



UNITED STATES MISSION TO THE UNITED NATIONS

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Excellency,

The Permanent Mission of the United States of America to the United Nations presents its compliments to the Chair of the 1540 Committee. In response to the 1540 Committee's request on October 31, 2013 to inform it of relevant effective experience, lessons learned, and practices, the United States is pleased to submit the document entitled "Effective U.S. National Practices for the Implementation of UNSCR 1540 (2004)."

The Permanent Mission of the United States of America to the United Nations avails itself of this opportunity to renew to the Chair of the 1540 Committee the assurances of its highest consideration.

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Effective U.S. National Practices for the Implementation of UNSCR 1540 (2004)

| Operative Paragraphs 1 and 2: Effective Practices Regarding Prohibited Proliferation Activities | | | |
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| Topic | Practice | Source | Comment |
| Proliferation Finance | 2010 Federal Financial Institutions Examination Council (FFIEC) Bank Secrecy Act/Anti Money Laundering Examination Manual | Federal Financial Institutions Examination Council (FFIEC), http://www.ffiec.gov/bsa_a_ml_infobase/pages_manual/OLM_079.htm . | Establishes policies and procedures for U.S. bank examiners to use to help ensure compliance with requirements and obligations mandated by FinCEN and OFAC. The manual provides guidance to financial institutions in identifying and managing risks associated with customers, products, services, and geographic locales, including the foreign trade finance transactions identified in the 2008 FATF typology report as being particularly vulnerable to use for proliferation financing purposes. |
| Proliferation Finance | FATF Recommendation #2 | International Standards on Combating Money Laundering and the Financing of Terrorism & Proliferation – the FATF Recommendations, February 2012, http://www.fatf- | As noted in its 2013 report to the 1540 Committee, “In making a designation of an entity associated with proliferation, effective practice reveals the importance of having interagency mechanisms to facilitate sharing information across the financial intelligence, law |

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| | | gafi.org/topics/fatfrecommendations/documents/internationalstandardscombatingmoneylaunderingandthefinancingofterrorismproliferation-thefatfrecommendations.html | enforcement and nonprofit policy communities, in accordance with domestic laws and authorities” which parallels Recommendation #2. |
| Interagency Coordination; Proliferation Finance | “Sharing Among Domestic Competent Authorities Information Related to the Financing of Proliferation” | FATF Best Practices Paper to Recommendation 2, February 2012, http://www.fatf-gafi.org/media/fatf/documents/recommendations/BPP%20on%20Recommendation%202%20Sharing%20among%20domestic%20competent%20authorities%20re%20of%20financing%20of%20proliferation.pdf | The February 2012 Paper discusses best practices regarding mechanisms for interagency cooperation and coordinator for combating the financing of proliferation. The Practices, however, may have broader applicability such as “A possible avenue to achieve this cooperation, information sharing and joint working may be regular or ad hoc-inter-agency meetings that may include representatives from financial, intelligence, export control, law enforcement, regulatory / supervisory and policy agencies.” |
| Proliferation Finance | “The Implementation of Financial Provisions of United Nations Security Council Resolutions | FATF Guidance, June 2013, http://www.fatf-gafi.org/media/fatf/documents/recommendations/Guidance-UNSCRS-Prolif- | This document consolidates and updates three FATF guidance papers on proliferation financing from 2007 and 2008, assist countries in implementing the activity-based and |

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| | to Counter the Proliferation of Weapons of Mass Destruction” | <u>WMD.pdf</u> | other financial prohibitions contained in UNSCRs relating to the prevention of WMD proliferation and..., as well as assist countries in implementing targeted financial sanctions and vigilance measures relating to the prevention of weapons of mass destruction (WMD) proliferation in relevant UNSCRs, and required by FATF Recommendation 7 and its Interpretive Note and provide an overview of the financial elements of all the UNSCRs related to the prevention of WMD proliferation, including UNSCR 1540 (2004). |
| Operative Paragraph 3, Sub-Paragraphs 3(a) and 3(b): Effective Practices in Accounting, Security and Physically Protecting [NBCM] Related Materials | | | |
| General | | | |
| Topic | Practice | Source | Comment |
| Securing (Transport) | Technical Instructions for the Safe Transport of Dangerous Goods by Air | ICAO | U.S. regulations recognize these international standards as effective practices |
| Securing (Transport) | Transportation of Dangerous Goods | Transport Canada | U.S. regulations recognize these international standards as effective practices |

| Securing (Transport) | International Maritime Dangerous Goods Code (IMDG) | IMO | U.S. regulations recognize these international standards as effective practices |
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| Nuclear Weapons and Nuclear Weapons Related Materials | | | |
| Topic | Practice | Source | Comment |
| Accounting and Control | DOE Order 474.2, Change 2 (Final version), “Nuclear Material Control and Accountability” | Department of Energy https://www.directives.doe.gov/directives/0474.2-BOrder-AdmChg2/view | Establishes the performance objectives, metrics, and requirements for developing, implementing, and maintaining a nuclear material control and accountability program. |
| Accounting and Control | DOE M 470.4-6, “Nuclear Material Control and Accountability” | Department of Energy, https://www.directives.doe.gov/directives-documents/0470.4-DManual-6 | The manual establishes a program for the control and accountability of nuclear materials within the Department of Energy. |
| Accounting and Securing | Safeguards By Design | Department of Energy, http://nnsa.energy.gov/about/ourprograms/nonproliferation/programoffices/office-nonproliferationinternationalsecurity-0-0 | NNSA provides a series of guidance documents on effective practices, mainly based on the type of nuclear facility. As part of this effort, NNGSI has developed a series of facility-specific guidance for designers and operators as reference documents: SBD Guidance for Independent Spent Fuel Storage Installations [PDF] SBD Guidance for Natural Uranium Conversion Plants [PDF] SBD Guidance for Research |

