

THE PROGRAM ON
PREVENTING DISEASE WEAPONIZATION
STRENGTHENING LAW ENFORCEMENT AND NATIONAL LEGISLATION
WITH SUPPORT FROM THE MACARTHUR AND SLOAN FOUNDATIONS

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**TEMPLATE OF NATIONAL MEASURES
TO PREVENT DISEASE WEAPONIZATION
AND
QUESTIONNAIRE**

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TEMPLATE OF NATIONAL MEASURES TO PREVENT DISEASE WEAPONIZATION

A full set of measures to prevent disease weaponization include –

1. Prohibitions against misconduct involving biology, including measures to: prosecute or extradite without regard to official or political defenses, impose strict penalties, and extend the reach of national jurisdiction;
2. Regulation of biological research activities, including measures to: establish a responsible national authority, list dangerous agents and equipment and require their registration, register legitimate entities and facilities that have such items, oversee transport of such items, license their import/export, and oversee dangerous research; and
3. Implementation of law enforcement prevention capabilities, including measures to: gather information, strengthen border and customs controls, provide legal assistance to other States' law enforcers, and impede financing for bio-offenders.

I. PROHIBITIONS AGAINST DISEASE WEAPONIZATION

Every nation's laws should criminalize disease weaponization. Hostile infliction of disease is outside the limits of civilized behavior, a crime against humanity. This designation serves important purposes, including the clear and forceful articulation of a norm against such behavior and the opportunity criminalization provides to direct world public opinion.

A. Definition of Biological Weapons

National laws should define *biological weapons*. The Biological Weapons Convention defines a biological weapon as microbial or other biological agents, or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes; or as weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict.

B. Penalization of Misuse of Biological Agents

National laws should establish penalties for the following "bio-offenses":

1. Use of any biological agent or toxin, whatever their origin or method of production, for hostile purposes;
2. Weaponization of any biological agent or toxin, or ordering, directing or assisting others to weaponize any biological agent or toxin;
3. Possession, acquisition, development, stockpiling, transportation, or research on any listed pathogen or listed equipment without applicable licenses or otherwise as permitted by law (see section II.A,B. below);
4. Transferring, conveying, or distributing, directly or indirectly, any listed pathogen

or listed equipment to any person or legal entity except as permitted by law (see section II.C. below);

5. Constructing, acquiring, or retaining any facility designed or intended for the production of any biological agent or toxin except as expressly permitted by law (see section II.D. below);

6. Arranging for export of listed pathogens or listed equipment to any foreign person or legal entity that does not hold applicable licenses; or without obtaining and properly filing appropriate export licenses and end-use certificates (see section II.F. below);

7. Tampering with any facility, package, or containment vessel containing biological agents in order to cause their release;

8. Diverting biological agents or toxins from a facility or authorized transport, or using or taking control of a transport vehicle containing biological agents so as to cause the release of those agents;

9. Assisting, encouraging, supporting or inducing, financially or in any other way, any person or other legal entity to engage in any of the above activities;

10. Attempting or threatening to commit any of the above offenses.

C. Illegitimacy of Political or Official Defenses

National laws should ensure that a person charged with a bio-penal offence acted may not successfully claim as a defense that the offense was committed:

1. In an official capacity, under the orders or instructions of a superior, or otherwise in accordance with internal law; or

2. Pursuant to a justification based on considerations of a political, philosophical, ideological, racial, ethnic, religious, or other similar nature.

D. Prosecutions

National laws should ensure that competent authorities prosecute offenders unless another State has superior jurisdiction and the offender is extradited to that State in accordance with legal process.

E. Penalties

National laws should ensure that penalties for bio-offenses apply to all legal entities that are organized under the State's laws or are within its jurisdiction. Liability for legal entities should be non-exclusive to penalties imposed on persons responsible for the entity's management or control or who have personally committed the offenses.

F. Establishing Jurisdiction

National laws should establish jurisdiction over bio-penal activities when the offense is committed in the territory of that State or in any other place under its jurisdiction or control; when the alleged offender is a national or permanent resident of that State; when a national of that State is a victim of the offense; when the offense is intended to compel that State to do or abstain from doing any act; when the offense has an effect on the sovereignty, security, or on a governmental function of that State; when the offense was committed against a State or government facility of that State abroad, including an embassy or other diplomatic premises of that State; whenever consistent with that State's exercise of jurisdiction over crimes against

humanity.

