> <p>U.S. DOT “Guidelines for Selecting Preferred Highway Routes for Highway Route Controlled Quantities of Radioactive Materials”</p> <p>CW: Hazardous Substances Title 15 USC Section 1264 (penalty)</p> <p>DHS/Transportation Security Administration rule on transportation of hazardous chemical by rail, including inspections and audits, Title 49 CFR Part 1580 (26 November 2008)</p> <p>BW: USDA APHIS Regulations, Title 7 CFR Part 331 and Title 9 CFR Parts 121-122</p> <p><u>D</u>HHS CDC Select Agent and Toxins Regulations, Title 42 CFR Part73</p>

				<p>“Possession, Use, and Transfer of Select Agents and Toxins,” Title 9 CFR Part 121, USDA Animal and Plant Health Inspection Service regulations</p> <p>“Select Agents and Toxins,” Title 42 CFR Part 73, DHHS Public Health Service regulations</p> <p><u>United States Postal Service (USPS). 39 CFR Part 20, International Postal Service (International Mail Manual), and Part 111, General Information on Postal Service (Domestic Mail Manual). Regulations on transporting infectious substances through the USPS are codified in Section 601.10.17 of the Domestic Mail Manual and Section 135 of the International Mail Manual.</u></p> <p><u>Occupational Health and Safety Administration (OSHA). 29 CFR Part 1910.1030, Occupational Exposure to Bloodborne Pathogens. These regulations provide minimal packaging and labeling requirements for blood and body fluids when transported within a laboratory or outside of it.</u></p>					
5	Measures to secure production	X	X	X	<p>NW: DoDD 5210.41, “Security Policy for Protecting Nuclear Weapons,” 1 November 2004, as updated</p> <p>DoDD 3150.02, Nuclear Weapons Surety Programme, 31 August 2018 (life cycle surety)</p> <p>AR 190-54 “Security of Nuclear Reactors and Special Nuclear Materials,” 19 June 2006</p> <p>The Atomic Energy Act, as amended, Title 42 USC Section 2156a (regulations for physical protection of special nuclear material)<u>2011 et seq</u></p> <p>Physical Protection and Safeguards, Title 10 CFR Parts 26, 73, 74, 95</p>	X	X	X	<p>NW: Subpart B of Title 10 CFR Part 2</p> <p>DoE oversight: Order 474.2, Change 4 “Nuclear Material Control and Accountability,” of 13 September 2016</p> <p>NRC Regulations, Title 10 CFR Parts 73, 74</p> <p>Department of Energy Regulations, Title 10 CFR Part 820</p> <p>DOE Order 452.8 on Safeguarding and Security of Restricted Data or Formerly Restricted Data, including revised civil penalties (contains access restrictions to special nuclear material)</p> <p>CW: Chemical Facility Anti-Terrorism Standards, Title 6 CFR Part 27, Subpart C – Orders and Adjudications</p>

			<p>Power Reactor Security Requirement Regulations amending Title 10 CFR Parts 50, 52, 72, and 73 of 27 March 2009</p> <p>CW: Chemical Facility Anti-Terrorism Standards, Title 6 CFR Part 27. Note: CFATS regulate the security practices of facilities that produce relevant chemicals.</p> <p>Chemical Agent Security: U.S. DoDD 5210.65</p> <p>Chemical Surety: Army Regulation 50-6</p> <p>BW: Executive Order 13546 of 2 July 2010 Optimizing the Security of Biological Select Agents and Toxins in the United States</p> <p>“Possession, Use, and Transfer of Select Agents and Toxins,” Title 7 CFR Part 331, USDA Animal and Health Inspection Service regulations (restricted access, risk assessment and security plan)</p> <p>“Possession, Use, and Transfer of Select Agents and Toxins,” Title 9 CFR Part 121, USDA Animal and Plant Health Inspection Service regulations (restricted access, risk assessment and security plan)</p> <p>“Select Agents and Toxins,” Title 42 CFR Part 73, DHHHS Public Health Service regulations (restricted access, risk assessment and security plan)</p> <p>Public Health and Bioterrorism Preparedness and Response Act, Title 42 USC Section 262a (security measures)</p> <p>Army: AR 190-17 Biological Select Agents and Toxins Security Program</p>		<p>BW: Crimes and Criminal Procedure, 18 USC 175b-177</p> <p>Biocontainment, security, and incident response plans, Title 7 CFR Part 331</p> <p>Biosafety, security, and incident response plans, Title 9 CFR Part 121</p> <p>Safety, Security and Emergency Response Plans, Title 42 CFR Part 73</p> <p>Executive Order 13546 of 2 July 2010 requires interagency coordination and the establishment of a Federal Experts Security Advisory Panel on Biological Select Agents and Toxins (BSAT).</p> <p>Security Guidance for Select Agent or Toxin Facilities, 2012 (published by the Centers for Disease Control and Prevention (CDC) Division of Select Agents and Toxins and Animal and Plant Health Inspection Service (APHIS) Agriculture Select Agent Program)</p>	
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6	Measures to secure use	X	X	X	<p>NW: DoDD 5210.41, "Security Policy for Protecting Nuclear Weapons," 1 November 2004</p> <p>DoDD 3150.02, Nuclear Weapons Surety Programme, 31 August 2018</p> <p>AR 190-54 "Security of Nuclear Reactors and Special Nuclear Materials," 19 June 2006</p> <p>The Atomic Energy Act, as amended, Title 42 USC 2156a</p> <p>Physical Protection and Safeguards, Title 10 CFR Parts 26, 73, 74, 95</p> <p>Power Reactor Security Requirement Regulations amending Title 10 CFR Parts 50, 52, 72, and 73 of 27 March 2009</p> <p>CW: Chemical Agent Security: U.S. DoDD 5210.65</p> <p>Chemical Surety: Army Regulation 50-6</p> <p>Chemical Facility Anti-Terrorism Standards (CFATS) Title 6 CFR Part 27 including the Chemicals of Interest (COI) Appendix A</p> <p>BW:</p>	X	X	X	<p>NW: Subpart B of Title 10 CFR Part 2</p> <p>DoE oversight: Order 474.2, Change 4 "Nuclear Material Control and Accountability," of 13 September 2016</p> <p>NRC Regulations, Title 10 CFR Parts 73, 74</p> <p>Department of Energy Regulations, Title 10 CFR Part 820</p> <p>DOE Order 452.8 on Safeguarding and Security of Restricted Data or Formerly Restricted Data, including revised civil penalties</p> <p>CW: Chemical Facility Anti-Terrorism Standards, Title 6 CFR Part 27, Subpart C – Orders and Adjudications</p> <p>BW: Crimes and Criminal Procedure, 18 USC 175b-177</p> <p>Biocontainment, security, and incident response plans, Title 7 CFR Part 331</p> <p>Biosafety, security, and incident response plans, Title 9 CFR Part 121</p>

