

**OP 1 and related matters from OP 5, OP 6, OP 8 (a), (b), (c) and OP 10**

State:

**United States of America**

Date of Report:

**12 October 2004**

Date of Addendum 1:

**13 September 2005**

Date of Addendum 2:

**21 December 2007**

Date of Addendum 3:

**8 January 2008**

Did you make one of the following statements or is your country a State Party to or Member State of one of the following Conventions, Treaties and Arrangements ?	YES	if YES, indicate relevant information (i.e. signing, accession, ratification, entering into force, etc)	Remarks
1 General statement on non-possession of WMD			
2 General statement on commitment to disarmament and non-proliferation	X	1. National Security Strategy May 2010 2. National Strategy for Countering Biological Threats 2009 3. National Health Security Strategy 2009 4. U.S.	
3 General statement on non-provision of WMD and related materials to non-State actors	X	1. National Security Strategy May 2010 2. National Strategy for Countering Biological Threats 2009 3. U.S. policy aims to prevent any form of support to non-State actors.	
4 Biological Weapons Convention (BWC)	X	Deposit 26 March 1975	
5 Chemical Weapons Convention (CWC)	X	Deposit 25 April 1997	
6 Nuclear Non-Proliferation Treaty (NPT)	X	Deposit 5 March 1970	

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 and 1673. 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

7	Comprehensive Nuclear Test Ban Treaty (CTBT)	X	Signed 24 September 1996	
8	Convention on Physical Protection of Nuclear Material (CPPNM)	X	Ratified 1982	
9	Hague Code of Conduct (HCOC)	X	Signed 25 November 2002	
10	Geneva Protocol of 1925	X	Deposit 10 April 1975	
11	International Atomic Energy Agency (IAEA)	X	Since 1957	
12	Nuclear Weapons Free Zone/ Protocol(s)	X	1. Treaty of Tlatelolco, Protocols signed 12 May 1971 2. Treaty of Rarotonga, Protocols signed 25 March 1996 3. Treaty of Pelindaba, Protocols signed 11 April 1996	
13	Other Conventions/Treaties	X	The USA has ratified several Counter-Terrorism conventions, including the International Convention for the Suppression of Terrorist Bombings (ratified 26 June 2002) and the International Convention for the Suppression of the Financing of Terrorism (ratified 26 June 2002), and it has signed the International Convention for the Suppression of Acts of Nuclear Terrorism (14 September 2005), Convention on the prohibition of military or any hostile use of environmental modification techniques- ratification instrument deposited on January 17, 1980	
14	Other Arrangements	X	1. Proliferation Security Initiative (PSI) 2. Wassenaar Arrangement (WA) 3. Australia Group (AG) 4. Zangger Committee (ZC) 5. Nuclear Suppliers Group (NSG) 6. Missile Technology Control Regime (MTCR)	

15	Other	X	<ol style="list-style-type: none"> <li>1. WMD-related shipboarding agreements with eleven key flag or transshipment states</li> <li>2. Container Security Initiative (CSI)</li> <li>3. Egmont Group</li> <li>4. World Customs Organization</li> <li>5. Interpol</li> <li>6. Increased to 62 the number of Customs Mutual Assistance Agreements (CMAA) have been concluded for the exchange of Customs information</li> <li>7. More than 50 Mutual Legal Assistance (MLA) Agreements to assist in prosecution of cases</li> <li>8. Jointly initiated (with Russia) the Global Initiative to Combat Nuclear Terrorism in July 2006</li> <li>9. Member of the G8 Global Partnership Against the Spread of Weapons and Materials of Mass Destruction</li> <li>10. FATF</li> </ol>	
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## OP 2 - Biological Weapons (BW)

State:

United States of America

Date of Report:

12 October 2004

Date of Addendum 1:

13 September 2005

Date of Addendum 2:

21 December 2007

Date of Addendum 3:

8 January 2008

Does national legislation exist which prohibits persons or entities to engage in one of the following activities ? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties and others		Remarks
	YES	if YES, indicate source document of national implementation law	YES	if YES, indicate source document	
1 manufacture/produce	X	1. Biological Weapon Anti-Terrorism Act of 1989, as amended (18 USC § 175) 2. Antiterrorism and Effective Death Penalty Act of 1996. 3. Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act) . 4. Public Health Security and Bioterrorism Preparedness and Response Act of 2002. 5. Agricultural Bioterrorism Protection Act of 2002 5. Intelligence Reform and Terrorism Prevention Act of 2004, specific prohibition against Variola virus-based biological weapons (18 USC § 175c)	X	1. Crimes and Criminal Procedure, 18 USC § 175, 175(a), 175(c), 176, and 177 2. Civil Affairs Forfeiture Reform Act (CAFRA)	
2 acquire	X		X		
3 possess	X		X	1. Crimes and Criminal Procedure, 18 USC § 175, 175(a), 175(b), 175 (c), 176, and 177	
4 stockpile/store	X		X	1. Crimes and Criminal Procedure, 18 USC § 175, 175(a), 175(c), 176, and 177 2. CAFRA	
5 develop	X		X		
6 transport	?		?	1. USA Patriot Act, 18 USC § 175(b) 2. International Emergency Economic Powers Act (IEEPA), 15 CFR parts 730-799	

7	transfer	X	1. Biological Weapon Anti-Terrorism Act of 1989, as amended (18 USC § 175) 2. Bioterrorism Acts of 2002. 2. Intelligence Reform and Terrorism Prevention Act of 2004, specific prohibition against Variola virus-based biological weapons (18 USC § 175c)	X	1. Crimes and Criminal Procedure, 18 USC § 175, 175(a), 175(c), 176, and 177 2. CAFRA
8	use	X	1. Violent Crime Control and Law Enforcement Act of 1994, as amended, 18 USC § 2332a 2. Intelligence Reform and Terrorism Prevention Act of 2004, as amended, 18 USC § 175c 3. Chemical Weapons Convention Act also prohibits some testing of biological agents and toxins, 22 USC § 6771	X	1. Crimes and Criminal Procedure, 18 USC § 175, 175(a), 175(c), 176, and 177 2. CAFRA 3. Crimes and Criminal Procedure, 18 USC § 2332, 2332e and 2333
9	participate as an accomplice in a.m. activities	X	1. Violent Crime Control and Law Enforcement Act of 1994, as amended, 18 USC § 2332a 2. Anti-Terrorism and Effective Death Penalty Act of 1996 amended 18 USC § 175c to include conspiracy	X	1. Weapons of Mass Destruction Proliferators Sanctions Regulations, CFR 13 April 2009 adds new part to the Code of Federal Regulations (CFR): 31 CFR part 544 includes covers accomplices and added penalties 2. Crimes and Criminal Procedure, 18 USC § 2332, 2332e and 2333 (conspires)
10	assist in a.m. activities	X		X	1. Weapons of Mass Destruction Proliferators Sanctions Regulations, CFR 13 April 2009 adds new part to the Code of Federal Regulations (CFR): 31 CFR part 544 includes assisting or abeting and added penalties
11	finance a.m. activities	X	1. Weapons of Mass Destruction Proliferators Sanctions Regulations, CFR 13 April 2009 adds new part to the Code of Federal Regulations (CFR): 31 CFR part 544 to distinguish persons blocked for proliferation purposes (from activities that parallel resolution 1540 plus imports) from persons blocked for other purposes by the Office of Foreign Assets Control 2. Crimes and Criminal Procedure, 18 USC §§ 2339A, 2339B	X	1. Weapons of Mass Destruction Proliferators Sanctions Regulations, CFR 13 April 2009 adds new part to the Code of Federal Regulations (CFR): 31 CFR part 544 includes assisting or abeting and added penalties 2. Crimes and Criminal Procedure, 18 USC § 175, 175(a), 176, and 177 3. Crimes and Criminal Procedure, 18 USC §§ 2339A, 2339B

12	a.m. activities related to means of delivery	X	<p>1. Weapons of Mass Destruction Proliferators Sanctions Regulations, CFR 13 April 2009 adds new part to the Code of Federal Regulations (CFR): 31 CFR part 544 to distinguish persons blocked for proliferation purposes from activities that parallel resolution 1540, including means of delivery by the Office of Foreign Assets Control</p> <p>2. Biological Weapons Anti-Terrorism Act of 1989, 18 USC § 175</p>	X	<p>1. Weapons of Mass Destruction Proliferators Sanctions Regulations, CFR 13 April 2009 adds new part to the Code of Federal Regulations (CFR): 31 CFR part 544 includes assisting or abetting and added penalties</p> <p>2. Crimes and Criminal Procedure, 18 USC § 175, 175(a), 176, and 177</p>
13	involvement of non-State actors in a.m. activities	X	Crimes and Criminal Procedure, 18 USC § 2332a and b	X	<p>1. Crimes and Criminal Procedure, 18 USC § 175, 175(a), 176, and 177</p> <p>2. Crimes and Criminal Procedure, 18 USC §§ 2339A, 2339B</p> <p>3. Executive Order 13382 of 29 June 2005</p>

14	Other	X	<p>1. The United States supported the adoption by the Financial Action Task Force (FATF) of guidelines to combat WMD proliferation financing and participates in a FATF Working Group typology exercise designed to clarify issues and possible measures against proliferation finance due for completion in June 2008</p> <p>2. Domestic U.S. law also bars persons from teaching or demonstrating the use, or making, of a "destructive device or a weapon of mass destruction," 18 USC § 842.</p>	X	<p>1. The United States prosecutes hoaxes</p> <p>2. Violations of these provisions became money laundering crimes under the USA Patriot Act</p> <p>3. Illustrative cases provided</p> <p>4. The FBI established a WMD Directorate in July 2006</p> <p>5. Regulations:</p> <ul style="list-style-type: none"> <li>- HHS/USDA Select Agent Regulations</li> <li>- HHS/USDA Foreign Quarantine Regulations;</li> <li>- DOC Export Administration Regulations;</li> <li>- USPHS Interstate Transportation of Etiologic Agents;</li> <li>- DOT Hazardous Materials Regulations;</li> <li>- USPS Mailability of Etiologic Agents;</li> <li>- OSHA Occupational Exposure to Blood-borne Pathogens;</li> <li>- IATA Dangerous Goods Regulations</li> </ul> <p>6. Other: Additional inspection and/or oversight activities may also be triggered depending upon the types of activities that occur in registered entities. For instance, entities who receive funds from the National Institutes of Health (NIH) for recombinant DNA research must comply with the NIH Guidelines for Research Involving Recombinant DNA Molecules (NIH Guidelines), and may be inspected by the NIH Office of Biotechnology Activities (OB) in conjunction with this funding.</p>	
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## OP 2 - Chemical Weapons (CW)

State:

United States of America

Date of Report:

12 October 2004

Date of Addendum 1:

13 September 2005

Date of Addendum 2:

21 December 2007

Date of Addendum 3:

8 January 2008

Does national legislation exist which prohibits persons or entities to engage in one of the following activities ? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties and others		Remarks
	YES	if YES, indicate source document of national implementation law	YES	if YES, indicate source document	
1 manufacture/produce	X	Chemical Weapons Convention Act of 1998, 18 USC § 229	X	1. Crimes and Criminal Procedure, 18 USC § 229, 18 USC § 229A 2. Export Administration Act (EAA) and Export Administration Regulations (EAR), through the International Emergency Economic Powers Act (IEEPA), 15 CFR parts 730-799	
2 acquire	X		X		
3 possess	X		X		
4 stockpile/store	X		X		
5 develop	X		X		
6 transport					
7 transfer	X	Chemical Weapons Convention Act of 1998, 18 USC § 229	X	1. Crimes and Criminal Procedure, 18 USC § 229 2. Export Administration Act (EAA) and Export Administration Regulations (EAR), through the International Emergency Economic Powers Act (IEEPA), 15 CFR parts 730-799	
8 use	X	1. Violent Crime and Law	X	1. Crimes and Criminal Procedure, 18 USC § 229 2. CWC Implementation enforcement, 22 USC §§ 6761-6762	



9	participate as an accomplice in a.m. activities	X	Enforcement Act of 1994, as amended, 18 USC § 2332a (although it may only do so by implementing the provisions of the Convention on Terrorist Bombing) 2. Chemical Weapons Convention Implementation Act, 18 USC § 229 and 22 USC § 6771	X	1. Weapons of Mass Destruction Proliferators Sanctions Regulations, CFR 13 April 2009 adds new part to the Code of Federal Regulations (CFR): 31 CFR part 544 includes accomplice, assisting or abeting and added penalties 2. Crimes and Criminal Procedure, 18 USC § 229 3. Export Administration Act (EAA) and Export Administration Regulations (EAR), through the International Emergency Economic Powers Act (IEEPA), 15 CFR parts 730-799	
10	assist in a.m. activities	X		X		
11	finance a.m. activities	X	1. Weapons of Mass Destruction Proliferators Sanctions Regulations, CFR 13 April 2009 adds new part to the Code of Federal Regulations (CFR): 31 CFR part 544 to distinguish persons blocked for proliferation purposes (from activities that parallel resolution 1540 plus imports) from persons blocked for other purposes by the Office of Foreign Assets Control 2. Crimes and Criminal Procedure, 18 USC §§ 2339A, 2339B	X	1. Weapons of Mass Destruction Proliferators Sanctions Regulations, CFR 13 April 2009 adds new part to the Code of Federal Regulations (CFR): 31 CFR part 544 includes added penalties 2. Crimes and Criminal Procedure, 18 USC §§ 2339A, 2339B	
12	a.m. activities related to means of delivery		Weapons of Mass Destruction Proliferators Sanctions Regulations, CFR 13 April 2009 adds new part to the Code of Federal Regulations (CFR): 31 CFR part 544 to distinguish persons blocked for proliferation purposes from activities that parallel resolution 1540, including means of delivery by the Office of Foreign Assets Control	X	1. Weapons of Mass Destruction Proliferators Sanctions Regulations, CFR 13 April 2009 adds new part to the Code of Federal Regulations (CFR): 31 CFR part 544 includes added penalties 2. Export Administration Act (EAA) and Export Administration Regulations (EAR), through the International Emergency Economic Powers Act (IEEPA), 15 CFR parts 730-799	