G. Extradition

National laws should ensure that bio-offenses are included as extraditable offenses for purposes of every extradition treaty in force. Accordingly, asylum should not be granted to any person who has been involved in any bio-offense. Upon receiving information that a person who has committed or who is alleged to have committed a bio-offense may be present in its territory, a State should take measures as may be necessary under law to investigate the situation. If the circumstances warrant, a State should take that person into custody or take such other measures to ensure the presence of that person for the purpose of prosecution or extradition.

II. REGULATION OF PATHOGENS AND EQUIPMENT

The consequences of disease weaponization are potentially too catastrophic to limit law enforcement to post-event justice. An act of disease weaponization could inflict absolutely intolerable consequences; apprehension and prosecution of the attack's perpetrators, leading to their punishment, provides little satisfaction in this context. The challenge facing States is how to make law enforcement effective so as to prevent that activity before it occurs.

The key here is to deny access to dangerous capabilities. Although a bio-offender could acquire a biological agent by collecting pathogenic micro-organisms and toxins from natural sources, weaponizing those pathogens poses substantial technical hurdles. For all but the most sophisticated bio-offender, it is more efficient to obtain disease strains from culture collections. States can increase security by impeding access to these sources of pathogens. Although one option could be to absolutely prohibit anyone from having these pathogens for any reason, a blanket prohibition could impede legitimate scientific research activities.

A more reasonable approach is to exercise strict and effective control over the possession and transfer of pathogens. National laws could implement a comprehensive system to register entities and facilities that handle dangerous pathogens. Effective controls on legitimate biological research and related activities are essential in order to distinguish illicit activities. Legitimate commercial and research facilities could possess or acquire certain pathogens only if they are properly registered, and registration could be granted only on condition of establishing that security measures to prevent illicit diversion have been adopted. Those measures could include restrictions on which persons have access to the pathogens.

National laws should provide that, as to certain pathogens, if activities are authorized, there is a *prima facie* presumption that the activity is benign. Conversely, any person or entity having or otherwise dealing with dangerous pathogens without required registration or who does not satisfy applicable security measures is automatically engaged in illegal activity and should be subject to penalties. Moreover, to prevent acquisition of select agents by potential bio-offenders, national laws should regulate transfers of those agents. A laboratory or facility, once registered, should be prohibited from transferring a select agent to anyone that is not similarly registered.

National laws should also provide for a national database of the names and locations of registered facilities, the dangerous agents they possess or transfer, and information about the characterization of those agents. Public health and law enforcement officials could use that database to identify the origin or source of a dangerous agent that causes harm to the public. In addition, regulation of the shipment of indigenous human pathogens, diagnostic specimens, and biologic products should ensure compliance with packaging and labeling requirements and procedures for notification of successful delivery or failure of delivery.

Specifically, the registration obligations have the following characteristics and objectives:

- Licensing obligations apply only to *listed pathogens or equipment*. Because criminal penalties follow from not having a license, the obligation must apply only to a defined set of agents and device. If the definition of licensing obligations is vague or subjective, then the application of criminal prohibitions could be unjustly broad or could promote the idea that those prohibitions could be avoided.
- Licenses are conditional upon demonstration of compliance with relevant safety and security standards. This is important both to encourage implementation of those standards and to raise challenges for any applicant intending to commit a bio-offense. That is, compliance with relevant standards indicates that the applicant has a legitimate purpose for its activities involving listed pathogens or equipment.
- Transfer of weapons-capable pathogens is limited to registered entities. It should be illegal to sell or distribute in any way a listed pathogen to someone that has not subjected itself to the registration process. All legitimate transfers should be reported, including the name and location of both the transferor and the transferee.

A. Establishing or Designating a National Authority

National laws should identify either a new or existing governmental body that will be responsible for ensuring that the legal obligations associated with regulating pathogens and equipment are implemented and enforced. Although the structure and organizational location of the national authority are for each State's determination, the national authority should have sufficient expertise to promulgate relevant regulations and to oversee laboratories' compliance. In addition, the national authority should, as appropriate, be the liaison to national authorities in other States.

B. Listing "Select" Biological Agents and Critical Equipment

1. Select Agents

National laws should mandate that the national authority identify the small number of most dangerous pathogens. One option is to adopt the list that the World Health Organization (WHO) has developed. Alternatively, the national authority could develop a national list, perhaps on the basis of what pathogens are more available, more

contagious, or more lethal in that national environment. These “listed” or “select” agents need to be tightly controlled.