				<p>Executive Order 13546 of 2 July 2010 Optimizing the Security of Biological Select Agents and Toxins in the United States</p> <p>“Possession, Use, and Transfer of Select Agents and Toxins,” Title 7 CFR Part 331, USDA Animal and Health Inspection Service regulations (restricted access, risk assessment and security plan)</p> <p>“Possession, Use, and Transfer of Select Agents and Toxins,” Title 9 CFR Part 121, USDA Animal and Plant Health Inspection Service regulations (restricted access, risk assessment and security plan)</p> <p>“Select Agents and Toxins,” Title 42 CFR Part 73, DHHHS Public Health Service regulations (restricted access, risk assessment and security plan)</p> <p>Public Health and Bioterrorism Preparedness and Response Act, Title 42 USC Section 262a</p> <p>Army: AR 190-17 Biological Select Agents and Toxins Security Program</p> <p>Air Force: AFI 10-3901 Minimum Security Standards for Safeguarding Biological Agents and Toxins</p> <p>Army: AR 525-13 Antiterrorism</p> <p>Navy: OPNAV 5530.16 Minimum Security Standards for Safeguarding Biological Select Agents and Toxins (BSAT)</p> <p>DoD 5210.89 Minimum Security Standards for Safeguarding Biological Select Agents and Toxins</p>			<p>Safety, Security and Emergency Response Plans, Title 42 CFR Part 73</p> <p>Executive Order 13546 of 2 July 2010 requires interagency coordination and the establishment of a Federal Experts Security Advisory Panel on Biological Select Agents and Toxins (BSAT).</p> <p>Security Guidance for Select Agent or Toxin Facilities, 2012</p>			
7	Measures to secure storage	X	X	X	NW: DoDD 5210.41, “Security Policy for Protecting Nuclear Weapons,” 1 November 2004.	X	X	X	NW: Subpart B of Title 10 CFR Part 2	

			<p>DoDD 3150.02, Nuclear Weapons Surety Programme, 31 August 2018 (life cycle surety)</p> <p>AR 190-54 "Security of Nuclear Reactors and Special Nuclear Materials," 19 June 19 2006</p> <p>The Atomic Energy Act as amended, Title 42 USC Section 2156a</p> <p>Physical Protection and Safeguards, Title 10 CFR Parts 26, 73, 74, 95</p> <p>Power Reactor Security Requirement Regulations amending Title 10 CFR Parts 50, 52, 72, and 73 of 27 March 2009</p> <p>CW: Chemical Agent Security: DoDD 5210.65</p> <p>Chemical Surety: Army Regulation AR 50-6</p> <p>Chemical Facility Anti-Terrorism Standards (CFATS) Title 6 CFR Part 27 including the Chemicals of Interest (COI) Appendix A</p> <p>BW: Executive Order 13546 of 2 July 2010 Optimizing the Security of Biological Select Agents and Toxins in the United States</p> <p>"Possession, Use, and Transfer of Select Agents and Toxins," Title 7 CFR Part 331, USDA Animal and Health Inspection Service regulations (restricted access, risk assessment and security plan)</p> <p>"Possession, Use, and Transfer of Select Agents and Toxins," Title 9 CFR Part 121, USDA Animal and Plant Health Inspection Service regulations (restricted access, risk assessment and security plan)</p> <p>"Select Agents and Toxins," Title 42 CFR Part 73, <u>D</u>HHS Public Health Service regulations</p>		<p>DoE oversight: Order 474.2, Change 4 "Nuclear Material Control and Accountability," of 13 September 2016</p> <p>NRC Regulations, Title 10 CFR Parts 73, -74</p> <p>Department of Energy Regulations, Title 10 CFR Part 820</p> <p>DOE Order 452.8 on Safeguarding and Security of Restricted Data or Formerly Restricted Data, including revised civil penalties</p> <p>CW: Chemical Facility Anti-Terrorism Standards, Title 6 CFR Part 27 Subpart C – Orders and Adjudications</p> <p>BW: Crimes and Criminal Procedure, 18 USC 175b-177</p> <p>Biocontainment, security, and incident response plans, Title 7 CFR Part 331</p> <p>Biosafety, security, and incident response plans, Title 9 CFR Part 121</p> <p>Safety, Security and Emergency Response Plans, Title 42 CFR Part 73</p> <p>Executive Order 13546 of 2 July 2010, requires interagency coordination and the establishment of a Federal Experts Security Advisory Panel on Biological Select Agents and Toxins (BSAT).</p> <p>Security Guidance for Select Agent or Toxin Facilities, 2012</p>	
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~~(restricted access, risk assessment and security plan)~~

Public Health and Bioterrorism Preparedness and Response Act, Title 42 USC 262a

Army: AR 190-17 Biological Select Agents and Toxins Security Program

Air Force: AFI 10-3901 Minimum Security Standards for Safeguarding Biological Agents and Toxins

Army: AR 525-13 Antiterrorism

Navy: OPNAV 5530.16 Minimum Security Standards for Safeguarding Biological Select Agents and Toxins (BSAT)

DoD 5210.89 Minimum Security Standards for Safeguarding Biological Select Agents and Toxins

In the summer of 2014, lapses in biosafety practices in Federal laboratories served as a reminder of the importance of constant vigilance over the implementation of biosafety standards. As a result of these biosafety lapses, on August 18, 2014, Assistant to the President for Homeland Security and Counterterrorism Lisa Monaco and Assistant to the President for Science and Technology John Holdren issued a memorandum, titled, "Enhancing Biosafety and Biosecurity in the United States," which urged all United States Government departments and agencies that work with infectious agents to take immediate and long-term steps to enhance safety and security of research to minimize the potential for future incidents. All United States Government departments and agencies that possess, use, or transfer human, animal, or plant infectious agents or toxins were urged to perform a Safety Stand-Down, to include an immediate sweep of their facilities to verify that all Biological Select

				<p><u>Agents and Toxins (BSAT) in their possession were appropriately registered, stored, and disposed of in accordance with applicable regulations. Departments and agencies provided written documentation of activities, including facility sweeps, comprehensive safety, security and inventory activities, and captured best practices and plans for systemic strengthening of biosafety oversight. Going forward, the United States Government will support and reinforce this strong culture of biosafety, biosecurity, and responsible conduct. A summary of these efforts is at: https://www.nih.gov/sites/default/files/research-training/usg-safety-factsheet-2014.pdf</u></p>					
8	Measures to secure transport	X	X	X	<p>NW/CW/BW: Department of Transportation, Pipeline and Hazardous Materials Safety Administration regulations, Title 49 CFR Parts 171-177 (Part 171 inter alia specifically authorizes shippers to use the ICAO Technical Instructions on Safe Transport of Dangerous Cargo, the International Maritime Dangerous Goods (IMDG) Code, Transport Canada Transport of Dangerous Goods (TDG) Regulations, and the IAEA Regulations for the Safe Transport of Radioactive Material as effective practices)</p> <p>NW: DoDD 4540.05 "DoD Transportation of U.S. Nuclear Weapons," 23 June 2011</p> <p>The Atomic Energy Act, as amended, Title 42 USC Section 2156a</p> <p>Title 10 CFR Part 71 (license to transport including security plan)</p> <p>NRC 10 CFR Part 74, as amended by NRC "Physical Protection of Irradiated Reactor Fuel in Transit," 10 CFR Part 73.37, of 19 August 2013</p> <p>Security of Nuclear Reactors and Special Nuclear Material, AR 190-54</p>	X	X	X	<p>NW: NRC Regulations, Subpart B of Title 10 CFR Part 2</p> <p>DoE directives for the Transportation Safeguard System (Office of Secure Transportation (OST))</p> <p>NRC, Title 10 CFR Parts 71-74, as amended by the Power Reactor Security Requirements 2009</p> <p>Department of Energy Regulations, Title 10 CFR Part 820</p> <p>CW: Pipeline and Hazardous Materials Security Administration, Department of Transportation Rule Enhancing Rail Transportation Safety and Security for Hazardous Materials Shipments, Title 49 CFR Part 1580 (26 November 2008)</p> <p>BW: USDA APHIS regulations, Title 7 CFR Part 331 and Title 9 CFR Parts 121</p> <p><u>D</u>HHS CDC Regulations, Title 42 CFR Part 73</p>