13	involvement of non-State actors in a.m. activities	X	<p>1. Weapons of Mass Destruction Proliferators Sanctions Regulations, CFR 13 April 2009 adds new part to the Code of Federal Regulations (CFR): 31 CFR part 544 to distinguish persons blocked for proliferation purposes from activities that parallel resolution 1540, including means of delivery by the Office of Foreign Assets Control</p> <p>2. Violent Crime and Law Enforcement Act of 1994, as amended, 18 USC § 2332a (although it may only do so by implementing the provisions of the Convention on Terrorist Bombing)</p> <p>3. Chemical Weapons Convention Implementation Act, 22 USC § 229</p>	X	<p>1. Weapons of Mass Destruction Proliferators Sanctions Regulations, CFR 13 April 2009 adds new part to the Code of Federal Regulations (CFR): 31 CFR part 544 includes added penalties</p> <p>2. Crimes and Criminal Procedure, 18 USC § 229A</p> <p>3. Executive Order 13382 of 29 June 2005</p>	
14	Other	X	<p>1. The United States supported the adoption by the Financial Action Task Force (FATF) of guidelines to combat WMD proliferation financing and participates in a FATF Working Group typology exercise designed to clarify issues and possible measures against proliferation finance due for completion in June 2008</p> <p>2. Domestic U.S. law also bars persons from teaching or demonstrating the use, or making, of a “destructive device or a weapon of mass destruction,” 18 USC § 842.</p>	X	<p>1. The United States prosecutes hoaxes</p> <p>2. Violations of these provisions became money laundering crimes under the USA Patriot Act</p> <p>3. Illustrative cases provided</p> <p>4. The FBI established a WMD Directorate in July 2006</p>	

## OP 2 - Nuclear Weapons (NW)

State:

United States of America

Date of Report:

12 October 2004

Date of Addendum 1:

13 September 2005

Date of Addendum 2:

21 December 2007

Date of Addendum 3:

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Does national legislation exist which prohibits persons or entities to engage in one of the following activities ? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties and others		Remarks
	YES	if YES, indicate source document of national implementation law	YES	if YES, indicate source document	
1 manufacture/produce	X	Atomic Energy Act, as ammended, 42 USC § 2011 et seq	X	1. Atomic Energy Act, as ammended, 42 USC § 2011 et seq 2. Crimes and Criminal Procedure, 18 USC §§ 831(a) and 832	
2 acquire	X		X	1. Atomic Energy Act, as ammended, 42 USC § 2011 et seq 2. Crimes and Criminal Procedure, 18 USC § 831(a)	
3 possess	X		X	1. Atomic Energy Act, as ammended, 42 USC § 2011 et seq 2. Crimes and Criminal Procedure, 18 USC §§ 831(a) and 832	
4 stockpile/store					
5 develop	X	Atomic Energy Act, as ammended, 42 USC § 2011 et seq	X	1. Atomic Energy Act, as ammended, 42 USC § 2011 et seq 2. Crimes and Criminal Procedure, 18 USC § 831(a)	
6 transport	X	Export Administration Act (EAA) and Export Administration Regulations (EAR)	X	IEEPA, 16 CFR parts 730-799	
7 transfer	X	Atomic Energy Act, as ammended, 42 USC § 2011 et seq	X	1. Atomic Energy Act, as ammended, 42 USC § 2011 et seq 2. Crimes and Criminal Procedure, 18 USC § 831(a)	

8	use	X	Crimes and Criminal Procedure, 18 USC §§ 2332a and 832c	X	1. Crimes and Criminal Procedure, 18 USC §§ 831 and 2332a 2. Atomic Energy Act, as amended, 42 USC § 2011 et seq
9	participate as an accomplice in a.m. activities	X	1. Crimes and Criminal Procedure, 18 USC, § 2332a 2. Crimes and Criminal Procedure, 18 USC §§ 2, 39, and 831	X	1. Crimes and Criminal Procedure, 18 USC, § 2332, 2333, 2339 2. Crimes and Criminal Procedure, 18 USC §§ 2, 39, and 831 3. Weapons of Mass Destruction Proliferators Sanctions Regulations, CFR 13 April 2009 adds new part to the Code of Federal Regulations (CFR): 31 CFR part 544 includes accomplice, assisting or abeting and added penalties
10	assist in a.m. activities	X	Crimes and Criminal Procedure, 18 USC § 2339	X	
11	finance a.m. activities	X	1. Weapons of Mass Destruction Proliferators Sanctions Regulations, CFR 13 April 2009 adds new part to the Code of Federal Regulations (CFR): 31 CFR part 544 to distinguish persons blocked for proliferation purposes (from activities that parallel resolution 1540 plus imports) from persons blocked for other purposes by the Office of Foreign Assets Control 2. Crimes and Criminal Procedure, 18 USC § 2339 3. Prohibition on assisting nuclear proliferation through financing, 22 USC § 6303	X	1. Crimes and Criminal Procedure, 18 USC § 2332, 2333, and 2339 2. Prohibition on assisting nuclear proliferation through financing, 22 USC § 6303 3. Weapons of Mass Destruction Proliferators Sanctions Regulations, CFR 13 April 2009 adds new part to the Code of Federal Regulations (CFR): 31 CFR part 544 added penalties
12	a.m. activities related to means of delivery	X	Weapons of Mass Destruction Proliferators Sanctions Regulations, CFR 13 April 2009 adds new part to the Code of Federal Regulations (CFR): 31 CFR part 544 to distinguish persons blocked for proliferation purposes from activities that parallel resolution 1540, including means of delivery by the Office of Foreign Assets Control	X	1. Crimes and Criminal Procedure 18 USC § 921 et seq 2. Internal Revenue Code 26 USC § 5841 et seq. 3. Weapons of Mass Destruction Proliferators Sanctions Regulations, CFR 13 April 2009 adds new part to the Code of Federal Regulations (CFR): 31 CFR part 544 added penalties

13	involvement of non-State actors in a.m. activities	X	<ol style="list-style-type: none"> <li>1. Atomic Energy Act, as ammended, 42 USC § 2011 et seq</li> <li>2. Crimes and Criminal Procedure, 18 USC § 2332a and b</li> <li>3. Weapons of Mass Destruction Proliferators Sanctions Regulations, CFR 13 April 2009 adds new part to the Code of Federal Regulations (CFR): 31 CFR part 544</li> </ol>	X	<ol style="list-style-type: none"> <li>1. Atomic Energy Act, as ammended, 42 USC § 2011 et seq</li> <li>2. Crimes and Criminal Procedure, 18 USC § 831(a)</li> <li>3. Executive Order 13382 of 29 June 2005</li> <li>4. Weapons of Mass Destruction Proliferators Sanctions Regulations, CFR 13 April 2009 adds new part to the Code of Federal Regulations (CFR): 31 CFR part 544 added penalties</li> </ol>
14	Other	X	<ol style="list-style-type: none"> <li>1. The United States supported the adoption by the Financial Action Task Force (FATF) of guidelines to combat WMD proliferation financing and participates in a FATF Working Group typology exercise designed to clarify issues and possible measures against proliferation finance due for completion in June 2008</li> <li>2. Domestic U.S. law also bars persons from teaching or demonstrating the use, or making, of a “destructive device or a weapon of mass destruction,” 18 USC § 842.</li> </ol>	X	<ol style="list-style-type: none"> <li>1. The United States prosecutes hoaxes</li> <li>2. Violations of these provisions became money laundering crimes under the USA Patriot Ac</li> <li>3. Illustrative cases provided</li> <li>4. The FBI established a WMD Directorate in July 2006</li> <li>5. 18 USC 2332h also includes violations relating to radiological dispersal devices</li> </ol>

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

State:

**United States of America**

Date of Report:

**12 October 2004**

Date of Addendum 1:

**13 September 2005**

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**21 December 2007**

Date of Addendum 3:

**8 January 2008**

	Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect BW and Related Materials? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties, and others		Remarks
		YES	if YES, indicate source document	YES	if YES, indicate source document	
1	Measures to account for production	X	1. Bioterrorism Protection Act of 2002 requires USDA APHIS to regulate "Select Agents and Toxins" that are a threat to humans 2. Public Health and Bioterrorism Preparedness and Response Act requires DHHS CDC to regulate "Select Agents and Toxins" that threaten humans, 42 USC § 262a	X		
2	Measures to account for use	X	3. The Antiterrorism and Effective Death Penalty Act of 1996 was passed due to heightened concern about the ease with which disease-causing agents could be obtained legally for illegal purposes. This law directed the US Department of Health and Human Services (HHS) to establish a list of biological agents and toxins with the potential to threaten public health and safety, develop procedures governing the transfer of those agents, and set training requirements for entities working with these "select agents." It also introduced civil and criminal penalties and severe monetary fines for violations of the Select Agent Regulations.	X	1. Crimes and Criminal Procedure, 18 USC §§ 175-176 2. USDA APHIS regulations Possession, Use, and Transfer of Biological Select Agent Regulations, 7 CFR part 330-331 and 9 CFR parts 92-96, 98, and 121-122, including its 2010 Biennial Review and Republication of the Select Agent and Toxin List; 3. Animal and Animal Product APHIS regulations, 9 CFR parts 102, 116, and 121 4. DHHS CDC Select Agent and Toxins Regulations, 42 CFR parts 71-73 5. ITAR, 22 CFR part 127	
3	Measures to account for storage	X		X		

4	Measures to account for transport	X	1. Interstate shipment of Etiologic Agents, 42 CFR part 72 2. Agriculture APHIS regulations 3. Animal APHIS regulations 4. DHHS Select Agent regulations	X		
5	Other measures for accounting	X	Intelligence Reform and Terrorism Prevention Act of 2004, makes it a criminal offense for "any person to knowingly produce, engineer, synthesize, acquire, transfer directly or indirectly, receive, possess, import, export, or use, or possess and threaten to use, variola virus" but exempts "conduct by, or under the authority of, the Secretary of Health and Human Services" (18 USC § 175c)			
6	Measures to secure production	X		X	1. Crimes and Criminal Procedure, 18 USC § 175(b)-176 2. Biocontainment, security, and incident response plans, 7 CFR § 331 3. Biosafety, security, and incident response plans, 9 CFR § 121	
7	Measures to secure use	X	1. Executive Order 13546 of 2 July 2010 Optimizing the Security of Biological Select Agents and Toxins in the United States 2. Bioterrorism Protection Act of 2002 requires USDA APHIS to regulate "Select Agents and Toxins" that are a threat to humans	X	4. Safety, Security and Emergency Response Plans, 42 CFR § 73 5. DoE directives 6. Agriculture APHIS regulations, 7 CFR §§ 331 and 356	
8	Measures to secure storage	X	3. Public Health and Bioterrorism Preparedness and Response Act requires DHHS CDC to regulate "Select Agents and Toxins" that threaten humans, 42 USC § 262a	X	7. Animal and Animal Product APHIS regulations, 9 CFR § 121 8. DHHS Select Agent and Toxins Regulations, 42 CFR § 73 9. Executive Order 13546 of 2 July 2010, sections 6-7 require interagency coordination and the establishment of a Federal Executive Experts Security Advisory Panel on Biological Select Agents and Toxins (BSAT)	

9	Measures to secure transport	X	<ol style="list-style-type: none"> <li>1. Interstate shipment of Etiologic Agents, 42 CFR part 72</li> <li>2. Agriculture APHIS regulations</li> <li>3. Animal APHIS regulations</li> <li>4. DHHS Select Agent regulations</li> </ol>	X	<ol style="list-style-type: none"> <li>1. USDA APHIS regulations, 7 CFR parts 330 and 331 and 9 CFR parts 92-96, 98, 121 and 122</li> <li>2. DHHS CDC Regulations, 42 CFR parts 71-73</li> <li>3. Executive Order 13546, Sections 1 and 7 of 8 July 2010 on securing BSAT and creation of a Federal Experts Security Advisory Panel for BSAT</li> </ol>	
10	Other measures for securing	X	<p>Regulations:</p> <ul style="list-style-type: none"> <li>- HHS/USDA Select Agent Regulations</li> <li>- HHS/USDA Foreign Quarantine Regulations;</li> <li>- DOC Export Administration Regulations;</li> <li>- USPHS Interstate Transportation of Etiologic Agents;</li> <li>- DOT Hazardous Materials Regulations;</li> <li>- USPS Mailability of Etiologic Agents;</li> <li>- OSHA Occupational Exposure to Blood-borne Pathogens;</li> </ul>			
11	Regulations for physical protection of facilities/materials/ transports	X	<ol style="list-style-type: none"> <li>1. Interstate shipment of Etiologic Agents, 42 CFR part 72</li> <li>2. Agriculture APHIS regulations</li> <li>3. Animal APHIS regulations</li> <li>4. DHHS Select Agent regulations</li> </ol>	X	<ol style="list-style-type: none"> <li>1. USDA APHIS regulations, 7 CFR parts 330 and 331 and 9 CFR parts 92-96, 98, 121 and 122</li> <li>2. DHHS CDC Regulations, 42 CFR parts 71-73</li> </ol>	
12	Licensing/registration of facilities/persons handling biological materials	X	<ol style="list-style-type: none"> <li>1. Bioterrorism Protection Act of 2002 requires USDA APHIS to regulate "Select Agents and Toxins" that are a threat to humans</li> <li>2. Public Health and Bioterrorism Preparedness and Response Act requires DHHS CDC to regulate "Select Agents and Toxins" that threaten humans, 42 USC § 262a</li> <li>3. International Trafficking in Arms Regulations (ITAR), 22 CFR parts 122 and 124</li> </ol>	X	<ol style="list-style-type: none"> <li>1. Crimes and Criminal Procedure 18 USC §§ 175-176</li> <li>2. DoE directives</li> <li>3. Agriculture APHIS regulations on inspections, denial, revocation or suspension of registration, and forfeiture, 7 CFR parts 331 and 356</li> <li>4. Animal and Animal Product APHIS regulations on inspections and denial, revocation or suspension of registration, 9 CFR part 121</li> <li>5. DHHS Select Agent and Toxins Regulations, 42 CFR part 73</li> <li>6. ITAR, 22 CFR part, 127</li> </ol>	