2. Listed Equipment

The national authority should develop a list of equipment that is critical to the weaponization of biological agents. Such equipment should be available to registered entities to be used at registered facilities only for legitimate purposes. A legitimate purpose includes any benign activity that provides tangible commercial or scientific results, without endangering the health or welfare of its users or the community at large. Accordingly, the equipment should meet established safety and security standards and should be restricted to personnel authorized to use or access the equipment.

C. Registering Possession, Acquisition, Propagation, Stockpiling, and Transport of Listed Pathogens or Equipment

National laws should restrict possession, development, acquisition, storage, or use of listed pathogens or equipment to laboratories that have successfully obtained approval to have such items and are thereby “registered” with the national authority.

1. Limit Pathogens to Legitimate Purposes

Every laboratory that works with or possesses listed agents should be obligated to register with the national authority upon a showing that it has a legitimate scientific research or medical use for those pathogens. An applicant for a permit should be knowledgeable of safe practices and proficient in the handling of infectious materials, and be directly responsible for work with the infectious materials. All laboratories should search their storage areas to ensure that they do not contain samples of “listed agents.”

2. Electronic Tagging of Listed Equipment

Listed equipment should be electronically tagged so that its location can be monitored. The entity possessing listed equipment should affix a permanent identification marker that may not be removed without physically damaging or visibly altering the equipment. The entity possessing such equipment should maintain a record of that equipment’s location.

3. Transfers of Listed Agents/Equipment

Any domestic transfer of ownership or location of listed agents or equipment should be documented and reported to the national authority. Prior to shipping, selling, distributing, or otherwise transferring actual or constructive possession of the listed agents or equipment to another entity, the transferring entity should receive proof that the receiving entity is also registered for legal possession of the item.

D. Bio-Security Regulation of Facilities/Laboratories

National laws should implement security conditions for entities and facilities that

have listed agents or equipment, fulfillment of those requirements is necessary for possession of such items to be legal.

1. Registration for Entities

Every person, group, incorporated organization, research or educational institution, or State agency involved in research, possession, production, or transfer of listed pathogens or equipment should be registered with the responsible national authority. Registration should be dependent on disclosure of the general business or research purpose for the use, storage, transport, or manufacture of listed agents or equipment, or use of listed activities.

2. Registration for Facilities

Every facility having listed pathogens or equipment should demonstrate to the responsible national authority of compliance with safety and security standards discussed below to limit or prevent: (1) accidental release or exposure of listed pathogens to persons or the environment; and (2) theft or diversion of listed pathogens or equipment. The application should include a description of all listed agents or equipment at the facility and identification of their location.

a. Physical Security of Facilities

To ensure that access to listed agents or equipment is limited to only authorized personnel, a registered facility should implement basic physical security measures for listed agents including: (1) Secured doors requiring authorized access; (2) Ability to track individuals entering secured areas; (3) Logging removal or destruction of listed agents or equipment; and (4) Inventory of listed agents or materials. These measures could include: 24-hour guarded facilities, electronic tracking and surveillance capabilities of the general premises and areas where agents or equipment are kept, and other physical or perimeter barriers that restrict access or removal of listed agents or equipment.

b. Facility Safety Programs

To ensure compliance, a registered facility should implement safety programs used to educate personnel in safe-handling guidelines, security requirements, and emergency procedures for accidental or intentional release or diversion of listed agents or equipment. This program could include preparation of a plan that indicates where listed agents or equipment are used, stored, manufactured, or prepared for transport, and indicates how the listed agents or equipment are used, known hazards, and emergency response or medical care required. Every registered facility should implement safety measures to prevent accidental release or exposure, during research or manufacture, as well as storage or preparation for transport. These measures could include providing personal protective equipment, laminar flow hoods, ventilation and filtration systems, or other equipment or systems required based on the relative threat of listed agent, equipment, or activities.

3. Registration of Personnel

Only registered personnel should have access to listed pathogens, equipment, or areas in which either are stored, used, produced, or manufactured. Access includes the ability to enter into a room, laboratory, shop floor, or into the immediate vicinity of a listed agent or equipment through “normal” means. Persons may be registered for such access only upon demonstration to the responsible national authority that:

- a. Background checks, psychological tests, and tests for substance abuse have been conducted on the person’s suitability for having access to pathogens or equipment, and those checks and tests have manifested no cause to believe the person is a risk for wrongful or careless use of listed pathogens or equipment;
- b. The personal applicant has a legitimate commercial or research purpose for possessing or using listed pathogens or listed equipment; and
- c. The applicant has received and demonstrated proficiency in relevant safety and security procedures.