				<p>CW: Chemical Agent Security, DoDD 5210.65, as amended</p> <p>Chemical Surety, AR 50-6, as amended</p> <p>BW: "Possession, Use, and Transfer of Select Agents and Toxins," Title 7 CFR Part 331, USDA Animal and Health Inspection Service regulations</p> <p>"Possession, Use, and Transfer of Select Agents and Toxins," Title 9 CFR Part 121, USDA Animal and Plant Health Inspection Service regulations</p> <p>"Select Agents and Toxins," Title 42 CFR Part 73, <u>D</u>HHS Public Health Service regulations</p> <p>DoD 4500-9R Defense Transportation Regulation, Chapter 205 (transportation protective service)</p>					
9	Physical protection measures	X	X	X	<p>NW: DoDD 5210.41, Security Policy for Protecting Nuclear Weapons</p> <p>DOD S-5210-92-M "Physical Security Requirements for Nuclear Command and Control (NC2) Facilities (Unclassified)</p> <p>DoDI 5210.63, "DoD Procedures for Security of Nuclear Reactors and Special Nuclear Materials (SNM)," November 21, 2006</p> <p>NRC Regulations, Title 10 CFR Part 73, as amended, including August 2013 amendment "Physical Protection of Irradiated Reactor Fuel in Transit"</p> <p>Power Reactor Security Requirement Regulations amending Title 10 CFR Parts 50, 52, 72, and 73 of 27 March 2009</p> <p>CW: Chemical Agent Security, DoDD 5210.65</p>	X	X	X	<p>NW: DoE Site Safeguard and Security Plans, Safeguards and Security Program, DOE Order 470.4B, 21 July 2011, as amended</p> <p>NRC Regulations, Title 10 CFR Part 73, as amended by the Power Reactor Security Requirements 2009</p> <p>Department of Energy Regulations, Title 10 CFR Part 820</p> <p>"Policy Statement of the U.S. Nuclear Regulatory Commission on the protection of Cesium-137 Chloride Sources," NRC-2010-0209, Federal Register, Vol. 76, No. 142, 25 July 2011</p> <p>CW: Chemical Facility Anti-Terrorism Standards, Title 6 CFR Part 27 Subchapter C - Orders and Adjudications</p> <p>BW:</p>

				<p>Chemical Surety: Army Regulation AR 50-6</p> <p>Chemical Facility Anti-Terrorism Standards (CFATS) Interim Final Rule, Title 6 CFR Part 27 including the Chemicals of Interest (COI) Appendix A</p> <p>BW: “Possession, Use, and Transfer of Select Agents and Toxins,” Title 7 CFR Part 331, USDA Animal and Health Inspection Service (APHIS) regulations</p> <p>“Possession, Use, and Transfer of Select Agents and Toxins,” Title 9 CFR Part 121, USDA APHIS regulations</p> <p>“Select Agents and Toxins,” Title 42 CFR Part 73, as amended, DHHS Public Health Service regulations</p> <p>AR 190-13: Army Physical Security Program (covers physical security, and special nuclear material, chemical agents, biological agents and toxins)</p>			<p>USDA APHIS regulations, Title 7 CFR Part 331 and Title 9 CFR Parts 121</p> <p>DHHS CDC Regulations, Title 42 CFR Part 73</p> <p>Security Guidance for Select Agent or Toxin Facilities, 2012</p>			
10	Personnel Reliability	X	X	X	<p>NW: DoDD 5210.42 Nuclear Weapon Personnel Reliability Program, 13 January 2015, as amended</p> <p>The Atomic Energy Act, as amended, Title 42 USC Sections 2169 (fingerprinting for criminal history record checks), 2201a (use of firearms by security personnel including background checks), 2210i (background checks) 2011 et seq</p> <p>NRC Regulations, Title 10 CFR Part 73 (background checks)</p> <p>CW: Chemical Facility Anti-Terrorism Standards, Title 6 CFR Part 27.230(a)(12) (personnel surety)</p>	X	X	X	<p>NW: DoE Site Safeguard and Security Plan and Transportation Safeguards System, Safeguards and Security Program, DOE Order 470.4B, 21 July 2011, as amended (includes personnel security clearances)</p> <p>NRC Regulations, 10 CFR Part 73, as amended by the Power Reactor Security Requirements 2009 (background checks)</p> <p>CW: Chemical Facility Anti-Terrorism Standards, Title 6 CFR Part 27 Subchapter C - Orders and Adjudications</p> <p>BW: Crimes and Criminal Procedure, 18 USC 175b-177</p>	

			<p>Chemical Surety, AR 50-6, Chapter 5-(chemical personnel reliability program)</p> <p>BW: “Possession, Use, and Transfer of Select Agents and Toxins,” Title 7 CFR Part 331.10-(individual security risk assessments)</p> <p>“Possession, Use, and Transfer of Select Agents and Toxins,” Title 9 CFR Part 121.10-(individual security risk assessments)</p> <p>“Select Agents and Toxins,” Title 42 CFR Part 73.10-(individual security risk assessments)</p> <p>Title 42 USC Section 262a-(national register and background checks)</p>			<p>Agriculture APHIS regulations, Title 7 CFR Parts 331.10</p> <p>Animal and Animal Product APHIS regulations, Title 9 CFR Part 121.10</p> <p><u>D</u>HHS Select Agent and Toxins Regulations, Title 42 CFR Part 73.10</p>	
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2. Related materials: materials, equipment and technology covered by relevant multilateral treaties and arrangements, or included on national control lists, which could be used for the design, development, production or use of nuclear, chemical and biological weapons and their means of delivery.

* Information required in this section may also be available in the State’s Confidence Building Measures report, if submitted to the BWC Implementation Support Unit (online at: [http://www.unog.ch/80256EE600585943/\(httpPages\)/4FA4DA37A55C7966C12575780055D9E8?OpenDocument](http://www.unog.ch/80256EE600585943/(httpPages)/4FA4DA37A55C7966C12575780055D9E8?OpenDocument) <https://bwc-ecbm.unog.ch/>)