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| | | | <u>Reactors and Critical Assemblies [PDF]</u> <u>SBD Guidance for Pebble Fuel High Temperature Gas Reactors [PDF]</u> <u>SBD Guidance for Prismatic Fuelled High Temperature Gas Reactors [PDF]</u> <u>SBD Guidance for Gas Centrifuge Enrichment Plants [PDF]</u> <u>Overview of the Facility Safeguardability Analysis [PDF]</u> |
| Control and Accounting | Regulations “Material Control and Accounting of Special Nuclear Materials,” 10 CFR 74 | NRC, http://www.nrc.gov/reading-rm/doc-collections/cfr/part074/ | Regulatory requirements for the control and accounting of special nuclear material at fixed sites and for documenting the transfer of special nuclear material. General reporting requirements as well as specific requirements for certain licensees possessing special nuclear material of low strategic significance, special nuclear material of moderate strategic significance, and formula quantities of strategic special nuclear material are included. Requirements for the control and accounting of source material at enrichment facilities are also included. |

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| Physical Protection | “Protection Program Operations,” DOE Order 473.3 | Department of Energy https://www.directives.doe.gov/directives/0473.3-BOrder/view . | Establishes the requirements for the management and operation of the DOE Federal Protective Forces (FPF), Contractor Protective Forces (CPF), and the Physical Security of property and personnel under the cognizance of DOE, combining the baseline requirements found in the manuals for physical protection, CPF, and FPF and covers facilities, buildings, government property, employees, classified information, special nuclear material, and nuclear weapons, using a graded approach from lowest to most critical. |
| Physical Protection | “Physical Protection of Plants and Materials,” 10 CFR Part 73 | Nuclear Regulatory Commission http://www.nrc.gov/reading-rm/doc-collections/reg-guides/ | Addresses the security of special nuclear material, consistent with the Convention on Physical Protection of Nuclear Material. |
| Physical Protection | “Nuclear Security Recommendations on Physical Protection of Nuclear Material and Nuclear Facilities” (INFCIRC/225/Rev5) | IAEA | The United States recognizes the Guidance and best practices found in Revision 5 of the IAEA as effective |
| Physical Protection | “Physical Protection of Category 1 and 2 | Nuclear Regulatory Commission | Addresses the security of risk significant radioactive material, |

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| | Radioactive Materials,” 10 CFR Part 37 | http://www.nrc.gov/reading-rm/doc-collections/reg-guides/ . | consistent with the IAEA Code of Conduct on the Safety and Security of Radioactive Sources |
| Physical Protection | “Physical Protection of Irradiated Reactor Fuel in Transit,” NRC Rule | Nuclear Regulatory Commission | Incorporates earlier Security Orders and establish new performance standards and objectives for protecting such shipments against malevolent activities. |
| Secure (Transport) | IAEA Regulations for the Safe Transport of Radioactive Material | IAEA | U.S. regulations recognize these international standards as effective practices |
| Border Controls (see also Securing NW related materials) | Model Guidelines Document for Nuclear Detection Architectures | Department of Homeland Security /DNDO and the Global Initiative to Combat Nuclear Terrorism (GICNT), http://www.state.gov/r/pa/prs/ps/2014/03/223761.htm | Became part of the IAEA <i>Nuclear Security Series (NSS#21: Nuclear Security Systems and Measures for the Detection of Nuclear and Other Radioactive Material out of Regulatory Control)</i> , http://www-pub.iaea.org/MTCD/Publications/PDF/Pub1613_web.pdf |
| Physical Protection | ANNEX C, Criteria for Levels of Physical Protection | Nuclear Suppliers Group, http://www.nuclearsuppliersgroup.org/images/Files/Updated_control_lists/Prague_2013/NSG_Part_1_Rev.12_clean.pdf | U.S. regulations recognize these international standards as effective practices |

| Accounting, Securing, Physical Protection | AR 50-5 Nuclear Surety | Department of the Army, http://www.apd.army.mil/pdffiles/r50_5.pdf | |
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| Chemical Weapons and Chemical Weapons Related Materials | | | |
| Topic | Practice | Source | Comment |
| Secure / Physically Protect | Chemical Facility Anti-Terrorism Standards (CFATS) | Department of Homeland Security, | Controls to secure and physically protect chemical weapons related materials, including authorizing Site Security Plans. |
| Secure / Physically Protect | CFATS Risk-Based Performance Standards (RBPS) Guidance | Department of Homeland Security, http://www.dhs.gov/xlibrary/assets/chemsec_cfats_riskbased_performance_standards.pdf | Regulations establishing risk-based performance standards for security for chemical facilities. Performance standards provide individual facilities greater flexibility to address unique security challenges compared to prescriptive standards. Security measures that differ from facility to facility mean that each presents a new and unique problem for an adversary. |
| Secure / Physically Protect | CFATS Chemical Security Assessment Tool (CSAT) | Department of Homeland Security, http://www.dhs.gov/chemical-security-assessment-tool | The Chemical Security Assessment Tool (CSAT) was developed to help the Department identify facilities that meet the criteria for high-risk chemical facilities. CSAT also provides the methodologies these facilities need to conduct a Top-Screen and a Security |

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| | | | Vulnerability Assessment (SVA), and develop a Site Security Plan (SSP). |
| Secure / Physically Protect | CFATS CSAT Site Security Plan Instructions | Department of Homeland Security, http://www.dhs.gov/publication/csat-ssp-instructions | Instructions to facilities for completing and submitting the Chemical Security Assessment Tool Site Security Plan (SSP) IAW requirements of the Department of Homeland Security's Chemical Facility Anti-Terrorism Standards (CFATS), 6 CFR Part 27 |
| Accounting, Securing, Physical Protection | AR 50-6 Chemical Surety | Department of the Army, http://www.apd.army.mil/pdffiles/r50_6.pdf | This regulation establishes Department of the Army (DA) policies, assigns responsibilities, and prescribes procedures for the Army Chemical Surety Program. |
| Biological Weapons and Biological Weapons Related Materials | | | |
| Topic | Practice | Source | Comment |
| Secure | "Possession, Use, and Transfer of Select Agents and Toxins," 7 CFR Part 331 and 9 CFR Part 121 | USDA Animal and Health Inspection Service | |
| Secure | "Security Guidance for Select Agent or Toxin Facilities" | Select Agent Program Guidance Document, http://www.selectagents.gov/ | The Federal Select Agent Program is jointly comprised of the Centers for Disease Control and Prevention/Division of Select Agents and Toxins and the Animal |