E. Transport Regulation

National laws should regulate how listed agents and equipment are domestically moved by ensuring that every transporter adopt best practices with regard to packaging of items, safety and security measures, and reporting requirements. The responsible national authority should both provide licenses to approved carriers that transport these items and certify each shipment thereof on condition that the transfer will be conducted in a safe and secure manner.

1. Licensing of Carriers

Only authorized persons and entities should be involved in the transport of listed pathogens or equipment. A carrier license should be granted only upon demonstration to the responsible agency that:

- a. The carrier has submitted a detailed description of the vehicles in which it transports listed agents or equipment, safety and security methods in their vehicles as well as the staff responsible for driving, navigating, flying, packing, loading, or warehousing the listed agents.
- b. The carrier meets or exceeds safety and containment standards to limit or prevent accidental release or exposure of listed pathogens during transport or storage of listed pathogens or equipment to persons or the environment;
- c. The carrier meets or exceeds security standards to prevent theft or diversion of listed pathogens or equipment during their transport or storage; and
- d. The carrier has in place internationally recognized records capable of tracking the shipper(s) and recipient(s) of listed pathogens or listed equipment.

2. Compliance with Multilateral Obligations

National laws should make the importer responsible for assuring that the foreign shipper package, label, and ship the infectious materials according to specific regulations applicable to the shipment of dangerous goods. International shipments must comply with all applicable international regulations, including those promulgated by the

International Air Transport Association, the International Civil Aviation Organization, and the World Health Organization.

3. Packaging of Biological Agents

Biological agents should be shipped only in approved packages that satisfy containment standards and have the following features:

- a label noting the sender, the recipient, and the indicating that the contents are hazardous biological material
- a seal which while intact would be evidence that the package has not been opened by unauthorized persons
- a serial number that uniquely identifies each package
- a containment system to retain any leakage which is securely closed by a positive fastening device

4. Safety and Security Requirements

- The carrier facilities should be subject to similar physical protection requirements as other licensed entities.
- Carrier vehicle operators should be subject to the same regulations as other licensee personnel, and they should have the proper credentials to transport hazardous materials.
- Carriers should restrict access to and activity in the vicinity of material and equipment being transported.
- Access to security related information about shipments should be limited to authorized personnel.
- Regulations should ensure the safe and secure transport of regulated items via road, air, rail and ship.
- Carriers should prepare itineraries for the movement of biological materials and critical equipment that comply with regulations.
- Security personnel should develop contingency and response plans and have their training, operations and procedures periodically reviewed for their effectiveness.

5. Records and Reporting Obligations

a. The carrier should maintain records about the biological agents and critical equipment that it transports. These records should be available for auditing by the national authority. The records may contain information such as:

- Identification of the sender and receiver of the material
- Type and quantity of the regulated item transported
- Date and method of transportation used
- Proof of compliance with applicable import/ export/ transfer regulations
- Names of the persons who have access to the material while it is under the carriers' possession
- Reports of any abnormal or unusual conditions or events which occur during transport

- b. The carrier should report certain information to the responsible national authority.
- The carrier should immediately notify the national authority upon the discovery of missing or stolen biological agents or critical equipment or any accident involving biological material that may endanger public health.
 - Carriers should submit reports to the government body about any violations of regulations that it discovers, whether the violation involves itself or another licensed entity.
 - Carriers should submit periodic reports from registered entities as to the measures they take to comply with the applicable regulations.

F. Import/Export Licenses

National laws should regulate the importation and exportation as well as the subsequent receipt of listed agents and equipment. Packages containing human pathogens or vectors originating in foreign locations should have an importation permit issued by the government agency that oversees public health issues. The sending personnel should be responsible for obtaining proof of entity/facility/personnel registration of the receiving party, as well any third party transit companies used for transferring listed pathogens.

G. Oversight of Dangerous Research

National laws should establish a system to oversee the conduct of research techniques that have the potential to increase an organism's pathogenicity, alter an organism's resistance to treatments by antibiotic, anti-viral, or other anti-microbial agent, alter an organisms' vector of transmission, or serve as a principle component of a biological weapon, or significantly aid in its construction. Such research should only be done for a legitimate business or research purpose. Only personnel licensed to handle or have access to listed pathogens or equipment should be allowed to undertake or have access to such research.