13	Reliability check of personnel	X	<ol style="list-style-type: none"> <li>1. Bioterrorism Protection Act of 2002 requires USDA APHIS to regulate "Select Agents and Toxins" that are a threat to humans</li> <li>2. Public Health and Bioterrorism Preparedness and Response Act requires DHHS CDC to regulate "Select Agents and Toxins" that threaten humans, 42 USC § 262a</li> </ol>	X	<ol style="list-style-type: none"> <li>1. Crimes and Criminal Procedure, 18 USC §§ 175(b)-176</li> <li>2. DoE directives</li> <li>3. Agriculture APHIS regulations, 7 CFR parts 331 and 356</li> <li>4. Animal and Animal Product APHIS regulations, 9 CFR part 121</li> <li>5. DHHS Select Agent and Toxins Regulations, 42 CFR part 731.</li> </ol>	
14	Measures to account for/secure/ physically protect means of delivery	X	<ol style="list-style-type: none"> <li>1. NASA security regulations and authority, 14 CFR parts 1203-1204</li> <li>2. FAA hazardous operations regulations for rockets, 14 CFR part 101</li> <li>3. FAA Commercial Space Transportation regulations, 14 CFR part 404</li> <li>4. ITAR, 22 CFR parts 122 and 124</li> <li>5. DoD 5100.76 Physical Security</li> </ol>	X	<ol style="list-style-type: none"> <li>1. NASA security regulations and authority, 14 CFR parts 1203-1204</li> <li>2. FAA Commercial Space Transportation regulations, 14 CFR parts 405-406</li> <li>3. ITAR, 22 CFR part 127</li> <li>4. DoD 5100.76-M Physical Security of Sensitive Conventional Arms</li> <li>5. DOD 5220.22-C Carrier supplement</li> </ol>	
15	Regulations for genetic engineering work	X	<ol style="list-style-type: none"> <li>1. Bioterrorism Protection Act of 2002 requires USDA APHIS to regulate "Select Agents and Toxins" that are a threat to humans</li> <li>2. Public Health and Bioterrorism Preparedness and Response Act requires DHHS CDC to regulate "Select Agents and Toxins" that threaten humans, 42 USC § 262a</li> <li>3. Plant Protection Act of 2000, 7 USC § 72 USDA APHIS issues regulations that are altered or produced through genetic modification that are or suspected of being plant pests</li> <li>4. DHHS NIH has issued guidelines for recombinant DNA research, 59 CFR part 34496</li> </ol>	?	<p>In March 2009, the NIH Office of Biotechnology Activities (OBA) published a proposal to revise the NIH Guidelines for Research with Recombinant DNA Molecules (NIH Guidelines) to address biosafety for research with synthetic nucleic acids (74 FR 9411). The proposal included amending the scope of the NIH Guidelines to specifically encompass research with synthetic nucleic acids. In addition, in consultation with the NIH Recombinant DNA Advisory Committee (RAC), OBA proposed changes to several other sections of the NIH Guidelines, including Section III-E</p>	
16	Other legislation/ regulations related to safety and security of biological materials			X		

17	Other	X	<p>Adopted a New National Strategy for Countering Biological Threats in December 2009. DHHS issued the Screening Framework Guidance for Providers of Synthetic Double-Stranded DNA. This voluntary Guidance, 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.</p>	X	<ol style="list-style-type: none"> <li>1. Laboratory Response Network with Canada, Mexico and Australia as an early warning system for identifying potential BW outbreaks;</li> <li>2. Illustrative enforcement cases provided</li> <li>3. Executive Order 13546 of July 2, 2010 - Section 4 requires the creation of a three "tiered" risk based list of select agents within 18 months, and elsewhere mandates that newly created Federal Security Advisory Panel provide an unanimous recommendation</li> </ol>	
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**OP 3 (a) and (b) - Account for/Secure/Physically protect CW including Related Materials**

State:

**United States of America**

Date of Report:

**12 October 2004**

Date of Addendum 1:

**13 September 2005**

Date of Addendum 2:

**21 December 2007**

Date of Addendum 3:

**8 January 2008**

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect CW and Related Materials? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties, and others		Remarks
	YES	if YES, indicate source document	YES	if YES, indicate source document	
1 Measures to account for production	X	1. CWC Regulations, 15 CFR parts 710-729 2. Chemical Agent Security, U.S. Department of Defense Directive 5210.65 (DoDD) 3. Chemical Surety, Army Regulation 50-6 (AR) 4. Toxic Substances Control 15 USC §§ 2605 and 2614 5. International Trafficking in Arms Regulations (ITAR), 22 CFR parts, 121, 122 and 124 6. CWC Implementation Act Inspection and Reports 22 USC § 75	X	1. CWC Regulations, 15 CFR parts 719-721 2. DoC enforces the industry compliance with the Act 3. Toxic Substances Control 15 USC §§ 2615-2616 4. International Trafficking in Arms Regulations (ITAR), 22 CFR part 127 5. CWC Implementation 22 USC § 75	
2 Measures to account for use	X	1. CWC Regulations, 15 CFR parts 710-729 2. Chemical Agent Security, U.S. Department of Defense Directive 5210.65 (DoDD) 3. Chemical Surety, Army Regulation 50-6 (AR) 4. International Trafficking in Arms Regulations (ITAR), 22 CFR parts, 121, 122 and 124	X	1. Chemical Weapons Convention Implementation Act of 1998, US CWC Regulations, 15 CFR parts 719-721 2. DoC enforces the industry compliance with the Act 3. International Trafficking in Arms Regulations (ITAR), 22 CFR parts 121, 122 and 124	
3 Measures to account for storage	X	5. CWC Implementation Act Inspection and Reports 22 USC § 75	X	4. CWC Implementation 22 USC §	

4	Measures to account for transport	X	<ul style="list-style-type: none"> <li>1. Hazardous Substances 15 USC § 1271 (interstate shipments)</li> <li>2. Toxic Substances Control, 15 USC §§ 2605, 2612, and 2614</li> <li>3. Chemical Agent Security, DoDD 5210.65</li> <li>4. Chemical Surety, AR 50-6</li> </ul>	X	<ul style="list-style-type: none"> <li>1. Hazardous Substances 15 USC § 1264</li> <li>2. Toxic Substances Control, 15 USC §§ 2615-2516</li> <li>3. DHS/Transportation Security Administration rule on transportation of hazardous chemical by rail, including inspections and audits, 49 CFR Part 1580 (26 November 2008)</li> <li>4. Pipeline and Hazardous Materials Security Administration, Department of Transportation Rule Enhancing Rail Transportation Safety and Security for Hazardous Materials Shipments (26 November 2008)</li> </ul>	
5	Other measures for accounting					
6	Measures to secure production					
7	Measures to secure use	X	<ul style="list-style-type: none"> <li>1. CWC Implementation, 15 CFR parts 710-729</li> <li>2. Chemical Agent Security U.S. DoDD 5210.65</li> <li>3. Chemical Surety 50-6</li> <li>4. Chemical Facility Anti-Terrorism Standards, 6 CFR part 27 in force November 2007</li> <li>5. Chemicals of Interest, 6 CFR part 27 in force June 2007</li> </ul>	X	CWC Regulations 15 CFR parts 719-721	
8	Measures to secure storage	X		X	Chemical Facility Anti-Terrorism Standards, 6 CFR part 27 permits civil penalties including orders to cease operations	

9	Measures to secure transport	X	<ul style="list-style-type: none"> <li>1. Chemical Agent Security, DoDD 5210.65</li> <li>2. Chemical Surety, AR 50-6</li> <li>3. Chemical Facility Anti-Terrorism Standards, 6 CFR part 27 in force November 2007</li> <li>4. Chemicals of Interest, 6 CFR part 27 in force June 2007</li> </ul>	X	<ul style="list-style-type: none"> <li>1. Pipeline and Hazardous Materials Security Administration, Department of Transportation Rule Enhancing Rail Transportation Safety and Security for Hazardous Materials Shipments (26 November 2008)</li> <li>2. Chemical Facility Anti-Terrorism Standards, 6 CFR part 27 permits civil penalties including orders to cease operations</li> </ul>	
10	Other measures for securing					
11	Regulations for physical protection of facilities/materials/ transports	X	<ul style="list-style-type: none"> <li>1. Chemical Agent Security, DoDD 5210.65</li> <li>2. Chemical Surety AR 50-6</li> <li>3. NASA security regulations and authority, 14 CFR parts 1203-1204</li> <li>4. FAA hazardous operations regulations for rockets, 14 CFR I, 101</li> <li>5. FAA Commercial Space Transportation regulations, 14 CFR III, 404</li> <li>6. ITAR, 22 CFR I, 121, 122 and 124</li> <li>7. Chemical Facility Anti-Terrorism Standards, 6 CFR part 27 in force November 2007</li> <li>8. Chemicals of Interest, 6 CFR part 27 in force June 2007</li> </ul>	X	<ul style="list-style-type: none"> <li>1. Chemical Facility Anti-Terrorism Standards, 6 CFR part 27 permits civil penalties including orders to cease operations</li> <li>2. ITAR, 22 CFR part 127</li> </ul>	
12	Licensing of chemical installations/entities/use of materials	X	<ul style="list-style-type: none"> <li>1. ITAR, 22 CFR parts 121, 122 and 124: defense materials</li> </ul>	X	<ul style="list-style-type: none"> <li>1. ITAR, 22 CFR part 127</li> </ul>	
13	Reliability check of personnel	X	<ul style="list-style-type: none"> <li>1. Chemical Facility Anti-Terrorism Standards, 6 CFR part 27, as amended 2007</li> <li>2. Chemical Surety, AR 50-6: personnel reliability: defense materials</li> </ul>	X	<ul style="list-style-type: none"> <li>1. Chemical Facility Anti-Terrorism Standards, 6 CFR part 27 permits civil penalties including orders to cease operations</li> </ul>	

14	Measures to account for/secure/physically protect means of delivery	X	<ol style="list-style-type: none"> <li>1. NASA security regulations and authority, 14 CFR parts 1203-1204</li> <li>2. FAA hazardous operations regulations for rockets, 14 CFR part, 101</li> <li>3. FAA Commercial Space Transportation regulations, 14 CFR part 404</li> <li>4. ITAR, 22 CFR parts 122 and 124</li> <li>5. DoD 5100.76 Physical Security</li> </ol>	X	<ol style="list-style-type: none"> <li>1. NASA security regulations and authority, 14 CFR parts 1203-1204</li> <li>2. FAA Commercial Space Transportation regulations, 14 CFR parts 405-406</li> <li>3. ITAR, 22 CFR part 127</li> <li>4. DoD 5100.76-M Physical Security of Sensitive Conventional Arms</li> <li>5. DOD 5220.22-C Carrier supplement</li> </ol>	
15	National CWC authority	X	Department of State, see Chemical Weapons Convention Implementation Act 22 USC § 6711	X	<ol style="list-style-type: none"> <li>1. DoC is the lead agency for routine and challenge inspections conducted at declared U.S. facilities not owned or leased by the DoD or DoE</li> <li>2. DoDD 5210.65 established the U.S. Army as the lead agency that accounts for chemical weapons munitions.</li> </ol>	
16	Reporting Schedule I, II and III chemicals to OPCW	X	CWC Regulations, 15 CFR parts 710-729 impose annual declaration requirements	X	<ol style="list-style-type: none"> <li>1. CWC Regulations, 15 CFR parts 719-721</li> <li>2. USA reported 9 times, most recently in April 2009</li> <li>3. BIS/COC collected and transmitted data to the OPCW/TS on from 567 facilities in 2009</li> </ol>	
17	Account for, secure or physically protect old chemical weapons	X	Chemical Agent Security, DoDD 5210.65	X	<ol style="list-style-type: none"> <li>1. DoDD 5210.65</li> <li>2. AR 50-6</li> </ol>	
18	Other legislation/ regulations controlling chemical materials					
19	Other			X	By late 2009, 67.6% of our Category 1 chemical weapons, including 85.3% of its chemical rockets, the destruction of 96.6% of its nerve agent, destruction of all binary chemical weapons, destroyed all Category 3 chemical weapons, and all former CW production facilities, among other tasks, at the cost of \$20.5 billion USD.	

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

State:

**United States of America**

Date of Report:

**12 October 2004**

Date of Addendum 1:

**13 September 2005**

Date of Addendum 2:

**21 December 2007**

Date of Addendum 3:

**8 January 2008**

	Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW and Related Materials? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties, and others		Remarks
		YES	if YES, indicate source document	YES	if YES, indicate source document	
1	Measures to account for production	X	1. Atomic Energy Act, as amended, 42 USC § 2011 et seq 2. NRC Material Control and Accounting, and Safeguards 10 CFR parts 74-75, with Regulatory Improvements 10 CFR Parts 40, 72, 73, 74 and 150 in force 1 January 2009 3. Bureau of International Security, Department of Commerce (BIS/DOC) Additional Protocol Regulation (APR) of 31 October 2008 4. DOE directives 5. International Trafficking in Arms Regulations (ITAR), 22 CFR parts 121, 122 and 124	X	1. Subpart B of 10 CFR Part 2 (NRC) 2. DoE oversight 3. Atomic Energy Act, as amended, 42 USC § 2011 et seq 4. Department of Energy, 10 CFR Chapter parts 71-75 5. Department of Energy 10 CFR part 820 6. ITAR, 22 CFR part 127 (account for production and disposition)	
2	Measures to account for use	X	1. DoDD 3150.2 Nuclear Weapon System Safety Program 2. The Atomic Energy Act, as amended, 42 USC Chapter § 2011 3. NRC Material Control and Accounting, Storage, 10 CFR parts 72, 74-75, with Regulatory Improvements 10 CFR Parts 40, 72, 73, 74 and 150 in force 1 January 2009 4. DoE directives	X		
3	Measures to account for storage	X	1. DoDD 3150.2 Nuclear Weapon System Safety Program 2. The Atomic Energy Act, as amended, 42 USC Chapter § 2011 3. NRC Material Control and Accounting, Storage, 10 CFR parts 72, 74-75, with Regulatory Improvements 10 CFR Parts 40, 72, 73, 74 and 150 in force 1 January 2009 4. DoE directives	X		