IV. OP 3 (a) and (b) - Account for/Secure/Physically protect NW including Related Materials (NW specific)

Measures to establish domestic controls to prevent the proliferation of NW, and their means of delivery; controls over related materials		Source document	Remarks
1	National regulatory authority	<p>Civilian: Nuclear Regulatory Commission (Atomic Energy Act of 1954, as amended (Subchapter II: Organization and Subchapter XIII: General authority of Commission) and Energy Reorganization Act of 1974 as amended)</p> <p>Other: National Nuclear Security Administration (AEA of 1954, ERA of 1974, and NNSA Act, PL No. 106-65, Title 50 USC Sections 2401, et seq., as amended)</p>	
2	Licensing of nuclear installations/entities/ use of materials	<p>NRC's licensing requirements apply to commercial nuclear activities, Title 42 USC Sections 2073 (licensing for special nuclear material), 2093 (licensing for source material), Subchapter IX (atomic energy licenses)</p> <p>NRC Regulations, Title 10 CFR Parts 11 (criteria and procedures for determining eligibility for access to or control over special nuclear material), 30-31 (licensing for by-product material), 33-36 (licensing related to byproduct material, industrial radiography, medical use of byproduct material, irradiators), 39-40 (licensing for well logging and source material), 50 (licensing of production and utilization facilities), 55 (operator's licenses), 70 (licensing of special nuclear material), and 72 (licensing for storage of spent nuclear fuel, high-level radioactive waste, etc.)</p> <p>ITAR, Title 22 CFR Parts 121-122 (registration of manufacturers of defense articles), 124, 127</p> <p>Department of Energy Regulations, 10 CFR Part 820</p>	
3	IAEA Safeguards Agreements	<p>Voluntary offer Safeguards Agreement (INFCIRC 288), in force 9 December 1980</p> <p>Additional Protocol went into force 6 January 2009 after the U.S. Additional Protocol Implementation Act of 2006</p> <p>Safeguards agreement in connection with Additional Protocol to the Treaty of Tlatelolco (INFCIRC 366), in force 6 April 1989 and amended 3 July 2018</p> <p>Executive Order 13458 (implementation of the Additional Protocol)</p> <p>Department of Commerce Regulations, Title 15 CFR Parts 781-786 (Additional Protocol regulations)</p> <p>Department of Energy, 10 CFR Part 810 (on assistance to foreign atomic energy activities)</p> <p>Relations with other countries with IAEA Safeguards agreements, Title 42 USC Sections 2139, 2153, 2153b, 2155, 2156, 2157, 2158</p>	
4	IAEA Code of Conduct on Safety and Security of Radioactive Sources	<p>Codified in the Atomic Energy Act, as amended in 2005, Title 42 USC Section 2210h (radiation source protection)</p> <p>Notification pursuant to GC (47)/RES/7.B</p>	

5	Supplementary Guidance on the Import and Export of Radioactive Sources of the Code of Conduct on the Safety and Security of Radioactive Sources	Notification pursuant to GC (48)/RES/10.D Contact Point Designated, Response to Importing and Exporting State Questionnaire	
6	IAEA Incident and Trafficking Database	Participates in Database Programme	
7	Integrated Nuclear Security Support Plan (INSSP) / International Physical Protection Advisory Service (IPPAS)		
8	Applying the physical protection recommendations in INFCIRC/225/Rev.5	State reports that the Nuclear Regulatory Commission has incorporated the current version of the “Nuclear security recommendations on physical protection of nuclear materials and nuclear facilities” (INFCIRC/225/Revision 5) of IAEA.	
9	Other Agreements related to IAEA	Convention on Early Notification of a Nuclear Accident, deposit 19 September 1988 Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, deposit 19 September 1988 Convention on Nuclear Safety, deposit 11 April 1999 Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, deposit 15 April 2003 Convention on Supplementary Compensation for Nuclear Damage, deposit 21 May 2008	
10	National legislation and regulations related to nuclear material including CPPNM	Title 18 USC Section 2339C (prohibition against the financing of terrorism, including offences under CPPNM) Title 10 CFR Parts 73.73 (licensee authorized to export special nuclear material must assure that during transport outside the United States, the shipment will be protected in accordance with Annex I to the CPPNM), and 73.74 (requirement for advance notice and protection of import shipments of nuclear material from countries that are not party to the CPPNM) President can suspend international cooperation if recipient has not ratified CPPNM Title 42 USC Section 2160b	

V. OP 3 (a) and (b) - Account for/Secure/Physically protect CW including Related Materials (CW specific)

Measures to establish domestic controls to prevent the proliferation of CW, and their means of delivery; controls over related materials		Source document	Remarks
1	National CWC authority	<p>Chemical Weapons Convention Implementation Act, Title 22 USC Section 6711-(designates State Department as National Authority)</p> <p>US National Authority, Bureau of Arms Control, Verification & Compliance (AVC/CBW), Department of State</p> <p>Department of Commerce is the lead agency for routine and challenge inspections conducted at declared U.S. facilities not owned or leased by the Department of Defense (DoD) or Department of Energy.</p> <p>DoD Instruction 5210.65 (19 January 2016, as amended) established the U.S. Army as the lead agency that accounts for chemical weapons munitions.</p>	
2	Licensing/registration of installations/facilities/ persons/entities/use/ handling of related materials	<p>ITAR, Title 22 CFR Parts 121, 122, 124, 127</p> <p>CFATS, Title 6 CFR Part 27 Subchapter C – Orders and Adjudications</p>	
3	Old or abandoned chemical weapons	<p>Security Standards for Safeguarding Chemical Agents, DoDI 5210.65</p> <p>Army Regulation on Chemical Surety, AR 50-6</p> <p>US Army Chemical Material Agency’s Non-Stockpile Chemical Materiel Project for recovered materiel for compliance with the CWC</p>	

VI. OP 3 (a) and (b) - Account for/Secure/Physically protect BW including Related Materials (BW specific)

Measures to establish domestic controls to prevent the proliferation of BW, their means of delivery; controls over related materials	Source document	Remarks
<p>1</p> <p>Licensing/registration of installations/facilities/ persons/entities/use/ handling of materials</p>	<p>Title 42 USC Section 262a-(enhanced control of dangerous biological agents and toxins)</p> <p>International Traffic in Arms Regulations (ITAR), Title 22 CFR Parts 121, 122 and 124</p> <p>Crimes and Criminal Procedure Title 18 USC Sections 175-177</p> <p>Agriculture APHIS regulations on registration, inspections, denial, revocation or suspension of registration, and forfeiture, Title 7 CFR Parts 331 and 356</p> <p>Animal and Animal Product APHIS regulations, Title 9 CFR Part 121 (registration)</p> <p><u>D</u>HHS Select Agent and Toxins Regulations, Title 42 CFR Part 73 (registration)</p> <p><u>"United States</u> Government Policy for Oversight of Life Sciences Dual Use Research of Concern"(DURC) issued on (29 March 2012)</p> <p><u>United States Government Policy for Institutional Oversight of Life Sciences Dual use Research of Concern (September 2014)</u></p> <p><u>US Government Recommended Policy Guidance for Departmental Development of Review Mechanisms for Potential Pandemic Pathogen Care and Oversight (P3CO) (2017)</u></p> <p><u>Department of Health and Human Services Framework for Guiding Funding Decisions about Proposed Research Involving Enhanced Potential Pandemic Pathogens</u></p> <p><u>US Food and Drug Administration Framework for Biosafety and Biosecurity (2017)</u></p>	