III. STRENGTHENING DOMESTIC OVERSIGHT AND LAW ENFORCEMENT

A. Information Gathering and Analysis

National laws should ensure information-sharing among law enforcement and regulatory authorities that oversee workplace safety, food and drug safety, environmental protection, agriculture, and customs. These and other official bodies should aggregate information about the operations of biological research laboratories, whether governmental or entrepreneurial or academic. This information should be integrated with information concerning transports of hazardous materials, import/export records, as well as with law enforcement information. All this information should be analyzed to enable officials to identify anomalous conditions that deserve further inquiry, including possible investigation.

B. Strengthening Border and Customs Controls

National laws should optimize the capabilities of border and customs officials to prevent smuggling of biological agents and critical equipment. In general, States should identify and

remedy inefficiencies in the bureaucracy of their border and customs authorities, and improve exchanges of information between their border, customs and immigration authorities as well as about international shipments with foreign governments. Moreover, States should improve qualifications of and provide training to borders and customs personnel. States can also take the following measures to increase the control on the import/export of biological agents and critical equipment:

1. apply harmonized statistical nomenclature systems to the import/export of biological agents and equipment in order to facilitate the monitoring and control of listed items;
2. provide for the lodging and registering or checking of the Goods declaration and supporting documents relating to biological agents prior to the import, export or transit movement of the goods as well as encourage importers, exporters or third parties to provide information to Customs prior to their shipment ;
3. verify that the appropriate authorizations are available or in place at the time the biological agents or equipment are presented for import, export or transit movement, to ensure the legitimacy of the shipment;
4. implement an appropriate mechanism to verify the authenticity of licensing or authorization documents for the import, export or transit movements of listed agents or equipment;
5. implement, using risk assessment principles, appropriate security measures on the import, export and transit movement of listed agents or equipment, such as conducting security checks on the temporary storage, warehouses and means of transport carrying items or equipment, and requiring persons involved in these operations to undergo security vetting;
6. consider designating specific offices/sites for the processing of legitimate biological agents or equipment shipments in order to enhance control over their transborder movement;
7. deploy automated systems, human resources, equipment and examination facilities as required to those specific designated offices/sites to facilitate the processing of biological agents or equipment shipments;
8. introduce means to broaden information exchanges and increase co-operation between law enforcement agencies and promote the use of specialized systems and techniques under their jurisdictions by providing for reciprocal visits and exchanges with other States' border units; and
9. improving the import authorization process of biological materials by instituting trusted shipper programs, improving cooperation with officials in exporting states, and conducting pre-export inspections.

C. Legal Assistance

National laws should enable the State to afford legal assistance and cooperation to other States and relevant international organizations in the prevention of bio-offenses and the investigation, prosecution and punishment of bio-offenses. Accordingly, national laws should enable diplomatic and other channels to coordinate with other States and render assistance, if requested. Such legal assistance and cooperation should include information and coordinating the taking of administrative and other measures as appropriate to prevent commission of those

offenses.

1. Information Exchanges About Biology

As appropriate, national laws should authorize providing information to other States or international organizations in order to protect threatened biological pathogens, to verify the integrity of the shipping container, or recover unlawfully taken biological pathogens.

2. Special Investigative Techniques

National laws should ensure that law enforcement authorities co-ordinate the implementation of special investigative techniques, such as controlled deliveries, surveillance and undercover operations, for the purpose of gathering evidence so that the competent authorities may take legal action against persons involved in an offence targeted by these techniques.

3. Responses To Unlawful Takings

In the case of theft, robbery or any other unlawful taking of biological pathogens or of credible threat thereof, States should provide cooperation and assistance to the maximum feasible extent in the recovery and protection of such material to any State or relevant international organization that so requests. States should authorize that responsible officials take appropriate steps to inform as soon as possible other concerned States or relevant international organization of any theft, robbery or other unlawful taking of biological material or credible threat thereof and to inform, where appropriate, international organizations. Specific measures should include:

1. Co-operation in forensic science and other technical matters, including making available to the other States its material and human resources for carrying out investigations in this area.
2. Providing other States with evidence, or the quantities of substances required for analysis or investigation.

D. Preventing Financial Support for Disease Weaponization

National laws should prohibit access to finances that provide a means for access to logistical or any other type of support that may facilitate or enable a person or other legal entity to carry out bio-offenses. This includes, but is not limited to:

1. Measures for the identification, detection and freezing or seizure of any funds used or allocated for the purpose of committing bio-offenses, as well as the proceeds derived from such offenses, for purposes of possible forfeiture;
2. Measures for the forfeiture of funds used or allocated for the purpose of committing bio-offenses and the proceeds derived from such offenses.