4	Measures to account for transport	X	<ol style="list-style-type: none"> <li>1. DoDD 3150.2</li> <li>2. DoDD 4540.5 (Logistic Transportation of Nuclear Weapons)</li> <li>3. Atomic Energy Act as amended 42 USC § 2011 et seq</li> <li>4. NRC Nuclear Transport Regulations, 10 CFR parts 71-74</li> <li>5. Hazardous Substances, 15 USC § 1264 (interstate shipments)</li> <li>6. Toxic Substances Control, 15 USC §§ 2605, 2612, and 2614</li> </ol>	X	<ol style="list-style-type: none"> <li>1. DoE directives for the Transportation Safeguard System</li> <li>2. NRC 10 CFR parts 71-75</li> <li>3. Department of Energy 10 CFR part 820</li> <li>4. Hazardous Substances 15 USC § 1264</li> <li>5. Toxic Substances Control, 15 USC §§ 2615-2616</li> </ol>	
5	Other measures for accounting			X	Joint DoE/NRC Nuclear Materials and Management Safeguard System	
6	Measures to secure production	X	<ol style="list-style-type: none"> <li>1. The Atomic Energy Act as amended, 42 USC § 2201 et seq</li> <li>2. Physical Protection and Safeguards, 10 CFR parts 71-74</li> <li>3. Power Reactor Security Requirement Regulations amending 10 CFR Parts 50, 52, 72, and 73 of 27 March 2009</li> </ol>	X	<ol style="list-style-type: none"> <li>1. Subpart B of 10 CFR Part 2</li> <li>2. DoE oversight</li> <li>3. NRC Regulations, 10 CFR parts 71-75, as amended by the Power Reactor Security Requirements 2009</li> <li>4. Department of Energy Regulations, 10 CFR part 820</li> </ol>	
7	Measures to secure use	X	<ol style="list-style-type: none"> <li>1. DoDD 5210.41 Security Policy for Protecting Nuclear Weapons</li> <li>2. The Atomic Energy Act as amended, 42 USC § 2201 et seq</li> <li>3. Physical Protection and Safeguards 10 CFR parts 71-74</li> <li>4. Power Reactor Security Requirement Regulations amending 10 CFR Parts 50, 52, 72, and 73 of 27 March 2009</li> </ol>	X	<ol style="list-style-type: none"> <li>1. Subpart B of 10 CFR Part 2</li> <li>2. DoE oversight</li> <li>3. NRC, 10 CFR parts 71-75, as amended by the Power Reactor Security Requirements 2009</li> <li>4. Department of Energy Regulations, 10 CFR part 820</li> </ol>	
8	Measures to secure storage	X	<ol style="list-style-type: none"> <li>5. Security of Nuclear Reactors and Special Nuclear Material, AR 190-59</li> </ol>	X		



9	Measures to secure transport	X	<ol style="list-style-type: none"> <li>1. DoDD 5210.41 Security Policy for Protecting Nuclear Weapons</li> <li>2. The Atomic Energy Act, as amended, 42 USC § 2201 et seq</li> <li>3. NRC 10 CFR part 74, as amended by the Power Reactor Security Requirements 2009</li> <li>4. Security of Nuclear Reactors and Special Nuclear Material, AR 190-59</li> </ol>	X	<ol style="list-style-type: none"> <li>1. NRC Regulations, Subpart B of 10 CFR Part 2</li> <li>2. DoE directives for the Transportation Safeguard System</li> <li>3. NRC, 10 CFR parts 71-75, as amended by the Power Reactor Security Requirements 2009</li> <li>4. Department of Energy Regulations, 10 CFR part 820</li> </ol>
10	Other measures for securing			X	<p>NRC license recipients use the Emergency Notification System (DoE uses its Emergency Operations Center) for reporting incidents of theft or diversion within an hour</p>
11	Regulations for physical protection of facilities/materials/ transports	X	<ol style="list-style-type: none"> <li>1. DoDD 5210.41, Security Policy for Protecting Nuclear Weapons</li> <li>2. NRC Regulations, 10 CFR part 73, as amended 9 June 2008 (in force 1 January 2009)</li> <li>3. Physical security measures, 42 USC § 2153</li> <li>4. Power Reactor Security Requirement Regulations amending 10 CFR Parts 50, 52, 72, and 73 of 27 March 2009</li> </ol>	X	<ol style="list-style-type: none"> <li>1. DoE Site Safeguard and Security Plans</li> <li>2. NRC Regulations, 10 CFR part 73, as amended by the Power Reactor Security Requirements 2009</li> <li>3. Department of Energy Regulations, 10 CFR part 820</li> </ol>
12	Licensing of nuclear installations/entities/use of materials	X	<ol style="list-style-type: none"> <li>1. NRC's licensing requirements apply to commercial nuclear power activities 42 USC Chapter 23</li> <li>2. NRC Regulations, 10 CFR parts 11, 30-31, 33-36, 39-40, 50, 55, 70, and 72</li> <li>3. ITAR, 22 CFR parts 121-122, and 124</li> </ol>	X	<ol style="list-style-type: none"> <li>1. NRC controls civil nuclear power activities</li> <li>2. DoE oversight of contractors</li> <li>3. Crimes and Criminal Procedure, 18 USC § 831</li> <li>4. NRC Regulations, 10 CFR parts 11, 30-31, 33-36, 39-40, 50, 55, 70, and 72</li> <li>5. Department of Energy Regulations, 10 CFR part 820</li> <li>6. ITAR, 22 CFR part 127</li> </ol>
13	Reliability check of personnel	X	<ol style="list-style-type: none"> <li>1. DoDD 5210.42 Nuclear Weapon Personnel Reliability Program</li> <li>2. The Atomic Energy Act, as amended, 42 USC § 2201 et seq</li> <li>3. NRC Regulations, 10 CFR part 73</li> <li>4. Power Reactor Security Requirement Regulations amending 10 CFR Parts 50, 52, 72, and 73 of 27 March 2009</li> </ol>	X	<ol style="list-style-type: none"> <li>1. DoE Site Safeguard and Security Plan and Transportation Safeguards System</li> <li>2. NRC Regulations, 10 CFR part 73, as amended by the Power Reactor Security Requirements 2009</li> </ol>

14	Measures to account for/secure/physically protect means of delivery	X	<ol style="list-style-type: none"> <li>1. DoD Directives, including DoDD 5210.41, Security Policy for Protecting Nuclear Weapons</li> <li>2. NRC regulations, 10 CFR part 74</li> <li>3. DoE Directives require MPC&amp;A programs</li> <li>4. NASA security regulations and authority, 14 CFR parts 1203-1204</li> <li>5. FAA hazardous operations regulations for rockets, 14 CFR part 101</li> <li>6. FAA Commercial Space Transportation regulations, 14 CFR part 404</li> <li>7. ITAR, 22 CFR parts 122 and 124</li> </ol>	X	<ol style="list-style-type: none"> <li>1. NASA security regulations and authority, 14 CFR parts 1203-1204</li> <li>2. FAA Commercial Space Transportation regulations, 14 CFR parts 405-406</li> <li>3. ITAR, 22 CFR part 127</li> <li>4. DoD 5100.76-M Physical Security of Sensitive Conventional Arms</li> <li>5. DOD 5220.22-C Carrier supplement</li> <li>6. DoD 3150.2-M, Nuclear Weapons System Safety Manual</li> <li>7. NRC regulations 10 CFR part 74</li> </ol>	
15	National regulatory authority	X	<ol style="list-style-type: none"> <li>1. Civilian: NRC (AEA of 1954 and ERA of 1974 as amended)</li> <li>2. Other: NNSA (AEA of 1954, ERA of 1974, and NNSA Act, PL No. 106-65, 50 USC § 2401, et seq., as amended)</li> </ol>	X	<ol style="list-style-type: none"> <li>1. Civilian: NRC (AEA of 1954 and ERA of 1974 as amended)</li> <li>2. Other: NNSA (AEA of 1954, ERA of 1974, and NNSA Act, PL No. 106-65, 50 USC § 2401, et seq., as amended)</li> </ol>	
16	IAEA Safeguards Agreements	X	<ol style="list-style-type: none"> <li>1. Safeguards Agreement, in force 09 December 1980</li> <li>2. Additional Protocol went into force 6 January 2009 after the U.S. Additional Protocol Implementation Act of 2006</li> <li>3. Executive Order 13458</li> <li>4. Department of Commerce Regulations, 15 CFR parts 781-786</li> </ol>	X	<ol style="list-style-type: none"> <li>1. Department of Energy, 10 CFR part 810 implements the U.S.- IAEA Safeguards Agreement</li> <li>2. IAEA Safeguards, 42 USC § 2153</li> <li>3. Department of Commerce Regulations, 15 CFR parts 781-786.</li> </ol>	
17	IAEA Code of Conduct on Safety and Security of Radioactive Sources	X	Codified in the Atomic Energy Act, as amended in 2005, 42 USC § 2210h	X	Notification pursuant to GC(47)/RES/7.B	
18	IAEA Database on Illicit Trafficking of Nuclear Materials and other Radioactive Sources	X	Participates in Database Programme	X	Participates in Database Programme	
19	Other Agreements related to IAEA					
20	Additional national legislation/regulations related to nuclear materials including CPPNM	X	Can suspend international cooperation if recipient has not ratified CPPNM 42 USC § 2156a			

21	Other	X	<p>1. The NRC proposed a rule on the physical protection of nuclear byproduct materials in 2010</p> <p>2. The NRC is considering adopting a statement of policy on the protection of cesium-137 chloride (CsCl) sources in 2010</p>	X	<p>1. Domestic Nuclear Detection Office established in 2005</p> <p>2. DoE has 10 best practices for Safeguards and Security at nuclear weapons production and materials sites</p> <p>3. BIS has developed two separate handbooks (one for locations and the other for sites of IAEA-selected facilities) that provide guidance on how to complete and submit the forms required under the APR</p> <p>4. The NRC proposed a rule on the physical protection of nuclear byproduct materials in 2010 that would also amend associated civil and criminal penalties</p>	
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**OP 3 (c) and (d) and related matters from OP 6 and OP 10 -  
Controls of BW including Related Materials**

State:

**United States of America**

Date of Report:

**12 October 2004**

Date of Addendum 1:

**13 September 2005**

Date of Addendum 2:

**21 December 2007**

Date of Addendum 3:

**8 January 2008**

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of BW and Related Materials ? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties, and measures of implementation, etc		Remarks
	YES	if YES, indicate source document	YES	if YES, indicate source document	
1 Border control	X	1. Tariff Act of 1930, as amended, and its antecedents 19 USC Chapter 4 2. Immigration and Nationality Act, as amended. See, e.g., 19 USC §§ 482, 1589a, 1499, 1581, 1582, 1595a, and 8 USC § 1357 3. Aviation and Transportation Security Act (ATSA, Pub. L. 107-71, 115 Stat 597 (November 19, 2001) and 49 USC § 114(D) 4. The International Emergency Economic Powers Act (IEEPA), 50 USC § 1701 et seq 5. Trading with the Enemy Act (TWEA), 50 USC § App. 1, et seq 6. Smuggling, 19 USC § 1703 7. Customs Duties, 19 CFR parts 4, 115, 122, 141, 181, and 192	X	1. Tariff Act of 1930 as amended, 19 USC Chapter 4 2. Crimes and Criminal Procedure, 18 USC §§ 541-553 3. Customs Duties, 19 USC § 1501 et seq 4. Smuggling,, 19 USC § 1703 5. Customs Duties, 19 CFR parts 161-163, 171 6. Department of Homeland Security: Customs and Border Patrol (CBP), Immigration and Customs Enforcement (ICE), the Coast Guard, and the Transportation Security Administration (TSA), 18 USC § 545, 19 USC § 1595a, and 22 USC § 401	

2	Technical support of border control measures	X	<ol style="list-style-type: none"> <li>1. Collection Districts 19 USC § 69</li> <li>2. Customs Duties Automated Export System (AES), 19 CFR part 192, as amended by the Mandatory Pre-Departure Filing of Export Cargo Information Through the Automated Export System on 30 September 2008 (in conjunction with the final rule by the Department of Commerce on AES issued 2 June 2008).</li> <li>3. USPHS Foreign Quarantine Regulations 2000 CFR Title 48, Volume 3</li> </ol>	X	<ol style="list-style-type: none"> <li>1. Under the Secure Freight Initiative, the United States has begun to place NII in non-US ports</li> <li>2. CBP has deployed 192 large-scale NII imaging systems to U.S. ports of entry</li> <li>3. The United States pre-screens ships going to US ports through its reciprocal Container Security Initiative</li> <li>4. Census (Filing Export Information) 13 USC §§ 302-305</li> </ol>	
3	Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology	X	<ol style="list-style-type: none"> <li>1. Export Administration Act (EAA) and Export Administration Regulations (EAR), through IEEPA, 15 CFR parts 730-799</li> <li>2. International Trafficking in Arms Regulations (ITAR), 22 CFR part 129</li> </ol>	X	<ol style="list-style-type: none"> <li>1. EAR Administrative sanctions , through IEEPA, 15 CFR part 764.3(a)(2)</li> <li>2. Civil penalty under the IEEPA 50 USC § 1701 et seq. heightened by the IEEPA Enhancement Act amendment of § 206 in October 2007</li> <li>3. Crimes and Criminal Procedure, 18 USC § 1001</li> <li>4. ITAR, 22 CFR parts 127-8</li> </ol>	
4	Enforcement agencies/authorities	X	<ol style="list-style-type: none"> <li>1. Customs Service, 19 USC § 2071</li> <li>2. Tariff Act of 1930, as amended 19 USC Chapter 4</li> <li>3. Immigration and Nationality Act</li> <li>4. ATSA</li> <li>5. EAA and EAR, 15 CFR parts 730-799, through IEEPA as extended by Presidential Order on 12 August 2010.</li> <li>6. AECA 22 USC § 2778</li> <li>7. Trade Act, as amended</li> <li>8. Illegal Export of War Materials 22 USC §§, 408 and 465</li> <li>9. ITAR 22 CFR parts 120-129</li> </ol>	X	<ol style="list-style-type: none"> <li>1. Homeland Security</li> <li>2. Commerce Department/Office of Export Enforcement (DoC/BIS/EE)</li> <li>3. Federal Bureau of Investigation (FBI)</li> <li>4. Land and Naval forces</li> </ol>	

