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United States Implementation of MANPADS Export Control Guidelines

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This paper provides an overview of U.S. policies and procedures with regard to the physical security of MANPADS, export control policy, international destruction efforts, and other nonproliferation efforts.

I. U.S. Military Security Procedures

The U.S. places a heavy emphasis on ensuring the safety and security of all its weapons systems. MANPADS are particularly sensitive systems and have strict controls in place for storage, usage, and handling. These controls start with the production - there is one company in the U.S. that produces MANPADS. This company only produces systems upon order. The company does not maintain a stockpile of systems.

The Department of Defense (DOD) has a manual entitled "Physical Security of Sensitive Conventional Arms, Ammunition, and Explosives." Sensitive arms, ammunition, and explosives (AA&E) are generally categorized as arms, missiles, rockets, explosive rounds, mines, and projectiles that have an unpacked weight of 100 pounds or less. This manual prescribes minimum standards and criteria for the physical security of DOD sensitive AA&E. These guidelines are applicable to all DOD components. The manual details how AA&E shall be protected; accounted for; disposed; demilitarized; transported; and record keeping.

Man-Portable Air Defense Systems (MANPADS) are classed as a Category I system and thus are covered by the AA&E manual. There are several levels of security that are required in protecting these systems. Initially, personnel assigned custody, maintenance, disposal, or security responsibilities for AA&E on military installations are subject to background/security investigations that are additional to the ones required for admission to the military.

Physical Protection

MANPADS are required to be stored in fixed structures that are equipped with Intrusion Detection Devices (IDD) unless the areas where they are located are continuously manned or under constant surveillance in such a manner that unauthorized entry into and around the storage structures can be detected. In addition to the IDD, armed security force individuals check all alarmed structures in the areas daily during non-duty hours. The storage structures must be secured with high security padlocks; the perimeter must have a fence that is at least 6 feet high; and there must be clear zones that extend a minimum of 12 feet on the outside and 30 feet on the inside.

The storage areas are designated "Restricted Areas." Keys to the AA&E storage areas, buildings, rooms, rack, containers, and IDS are maintained separately from other keys. They are accessible only to those individuals whose official duties require access to them. A roster is maintained of personnel authorized key access.

Accountability

Each DOD component is required to establish and maintains serial number registration and reporting of MANPADS. The reporting includes systems issued for training; systems returned unexpended from training; and expended systems. At the unit level, a 100% count inventory is conducted monthly and done semiannually by the entire military installation.

Transportation

AA&E are transported in locked and sealed containers. Shipments are checked upon receipt by the consignee to ensure that seals are intact and for any signs of theft, tampering, or damage. Missile rounds shall be packaged separately from launch and control equipment. In addition, missiles are not shipped in the same conveyance with launch and control equipment when shipped by commercial motor carrier; they are also not loaded in the same freight container. Each container is checked, sealed, and locked by two agents of the shipper (in each other's presence) before delivery to the carrier. With regard to water shipments, AA&E are direct - voyage to destination. If the cargo must be offloaded enroute, it is provided constant surveillance by DOD personnel or by U.S. citizen crew-members pending reloading.

Reporting and Record Keeping

Each DOD component established procedures to ensure receipt of reports of sensitive AA&E stolen, lost, or recovered. AA&E gains or losses due to inventory adjustments are also reported. The DOD components provide to the Director of Security, a written annual analysis of AA&E thefts and losses as well as actions taken to reduce such incidents. Reports of all confirmed

thefts and losses are reported within 72 hours to the Bureau of Alcohol, Tobacco, Firearms, and Explosives.