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| | | | and Plant Health Inspection Services/Agricultural Select Agent Program. The Federal Select Agent Program oversees the possession, use and transfer of biological select agents and toxins, which have the potential to pose a severe threat to public, animal or plant health or to animal or plant products. |
| Secure | “Guidance for Suitability Assessments,” 7 CFR Part 331, 9 CFR Part 121, 42 CFR Part 73, July 8, 2013 7 CFR Part 331, 9 CFR Part 121, 42 CFR Part 73, July 8, 2013 | Select Agent Program Guidance Document, http://www.selectagents.gov/resources/Tier_1_Suitability_Guidance_v3-English.pdf | The purpose of this guidance document is to assist entities in the development of a site-specific suitability assessment program to enhance personnel security for individuals with access to Tier 1 BSAT. |
| Secure | “Responsible Official Guidance Document,” 7 CFR Part 331, 9 CFR Part 121, 42 CFR Part 73, October 1, 2012 7 CFR Part 331, 9 CFR Part 121, 42 CFR Part 73, 1 October 2012 | Select Agent Program Guidance Document, http://www.selectagents.gov/resources/Guidance_for_the_Responsible_Official_version_2_English.pdf Updates appear at http://www.selectagents.gov/Resources.html . | This document seeks to assist a registered entity and its Responsible Official (RO) to plan and develop policies and procedures that comply with federal select agent regulations promulgated under the authority of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002. Each registered entity that possesses, |

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| | | | uses, or transfers biological select agents and toxins is required to designate an individual as their RO and the RO plays a key role to ensure that the entity is in compliance and serve as the main point of contact for all select agent registration, reporting, and compliance issues. |
| Secure | “Security Guidance for Select Agent or Toxin Facilities,” 7 CFR Part 331, 9 CFR Part 121, 42 CFR Part 73, July 5, 2013 uly 2013 | Select Agent Program Guidance Document, http://www.selectagents.gov/resources/Security_Guidance_v3-English.pdf | The purpose of this document is to assist the entity in developing and implementing its site-specific security plan. |
| Secure | “Government Policy for Oversight of Life Sciences Dual Use Research of Concern.” | Department of Health and Human Services, http://www.phe.gov/s3/dualuse/Documents/us-policy-durc-032812.pdf . | This Policy complements existing United States Government regulations and policies governing the possession and handling of pathogens and toxins. Currently, the Select Agent Regulations ensure appropriate oversight of biosafety and biosecurity of the possession and handling of pathogens and toxins that have the potential to pose a severe threat to human, animal, or plant health, or to animal and plant |

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| | | | products. In addition, recommendations from Federal advisory bodies such as the National Science Advisory Board for Biosecurity (NSABB) have helped inform United States Government policies for identifying and managing DURC. This Policy will be updated, as needed, following domestic dialogue, engagement with our international partners, and input from interested communities including scientists, national security officials, and global health specialists. |
| Secure | “Enhancing Responsible Science - Considerations for the Development and Dissemination of Codes of Conduct for Dual Use Research.” | National Science Advisory Board for Biosecurity (NSABB), http://oba.od.nih.gov/oba/biosecurity/documents/COMBINED_Codes_PDFs.pdf | This report includes two specific tools for developing a code of conduct, a toolkit that includes concrete steps in developing and disseminating a code of conduct for dual use research, and an educational module on dual use research. |
| Secure | “Biosafety in Microbiological and Biomedical Laboratories” (BMBL) | HHS/CDC/NIH, http://www.cdc.gov/biosafety/publications/bmb15/ . | Nationally and internationally recognized source for the standards and special microbiological practices, safety equipment, and facilities to work with a variety of |

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| | | | infectious agents in various laboratory settings. |
| Secure | “Screening Framework Guidance for Providers of Synthetic Double-Stranded DNA” | Department of Health and Human Services, http://www.phe.gov/Preparedness/legal/guidance/syndna/Documents/syndna-guidance.pdf | Voluntary guidance that, recognizing the efforts taken proactively by industry to address the potential biosecurity risks, establishes a screening framework for use by providers of synthetic nucleic acids to minimize the risk that unauthorized individuals will gain access to sequences and organisms of concern through the use of nucleic acid synthesis technology; |
| Secure | “Guidance for Enhancing Personnel Reliability and Strengthening the Culture of Responsibility” | National Science Advisory Board for Biosecurity (NSABB), http://oba.od.nih.gov/biosecurity/pdf/CRWG_Report_Final.pdf | Covers several good management practices, as well as practices that the NSABB does not recommend for widespread implementation, particularly by academic institutions |
| Enforcement | Criminal and Epidemiological Investigation Handbook 2011 Edition | FBI, http://www.fbi.gov/about-us/investigate/terrorism/wmd/criminal-and-epidemiological-investigation-handbook | Addresses the intersection of criminal and epidemiological investigations |
| Secure | “Safety Standards for Microbiological and | Department of Defense, http://www.dtic.mil/whs/dir | Prescribes the technical safety requirements for the Department of |