5	Export control legislation in place	X	<ol style="list-style-type: none"> <li>1. AECA, 22 USC §§ 2778 and 2797</li> <li>2. ITAR, 22 CFR parts 120-129</li> <li>3. EAA, 50 USC § App.1, 2401-2420, and the Export Administration Regulations (EAR), 15 CFR parts 730-799, through IEEPA as extended by Presidential Order on 12 November 2008 and again on 10 November 2009</li> <li>4. Export Administration Regulations (EAR), through IEEPA, 15 CFR parts 730-799</li> <li>5. TWEA, 50 USC App. 1, et seq</li> <li>6. Illegal Export of War Materials, 22 USC § 401</li> </ol>	X	<ol style="list-style-type: none"> <li>1. AECA, 22 USC § 2798</li> <li>2. In October 2007, the United States adopted the IEEPA Enhancement Act that amended § 206 to dramatically increase criminal and civil penalties for violations of the EAA and EAR</li> <li>3. EAR, through IEEPA, 15 CFR parts 730-799</li> <li>4. Illegal Export of War Materials 22 USC §§ 408, 464-465</li> <li>5. ITAR 22 CFR parts 127-128</li> <li>6. Census (Filing Export Information) 13 USC §§ 302-305</li> </ol>	
6	Licensing provisions	X	<ol style="list-style-type: none"> <li>1. EAR, through IEEPA, 15 CFR parts 732, 744.2-5 and 744.12-14</li> <li>2. ITAR, 22 CFR parts 120-1293.</li> </ol>	X		
7	Individual licensing	X	<p>DHHS/CDC Foreign Quarantine (import permits) 42 CFR 71.54 &amp; 9 CFR 122.2</p> <p>4. USDA Import permits for agents and vectors of plant disease (7 CFR 330).</p> <p>5. The United States Fish and Wildlife Service (USFWS), U.S. Department of Interior, is responsible for regulations involving the prevention and control of wildlife diseases and for the importation of wildlife and eggs thereof (50 CFR 23). In addition, the USFWS represents the United States to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). If biomedical investigators wish to use biological materials or tissues derived from fauna or flora listed in Appendices I, II or III of the convention, a CITES permit is required (50 CFR 23).</p>	X	<ol style="list-style-type: none"> <li>1. AECA, 22 USC § 2798</li> <li>2. IEEPA 50 USC §§ 1701-1706, with heightened penalties in § 206 adopted in October 2007</li> <li>3. Crimes and Criminal Procedure 18 USC §§ 541-553</li> <li>4. ITAR 22 CFR parts 127-128</li> <li>5. Commerce reviewed 19,512 license applications in FY 2007, and denied 172, while Energy, in CY 2007 reviewed 7,000 license applications, and recommended denial in 227 cases</li> </ol>	
8	General licensing	X	<ol style="list-style-type: none"> <li>1. EAA, through IEEPA, 50 USC App. 1, §§ 2401-2420, and 2424</li> <li>2. EAR, through IEEPA, 15 CFR parts 730-799</li> </ol>	X		

9	Exceptions from licensing	X	1. ITAR, 22 CFR parts 120-129 2. EAA, 50 USC App. 1, §§ 2401-2420 and 2424	X	
10	Licensing of deemed export/visa	X	EAR, through IEEPA, 15 CFR parts 730-799 "Deemed" export license is required for a foreign national (EAR)	X	1. IEEPA, 50 USC §§ 1701-1706, with heightened penalties in § 206 adopted in October 2007 2. Crimes and Criminal Procedure, 18 USC §§ 541-553 3. DoC also reviews visa applications
11	National licensing authority	X	1. EAA (Department of Commerce) 2. AECA (Department of State) 3. DHHS/CDC through 42 CFR 71.54 & 9 CFR 122.2 4. USDA through 7 CFR 330 5. DOI through 50 CFR 23	X	1. AECA, 22 USC § 2798 2. IEEPA, with heightened penalties in § 206 adopted in October 2007
12	Interagency review for licenses	X	1. EAR, through IEEPA, 15 CFR parts 730-799 process includes the Departments of Commerce, Defense, Energy, and State, and then others agencies as needed 2. The AECA process includes the Department of Defense	X	Illustrative data provided
13	Control lists	X	1. The Commerce Control List (CCL), 15 CFR part 774 2. The United State Munitions List (USML), 22 CFR parts 120-130 3. DHHS AND USDA Select Agents and Toxins List 7 CFR Part 331, 9 CFR Part 121, and 42 CFR Part 73	X	1. DoC licensing officers assess items 2. Commodity Jurisdiction process, 22 CFR part 120

14	Updating of lists	X	<p>The Commerce Control List (CCL), 15 CFR part 774, as amended by Revisions to the Export Administration Regulations Based Upon a Systematic Review of the Commerce Control List: Additional Changes on 28 June 2010 Executive Order 13546 of July 2, 2010- Optimizing the Security of Biological Select Agents and Toxins in the United States</p>	X	<ol style="list-style-type: none"> <li>1. Implementation of both the Understandings Reached at the 2009 Australia Group (AG) Plenary Meeting and a Decision Adopted under the AG Intersessional on 23 April 2010</li> <li>2. Amendments to the Select Agents Controls in Export Control Classification Number (ECCN) 1C360 on the Commerce Control List (CCL) on 22 February 2010</li> <li>3. Implementation of the 2008 Australia Group (AG) Intersessional Decisions; Additions to the List of States on 6 July 2009</li> <li>4. U.S. interagency working groups</li> </ol>	
15	Inclusion of technologies	X	<ol style="list-style-type: none"> <li>1. The CCL, 15 CFR part 774</li> <li>2. The USML, 22 CFR parts 120-130</li> </ol>	X	<ol style="list-style-type: none"> <li>1. AECA 22 USC § 2798</li> <li>2. IEEPA, with heightened penalties in § 206 adopted in October 2007</li> <li>3. ITAR 22 CFR parts 127-128</li> </ol>	
16	Inclusion of means of delivery	X	<ol style="list-style-type: none"> <li>1. The AECA includes the MTCR Annexes, 22 USC Chapter 39</li> <li>2. The CCL is consistent with the MTCR control list 15 CFR parts 730-774</li> <li>3. The USML ITAR 22 CFR part 120</li> <li>4. Since 2004, the United States has proposed and the MTCR adopted several additions its Annex</li> </ol>	X	<ol style="list-style-type: none"> <li>1. AECA, 22 USC § 2798</li> <li>2. IEEPA, with heightened penalties in § 206 adopted in October 2007</li> <li>3. Revisions to the Export Administration Regulations Based on the 2009 Missile Technology Control Regime Plenary Agreements on 20 April 2010</li> <li>4. Revisions to the Export Administration Regulations based on the 2008 Missile Technology Control Regime Plenary Additions on 9 November 2009</li> </ol>	



17	End-user controls	X	1. EAR, through IEEPA, parts 732, 744.12, 744.13, 744.14 2. AECA, 22 USC § 2785	X	1. IEEPA, with heightened penalties in § 206 adopted in October 2007 2. Additions to Certain Persons on the Entity List of 19 February 2010, Clarification Regarding License Requirements for Transfers (in-country) to Persons Listed on the Entity List of 8 September 2009, Addition and Removal of Certain Persons on the Entity List on 6 July 2009 3. AECA, 22 USC § 2798 4. ITAR, 22 CFR parts 127-128 5. In FY 2009, BIS completed 737 end-use checks in over 30 countries. Of these 737 checks, 101 were Pre-License Checks (PLC) and 636 were Post-Shipment Verifications (PSV)
18	Catch all clause	X	EAR, through IEEPA, 15 CFR part 744	X	1. AECA, 22 USC § 2798
19	Intangible transfers	X	1. ITAR, 22 CFR parts 120-129 2. EAR, through IEEPA, 15 CFR parts 730-799	X	2. IEEPA, with heightened penalties in § 206 adopted in October 2007 3. Crimes and Criminal Procedure 18 USC §§ 541-553
20	Transit control	X		X	4. ITAR 22 CFR parts 127-128
21	Trans-shipment control	X		X	
22	Re-export control	X		X	
23	Control of providing funds	X	1. Terrorist Financing, Executive Order 13224 2. EAR, through IEEPA, 15 CFR parts 730-774 3. Bank Secrecy Act	X	1. Financial Crimes Enforcement Network (FinCEN) 2. IEEPA, with heightened penalties in § 206 adopted in October 2007
24	Control of providing transport services	X	EAR, through IEEPA, 15 CFR part 744.6	X	1. AECA, 22 USC § 2798 2. IEEPA, with heightened penalties in § 206 adopted in October 2007 3. Crimes and Criminal Procedure, 18 USC §§ 541-553 4. ITAR, 22 CFR parts 127-128

25	Control of importation	<p><b>X</b></p> <ol style="list-style-type: none"> <li>1. Trade Act Customs Duties, 19 USC Chapter 12</li> <li>2. AECA, 22 USC § 2778</li> <li>3. Agriculture APHIS regulations 7 CFR part 351</li> <li>4. Animal and Animal Product APHIS regulations 9 CFR parts 93-94, 121-122</li> <li>5. The Bioterrorism Act, Select Agent regulations</li> <li>6. The Agricultural Bioterrorism Protection Act, Select Agent Regulations</li> <li>7. Tariff Act of 1930, as amended, and its antecedents 19 USC Chapter 4</li> <li>8. Foreign Quarantine Regulations</li> <li>9. DHHS/CDC through 42 CFR 71.54 &amp; 9 CFR 122.2</li> <li>11. USDA through 7 CFR 330</li> <li>12. DOI through 50 CFR 23</li> </ol>	<p><b>X</b></p>	<ol style="list-style-type: none"> <li>1. The Container Security Initiative (CSI)</li> <li>2. Megaport's Initiative</li> <li>3. Crimes and Criminal Procedure, 18 USC §§ 541-553</li> <li>4. AECA, 22 USC § 2798</li> </ol>	
26	Extraterritorial applicability	<p><b>X</b></p> <ol style="list-style-type: none"> <li>1. Proliferation of WMD, E.O. 12938</li> <li>2. Racketeering 18 USC §1956(c)(7)(B)(v)(I) and (II)</li> <li>3. EAA, 15 CFR parts 730-774</li> <li>4. AECA, 22 USC Chapter 39</li> <li>5. ITAR, 22 CFR parts 127-128</li> </ol>	<p><b>X</b></p>	<ol style="list-style-type: none"> <li>1. AECA, 22 USC § 2798</li> <li>2. IEEPA, with heightened penalties in § 206 adopted in October 2007</li> <li>3. ITAR 22, CFR parts 127-128</li> </ol>	

27	Other	X	<p>1. The Obama Administration proposed a sweeping overhaul of the US export controls on 30 August 2010</p> <p>2. The United States participates in a FATF Working Group typology exercise that will report on issues of proliferation financing in June 2008</p> <p>3. The Trade Act, as amended, mandates that ship manifests arrive 24 hours in advance of entering U.S. ports</p> <p>4. Maritime Transportation Security Act of 2002 provides for grants for detection systems for ports</p>	X	<p>1. The Office of Foreign Assets Control (OFAC) licenses financial transactions with several countries, including some for anti-terrorism reasons</p> <p>2. Commerce, ICE, the FBI and the Justice investigated and prosecuted several WMD proliferation cases since the 2006 report</p> <p>3. DHHS issued the Screening Framework Guidance for Providers of Synthetic Double-Stranded DNA. This voluntary Guidance, 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.</p>	
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**OP 3 (c) and (d) and related matters from OP 6 and OP 10 -  
Controls of CW including Related Materials**

State:

**United States of America**

Date of Report:

**12 October 2004**

Date of Addendum 1:

**13 September 2005**

Date of Addendum 2:

**21 December 2007**

Date of Addendum 3:

**8 January 2008**

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of CW and Related Materials ? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties, and measures of implementation, etc		Remarks
	YES	if YES, indicate source document	YES	if YES, indicate source document	
1 Border control	X	1. Tariff Act of 1930, as amended, and its antecedents 19 USC Chapter 4 2. Immigration and Nationality Act, as amended. See, e.g., 19 USC §§ 482, 1589a, 1499, 1581, 1582, 1595a, and 8 USC § 1357 3. Aviation and Transportation Security Act (ATSA, Pub. L. 107-71, 115 Stat 597 (November 19, 2001) and 49 USC § 114(D) 4. The International Emergency Economic Powers Act (IEEPA), 50 USC § 1701 et seq 5. Trading with the Enemy Act (TWEA), 50 USC App. 1, et seq 6. Smuggling, 19 USC § 1703 7. Customs Duties 19 CFR parts 4, 115, 122, 141, 181, and 192	X	1. Tariff Act of 1930 as amended, 19 USC Chapter 4 2. Crimes and Criminal Procedure, 18 USC § 541-553 3. Customs Duties, 19 USC § 1501 et seq 4. Smuggling, 19 USC § 1703 5. Customs Duties, 19 CFR parts 161-163, 171 6. Department of Homeland Security: Customs and Border Patrol (CBP), Immigration and Customs Enforcement (ICE), the Coast Guard, and the Transportation Security Administration (TSA), 18 USC § 545, 19 USC § 1595a, and 22 USC § 401	