VII. OP 3 (c) and (d) and related matters from OP 6 - Controls of NW, CW and BW, including Related Materials

	Border controls and export and trans-shipment controls to prevent the proliferation of nuclear, chemical and biological weapons and their means of delivery including related materials	National legal framework					Enforcement and civil/criminal penalties					Remarks
		X / ?			Source document	X / ?			Source document			
		N W	C W	B W		N W	C W	B W				
1	Border control to detect, deter, prevent and combat illicit trafficking	X	X	X	<p>NW/CW/BW: Title 19 USC Chapter 5-(smuggling)</p> <p>Immigration and Nationality Act, as amended, Title 8 USC Sections 1189-(designation of foreign terrorist organizations), 1226a (mandatory detention of suspected terrorists; habeas corpus; judicial review), 1531-1537 (alien terrorist removal procedures)</p> <p>Aviation and Transportation Security Act (ATSA), Pub. L. 107-71, 115 Stat 597 (November 19, 2001) and Title 49 USC Section 114-(Transportation Security Administration)</p> <p>The International Emergency Economic Powers Act (IEEPA), Title 50 USC Sections 1701-1705</p> <p>Customs Duties Title 19 CFR Parts 4-(vessels in foreign and domestic trade), 122-(air commerce regulations), and 141-(entry of merchandise)</p> <p>BW: APHIS Quarantine Regulations, Title 42 CFR Part 71.54-(import regulations for infectious biological agents, infectious substances, and vectors) and Title 9 CFR Part 121.16-(transfers of select agents or toxins)</p> <p><u>DHHS CDC Import Permit Program (the Public Health Service Act allows for the development</u></p>	X	X	X	<p>NW/CW/BW: Title 19 USC Chapter 5-smuggling</p> <p>Crimes and Criminal Procedure Title 18 USC Sections 542, 545, 546, 549, 551, -554 (customs penalties)</p> <p>Customs Duties 19 CFR Parts 161-163 (enforcement; inspection, search and seizure; record keeping), 171-(fines, penalties and forfeitures)</p> <p>Department of Homeland Security: Customs and Border Protection (CBP), Immigration and Customs Enforcement (ICE), the Coast Guard, and the Transportation Security Administration (TSA)</p> <p>BW: CBP deploys more than 2,360 agriculture specialists at 167 ports of entry</p> <p>APHIS Investigative and Enforcement Services enforces quarantine regulations</p>			

				<p><u>and enforcement of regulations to prevent the introduction, transmission, or spread of communicable disease from foreign countries into and throughout the U.S. or its possessions. The regulations (42 CFR § 71.54) require that anyone wishing to import infectious biological agents, infectious substances, or vectors must first obtain a permit issued by CDC.)</u></p>					
2	Law enforcement to detect, deter, prevent and combat illicit trafficking	X	X	X	<p>NW/CW/BW: Homeland Security Act, Title 6, Chapter 1 (Homeland Security Organization)</p> <p>Customs Service, Title 19 USC Section 2071 (establishment of the US Customs Service)</p> <p>Title 19 USC Chapter 5-(smuggling)</p> <p>Immigration and Nationality Act, Title 8 USC Sections 1189-(designation of foreign terrorist organizations), 1226a-(mandatory detention of suspected terrorists; habeas corpus; judicial review), and 1531-1537-(alien terrorist removal procedures)</p> <p>ATSA, Title 49 USC Section 114-(Transportation Security Administration)</p> <p>ITAR, Title 22 CFR Parts 127.4 (authority of U.S. Immigration and Customs Enforcement and U.S. Customs and Border Protection officers), and 127.5-(Defense Security Service)</p> <p><u>Export Control Reform Act, 50 USC Section 4820</u></p> <p>Export Administration Regulations (EAR), 15 CFR Parts 730.9, <u>758, 764</u>-(Export Enforcement)</p> <p>Illegal Export of War Materials, Title 22 USC Sections 401, 408-(use of land and naval forces to prevent illegal exportation of war materials), and <u>465</u>-(detention of vessels)</p>	X	X	X	<p>NW/CW/BW: DHS Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE), including Export Enforcement Coordination Centre (E2C2)</p> <p>Commerce Department/Office of Export Enforcement (DoC/BIS/EE)</p> <p>Federal Bureau of Investigation (FBI)</p> <p>Land and Naval forces</p>

				Arms Export Control Act (AECA), Title 22 USC Sections 2778 (control of arms exports and imports) and 2797 (licensing)					
3	Border control detection measures	X	X	X	<p>NW/CW/BW: Collection Districts Title 19 USC Section 69 (erection of protective gates and fences across and around roads crossing borders)</p> <p>Customs Duties Automated Export System (AES), Title 19 CFR Part 192 EAR, Mandatory Electronic Filing</p> <p>BW: Title 42 CFR Part 71.54 (import regulations for infectious biological agents, infectious substances, and vectors)</p> <p><u>DHHS CDC Import Permit Program (the Public Health Service Act allows for the development and enforcement of regulations to prevent the introduction, transmission, or spread of communicable disease from foreign countries into and throughout the U.S. or its possessions. The regulations (42 CFR § 71.54) require that anyone wishing to import infectious biological agents, infectious substances, or vectors must first obtain a permit issued by CDC.)</u></p>	X	X	X	<p>NW/CW/BW: Container Security Initiative in non-U.S. ports.</p> <p>Secure Freight Initiative in non-U.S. ports.</p> <p>Air Cargo Advance Screening (ACAS)</p> <p>CBP uses an extensive array of technical means to support its border control mission, including radiation isotope identification devices (RIID); vehicle and cargo inspection systems (VACIS); and Z Backscatter X-ray vehicles</p> <p>Census (Filing Export Information) Title 13 USC Section 302-305</p> <p>NW: Megaport Initiative</p> <p>BW: APHIS has stations or works with laboratories in other countries on risk profiles and pest pathways.</p>
4	Control of brokering	X	X	X	<p>NW/CW/BW: Title 22 USC Section 2778 (inter alia, registration of brokers in relation to defense articles and services which are included in the US Munitions List and include nuclear weapons related articles; and chemical agents, biological agents and related equipment)</p> <p>Export Administration Control Reform Act (EAAECRA) and Export Administration Regulations (EAR), through IEEPA, Title 15 CFR Parts 730-774, especially Parts 742.2 (proliferation of chemical and biological weapons), 742.3 (nuclear non-proliferation), 742.5 (missile technology), and 748.5 (parties to a license transaction, which includes</p>	X	X	X	<p>NW/CW/BW: EAR Administrative sanctions, through IEEPA, Title 15 CFR Parts 736 (prohibitions), 764.2 and 764.3 (violations and sanctions)</p> <p>Civil and criminal penalties under the IEEPA Title 50 USC Section 1705</p> <p>ITAR, Title 22 CFR Parts 127 (violations and penalties), 128 (administrative hearings)</p>