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| | Biomedical Laboratories” Manual, DoD 6055.18-M | ectives/corres/pdf/605518m.pdf | Defense to use, handle, transport, transfer, store, or dispose of infectious agents and toxins |
| Secure | DoD 5210.89 “Minimum Security Standards for Safeguarding Biological Select Agents and Toxins” Instructions | Department of Defense, http://www.dtic.mil/whs/directives/corres/pdf/521089p.pdf | <p>Implements security policy and assigns responsibilities under Reference (a).</p> <p>1.2. Establishes minimum standards for securing and safeguarding biological select agents and toxins (BSAT) in the custody or possession of the Department of Defense.</p> <p>1.3 Establishes the criteria for personnel regarding BSAT, including requirements for the Biological Personnel Reliability Program (BPRP).</p> <p>1.4. Permits BSAT to be used for bona fide research and other peaceful purposes. Ensures the security of BSAT from attack, theft, wrongful use, and inappropriate transfer to unauthorized personnel, organizations, and/or laboratories.</p> |
| Secure | OPNAV 5530.16 Minimum Security Standards for Safeguarding | Department of the Defense, http://doni.daps.dla.mil/Directives/05000%20General%20Management%20Security | To prescribe policies, procedures, and responsibilities for the Navy Biological Surety Program per references (a) through (l). This |

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| | Biological Select Agents and Toxins (BSAT) | %20and%20Safety%20Services/05-500%20Security%20Services/5530.16A.pdf | instruction implements Department of Defense (DoD) physical security requirements pertaining to surety matters for biological select agents and toxins (BSAT). |
| Accounting, Securing, Physical Protection | AR 50-1 Biological Surety | Department of the Army, http://www.apd.army.mil/pdffiles/r50_1.pdf | |
| Means of Delivery and Related Materials | | | |
| Topic | Practice | Source | Comment |
| Securing (Storage and Use) | Explosive Siting Requirements, 14 CFR Part 420 | Federal Aviation Administration, http://www.gpo.gov/fdsys/pkg/FR-2012-09-07/pdf/2012-21922.pdf | Safeguard requirements on the storage and handling of solid propellants, energetic liquids, or other explosives at launch and payload preparation sites |
| Operative Paragraph 3, Sub-Paragraphs (c) and (d): Effective Practices in Border and Export Controls for [NBCM] Related Materials | | | |
| General | | | |
| Topic | Practice | Source | Comment |
| Export Controls | Best Practices: Export Controls | State Department, http://www.state.gov/strategictrade/practices/exportcontrol/index.htm | From “A Resource on Strategic Trade Management and Export Controls,” http://www.state.gov/strategictrade/ |
| Export Controls, legislation, regulation | Model Template for Legal Authorities for an Effective | State Department, http://www.state.gov/strategictrade/documents/organizat | From “A Resource on Strategic Trade Management and Export Controls,” |

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| | Export Control System | ion/162001.pdf | http://www.state.gov/strategictrade/ |
| Intangible Items | Best Practices: Controls Tangible / Intangible | State Department, http://www.state.gov/strategictrade/practices/c43180.htm | From “A Resource on Strategic Trade Management and Export Controls,” http://www.state.gov/strategictrade/ |
| Brokering | Best Practices: Brokering Controls | State Department, http://www.state.gov/strategictrade/practices/c43181.htm | From “A Resource on Strategic Trade Management and Export Controls,” http://www.state.gov/strategictrade/ |
| Transshipment/Transit | Best Practices: Transshipment/Transit Controls | State Department, http://www.state.gov/strategictrade/practices/transit/index.htm | From “A Resource on Strategic Trade Management and Export Controls,” http://www.state.gov/strategictrade/ |
| Transshipment/Diversions | Best Practices: BIS “Best Practices for Industry to Guard Against Unlawful Diversion through Transshipment Trade | Commerce Department, http://www.bis.doc.gov/index.php/forms-documents/doc_view/625-best-practices | The U.S. Department of Commerce’s Bureau of Industry and Security (BIS) new set of “best practices,” developed in cooperation with U.S. industry, to help guard against the diversion of dual-use items shipped to a transshipment “hub,” or to any intermediate country before being shipped to the country of ultimate destination. The best practices will help exporters, re-exporters, freight forwarders and other parties to comply with US export control |

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| | | | regulations and laws and augment BIS's Export Management and Compliance Guidelines. |
| Exporters, Re-Exporters, Trade Facilitation Companies | Best Practices: Exporters, Re-Exporters, Trade Facilitation Companies | State Department, http://www.state.gov/strategictrade/practices/exporters/index.htm | From "A Resource on Strategic Trade Management and Export Controls," http://www.state.gov/strategictrade/ |
| Freight Forwarders | Freight Forwarders Guidance | Commerce Department, http://www.bis.doc.gov/index.php/compliance-a-training/export-management-a-compliance/freight-forwarder-guidance | |
| Export Controls | Initial Elements | Wassenaar Arrangement, http://www.wassenaar.org/guidelines/index.html | U.S. policy and regulations recognize these international standards as effective practices |
| Catch-all | Statement of Understanding on Control of Non-Listed Dual-Use Items | Wassenaar Arrangement, http://www.wassenaar.org/guidelines/index.html | U.S. policy and regulations recognize these international standards as effective practices |
| Brokering | Elements for Effective Legislation on Arms Brokering | Wassenaar Arrangement, http://www.wassenaar.org/guidelines/index.html | U.S. policy and regulations recognize these international standards as effective practices |
| Intangible Items | Best Practices for Implementing Transfer of Intangible | Wassenaar Arrangement, http://www.wassenaar.org/guidelines/index.html | U.S. policy and regulations recognize these international standards as effective practices |