2	Technical support of border control measures	X	<ol style="list-style-type: none"> <li>1. Collection Districts 19 USC § 69</li> <li>2. Customs Duties Automated Export System (AES), 19 CFR part 192, as amended by the Mandatory Pre-Departure Filing of Export Cargo Information Through the Automated Export System on 30 September 2008</li> <li>3. EAR, as amended by Mandatory Electronic Filing of Export and Reexport License Applications, Classification Requests, Encryption Review Requests, and License Exception AGR notifications on 21 August 2008</li> </ol>	X	<ol style="list-style-type: none"> <li>1. Under the Secure Freight Initiative, the United States has begun to place NII in non-US ports</li> <li>2. CBP has deployed 192 large-scale NII imaging systems to U.S. ports of entry</li> <li>3. The United States pre-screens ships going to US ports through its reciprocal Container Security Initiative</li> <li>4. Census (Filing Export Information) 13 USC §§ 302-305</li> </ol>	
3	Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology	X	<ol style="list-style-type: none"> <li>1. Export Administration Act (EAA) and Export Administration Regulations (EAR), through IEEPA, 15 CFR parts 730-799</li> <li>2. International Trafficking in Arms Regulations (ITAR), 22 CFR part 129</li> </ol>	X	<ol style="list-style-type: none"> <li>1. EAR Administrative sanctions, through IEEPA, 15 CFR part 764.3(a)(2)</li> <li>2. Civil penalty under the IEEPA, 50 USC § 1701 et seq. heightened by the IEEPA Enhancement Act amendment of § 206 in October 2007</li> <li>3. Crimes and Criminal Procedure, 18 USC § 1001</li> <li>4. ITAR, 22 CFR parts 127-8</li> </ol>	
4	Enforcement agencies/authorities	X	<ol style="list-style-type: none"> <li>1. AECA, 22 USC §§ 2778 and 2797</li> <li>2. ITAR, 22 CFR parts 120-129</li> <li>3. EAA, through IEEPA, 50 USC App.1, §§ 2401-2420</li> <li>4. Export Administration Regulations (EAR), 15 CFR parts 730-799, through IEEPA as extended by Presidential Order on 12 November 2008 and again on 10 November 2009</li> <li>5. TWEA, 50 USC App. 1, et seq</li> <li>6. Illegal Export of War Materials, 22 USC § 401</li> </ol>	X	<ol style="list-style-type: none"> <li>1. Homeland Security</li> <li>2. Commerce Department/Office of Export Enforcement (DoC/BIS/EE)</li> <li>3. Federal Bureau of Investigation (FBI)</li> <li>4. Land and Naval forces</li> </ol>	

5	Export control legislation in place	X	<ol style="list-style-type: none"> <li>1. Chemical Weapons Convention Regulations, 15 CFR parts 710-721</li> <li>2. AECA, 22 USC §§ 2778 and 2797</li> <li>3. EAA, 50 USC App. 1 §§ 2401-2420, 24 and EAR, 15 CFR parts 730-799, through IEEPA as extended by Presidential Order on 12 November 2008 and again on 10 November 2009</li> <li>4. ITAR, 22 CFR parts 120-129</li> <li>5. TWEA 50 USC App. 1, et seq</li> <li>6. Illegal Export of War Materials, 22 USC § 401</li> <li>7. Toxic Substances Control, 15 USC §§ 2611 and 2614</li> </ol>	X	<ol style="list-style-type: none"> <li>1. AECA, 22 USC § 2798</li> <li>2. In October 2007, the United States adopted the IEEPA Enhancement Act that amended § 206 to dramatically increase criminal and civil penalties for violations of the EAA and EAR</li> <li>3. CWC Regulations, 15 CFR part 719</li> <li>4. Toxic Substances Control, 15 USC §§ 2615-2616</li> <li>5. Illegal Export of War Materials, 22 USC §§, 408, 464-465</li> </ol>	
6	Licensing provisions	X		X	<ol style="list-style-type: none"> <li>6. ITAR, 22 CFR parts 127-128</li> <li>7. Commerce reviewed 19,512 license applications in FY 2007, and denied 172, while Energy, in CY 2007 reviewed 7,000 license applications, and recommended denial in 227 cases.</li> </ol>	
7	Individual licensing	X	<ol style="list-style-type: none"> <li>1. EAR, through IEEPA, 15 CFR parts 732, 744.2-5 and 744.12-14</li> <li>2. AECA, 22 USC § 2778</li> <li>3. ITAR 22 CFR 1, 120-129</li> </ol>	X		
8	General licensing	X	<ol style="list-style-type: none"> <li>1. EAA, through IEEPA, 50 USC App. 1 §§ 2401-2420, and 2424</li> <li>2. EAR, through IEEPA, 15 CFR parts 730-799</li> </ol>	X		
9	Exceptions from licensing					
10	Licensing of deemed export/visa	X	EAR, through IEEPA, 15 CFR parts 730-799 "Deemed" export license is required for a foreign national (EAR)	X	<ol style="list-style-type: none"> <li>1. IEEPA, with heightened penalties in § 206 adopted in October 2007</li> <li>2. Crimes and Criminal Procedure 18 USC §§ 541-553</li> <li>3. DoC also reviews visa applications</li> </ol>	
11	National licensing authority	X	<ol style="list-style-type: none"> <li>1. EAA (Department of Commerce)</li> <li>2. AEAC (Department of State)</li> </ol>	X	<ol style="list-style-type: none"> <li>1. AECA, 22 USC Chapter 39</li> <li>2. IEEPA</li> <li>3. Illustrative data on licensing</li> </ol>	
12	Interagency review for licenses	X	<ol style="list-style-type: none"> <li>1. The AEA and EAA processes include the Departments of Commerce, Defense, Energy, and State, and others as needed</li> <li>2. The AECA process includes Defense.</li> </ol>	X	<ol style="list-style-type: none"> <li>1. Regulatory time limits on Commerce licensing, Executive Order 12981 of 5 December 1994</li> <li>2. Illustrative data on licensing</li> </ol>	

13	Control lists	X	<ol style="list-style-type: none"> <li>1. CWC Implementation Act, 22 USC § 6701</li> <li>2. The CCL, 15 CFR part 774</li> <li>3. The USML, 22 CFR parts 120-130</li> </ol>	X	<ol style="list-style-type: none"> <li>1. DoC licensing officers assess items</li> <li>2. Commodity Jurisdiction process, 22 CFR part 120</li> </ol>	
14	Updating of lists	X	The CCL, 15 CFR part 774, as amended by Revisions to the Export Administration Regulations Based Upon a Systematic Review of the Commerce Control List: Additional Changes on 28 June 2010	X	<ol style="list-style-type: none"> <li>1. Implementation of both the Understandings Reached at the 2009 Australia Group (AG) Plenary Meeting and a Decision Adopted under the AG Intersessional on 23 April 2010</li> <li>2. U.S. interagency working groups</li> </ol>	
15	Inclusion of technologies	X	<ol style="list-style-type: none"> <li>1. The CCL, 15 CFR part 774</li> <li>2. The USML, 22 CFR parts 120-130</li> </ol>	X	<ol style="list-style-type: none"> <li>1. AECA, 22 USC § 2798</li> <li>2. IEEPA, with heightened penalties in § 206 adopted in October 2007</li> <li>3. ITAR, 22 CFR parts 127-128</li> <li>4. Revisions to the Export Administration Regulations Based on the 2009 Missile Technology Control Regime Plenary Agreements on 20 April 2010</li> </ol>	
16	Inclusion of means of delivery	X	<ol style="list-style-type: none"> <li>1. The AECA includes the MTCR Annexes, 22 USC Chapter 39</li> <li>2. The CCL is consistent with the MTCR control list 15 CFR parts 730-774</li> <li>3. The USML ITAR 22 CFR part 120</li> <li>4. Since 2004, the United States has proposed and the MTCR adopted several additions its Annex</li> </ol>	X	<ol style="list-style-type: none"> <li>5. Revisions to the Export Administration Regulations based on the 2008 Missile Technology Control Regime Plenary Additions on 9 November 2009</li> </ol>	

17	End-user controls	X	1. EAR, through IEEPA, 15 CFR parts 732, 744, and 745 2. ITAR, 22 CFR parts 120-130	X	1. Amendments to the validated end-user (VEU) lists for China and India on 12 October 2010, 14 May 2010, 2 July 2009 2. IEEPA, with heightened penalties in § 206 adopted in October 2007 3. Additions to Certain Persons on the Entity List of 19 February 2010, Clarification Regarding License Requirements for Transfers (in-country) to Persons Listed on the Entity List of 8 September 2009, Addition and Removal of Certain Persons on the Entity List on 6 July 2009 4. AECA, 22 USC § 2798 5. ITAR, 22 CFR parts 127-128 6. In FY 2009, BIS completed 737 end-use checks in over 30 countries. Of these 737 checks, 101 were Pre-License Checks (PLC) and 636 were Post-Shipment Verifications (PSV)	
18	Catch all clause	X	EAR, through IEEPA, 15 CFR part 744	X	1. AECA, 22 USC § 2798 2. IEEPA, with heightened penalties in § 206 adopted in October 2007 3. ITAR, 22 CFR parts 127-128	
19	Intangible transfers	X	1. ITAR, 22 CFR parts 120-129 2. EAR, through IEEPA, 15 CFR parts 730-799	X	1. AECA, 22 USC § 2798 2. IEEPA, with heightened penalties in § 206 adopted in October 2007 3. Crimes and Criminal Procedure 18 USC §§ 541-553 4. ITAR 22 CFR I, 127-128	
20	Transit control	X		X		
21	Trans-shipment control	X		X		



22	Re-export control	X	<ol style="list-style-type: none"> <li>1. CWC Implementation Act, 18 USC § 229</li> <li>2. EAA and EAR, through IEEPA, 15 CFR parts 730-799</li> <li>3. AECA, 22 USC Chapter 39</li> </ol>	X	<ol style="list-style-type: none"> <li>1. AECA, 22 USC § 2798</li> <li>2. IEEPA, with heightened penalties in § 206 adopted in October 2007</li> </ol>	
23	Control of providing funds	X	<ol style="list-style-type: none"> <li>1. Terrorist Financing, Executive Order 13224</li> <li>2. EAR, through IEEPA, 15 CFR parts 730-774</li> <li>3. Bank Secrecy Act</li> </ol>	X	<ol style="list-style-type: none"> <li>1. Financial Crimes Enforcement Network (FinCEN)</li> <li>2. EAR, through IEEPA, 15 CFR parts 730-774</li> </ol>	
24	Control of providing transport services	X	EAR, through IEEPA, 15 CFR part 744.6	X	<ol style="list-style-type: none"> <li>1. IEEPA, with heightened penalties in § 206 adopted in October 2007</li> <li>2. Crimes and Criminal Procedure 18 USC §§ 541-553</li> <li>3. ITAR 22 CFR I, 127-128</li> </ol>	
25	Control of importation	X	<ol style="list-style-type: none"> <li>1. Trade Act Customs Duties 19 USC § 12</li> <li>2. AECA, 22 USC § 2778</li> <li>3. Tariff Act of 1930, as amended, and its antecedents 19 USC Chapter 4</li> <li>4. Hazardous Substances 15 USC § 1273</li> <li>5. Toxic Substances Control 15 USC §§ 2605, 2612 and 2614</li> <li>6. ITAR 22 CFR parts 120-130</li> <li>7. CWC Implementation 22 USC § 6711</li> </ol>	X	<ol style="list-style-type: none"> <li>1. Container Security Initiative (CSI)</li> <li>2. Megaport's Initiative</li> <li>3. Hazardous Substances, 15 USC § 1264</li> <li>4. Toxic Substances Control 15 USC §§ 2615-2616</li> <li>5. ITAR 22 CFR parts 127-128</li> <li>6. CWC Regulations, 15 CFR part 719</li> </ol>	
26	Extraterritorial applicability	X	<ol style="list-style-type: none"> <li>1. Proliferation of WMD E.O. 12938</li> <li>2. Racketeering 18 USC § 1956(c)(7)(B)(v)(I) and (II)</li> <li>3. EAA through IEEPA, as amended, 15 CFR parts 730-774</li> <li>4. AECA, 22 USC § 39</li> <li>5. ITAR, 22 CFR parts 127-128</li> </ol>	X	<ol style="list-style-type: none"> <li>1. AECA, 22 USC § 2798</li> <li>2. IEEPA, with heightened penalties in § 206 adopted in October 2007</li> <li>3. ITAR, 22 CFR parts 127-128</li> </ol>	

27	Other	X	<ol style="list-style-type: none"> <li>1. The Obama Administration proposed a sweeping overhaul of the US export controls on 30 August 2010</li> <li>2. The United States participates in a FATF Working Group typology exercise that will report on issues of proliferation financing in June 2008</li> <li>3. The Trade Act, as amended, mandates that ship manifests arrive 24 hours in advance of entering U.S. ports</li> <li>4. Maritime Transportation Security Act of 2002 provides for grants for detection systems for ports</li> </ol>	X	<ol style="list-style-type: none"> <li>1. The Office of Foreign Assets Control (OFAC) licenses financial transactions with several countries, including some for anti-terrorism reasons</li> <li>2. Commerce, ICE, the FBI and the Justice investigated and prosecuted several WMD proliferation cases since the 2006 report</li> </ol>	
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**OP 3 (c) and (d) and related matters from OP 6, and OP 10 -  
Controls of NW including Related Materials**

State:

**United States of America**

Date of Report:

**12 October 2004**

Date of Addendum 1:

**13 September 2005**

Date of Addendum 2:

**21 December 2007**

Date of Addendum 3:

**8 January 2008**

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of NW and Related Materials ? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties, and measures of implementation, etc		Remarks
	YES	if YES, indicate source document	YES	if YES, indicate source document	
1 Border control	X	1. Tariff Act of 1930, as amended, and its antecedents 19 USC Chapter 4 2. Immigration and Nationality Act, as amended. See, e.g., 19 USC §§ 482, 1589a, 1499, 1581, 1582, 1595a, and 8 USC § 1357 3. Aviation and Transportation Security Act (ATSA, Pub. L. 107-71, 115 Stat 597 (November 19, 2001) and 49 USC § 114(D) 4. The International Emergency Economic Powers Act (IEEPA), 50 USC § 1701 et seq 5. Trading with the Enemy Act (TWEA), 50 USC App. 1, et seq 6. Smuggling, 19 USC § 1703 7. Customs Duties, 19 CFR parts 4, 115, 122, 141, 181, and 192	X	1. Tariff Act of 1930 as amended 19 USC Chapter 4 2. Crimes and Criminal Procedure 18 USC § 541-553 3. Customs Duties 19 USC § 1501 et seq 4. Smuggling, 19 USC § 1703 5. Customs Duties 19 CFR parts 161-163, 171 6. Department of Homeland Security: Customs and Border Patrol (CBP), Immigration and Customs Enforcement (ICE), the Coast Guard, and the Transportation Security Administration (TSA), 18 USC § 545, 19 USC § 1595a, and 22 USC § 401	