				<p>concepts of “other party authorized to receive license” and “intermediate consignee”)</p> <p>International Traffic in Arms Regulations (ITAR), Title 22 CFR Part 129 (registration and licensing of brokers)</p>					
5	Export control legislation in place	X	X	X	<p>NW/CW/BW: AECA, Title 22 USC Sections 2778 and 2797 (MTCR implementation)</p> <p>ITAR, Title 22 CFR Parts 120-129</p> <p>Illegal Export of War Materials, Title 22 USC Section 401 EAR, Title 15 CFR Parts 730-774</p> <p>NW: Atomic Energy Act, as amended, Title 42 USC Section 2011 et seq2073 (licensing of inter alia export of special nuclear material)</p> <p>NRC regulations, Title 10 CFR Part 110 (export of nuclear material and equipment)</p> <p>DoE regulations, Title 10 CFR Part 810</p> <p>Title 42 USC Section 2122 (prohibition on inter alia export of atomic weapons)</p> <p>Sanctions for Nuclear Proliferation, Title 22 USC Section 6301</p> <p>CW: Chemical Weapons Convention Regulations, Title 15 CFR Parts 710-721</p> <p>Toxic Substances Control, Title 15 USC Sections 2611 and 2614</p> <p>BW: Crimes and Criminal Procedure Title 18 USC Section 175c</p>	X	X	X	<p>NW/CW/BW: Illegal Export of War Materials, Title 22 USC 408</p> <p>ITAR, Title 22 CFR Parts 127-128</p> <p>Census (Filing Export Information), Title 13 USC Sections 302-305</p> <p>EAR, through IEEPA, 15 CFR Parts 730-774</p> <p>CW/BW: AECA, Title 22 USC Section 2798 (chemical or biological weapons proliferation)</p> <p>NW: Atomic Energy Act, Title 42 USC Section 2273 (violation of sections)</p> <p>Sanctions for Nuclear Proliferation, Title 22 USC Section 6301</p> <p>NRC Regulations, 10 CFR Subparts 110.60-110.67 +</p> <p>CW: IEEPA Enhancement Act as amended, CWC Regulations, Title 15 CFR Part 719 (enforcement)</p> <p>Toxic Substances Control, Title 15 USC Sections 2615-2616 (enforcement and penalties)</p>
6	Licensing provisions and Authority	X	X	X	<p>NW/CW/BW: ITAR, Title 22 CFR Parts 120-129 including Part 121 (the US Munitions List which covers nuclear weapons related articles; chemical</p>	X	X	X	<p>NW/CW/BW: IEEPA, Title 50 USC Section 1705 (penalties)</p>

			<p>agents, biological agents and related equipment; and launch vehicles, guided missiles, ballistic missiles, rockets, torpedoes)</p> <p>EAR, through IEEPA, Title 15 CFR Parts 730-774, including Parts 732 (steps for using the EAR), 740 (license exceptions), 744.2-744.5 (restrictions on nuclear end uses, rocket system end uses, chemical and biological weapon end uses, nuclear propulsion end uses), 748 (applications and documentation) and 750 (application processing, issuance and denial)</p> <p>AECA, Title 22 USC Section 2778</p> <p>NW: Atomic Energy Act, as amended, 42 USC Sections 2073 (licensing for special nuclear material), 2093 (licensing for source material), Subchapter IX (atomic energy licenses)<u>2011 et seq</u></p> <p>DoE Regulations, 10 CFR Part 810 (authorization for foreign atomic energy activities)</p> <p>NRC Regulations, 10 CFR Part 110, as updated (licensing for export of nuclear equipment and material)</p>		<p><u>Export Control Reform Act (ECRA), 50 USC Section 4819</u></p> <p>ITAR, Title 22 CFR Parts 120 (commodity jurisdiction process), 127-128 (violations and penalties; administrative procedures)</p> <p>EAR, through IEEPA, Title 15 CFR Parts 730-774 especially Parts 736 (prohibitions), and 764 (enforcement and protective measures); Department of Commerce licenses the export of dual use items, including technology)</p> <p>Illegal Export of War Materials, Title 22 USC Sections 408 (use of land and naval forces to prevent exportation)</p> <p>Crimes and Criminal Procedure Title 18 USC Section 554 (smuggling goods from the United States)</p> <p>CW/BW: AECA, Title 22 USC Section 2798</p> <p>NW: Atomic Energy Act, as amended, Title 42 USC Section 2273 (violation of sections)<u>2011 et seq</u></p> <p>NRC Regulations, 10 CFR Parts 110.2 (U.S. Nuclear Regulatory Commission (NRC)), and 110 (Subpart F: violations and enforcement)</p> <p>DoE Regulations, 10 CFR Part 810 (DoE licenses the export of nuclear technology and services), Part 810.15 (violations)</p> <p>CW: IEEPA Enhancement Act as amended, CWC Regulations, Title 15 CFR Parts 710.5 (Department of Commerce), 719 (enforcement)</p> <p>Toxic Substances Control, Title 15 USC Sections 2615-2616 (penalties and specific enforcement and seizure)</p>	
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7	Control lists of materials, equipment and technology			<p>NW/CW/BW: The US Munitions List (USML), Title 22 CFR Part 121</p> <p><u>EAR</u>, The Commerce Control List (CCL), Title 15 CFR Part 774</p> <p>NW: NRC Regulations, Title 10 CFR Parts 110.8-110.9 (nuclear facilities, equipment and material under NRC export licensing authority)</p> <p>DoE controls nuclear technology exports, Title 10 CFR Part 810</p>			<p>NW/CW/BW: ITAR, Title 22 CFR Parts 127-128</p> <p>CW/BW: AECA, Title 22 USC Section 2798</p> <p>NW: Atomic Energy Act, as amended, Title 42 USC Section 2273 (violation of sections)</p> <p>DoE regulations, Title 10 CFR Part 810</p>	
8	Intangible technology transfers	X	X	<p>NW/CW/BW: ITAR, Title 22 CFR Part 121 (the USML) includes technical data and defense services</p> <p>EAR, 15 CFR Parts 734.13(a)(2) (deemed export includes releasing or otherwise transferring technology or source code to a foreign person in the US), 772 (definitions including for software and technology), and 774 (the CCL includes technology and software)</p> <p>NW: DoE regulations, Title 10 CFR Part 810 (covers transfers of technology)</p>	X	X	<p>NW/CW/BW: IEEPA, Title 50 USC Section 1705 (penalties)</p> <p><u>Export Control Reform Act (ECRA), 50 USC Section 4819</u></p> <p>ITAR, Title 22 CFR Parts 127-128</p> <p>CW/BW: AECA, Title 22 USC Section 2798 (covers technology in relation to proliferation of chemical and biological weapons)</p> <p>NW: DoE Regulations, Title 10 CFR Part 810 (covers transfers of technology)</p> <p>BW: "Guidance on the Commerce Department's Re-export Controls" (discusses reexports which also occur when there is "release" of technology or software (source code) subject to the EAR in one foreign country to a national of another foreign country)</p>	
9	Inclusion of means of delivery	X	X	<p>NW/BW/CW: The AECA covers the MTCR Annex, Title 22 USC Subchapter 7 (control of missiles and missile equipment or technology)</p> <p>The CCL is consistent with the MTCR control list Title 15 CFR Part 774</p>	X	X	<p>NW/CW/BW: IEEPA, Title 50 USC Section 1705 (penalties)</p> <p><u>Export Control Reform Act (ECRA), 50 USC Section 4819</u></p> <p>ITAR, Title 22 CFR Parts 127-128</p>	