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| | Technology Controls | | |
| Internal Compliance Programs, Industry | Best Practices Guidelines on Internal Compliance Programmes for Dual-Use Goods and Technologies | Wassenaar Arrangement, http://www.wassenaar.org/guidelines/index.html | U.S. policy and regulations recognize these international standards as effective practices |
| Internal Compliance / Management Programs, Industry | Core Elements of an Effective Export Management and Compliance Program (EMCP) | Commerce Department, <u>Core Elements of an Effective Export Management and Compliance Program (EMCP)</u> | |
| Export Enforcement, Industry Compliance | Red Flags and Watch Lists | State Department, http://www.state.gov/strategictrade/redflags/index.htm | From “A Resource on Strategic Trade Management and Export Controls,” http://www.state.gov/strategictrade/ |
| Export Enforcement | Executive Order 13558, creating the Export Enforcement Coordination Center (E2C2) | White House, http://www.whitehouse.gov/the-press-office/2010/11/09/executive-order-export-coordination-enforcement-center | Creates a focal point in the Department of Homeland Security for more than a dozen law enforcement agencies to coordinate, de-conflict and enhance export investigations, serve as a conduit to the Intelligence Community and licensing agencies, coordinate national outreach efforts and establish integrated government- |

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| | | | wide statistical tracking capabilities to support export enforcement. |
| Border Controls | The Container Security Initiative (CSI) | Department of Homeland Security, Customs and Border Protection, http://www.cbp.gov/border-security/ports-entry/cargo-security/csi/csi-brief | Addresses the threat to border security and global trade by deploying CBP Officers to foreign seaports to work with their host government counterparts to identify potentially high-risk cargo before it is shipped to the United States. |
| Border Controls | Air Cargo Advance Screening (ACAS) and “Air Cargo Advance Screening Pilot Frequently Asked Questions” | Department of Homeland Security, Customs and Border Protection, http://www.cbp.gov/xp/cgov/trade/cargo_security/cargo_control/acasp_faq.xml in July 2012 | |
| Export Controls | DDTC Compliance Program Guidelines | http://www.pmdtc.state.gov/compliance/documents/compliance_programs.pdf | These guidelines point industry toward key compliance program elements. |
| Export Enforcement | Strategic Trade Control Enforcement (STCE) Implementation Guide | World Customs Organization (WCO), http://www.wcoomd.org/en/topics/enforcement-and-compliance/instruments-and-tools/wco-strategic-trade-control-enforcement-implementation-guide.aspx | This implementation guide responds to requests from World Customs Organization (WCO) Members for practical assistance related to enforcing strategic trade controls. It should serve as a guide for WCO Members in the development and review of their Strategic Trade Control Enforcement (STCE) |

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| | | | processes and procedures and provide a framework for training along those lines. Depending on each administration's situation this guide will serve different purposes, whether it is to know how to take the first step or how to enhance the effectiveness of an existing system. As a guide, the recommendations included are not mandatory. |
| Export Controls | Best Practice Guide on UN Security Council Resolution (UNSCR) 1540: Export Controls and Transshipment | Organization for Security and Cooperation in Europe (OSCE), http://www.osce.org/fsc/41446 | |
| Border Controls | SAFE Framework of Standards to Secure and Facilitate Global Trade (SAFE Framework) | WCO. http://www.wcoomd.org/en/topics/facilitation/instrument-and-tools/tools/safe_package.aspx | A deterrent to international terrorism, secure revenue collections and promote trade facilitation worldwide, with a major update in 2007 on the conditions and requirements for Customs and Authorized Economic Operators. |
| Nuclear Weapons and Nuclear Weapons Related Materials | | | |
| Topic | Practice | Source | Comment |
| Nuclear Materials and Equipment | Guidelines for nuclear Transfers (INFCIRC/254, Part | NSG, http://www.nuclearsuppliersgroup.org/en/guidelines and | The fundamental principles for safeguards and export controls should apply to nuclear transfers for |

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| | 1) | http://www.iaea.org/Publications/Documents/Infcircs/2013/infcirc254r12p1.pdf | <p>peaceful purposes to any non-nuclear-weapon state and, in the case of controls on retransfers, to transfers to any State. In this connection, suppliers have defined the so-called trigger list. This list includes guidelines for nuclear transfers such as physical protection, safeguards, special controls on sensitive exports, special arrangements for export of enrichment facilities, controls on material usable for nuclear weapons, controls on retransfers as well as supporting activities. Annexes of the guidelines govern the export of items that are especially designed or prepared for nuclear use.</p> |
| Dual-use equipment, materials, software, and related technology | Guidelines for transfers of nuclear-related dual-use equipment, materials, software, and related technology (INFCIRC/254, Part 2) | NSG, http://www.nuclearsuppliersgroup.org/en/guidelines and http://www.nuclearsuppliersgroup.org/images/Files/Updated_control_lists/Prague_2013/NSG Part 2 Rev. 9 clean.pdf | With the objective of averting the proliferation of nuclear weapons and preventing acts of nuclear terrorism, suppliers have considered procedures in relation to the transfer of certain equipment, materials, software, and related technology that could make a major contribution to a “nuclear explosive activity,” an “unsafeguarded nuclear |

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| | | | fuel-cycle activity” or acts of nuclear terrorism. In this connection, suppliers have agreed on the following principles, common definitions, and an export control list of equipment, materials, software, and related technology. |
| Equipment and Materials | Export and Import of Nuclear Equipment and Material Regulations, 10 CFR Part 110 | Nuclear Regulatory Commission, http://www.nrc.gov/reading-rm/doc-collections/cfr/part110/ | NRC regulations pertaining to the export and import of nuclear materials and equipment to reflect U.S. nuclear non-proliferation policy regarding U.S. obligations to the IAEA. |
| Border Controls (see also Securing NW related materials) | Model Guidelines Document for Nuclear Detection Architectures | Department of Homeland Security /DNDO and the Global Initiative to Combat Nuclear Terrorism (GICNT), http://www.state.gov/r/pa/prs/ps/2014/03/223761.htm | Became part of the IAEA <i>Nuclear Security Series (NSS#21: Nuclear Security Systems and Measures for the Detection of Nuclear and Other Radioactive Material out of Regulatory Control)</i> , http://www-pub.iaea.org/MTCD/Publications/PDF/Pub1613_web.pdf |
| Chemical Weapons and Chemical Weapons Related Materials | | | |
| Topic | Practice | Source | Comment |
| Export Controls | Guidelines for Transfers of Sensitive Chemical or | Australia Group, http://www.australiagroup.net/en/guidelines.html | U.S. policy and regulations recognize these international standards as effective practices |