QUESTIONNAIRE

NATIONAL MEASURES FOR PREVENTING BIOLOGICAL TERRORISM

I. PENAL MEASURES

1. Do your national laws define “biological weapons” or similar term? Does that definition refer to or reflect the definition contained in the Biological Weapons Convention. Does that term apply to non-governmental uses of biology?
2. Does your penal law prohibit commission of or attempt, threat, or conspiracy in regard to:
 - a. Use of biological substances for hostile purposes
 - b. Weaponization of biological substances or assisting others to do so
 - c. Unauthorized possession of dangerous pathogens
 - d. Transferring any dangerous pathogen to anyone not authorized to have them
 - e. Constructing a facility to produce biological agents without authorization
 - f. Exporting biological agents to anyone not authorized to have them
 - g. Tampering with any facility or package so as to cause a release of biological agents
 - h. Diverting biological agents from a facility or transport so as to cause their release
3. Does your law specifically deny application of political or official defenses to bio-offenses?
4. Does your law ensure that bio-offenders will be prosecuted or extradited to a State with superior jurisdiction?
5. Does your law provide that penalties for bio-offenses apply to all legal entities including corporations?
6. To what extent does your law broadly extend jurisdiction over bio-offenses to persons or entities outside State territory?
7. Does your law provide that bio-offenses are extraditable offenses within the meaning of existing extradition treaties?

II. REGULATION OF PATHOGENS AND EQUIPMENT

8. Does your law establish or designate a national authority responsible for regulating biological materials and equipment?

9. Does your law define a specific group of (“listed”) pathogens and equipment that are subject to regulatory oversight?
10. Do your national laws restrict possession, development, or use of listed pathogens and equipment
- a. Is possession, etc. of listed pathogens limited to legitimate scientific research or medical uses
 - b. Must listed equipment be electronically tagged for locational purposes
 - c. Are transfers of listed agents or equipment limited to authorized persons?
11. Do national laws impose security conditions for entities and facilities that have listed agents or equipment?
- a. Must entities having such items registered with a government authority? Is registration dependent upon a showing of a legitimate business or research purpose?
 - b. Must facilities having such items be registered with a governmental authority? Is registration dependent upon a showing of compliance with safety and security standards to prevent accidental or intentional release or diversion of pathogens?
 1. Must registered facilities implement physical security measures to restrict access to pathogens?
 2. Must registered facilities implement safety programs and prepare a plan for containing pathogens?
 3. Must registered facilities limit which personnel can gain access to pathogens? Do those limitations include undertaking background or psychological tests? Must authorized persons have a legitimate commercial or research purpose for such access? Must such persons demonstrate proficiency in safety and security procedures?
12. Do national laws regulate transport of listed agents and equipment?
- a. Must carriers be licensed? Does obtaining a license require demonstrated compliance with standards to prevent intentional or accidental release of pathogens?
 - b. Must carriers comply with multilateral obligations or standards promulgated by international organizations?
 - c. Do national laws specify packaging standards, including labeling, seals, and a containment system?
 - d. Do national laws specify safety and security requirements for carriers?
 - e. Are carriers required to maintain records about the biological agents it transports? Must information be reported to a responsible governmental authority?
13. Do national laws regulate the import/export of listed agents and equipment?
14. Do national laws establish a system to oversee the conduct of dangerous biological research?

III. STRENGTHENING DOMESTIC OVERSIGHT AND LAW ENFORCEMENT

15. Do national laws ensure that government authorities share information relevant to the conduct of

biological research or production activities? Are processes established to ensure that this information will be analyzed to enable identification of conditions needing further investigation?

16. Do national laws include measures to optimize the capabilities of border and customs officials? Are any of these measures explicitly focused on increasing control on the import/export of biological agents and equipment?

17. Do national laws enable law enforcement officials to provide legal assistance and cooperation to other States and international organizations to prevent and to investigate, prosecute, and punish bio-offenses? Are measures in place to:

- a. Enable diplomatic and other channels to coordinate with other States
- b. Authorize provision of information to other States to protect pathogen security
- c. Coordinate implementation of special investigative techniques
- d. Respond to unlawful takings of pathogens by co-operating in forensic science and providing evidence for analysis.

18. Do national laws prohibit access to finances that may facilitate commission of bio-offenses? Do these laws provide for identifying, detecting, and freezing funds used or allocated to commission of bio-offenses? Do these measures provide for the forfeiture of such funds?