					The USML ITAR Title 22 CFR Part 121.16 (MTCR Annex)				CW/BW: AECA, Title 22 USC Section 2798
10	End-user controls	X	X	X	<p>NW/CW/BW: EAR, Title 15 CFR Parts 732 (Supplement 3), 744 (control policy: end user and end use based)</p> <p>AECA, Title 22 USC Section 2785 (end use monitoring of defense articles and defense services)</p> <p>NW: DoE may require non-proliferation assurances, Title 10 CFR Part 810</p> <p>Physical Protection measures, non-proliferation assurances and other criteria, Title 42 USC Sections 2153a, 2156-8, and 2160</p> <p>NRC regulations on criteria on end-users, Title 10 CFR Part 110.50(b)(2)</p>	X	X	X	<p>NW/CW/BW: EAR, Title 15 CFR Part 736, 764 (enforcement and protective measures) including Part 764.3(a)(2) (Denied Persons List: A list of individuals and entities that have been denied export privileges)</p> <p><u>Export Control Reform Act (ECRA), 50 USC Section 4819</u></p> <p>ITAR, Title 22 CFR Parts 127 and 128, including 127.7 (debarred parties list)</p> <p>IEEPA, Title 50 USC Section 1705 (penalties)</p> <p>CW/BW: AECA, Title 22 USC Section 2798 (sanctions)</p> <p>NW: NRC Regulations, Title 10 CFR Part 110.60-110.67 (violations and enforcement)</p> <p>DoE regulations, Title 10 CFR Part 810.15 (violations)</p>
11	Catch all clause	X	X	X	<p>CW/BW: EAR, through IEEPA, Title 15 CFR Part 744.4 (restrictions on certain chemical and biological weapons end uses)</p> <p>NW: EAR, Title 15 CFR Part 744.2 (restrictions on certain nuclear end uses)</p>	X	X	X	<p>NW/CW/BW: EAR, Title 15 CFR Parts 736, 764 (enforcement and protective measures)</p> <p>IEEPA, Title 50 USC Section 1705 (penalties)</p> <p><u>Export Control Reform Act (ECRA), 50 USC Section 4819</u></p> <p>ITAR, Title 22 CFR Parts 127-128</p> <p>Crimes and Criminal Procedure Title 18 USC Section 554 (penalty for exporting any merchandise, article, or object contrary to any law or regulation of the United States)</p>

									<p>BIS “Best Practices” for Industry to Guard Against Unlawful Diversion through Transshipment Trade, 31 August 2011</p> <p>Guidance on the Commerce Department’s Re-export Controls</p> <p>CW/BW: AECA, Title 22 USC Section 2798</p>	
12	Transit control	X	X	X	<p>NW/CW/BW: ITAR, Title 22 CFR Parts 120.18 (temporary import includes “transit”), 123.1 and 123.3 (license required for temporary import)</p> <p>EAR, through IEEPA, Title 15 CFR Parts 734.3 (items moving in transit are subject to EAR), 734.13 (export of an item that will transit through a country or countries to a destination identified in the EAR is deemed to be an export to that destination), and 734.14 (reexport of an item subject to the EAR that will transit through a country or countries to a destination identified in the EAR is deemed to be a reexport to that destination)</p>	X	X	X	<p>NW/CW/BW:</p> <p>IEEPA, Title 50 USC Section 1705 (penalties)</p> <p>Crimes and Criminal Procedure Title 18 USC Section 554</p> <p>BIS “Best Practices” for Industry to Guard Against Unlawful Diversion through Transshipment Trade, 31 August 2011</p> <p>Guidance on the Commerce Department’s Re-export Controls</p> <p>ITAR Title 22 CFR Parts 127-128</p> <p>EAR, Title 15 CFR Parts 736, 764 (enforcement and protective measures)</p> <p>CW/BW: AECA, Title 22 USC Section 2798</p> <p><u>Export Control Reform Act (ECRA), 50 USC Section 4819</u></p> <p>NW: NRC Regulations, Title 10 CFR Parts 110.60-110.67</p>	
13	Trans-shipment control	X	X	X	<p>NW/CW/BW: ITAR, Title 22 CFR Parts 120-129</p> <p>EAR, through IEEPA, Title 15 CFR Parts 730-774</p>	X	X	X	<p>NW/CW/BW: IEEPA, Title 50 USC Section 1705 (penalties)</p> <p>Crimes and Criminal Procedure Title 18 USC Section 554</p> <p>ITAR Title 22 CFR Parts 127-128</p>	

										<p>EAR, Title 15 CFR Parts 736, 764 (enforcement and protective measures)</p> <p>BIS “Best Practices” for Industry to Guard Against Unlawful Diversion through Transshipment Trade, 31 August 2011</p> <p>CW/BW: AECA, Title 22 USC Section 2798</p> <p><u>Export Control Reform Act (ECRA), 50 USC Section 4819</u></p> <p>NW: NRC Regulations, Title 10 CFR Parts 110.60-110.67</p>	
14	Re-export control	X	X	X	<p>NW/CW/BW: EAR, Title 15 CFR Part 734.14 (re-export) ITAR Title 22 CFR Part 120.19 (re-export)</p> <p>NW: NRC Regulations, Title 10 CFR Part 110.6 (retransfers)</p>	X	X	X	<p>NW/CW/BW: IEEPA, Title 50 USC Section 1705 (penalties)</p> <p>ITAR, Title 22 CFR Parts 127-128</p> <p>EAR, Title 15 CFR Parts 736, 764 (enforcement and protective measures)</p> <p><u>Export Control Reform Act (ECRA), 50 USC Section 4819</u></p> <p>Crimes and Criminal Procedure, Title 18 USC Section 554</p> <p>Guidance on the DoC Re-export Controls</p> <p>BIS “Best Practices” for Industry to Guard Against Unlawful Diversion through Transshipment Trade, 31 August 2011</p> <p>CW/BW: AECA, Title 22 USC Section 2798</p> <p>NW: NRC enforces its Regulations, Title 10 CFR Parts 110.60-110.67</p>		

15	Control over financing of exports/transshipments that would contribute to proliferation	X	X	X	<p>NW/CW/BW: EAR, through IEEPA, Title 15 CFR Parts 736.2 and 744 (prohibitions on financing related to exports)</p> <p>ITAR, Title 22 CFR Part 127.1 (limitations on financing of transactions involving defense articles)</p> <p>Sanctions for Nuclear Proliferation, Title 22 USC Section 6303 (prohibition on assisting nuclear proliferation through provision of financing)</p>	X	X	X	<p>NW/CW/BW: IEEPA, Title 50 USC Section 1705 (penalties)</p> <p>EAR, Title 15 CFR Part 764 (enforcement and protective measures)</p> <p><u>Export Control Reform Act (ECRA), 50 USC Section 4819</u></p> <p>ITAR, Title 22 CFR Part 127.1</p> <p>Weapons of Mass Destruction Proliferators Sanctions Regulations, as amended, Title 31 CFR Part 544 (added penalties)</p> <p>Bank Secrecy Act, Title 31 USC Subchapter II (records and reports on monetary instruments transactions)</p> <p>Financial Crimes Enforcement Network (FinCEN) 314(a) program on information sharing on terrorist activity or money laundering (Title 31 CFR Part 1010.520)</p> <p>Office of Foreign Assets Control (OFAC) licenses financial transactions with several countries, including some for non-proliferation reasons</p> <p>NW: Sanctions for Nuclear Proliferation, Title 22 USC Section 6303</p>	
16	Control over services related to exports/transshipments that would contribute to proliferation including transportation	X	X	X	<p>NW/CW/BW: EAR, Title 15 CFR Part 744.6 (applies only to support provided by US persons)</p> <p>ITAR, Title 22 CFR Part 127.1 (prohibitions related to defense services which is defined in relation to defense articles)</p> <p>NW: NRC Regulations, Title 10 CFR Part 110.1 (all persons who knowingly provide to any licensee, applicant, contractor, or subcontractor, components, equipment, materials, or other goods or services, that</p>	X	X	X	<p>NW/CW/BW: IEEPA, Title 50 USC Section 1705 (penalties)</p> <p>Crimes and Criminal Procedure Title 18 USC Section 554 (facilitate the transportation, concealment, or sale of merchandise, article or object, prior to exportation, knowing the same to be intended for exportation contrary to any law or regulation of the United States)</p> <p>ITAR Title 22 CFR Parts 127-128</p> <p>EAR, Title 15 CFR Part 764.2</p>	