| | Biological Items | | |
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| Biological Weapons and Biological Weapons Related Materials | | | |
| Topic | Practice | Source | Comment |
| Export Controls | Guidelines for Transfers of Sensitive Chemical or Biological Items | Australia Group, http://www.australiagroup.net/en/guidelines.html | U.S. policy and regulations recognize these international standards as effective practices |
| Means of Delivery and Related Materials | | | |
| Topic | Practice | Source | Comment |
| Export Controls | Guidelines | MTCR, http://www.mtc.info/english/guidetext.html | U.S. policy and regulations recognize these international standards as effective practices. Also available in Arabic, Chinese, French and Spanish. |
| Equipment, Technology, Software | Equipment, Software, Technology Annex | MTCR, http://www.mtc.info/english/annex.html | U.S. policy and regulations recognize these international standards as effective practices |
| Equipment, Technology, Software | MTCR Annex Handbook | MTCR, http://www.mtc.info/english/MTCR_Annex_Handbook_ENG.pdf | Also available in Arabic, French, Spanish, and Russian at http://www.mtc.info/english/annex.html |
| Operative Paragraph 6: Effective Practices Regarding Control Lists | | | |
| General | | | |
| Topic | Practice | Source | Comment |
| Dual-Use and Military Items | Common Dual-Use and Military Control Lists of the EU | State Department, http://www.state.gov/strategictrade/resources/controllist/index.htm | The European Union maintains and publishes lists of dual-use and military items which countries should control. The EXBS Program |

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| | | | translates these lists into various languages for use by the international community, including Bahasa, Bosnian, Chinese, Macedonian, Russian, Serbian, Sinhalese, Thai, and Vietnamese for both the Dual-Use and Military lists, and Albanian, Arabic, Armenian, and Turkish for the Dual-Use List. |
| Catch-all Controls | Statement of Understanding on Control of Non-Listed Dual-Use Items | Wassenaar Arrangement, http://www.wassenaar.org/guidelines/docs/Non-listed_Dual_Use_Items.pdf | U.S. policy and regulations recognize these international standards as effective practices |
| Catch-all Controls | Best Practices: Catch-All Controls | State Department, http://www.state.gov/strategictrade/practices/c43179.htm | From “A Resource on Strategic Trade Management and Export Controls,” http://www.state.gov/strategictrade/ |
| End-Users, Denied Parties | Consolidated Screening List | U.S. government, http://export.gov/ecr/eg_main_023148.asp | Allows screening of the lists of the Commerce, State and Treasury Departments for export controls in one site |
| End-Users, Denied Parties | <u>Denied Persons List</u> | Department of Commerce – Bureau of Industry and Security, http://www.bis.doc.gov/dpl/default.shtm Denied Persons List | Individuals and entities that have been denied export privileges. Any dealings with a party on this list that would violate the terms of its denial order are prohibited. |
| End-Users, Denied | <u>Unverified List</u> | Department of Commerce – | End-users who BIS has been unable |

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| Parties | | Bureau of Industry and Security, http://www.bis.doc.gov/enforcement/unverifiedlist/unverified_parties.html | to verify in prior transactions. The presence of a party on this list in a transaction is a “Red Flag” that should be resolved before proceeding with the transaction. |
| End-Users, Denied Parties | <u>Entity List</u> | Department of Commerce – Bureau of Industry and Security, http://www.bis.doc.gov/entities/default.htm | Parties whose presence in a transaction can trigger a license requirement supplemental to those elsewhere in the Export Administration Regulations (EAR). The list specifies the license requirements and policy that apply to each listed party. |
| End-Users, Denied Parties | <u>Nonproliferation Sanctions</u> | Department of State – Bureau of International Security and Non-proliferation, http://www.state.gov/t/isn/c15231.htm | Parties that have been sanctioned under various statutes. The linked webpage is updated as appropriate, but the Federal Register is the only official and complete listing of nonproliferation sanctions determinations. |
| End-Users, Denied Parties | <u>AECA Debarred List</u> | Department of State – Directorate of Defense Trade Controls, http://www.pmddtc.state.gov/compliance/debar_intro.html | Entities and individuals prohibited from participating directly or indirectly in the export of defense articles, including technical data and defense services. Pursuant to the Arms Export Control Act (AECA) and the International |

| | | | Traffic in Arms Regulations (ITAR), the AECA Debarred List includes persons convicted in court of violating or conspiring to violate the AECA and subject to “statutory debarment” or persons established to have violated the AECA in an administrative proceeding and subject to “administrative debarment.” |
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| End-Users, Denied Parties | <u>Specially Designated Nationals List</u> | Department of the Treasury – Office of Foreign Assets Control, http://www.treasury.gov/resource-center/sanctions/SDN-List/Pages/default.aspx | Parties who may be prohibited from export transactions based on OFAC’s regulations. The EAR require a license for exports or reexports to any party in any entry on this list that contains any of the suffixes "SDGT", "SDT", "FTO", "IRAQ2" or "NPWMD". |
| Nuclear Weapons and Nuclear Weapons Related Materials | | | |
| Topic | Practice | Source | Comment |
| Material and Equipment | Nuclear Suppliers Group Guidelines, ANNEX A TRIGGER LIST REFERRED TO IN GUIDELINES | NSG, http://www.nuclearsuppliersgroup.org/images/Files/Updated_control_lists/Prague_2013/NSG Part 1 Rev.12 clean.pdf | |
| Material and Equipment | ANNEX B CLARIFICATION | NSG, http://www.nuclearsuppliers | |