2	Technical support of border control measures	X	<ol style="list-style-type: none"> <li>1. Collection Districts 19 USC § 69</li> <li>2. Customs Duties Automated Export System (AES), 19 CFR part 192, as amended by the Mandatory Pre-Departure Filing of Export Cargo Information Through the Automated Export System on 30 September 2008</li> <li>3. EAR, as amended by Mandatory Electronic Filing of Export and Reexport License Applications, Classification Requests, Encryption Review Requests, and License Exception AGR notifications on 21 August 2008</li> </ol>	X	<ol style="list-style-type: none"> <li>1. CBP has deployed 1054 RPMs and 192 large-scale NII imaging systems, along with over 16,000 PRDs and over 1000 RIIDs to U.S. ports of entry</li> <li>2. Megaport's Initiative assists States in screening</li> <li>3. The United States pre-screen ships through its reciprocal Container Security Initiative</li> <li>4. Census (Filing Export Information) 13 USC §§ 302-305</li> <li>5. In the Secure Freight Initiative, the United States is placing NII equipment in foreign ports</li> </ol>	
3	Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology	X	<ol style="list-style-type: none"> <li>1. Export Administration Act (EAA) and Export Administration Regulations (EAR), through IEEPA, 15 CFR parts 730-799</li> <li>2. International Trafficking in Arms Regulations (ITAR), 22 CFR part 129</li> </ol>	X	<ol style="list-style-type: none"> <li>1. EAR Administrative sanctions, through IEEPA, 15 CFR part 764.3(a)(2)</li> <li>2. Civil penalty under the IEEPA 50 USC § 1701 et seq. heightened by the IEEPA Enhancement Act amendment of § 206 in October 2007</li> <li>3. Crimes and Criminal Procedure 18 USC § 1001</li> <li>4. ITAR, 22 CFR parts 127-8</li> </ol>	
4	Enforcement agencies/authorities	X	<ol style="list-style-type: none"> <li>1. AECA, 22 USC §§ 2778 and 2797</li> <li>2. ITAR, 22 CFR parts 120-129</li> <li>3. EAA, through IEEPA, 50 USC App.1 §§ 2401-2420</li> <li>4. Export Administration Regulations (EAR), 15 CFR parts 730-799, through IEEPA as extended by Presidential Order on 12 November 2008 and again on 10 November 2009</li> <li>5. TWEA 50 USC App. 1, et seq</li> <li>6. Illegal Export of War Materials, 22 USC § 401</li> </ol>	X	<ol style="list-style-type: none"> <li>1. Homeland Security</li> <li>2. Commerce Department/Office of Export Enforcement (DoC/BIS/EE)</li> <li>3. Federal Bureau of Investigation (FBI)</li> <li>4. Land and Naval forces</li> </ol>	

5	Export control legislation in place	X	<ol style="list-style-type: none"> <li>1. Atomic Energy Act, as ammended, 42 USC § 2011 et seq</li> <li>2. NRC regulations, 10 CFR part 110, with Regulatory Improvements on export reporting of 10 CFR Part 150 in force 1 January 2009 and as updated on 28 July 2010 by the Export and Import of Nuclear Equipment and Material Updates and Clarifications</li> <li>3. DoE regulations, 10 CFR part 810</li> <li>4. 42 USC § 2122</li> <li>5. AECA, 22 USC §§ 2778 and 2797</li> <li>6. ITAR, 22 CFR parts 120-129</li> <li>7. EAA, 50 USC App.1, §§ 2401-2420, and EAR, 15 CFR partes 730-799, through IEEPA as extended by Presidential Order on 12 November 2008 and again on 10 November 2009</li> <li>8. TWEA, 50 USC App. 1, et seq</li> <li>9. Illegal Export of War Materials, 22 USC § 401</li> <li>10. Sanctions for Nuclear Proliferation, 22 USC § 6301</li> </ol>	X	<ol style="list-style-type: none"> <li>1. AECA, 22 USC § 2798</li> <li>2. IEEPA, with heightened penalties in § 206 adopted in October 2007</li> <li>3. EAR, through IEEPA, 15 CFR parts 730-799</li> <li>4. Illegal Export of War Materials, 22 USC §§ 408, 464-465</li> <li>5. ITAR, 22 CFR parts 127-128</li> <li>6. Census (Filing Export Information), 13 USC §§ 302-305</li> <li>7. Public Health and Welfare, 42 USC 23, XVII</li> <li>8. Sanctions for Nuclear Proliferation, 22 USC § 6301</li> <li>9. NRC Regulations, 10 CFR part 110, as amended 2010</li> <li>10. Atomic Energy Act, as ammended, 42 USC § 2011 et seq</li> </ol>	
6	Licensing provisions	X	<ol style="list-style-type: none"> <li>1. Atomic Energy Act, as ammended, 42 USC § 2011 et seq</li> <li>2. DoE Regulations, 10 CFR part 810</li> <li>3. EAR, through IEEPA, 15 parts 732, 744.2-5 and 744.12-14</li> <li>4. AECA, 22 USC § 2778</li> <li>5. ITAR, 22 CFR parts 120-129</li> <li>6. NRC Regulations, 10 CFR part 110, as updated on 28 July 2010 by the Export and Import of Nuclear Equipment and Material Updates and Clarifications</li> </ol>	X	<ol style="list-style-type: none"> <li>1. AECA, 22 USC § 2798</li> <li>2. IEEPA, with heightened penalties in § 206 adopted in October 2007</li> <li>3. EAR, through IEEPA, 15 CFR parts 730-799</li> <li>4. Atomic Energy Act, as ammended, 42 USC § 2011 et seq</li> <li>5. ITAR, 22 CFR parts 127-128</li> <li>6. NRC Regulations, 10 CFR part 110, , as updated on 28 July 2010 by the Export and Import of Nuclear Equipment and Material Updates and Clarifications</li> <li>7. DoE Regulations, 10 CFR part 810</li> </ol>	

7	Individual licensing	X	<ol style="list-style-type: none"> <li>1. NRC Regulations, 10 CFR part 110, and as updated on 28 July 2010 by the Export and Import of Nuclear Equipment and Material Updates and Clarifications</li> <li>2. EAR 5 CFR parts 732, 744.2-5 and 744.12-14</li> <li>3. AECA, 22 USC § 2778</li> <li>4. ITAR, 22 CFR parts 120-129</li> <li>5. DoE authorizations 10 CFR part 810</li> </ol>	X	<ol style="list-style-type: none"> <li>1. AECA, 22 USC § 2798</li> <li>2. IEEPA with heightened penalties in § 206 adopted in October 2007</li> <li>3. EAR, through IEEPA, 15 CFR parts 730-799</li> <li>4. Atomic Energy Act, as amended, 42 USC § 2011 et seq</li> <li>5. ITAR, 22 CFR parts 127-128</li> <li>6. NRC Regulations, 10 CFR part 110, , as updated on 28 July 2010 by the Export and Import of Nuclear Equipment and Material Updates and Clarifications</li> <li>7. DoE Regulations, 10 CFR part 810</li> <li>8. Commerce reviewed 19,512 license applications in FY 2007, and denied 172, while Energy, in CY 2007 reviewed 7,000 license applications, and recommended denial in 227 cases.</li> </ol>	
8	General licensing	X	<ol style="list-style-type: none"> <li>1. NRC Regulations, 10 CFR part 110, and as updated on 28 July 2010 by the Export and Import of Nuclear Equipment and Material Updates and Clarifications</li> <li>2. EAA 50 USC §§ App., 2401-2420, and 2424 consistent with the EAA</li> <li>3. EAR, 15 CFR parts 730-799</li> <li>4. DoE general authorizations 10 CFR part 810</li> </ol>	X	<ol style="list-style-type: none"> <li>1. IEEPA, with heightened penalties in § 206 adopted in October 2007</li> <li>2. EAR, through IEEPA, 15 CFR parts 730-799</li> <li>3. Atomic Energy Act, as amended, 42 USC § 2011 et seq</li> <li>4. NRC Regulations, 10 CFR part 110, , as updated on 28 July 2010 by the Export and Import of Nuclear Equipment and Material Updates and Clarifications</li> <li>5. DoE Regulations, 10 CFR part 810</li> </ol>	
9	Exceptions from licensing	X	<ol style="list-style-type: none"> <li>1. Atomic Energy Act, as amended, 42 USC § 2011 et seq</li> <li>2. DoE Regulations, 10 CFR part 810</li> <li>3. AECA, 22 USC § 2778</li> <li>4. ITAR, 22 CFR parts 120-129</li> <li>5. NRC Regulations, 10 CFR part 110.10, 110.111, and as updated on 28 July 2010 by the Export and Import of Nuclear Equipment and Material Updates and Clarifications</li> </ol>	X	<ol style="list-style-type: none"> <li>1. AECA, 22 USC § 2798</li> <li>2. EAR, through IEEPA, 15 CFR parts 730-799</li> <li>3. Atomic Energy Act, as amended, 42 USC § 2011 et seq</li> <li>4. ITAR, 22 CFR parts 127-128</li> <li>5. NRC Regulations, 10 CFR part 110, as updated on 28 July 2010 by the Export and Import of Nuclear Equipment and Material Updates and Clarifications</li> <li>6. DoE Regulations, 10 CFR part 810</li> </ol>	

10	Licensing of deemed export/visa	X	<ol style="list-style-type: none"> <li>1. DoE requires U.S. nuclear vendors to obtain advance approval for hiring foreign nationals</li> <li>2. DoC administers export licensing of dual-use technology transfers to foreign nationals in the United States, EAR, 15 CFR parts 730-799</li> </ol>	X	<ol style="list-style-type: none"> <li>1. IEEPA, with heightened penalties in § 206 adopted in October 2007</li> <li>2. DoC also reviews visa applications</li> <li>3. Crimes and Criminal Procedure 18 USC §§ 541-553</li> </ol>	
11	National licensing authority	X	<ol style="list-style-type: none"> <li>1. U.S. Nuclear Regulatory Commission (NRC)</li> <li>2. DoE licenses the export of nuclear technology and services under 10 CFR part 810</li> <li>3. DoC licenses the export of dual-use nuclear items, including technology</li> </ol>	X	<ol style="list-style-type: none"> <li>1. AECA, 22 USC Chapter 39</li> <li>2. IEEPA, with heightened penalties in § 206 adopted in October 2007</li> </ol>	
12	Interagency review for licenses	X	<ol style="list-style-type: none"> <li>1. The AEA and EAA processes include the Departments of Commerce, Defense, Energy, and State, and others as needed</li> <li>2. The AECA process includes Defense.</li> </ol>	X	Illustrative data	
13	Control lists	X	<ol style="list-style-type: none"> <li>1. The CCL, 15 CFR part 774,</li> <li>2. The USML, 22 CFR parts 120-130</li> <li>3. NRC Regulations, 10 CFR part 110.8-110.9a</li> </ol>	X	<ol style="list-style-type: none"> <li>1. DoC licensing officers assess items</li> <li>2. Commodity Jurisdiction process, 22 CFR part 120</li> </ol>	
14	Updating of lists	X	The CCL 15 CFR part 774, as amended by Revisions to the Export Administration Regulations Based Upon a Systematic Review of the Commerce Control List: Additional Changes on 28 June 2010	X	U.S. interagency working groups	
15	Inclusion of technologies	X	<ol style="list-style-type: none"> <li>1. DoE controls nuclear technology exports</li> <li>2. The CCL, 15 CFR part 774</li> <li>3. The USML, 22 CFR parts 120-130</li> </ol>	X	<ol style="list-style-type: none"> <li>1. AECA, 22 Chapter 39</li> <li>2. IEEPA, with heightened penalties in § 206 adopted in October 200</li> <li>3. DoE regulations, 10 CFR part 810</li> </ol>	

16	Inclusion of means of delivery	X	<ol style="list-style-type: none"> <li>1. The AECA includes the MTCR Annexes, 22 USC Chapter 39</li> <li>2. The CCL is consistent with the MTCR control list 15 CFR parts 730-774</li> <li>3. The USML ITAR 22 CFR part 120</li> <li>4. Since 2004, the United States has proposed and the MTCR adopted several additions its Annex</li> </ol>	<ol style="list-style-type: none"> <li>1. AECA, 22 USC § 2798</li> <li>2. IEEPA, with heightened penalties in § 206 adopted in October 2007</li> <li>3. ITAR, 22 CFR parts 127-128</li> <li>4. Revisions to the Export Administration Regulations Based on the 2009 Missile Technology Control Regime Plenary Agreements on 20 April 2010</li> <li>5. Revisions to the Export Administration Regulations based on the 2008 Missile Technology Control Regime Plenary Additions on 9 November 2009</li> </ol>	
17	End-user controls	X	<ol style="list-style-type: none"> <li>1. DoE may require end-use assurances, 10 CFR part 810</li> <li>2. EAR, 15 CFR parts 732 and 744</li> <li>3. Physical Protection measures and other criteria, 42 USC §§ 2153b, 2156-8, and 2160</li> <li>4. NRC regulations on criteria on end-users, 10 CFR part 110</li> </ol>	<ol style="list-style-type: none"> <li>1. Amendments to the validated end-user (VEU) lists for China and India on 12 October 2010, 14 May 2010, 2 July 2009</li> <li>2. IEEPA, with heightened penalties in § 206 adopted in October 2007</li> <li>3. Additions to Certain Persons on the Entity List of 19 February 2010, Clarification Regarding License Requirements for Transfers (in-country) to Persons Listed on the Entity List of 8 September 2009, Addition and Removal of Certain Persons on the Entity List on 6 July 2009</li> <li>4. AECA, 22 USC Chapter 4</li> <li>5. In FY 2009, BIS completed 737 end-use checks in over 30 countries. Of these 737 checks, 101 were Pre-License Checks (PLC) and 636 were Post-Shipment Verifications (PSV)</li> <li>6. NRC Regulations, 10 CFR part 110.60-110.67</li> <li>7. DoE regulations, 10 CFR part 810</li> </ol>	
18	Catch all clause	X	EAR, 15 CFR part 744	<ol style="list-style-type: none"> <li>1. AECA, 22 USC § 2798</li> <li>2. IEEPA, with heightened penalties in § 206 adopted in October 2007</li> <li>3. ITAR, 22 CFR parts 127-128</li> <li>4. Sanctions for Nuclear Proliferation, 22 USC § 6303</li> </ol>	