~~relate to a licensee's or applicant's activities subject to this part, may be individually subject to NRC enforcement action for violation of Part 110.7b)~~

Export Control Reform Act (ECRA), 50 USC Section 4819

NW:
NRC Regulations, Title 10 CFR Parts 110.60-110.67

CW/BW:
~~AECA, Title 22 USC Section 2798 (sanctions for services related to chemical and biological weapons proliferation)~~

VIII. OP 7 and 8 (d) - Assistance, Work with and inform Industry and Public, and other Information

1	Assistance offered	<p>The United States State has also offered assistance in the following areas:</p> <ul style="list-style-type: none"> • Financial Crimes & Money Laundering • WMD Materials Security and Control • Nuclear • Biological • Chemical • Means of Delivery • Export Control and Border Security
2	Assistance Point of Contact (for assistance providers only)	<p>Mr. Todd Perry (U.S. Special Coordinator for UNSCR 1540, Point of Contact at the U.S Department of State) Tel: 202-736-4275 Email: PerryTE@state.gov</p> <p>Mr. Stephen Knight (Political Advisor for Nonproliferation at the United States Mission to the United Nations, U.S. Point of Contact for UNSCR 1540 in New York) Tel: 212-415-4052 Email: KnightSB3@state.gov</p>
3	Assistance requested	
4	Action taken to work with and inform industry	<p>State reports that the United States government entities that work on the nuclear security elements of Security Council resolution 1540 (2004) continue to make regular outreach efforts to work with and inform industry and the public. The Nuclear Regulatory Commission, for example, conducts periodic meetings with the nuclear industry's security working group, has a robust public meeting process and maintains a dedicated system for electronic communications with authorized licensees and other officials. The United States Department of Energy, National Nuclear Security Administration, regularly participates in meetings with industry and the national nuclear laboratories. The United States Department of Commerce has an extensive outreach programme on export controls with industry through its Office of Exporter Services, its Office of Export Enforcement and its system of technical advisory committees, including the President's Export Council Subcommittee on Export Administration. In recent years, all these institutions, along with the Bureau of International Security and Nonproliferation of the United States Department of State, have increasingly used new social media tools to supplement more traditional public affairs programmes.</p> <p>To reduce the risk that individuals with ill intent may exploit the application of nucleic acid synthesis technology to obtain genetic material derived from or encoding select agents or toxins and, as applicable, agents on the Export Administration Regulations' (EAR) Commerce Control List (CCL), the U.S. Government issued guidance in 2010 providing a framework for screening synthetic double stranded DNA (dsDNA). This document, the Screening Framework Guidance for Providers of Synthetic Double Stranded DNA (Guidance), sets forth recommended baseline standards for the gene and genome synthesis industry and other providers of synthetic dsDNA products regarding the screening of orders so</p>

		<p><u>that they are filled in compliance with regulations prohibiting the possession, use, and transfer of specific pathogens and biological toxins (42 CFR part 73, 7 CFR part 331, 9 CFR part 121, and 15 CFR part 774). The other goals of the Guidance are to encourage best practices in addressing biosecurity concerns associated with the potential misuse of these products to bypass existing regulatory controls and to minimize any negative impacts on the conduct of research and business operations. The U.S. Government is currently seeking feedback from life sciences stakeholders, including from the commercial, health care, academic, and non-profit sectors; federal, state, local, tribal, and territorial law enforcement organizations; state, local, tribal, and territorial governments; and others. The focus of this request for information (RFI) is to help inform whether updating and modification of the 2010 Guidance is needed, and if so, what updates or modifications are needed. The U.S. Government issued 2010 Screening Framework Guidance for Providers of Synthetic Double-Stranded DNA to reduce the risk that individuals with ill intent may exploit the application of nucleic acid synthesis technology to obtain genetic material of especially dangerous pathogens.</u></p>
5	Action taken to work with and inform the public	<p>Every U.S. Department and Agency shares information with the public. State also reports that United States government entities that work on the nuclear security elements of Security Council resolution 1540 (2004) continue to make regular outreach efforts to work with and inform industry and the public. The Nuclear Regulatory Commission, for example, conducts periodic meetings with the nuclear industry's security working group, has a robust public meeting process and maintains a dedicated system for electronic communications with authorized licensees and other officials. The United States Department of Energy, National Nuclear Security Administration, regularly participates in meetings with industry and the national nuclear laboratories. The United States Department of Commerce has an extensive outreach programme on export controls with industry through its Office of Exporter Services, its Office of Export Enforcement and its system of technical advisory committees, including the President's Export Council Subcommittee on Export Administration. In recent years, all these institutions, along with the Bureau of International Security and Nonproliferation of the United States Department of State, have increasingly used new social media tools to supplement more traditional public affairs programmes.</p> <p><u>A Biodefense Summit held on April 17, 2019 in Washington, D.C. aimed to engage the biodefense stakeholder community and provide information on national biodefense enterprise efforts to counter biological threats, reduce risk, prevent, prepare for, respond to, and recover from biological incidents. The Summit informed stakeholders of the implementation of the National Biodefense Strategy. Agenda and transcripts are available at: https://www.phe.gov/Preparedness/biodefense-strategy/Pages/about-summit.aspx</u></p> <p><u>A new US Government website has been created in 2019 to share information with the public on implementation of National Biodefense Strategy, at: https://www.phe.gov/Preparedness/biodefense-strategy/</u></p> <p><u>The S3: Science, Safety, and Security Program allows the U.S. Government to share policies and best practices relating to biological risk management in an effort to develop collaborative relationships with the life science community and other stakeholders to raise awareness about efforts to promote progress in the life sciences while preventing and deterring its misuse. The S3 Program website (http://www.phe.gov/s3) had been established to provide a single, coordinated portal for scientists, laboratory staff, policy makers, and the public to locate and link to existing Federal and Non-- - Federal resources on biosafety and biosecurity.</u></p> <p><u>Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2019 (PAHPAI) /Title VI - Advancing Technologies for Medical Countermeasures / Section 605: Review of the Benefits of Genomic Engineering Technologies and Their Potential Role in National Security, creates a high-level meeting of people and organizations that help the federal government, along with private companies, to talk about potential ways that "genomic engineering technologies" could help improve national security and requires DHHS/ASPR to create a public report about the results of the meeting.</u></p>
6	Point of Contact	<p>Mr. Todd Perry (U.S. Special Coordinator for UNSCR 1540, Point of Contact at the U.S Department of State) Tel: 202-736-4275 Email: PerryTE@state.gov</p> <p>Mr. Stephen Knight</p>

		(Political Advisor for Nonproliferation at the United States Mission to the United Nations, U.S. Point of Contact for UNSCR 1540 in New York) Tel: 212-415-4052 Email: KnightSB3@state.gov
7	Voluntary National Implementation Action Plan (NAP)	Submitted National Implementation Action Plan in 2007
8	1540 Committee visits to States	1540 Committee visit conducted in 2011