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| | OF ITEMS ON THE TRIGGER LIST (as designated in Section 2 of MATERIAL AND EQUIPMENT of Annex A) | group.org/images/Files/Updated_control_lists/Prague_2013/NSG Part 1 Rev.12 clean.pdf | |
| Radioactive materials and related Equipment, Components and Materials | Munitions List, ML 7 controls on chemical or toxic agents, related equipment, components and materials | Wassenaar Arrangement, http://www.wassenaar.org/controllists/2013/WA-LIST%20%2813%29%2015%20-%20WA-LIST%20%2813%29%201%20-%20ML.doc | |
| Nuclear power generating equipment or propulsion equipment, simulators | Munitions List, ML 17 controls on miscellaneous equipment, materials and 'libraries' | Wassenaar Arrangement, http://www.wassenaar.org/controllists/2013/WA-LIST%20%2813%29%2015%20-%20WA-LIST%20%2813%29%201%20-%20ML.doc | Applies to items specially designed for military use and components therefor specially designed or 'modified' for military use, and simulators specially designed for military "nuclear reactors" |
| Chemical Weapons and Chemical Weapons Related Materials | | | |
| Topic | Practice | Source | Comment |
| Chemicals | CFATS Chemicals of Interest (COI) for the CFATS program, Federal Register 65396, 65403 (Nov. | Department of Homeland Security DHS developed a Chemicals of Interest (COI) list in its appendix to CFATS for chemicals that | Specifically includes all the CWC Schedules 1, 2 and 3 chemicals that are immediate precursors for chemical warfare agents, all of which are also on the Australia |

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| | 20, 2007). | present one or more security issues, http://www.dhs.gov/xlibrary/assets/chemsec_appendixa-chemicalofinterestlist.pdf . | Group's Chemical Weapons Precursors List |
| Chemicals | How Appendix A: Chemical of Interest Was Developed | Department of Homeland Security, http://www.dhs.gov/how-appendix-chemicals-interest-was-developed | |
| Chemicals | Chemical Weapons Precursors | Australia Group, http://www.australiagroup.net/en/precursors.html | U.S. policy and regulations recognize these international standards as effective practices |
| Chemical Facilities, Equipment, Technology and Software | Control List of Dual-Use Chemical Manufacturing Facilities and Equipment and Related Technology and Software | Australia Group, http://www.australiagroup.net/en/dual_chemicals.html | U.S. policy and regulations recognize these international standards as effective practices |
| Chemical Agents, Equipment, Components and Materials | Munitions List (ML) 7 controls on chemical or toxic agents, related equipment, components and materials | Wassenaar Arrangement, http://www.wassenaar.org/controllists/2013/WA-LIST%20%2813%29%201/15%20-%20WA-LIST%20%2813%29%201%20-%20ML.doc | U.S. policy and regulations recognize these international standards as effective practices |
| Biological Weapons and Biological Weapons Related Materials | | | |

| Topic | Practice | Source | Comment |
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| Pathogens | Category A, B, and C Priority Pathogens | National Institute of Allergy and Infectious Disease (NIAID), http://www.niaid.nih.gov/topics/BiodefenseRelated/Biodefense/research/Pages/CatA.aspx . | Highlights specific pathogens identified as priorities for additional research efforts as part of the NIAID biodefense research agenda. Closely matches the HHS/CDC list of Category A, B and C Biological Diseases/Agents |
| Diseases/Agents | Category A, B and C Biological Diseases/Agents | HHS/CDC, http://www.niaid.nih.gov/topics/biodefenserelated/biodefense/pages/cata.aspx | NIAID's pathogen priority list is periodically reviewed and is subject to revision in conjunction with our federal partners, including the U.S. Department of Homeland Security, which determines threat assessments, and the Centers for Disease Control and Prevention, which is responsible for responding to emerging pathogen threats in the United States |
| Human and Animal Pathogens and Toxins | List of Human and Animal Pathogens and Toxins for Export Control | Australia Group, http://www.australiagroup.net/en/human_animal_pathogens.html | U.S. policy and regulations recognize these international standards as effective practices |
| Plant Pathogens | List of Plant Pathogens for Export Control | Australia Group, http://www.australiagroup.net/en/plants.html | U.S. policy and regulations recognize these international standards as effective practices |
| Biological Equipment, | Control List of Dual-Use Biological | Australia Group, http://www.australiagroup.net | U.S. policy and regulations recognize these international |

| Technology and Software | Equipment and Related Technology and Software | et/en/dual_biological.html | standards as effective practices |
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| Biological Agents, Equipment, Components and Materials | Munitions List (ML) 7 controls on biological agents, related equipment, components and materials | Wassenaar Arrangement, http://www.wassenaar.org/controllists/2013/WA-LIST%20%2813%29%2015%20-%20WA-LIST%20%2813%29%201%20-%20ML.doc | U.S. policy and regulations recognize these international standards as effective practices |
| Means of Delivery and Means of Delivery Related Materials | | | |
| Topic | Practice | Source | Comment |
| Equipment, Technology, Software | Equipment, Software, Technology Annex | MTCR, http://www.mtcr.info/english/annex.html | U.S. policy and regulations recognize these international standards as effective practices |
| Equipment, Technology, Software | MTCR Annex Handbook | MTCR, http://www.mtcr.info/english/MTCR_Annex_Handbook_ENG.pdf | Also available in Arabic, French, Spanish, and Russian at http://www.mtcr.info/english/annex.html |
| Operative Paragraph 8, Sub-Paragraph (x): Effective Practices on Outreach to the Public and Industry | | | |
| Topic | Practice | Source | Comment |
| Export Controls, Compliance, Regulations, Transshipment / Diversion. | Project Shield America is an industry outreach program where ICE-HSI Special Agents conduct outreach visits with industry | DHS, U.S. Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI) http://www.ice.gov/project-shield/ | Project Shield America is an integral part of the ICE-HSI counter-proliferation strategy of preventing illegal exporters, targeted foreign countries, terrorist groups and international criminal organizations from trafficking in |