19	Intangible transfers	X	1. ITAR, 22 CFR parts 120-129 2. EAR, 15 CFR parts 730-799 3. DoE regulations, 10 CFR part 810	X	1. AECA, 22 USC § 2798 2. IEEPA, with heightened penalties in § 206 adopted in October 2007 3. Crimes and Criminal Procedure 18 USC §§ 541-553 4. ITAR, 22 CFR parts 127-128 5. NRC Regulations, 10 CFR part 110.60-110.67 6. DoE Regulations, 10 CFR part 810	
20	Transit control	X		X		
21	Trans-shipment control	X	1. ITAR, 22 CFR parts 120-129 2. EAR, 15 CFR parts 730-799	X		
22	Re-export control	X	1. EAA and EAR, 15 CFR parts 730-799 2. DOE Regulations, 10 CFR part 810 3. ITAR 22 CFR 1, 120-129 3. NRC Regulations, 10 CFR part 110	X	1. NRC enforces its Regulations, 10 CFR part 110.60-110.67 2. AECA, 22 USC § 2798 3. IEEPA, with heightened penalties in § 206 adopted in October 2007 4. ITAR, 22 CFR parts 127-128	
23	Control of providing funds	X	1. Terrorist Financing, Executive Order 13224 2. EAR, 15 CFR parts 730-774 3. Bank Secrecy Act 4. Sanctions for Nuclear Proliferation, 22 USC § 6303	X	1. Sanctions for Nuclear Proliferation, 22 USC § 6303 2. Financial Crimes Enforcement Network (FinCEN) 3. IEEPA, with heightened penalties in § 206 adopted in October 2007	
24	Control of providing transport services	X	1. NRC Regulations, 10 CFR Chapter part 110 2. EAR, 15 CFR part 744.6	X	1. NRC Regulations, 10 CFR part 110.60-110.67 2. IEEPA, with heightened penalties in § 206 adopted in October 2007	

25	Control of importation	X	<ol style="list-style-type: none"> <li>1. Trade Act Customs Duties 19 USC § 12</li> <li>2. AECA, 22 USC § 2778</li> <li>3. Tariff Act of 1930, as amended, and its antecedents 19 USC Chapter 4</li> <li>4. Hazardous Substances, 15 USC § 1273</li> <li>5. ITAR, 22 CFR parts 120-130</li> <li>6. NRC Regulations, 10 CFR part 110, and as updated on 28 July 2010 by the Export and Import of Nuclear Equipment and Material Updates and Clarifications</li> <li>7. BIS/DOC, 15 CFR Chapter VII, Subchapter D, Parts 781-786 Additional Protocol Regulations of 31 October 2008</li> </ol>	X	<ol style="list-style-type: none"> <li>1. NRC regulations, 10 CFR part 110, as updated on 28 July 2010 by the Export and Import of Nuclear Equipment and Material Updates and Clarifications</li> <li>2. Container Security Initiative (CSI)</li> <li>3. Megaport's Initiative</li> <li>4. Hazardous Substances, 15 USC § 1264</li> <li>5. ITAR, 22 CFR parts 127-128</li> <li>6. Tariff Act of 1930 as amended 19 USC § 4, III, V</li> <li>7. Crimes and Criminal Procedure 18 USC §§ 541-553</li> <li>8. Customs Duties 19 USC § 5</li> <li>9. Smuggling, 19 USC § 1703</li> <li>10. NRC Regulations, 10 CFR part 110.60-110.67</li> <li>11. BIS/DOC, 15 CFR Chapter VII, Subchapter D, Parts 783 on the list and 785 on enforcement</li> </ol>	
26	Extraterritorial applicability	X	<ol style="list-style-type: none"> <li>1. Proliferation of WMD E.O. 12938</li> <li>2. Racketeering, 18 USC §1956(c)(7)(B)(v)(I) and (II)</li> <li>3. EAR, 15 CFR parts 730-774</li> <li>4. AECA, 22 USC Chapter 39</li> <li>5. ITAR, 22 CFR parts 127-128</li> </ol>	X	<ol style="list-style-type: none"> <li>1. AECA, 22 USC § 2798</li> <li>2. IEEPA, with heightened penalties in § 206 adopted in October 2007</li> <li>3. ITAR, 22 CFR parts 127-128</li> </ol>	
27	Other	X	<ol style="list-style-type: none"> <li>1. The Obama Administration proposed a sweeping overhaul of the US export controls on 30 August 2010</li> <li>2. The United States participates in a FATF Working Group typology exercise that will report on issues of proliferation financing in June 2008</li> <li>3. The Trade Act, as amended, mandates that ship manifests arrive 24 hours in advance of entering U.S. ports</li> <li>4. Maritime Transportation Security Act of 2002 provides for grants for detection systems for ports</li> </ol>	X	<ol style="list-style-type: none"> <li>1. The Office of Foreign Assets Control (OFAC) licenses financial transactions with several countries, including some for anti-terrorism reasons</li> <li>2. Commerce, ICE, the FBI and the Justice investigated and prosecuted several WMD proliferation cases since the 2006 report</li> </ol>	

**OP 6, 7 and 8 (d) - Control lists, Assistance, Information**

**State:**

**United States of America**

**Date of Report:**

**12 October 2004**

**Date of Addendum 1:**

**13 September 2005**

**Date of Addendum 2:**

**21 December 2007**

**Date of Addendum 3:**

**8 January 2008**

Can information be provided on the following issues ?	YES		Remarks	
1	Control lists - items (goods/ equipment/ materials/ technologies)	X	<p>1. The Commerce Control List (CCL) is consistent with control lists agreed to in the multilateral context, such as the Wassenaar Arrangement, Nuclear Suppliers Group, Australia Group, and Missile Technology Control Regime;</p> <p>2. Munitions List (USML) consists of twenty-one broad categories of defense articles and services that are subject to the International Traffic in Arms Regulations (ITAR), 22 CFR parts 120-130.</p> <p>3. PPQ and VS select agents and toxins lists that an interagency body reviews and coordinates</p> <p>4. Supplement No. 3 to Part 783 List of Specified Equipment and Non-Nuclear Material for the Reporting of Imports</p>	
2	Control lists - other	X	<p>1. Under Executive Order 13382, The United States has designated 11 organizations as primary proliferation entities under Executive Order 13382 in either the Annex of E.O. 13382 or through designations by the State Department in consultation with the Treasury and Justice Departments, the United States has named 11 organizations as primary proliferation organizations, and at least 35 companies or individuals associated with the primary organizations since June 2005, including many in 2006 and 2007</p> <p>2. OFAC "Specially Designated Nationals" or "SDNs." See <a href="http://www.treas.gov/offices/enforcement/ofac/sdn">http://www.treas.gov/offices/enforcement/ofac/sdn</a></p> <p>3. Foreign Terrorist Organizations (sixteen designated by the Secretary of State)</p> <p>4. Commerce Entity List, 5 CFR part 744</p> <p>5. The DoE Part 810 list of countries</p> <p>6. Select Agents List - 42 CFR § 73.4 (HHS select agents and toxins), 42 CFR § 73.5 (Overlap select agents and toxins) for threats to humans and the parallel Select Agent regulations in 7 CFR part 331 and 9 CFR part 121 for threats to animal, plants, and animal and plant products.</p>	

3 Assistance offered		<p>1. The United States submitted its Action Plan for Implementation of Resolution 1540 (2004) in April 2007 (<a href="http://www.un.org/sc/1540/nationaldocuments.shtml">http://www.un.org/sc/1540/nationaldocuments.shtml</a>). The Action Plan focuses on offering and facilitating assistance related to implementation of the resolution. The United States maintains many assistance programs (see line 5 below), and has made several presentations on offering assistance.</p> <p>2. In 2009, the United States announced that the Center for Disease Control will soon become the world's first World Health Organization Collaborating Center for implementing International Health Regulations, where it will assist the WHO and other international partners to help build the necessary global infrastructure to fully implement the IHRs in all six WHO Regions.</p> <p>X 3. In 2010 DHHS/DOD conducted two multi-national workshops with associated tabletop exercises (The Southern Caucasus Workshop on Public Health, Security, and Law Enforcement Partnership in Bio-Incident Pre-Planning and Response and associated Southern Caucasus BioShield 2010 tabletop exercise; and the The Trilateral (US-Romania-Moldova) Civilian-Military Forum on Outbreak Response and Bioterrorism Investigation, respectively); these events aimed to strengthen the core capacities required by the WHO International Health Regulations and existing national measures consistent with obligations under the Biological Weapons Convention and the UN Security Council Resolution 1540 to deter, prevent, or respond to biological incidents or threats.</p>	
4 Assistance requested			
		<p>1. The United States contributes about \$50 million annually to the IAEA, including about \$4 million to the Nuclear Security Fund;</p> <p>2. It provides expertise and support for the OPCW Technical Secretariat, and recently funded the translation of the full text of the CWC into Azeri and Tajik;</p> <p>3. It has sponsored or otherwise assisted in six 1540 workshops organized by UNODA in 2006-2007;</p> <p>4. The Export Control and Related Border Security (EXBS) program, managed by the State Department, provides assistance, training, and equipment to enable countries to improve their trade and border control systems to prevent the proliferation of WMD and WMD components, which is directly applicable to 1540-related objectives. EXBS maintains more than twenty resident EXBS advisors in-country to deliver, since 2004, more than 900 activities to more than 70 countries. EXBS has also sponsored seven international conferences on 1540-related topics;</p>	

5	Assistance in place (bilateral/plurilateral/multilateral)	<p>5. The State Department's Office of Cooperative Threat Reduction has a Bio-Chem Redirect Program and a BioIndustry Initiative in the former Soviet Union, along with a host of other programs under the auspices of the G8 Global Partnership, a Biosecurity Engagement Program and a Chemical Security Engagement Program, the later of which will hold its first training sessions in the Phillipines in 2008, in 2009 it had more than \$425 million in funding;</p> <p>6. The State Department's Nuclear Smuggling Outreach Initiative (NSOI) has completed Joint Action Plans with Ukraine, Kazakhstan, Georgia, the Kyrgyz Republic, and Armenia to assist in efforts to prevent, detect, and respond to nuclear smuggling. Similar plans are being developed with the Democratic Republic of the Congo, Azerbaijan, Tajikistan, Afghanistan, and Moldova. To support these plans, NSOI has secured assistance from several U.S. programs, ten other countries, and three international organizations;</p> <p>7. The State Department's Nuclear Trafficking Resposn Group offers assistance in responding to and insvestigating nuclear smuggling;</p> <p><b>X</b></p> <p>8. The United States helps support the multilateral nonproliferation Science Centers in Moscow and Kyiv;</p> <p>9. The State Department's Nonproliferation and Disarmament Fund supports 1540-related activities, such as tranferring \$1.5 million to the World Health Organization to develop and deliver training materials on biosafety and pathogen security to WHO Member States and \$200,000 to the IAEA to secure and remove some US-origin radioactive sources in Latin America;</p> <p>10. The Department of Defence's International Counterproliferation Program supports activities related to preventing WMD trafficking, such as the "Black Sea Regional Exercise" with Bulgaria, Georgia, Moldova, and Romania in September 2007;</p> <p>11. The Department of Energy's Office of Nonproliferation and International Security works with the EXBS and IAEA programs, and funds training and other cooperative efforts supporting 1540 goals, including capacity-building activities focused on nuclear safeguards, physical security, export control and border security, nuclear forensics, and scientists engagement.</p> <p>12. The Department of Energy has helped convert 51 reactors to shift from HEU to LEU and shut 5 HEU reactors in 29 countries. It also has recovered 600 foreign radioactive sources, and works with the Russian Federation on physical protection;</p> <p>13. Cooperated with NGOs and Governements in 1540 workshops in Kazakhstan in 2006 and the Kyrgyz Republic in 2007; 14. As of October 2010, the National Nuclear Security Administration office of Second Llne of Defense has worked with 43 partner countries to strengthen their capabilities to deter, detect, and interdict illicit trafficking of special nuclear and other radioactive materials at international border crossings including airports, seaports, and other points of entry/exit. This work is coordinated with the European commission and International AtomicEnergy Agency through the Border Monitoring Working Group.</p>	
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6	Information for industry	X	<ol style="list-style-type: none"> <li>1. The NRC has extensive deliberations with "stakeholders" and a dedicated system for electronic communication with authorized licensees and other officials;</li> <li>2. DoE/NNSA regularly participate in meetings with industry and the national nuclear laboratories;</li> <li>3. FinCEN works closely with the financial services industry;</li> <li>4. DoC has a comprehensive outreach program of meetings, seminars, and workshops for all industry sectors, has special preventive enforcement outreach programs with industry, and provides one-on-one counselling and other services. In Fiscal Year 2009, BIS reached over 3,700 people through 42 domestic export control outreach seminars conducted in 18 states, as well as conducted over 500 preventive enforcement outreaches and 26 Project Guardian outreaches</li> <li>5. Commerce has seven Technical Advisory Committees (TACs) and the PECSEA for regular consultation for industry</li> <li>6. During FY 2009, BIS worked with the NRC to provide outreach and assistance to the industry affected by the Additional Protocol, including eight meetings or seminars</li> <li>7. The Customs Trade Partnership against Terrorism (CT-PAT) has 8,166 companies</li> <li>8. The FBI "Business Alliance" and "Academic Alliance" programs</li> <li>9. DHHS issued the Screening Framework Guidance for Providers of Synthetic Drugs</li> </ol>	
7	Information for the public	X	<ol style="list-style-type: none"> <li>1. DoE/NNSA regularly participate in meetings with NGOs;</li> <li>2. DoC outreach seminars, meetings, and workshops are open to the public, and most TAC meetings have sessions open to the public;</li> <li>3. NRC (<a href="http://www.nrc.gov">www.nrc.gov</a>), FinCEN (<a href="http://www.fincen.gov">www.fincen.gov</a>), DoC (<a href="http://www.bis.doc.gov">www.bis.doc.gov</a>), and OFAC all have public web sites to provide information to industry and the general public.</li> <li>4. DHHS websites: • The Public Health Emergency Portal (<a href="http://www.PHE.gov">http://www.PHE.gov</a>) and National Science Advisory Board for Biosecurity (<a href="http://www.biosecurityboard.gov">http://www.biosecurityboard.gov</a>)</li> <li>5. White House Office of Science and Technology Policy, website on Biosecurity: <a href="http://www.whitehouse.gov/administration/eop/ostp/nstc/biosecurity">http://www.whitehouse.gov/administration/eop/ostp/nstc/biosecurity</a></li> </ol>	