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| | officials to educate them about U.S. export laws and to solicit their assistance in preventing illegal foreign acquisition of their products. | | weapons of mass destruction and their components. Through this program, ICE-HSI Special Agents provide presentations to industry on U.S. export laws, export licensing issues and requirements, red flag indicators of illegal procurement attempts, and information about government agencies responsible for licensing export-controlled commodities and technology. |
| Exporters, Re-Exporters, Trade Facilitation Companies | Best Practices: Exporters, Re-Exporters, Trade Facilitation Companies | State Department, http://www.state.gov/strategictrade/practices/exporters/index.htm | From “A Resource on Strategic Trade Management and Export Controls,” http://www.state.gov/strategictrade/ |
| Industry, Exporters, Importers | Supply Chain Security Best Practices Catalog 2006 | Department of Homeland Security, http://www.cbp.gov/sites/default/files/documents/ctpat_bp_2006.pdf | |
| Industry, Exporters, Importers | Customs-Trade Partnership Against Terrorism (C-TPAT) Best Practices Update 2009 | Department of Homeland Security, http://www.cbp.gov/sites/default/files/documents/Best%20Practices%20Pamphlet%202009.pdf | |
| Industry, Exporters, | Customs-Trade | Department of Homeland | |

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| Importers | Partnership Against Terrorism (C-TPAT) Best Practices Catalog Addendum 2009 | Security, http://www.cbp.gov/sites/default/files/documents/ctpat_bpa_2009_0.pdf | |
| Industry and Public | “Stakeholder Engagement Spectrum” framework (empowering stakeholders to take effective measures). | USDA, Animal and Plant Health Inspection Service (APHIS) | This framework combines traditional outreach (one-direction information sharing) with information exchange (two-way sharing of information and opinions), recommendations (advice or suggestions), agreements (developing mutually acceptable solutions), and stakeholder action |
| Industry, Exporters | Technical Advisory Committees (TACs) | DoC/Bureau of Industry and Security, http://tac.bis.doc.gov/index.html | The DoC/BIS uses the TACs to obtain information from expert sources in industry and the government on the technical parameters applicable to dual-use commodities, software, and technology and on the administration of controls. Persons can apply for membership for appointment by the Secretary of Commerce to serve terms of not more than four consecutive years. |
| Industry, Exporters | Classification Information Table | http://www.bis.doc.gov/pdf/ccats_table5.pdf | Site where companies can share information on commodity classifications for their products to |

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| | | | <p>supplement the BIS commodity classification request process or by posting for the public selected (and redacted to protect proprietary or other sensitive information)</p> <p>Advisory Opinions that BIS provided individually</p> |
| Industry, Public | <p>“Strategies To Educate Amateur Biologists and Scientists in Non-life Science Disciplines About Dual Use Research in the Life Sciences” of June 2011</p> | <p>NSABB, http://oba.od.nih.gov/biosecurity/pdf/FinalNSABBReport-AmateurBiologist-NonlifeScientists_June-2011.pdf</p> | <p>Recommends strategies for promoting awareness of the dual use issue among two non-traditional audiences, namely scientists trained in non-life science fields who collaborate in the life sciences on such dual use research and synthetic biology, and amateur biologists</p> |
| Industry, Public | <p>S3: Science, Safety, and Security Program</p> | <p>HHS/ Office of the Assistant Secretary for Preparedness and Response (ASPR). The S3 Program website (http://www.phe.gov/s3), launched in May 2010, is hosted by HHS/ASPR with the support of the White House Office of Science and Technology Policy</p> | <p>The 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 website establishes a</p> |

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| | | (OSTP) and interagency collaboration. | single, coordinated portal for scientists, laboratory staff, policy makers, and the public to locate and link to existing Federal and Non-Federal resources on biorisk management. The continuously updated program website also includes the S3 newsletter (an online publication that discusses meetings, government policies and publications, as well as international events relevant to biological research and biorisk management) and the S3 outreach booth (which is used at scientific meetings). |
| Industry, Public | “Public Involvement in the Regulatory Process.” | Nuclear Regulatory Commission (NRC), NUREG/BR-021 | Process for seeks public input into the NRC decision making process |
| Export Control Internal Compliance Programs, Industry | Best Practices Guidelines on Internal Compliance Programmes for Dual-Use Goods and Technologies | Wassenaar Arrangement, http://www.wassenaar.org/guidelines/index.html | U.S. policy and regulations recognize these international standards as effective practices |
| Internal Compliance / Management | Core Elements of an Effective Export | Commerce Department, <u>Core Elements of an</u> | |

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| Programs, Industry | Management and Compliance Program (EMCP) | <u>Effective Export Management and Compliance Program (EMCP)</u> | |
| Operative Paragraph 10: Effective Practices on Cooperation | | | |
| Topic | Practice | Source | Comment |
| Illicit Trafficking | Statement of Interdiction Principles | Proliferation Security Initiative, http://www.state.gov/t/isn/c27726.htm | The PSI seeks to involve in some capacity all states that have a stake in nonproliferation and the ability and willingness to take steps to stop the flow of such items at sea, in the air, or on land. The PSI also seeks cooperation from any state whose vessels, flags, ports, territorial waters, airspace, or land might be used for proliferation purposes by states and non-state actors of proliferation concern |
| Illicit Trafficking | Critical Capabilities and Practices (CCP) | Proliferation Security Initiative | The PSI identifies and distributes <u>Critical Capabilities and Practices (CCP)</u> for potential use/duplication by the 104 endorsing nations. The CCPs are best practices employed by originating countries |
| Nuclear Terrorism | Statement of Principles | Global Initiative to Combat Nuclear Terrorism, http://www.gicnt.org/down1 | The CICNT Statement of Principles also appear in Arabic, French Russian and Spanish at |

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