II. U.S. Export Control Conditions (Licensing reasons; LOA req.)

The U.S. government only sells MANPADS on a government-to-government basis. Any such sales are done in accordance with U.S. law and the Conventional Arms Transfer (CAT) Policy. The key criteria considered when reviewing a foreign government's purchase request are the following:

- consistency with international agreements and arms control initiatives; --appropriateness of the transfer in responding to legitimate U.S. and recipient country security needs;
- consistency with U.S. regional stability interests;
- the degree of protection afforded sensitive technology and potential for unauthorized third-party transfer, as well as in-country diversion to unauthorized users;
- the degree to which the transfer supports U.S. strategic and foreign policy interests;
- the availability of comparable systems from foreign suppliers;
- the ability of the recipient to effectively field, support, and appropriately employ the system; and
- the risk of adverse economic, political, or social impact within the recipient nation and the degree to which security needs can be addressed by other means.

If the United States supports the sale of MANPADS to another government, the sale is conditioned upon receipt of agreement to additional security requirements. These requirements are modifications of the requirements the U.S. military has in place for its own MANPADS. To meet the physical security requirements the recipient agrees to store the missiles in magazines that are at least equivalent in strength to U.S. Army requirements. The recipient also agrees to comply with USG specified requirements for lighting, doors, locks, keys, fencing, and surveillance and guard systems which replicate U.S. Army safeguards. Specific requirements are agreed upon and installed prior to delivery of the missile system. U.S. Army representatives are allowed to verify security measures and procedures established for implementation of these requirements.

The recipient is required to conduct a 100% physical inventory monthly and a 100% physical inventory by serial number quarterly. All inventories must be conducted by two authorized persons to ensure verification. Transportation of the systems must meet U.S. standards for safeguarding classified material in transit. Access to hardware and classified information is limited to military and civilian personnel of the purchasing government who have the proper security clearance and an established need to know the information.

Principal components (missiles, and as applicable, gripstocks or launchers) must be stored in at least two separate locations. The components may be brought together and assembled: in the event of hostilities or imminent hostilities; for firing as part of regularly scheduled training (only those rounds intended to be fired may be withdrawn from storage and assembled); for lot testing (only those rounds intended to be fired may be withdrawn from storage and assembled); and when systems are deployed as part of point defenses of high priority installations or activities.

Golden Sentry

The Department of Defense is required by law to ensure recipient governments are complying with the requirements for transfers by the U.S. Government of articles and services. DOD established an end-use monitoring program, called 'Golden Sentry.' Its mission is to monitor the end-use of defense articles and services provided to foreign customers or international organizations through government-to-government programs. The overall objective is to minimize security risks through compliance with arms transfer provisions supporting U.S. national security and foreign policy objectives. This is a 'cradle-to-grave' program - it covers shipment, receipt, use, and final disposition/disposal.

The U.S. Army will provide a copy of the transfer authority of an approved sale to the U.S. Security Assistance Officer (SAO). The Army will also inspect the physical security arrangements prior to delivery and will notify the SAO when delivery is set to begin. Each year the Army provides the Defense Security and Cooperation Agency (DSCA) with a report of Stinger missile deliveries. The SAO arranges with the recipient government to verify receipt in-country of the systems and conducts an annual 100% inventory.

III. U.S. Destruction/Stockpile Security Assistance

The U.S. has provided technical and financial support for the destruction of over 10,750 MANPADS since the beginning of 2003. U.S. efforts have been focused on regions and countries where there is a combination of excess MANPADS stocks, poor control, and a demonstrable risk of proliferation to terrorist groups or other undesirable end-users. The destruction program destroys obsolete weapons that have little military value, but could be lethal against civil aviation; improves safety and security of those weapons that may be needed for legitimate self-defense; and improves standards of inventory control and accountability to ensure that remaining stocks are not stolen or illicitly transferred.

IV. U.S. Global Advocacy

The U.S. was very involved in the 2003 Wassenaar negotiations to strengthen the MANPADS Export Control Guidelines. We supported the adoption of these guidelines by the OSCE in 2004. The U.S. and Russia co-sponsored a proposal to have MANPADS control guidelines (based on the Wassenaar guidelines) adopted by the Asia Pacific Economic Cooperation. These guidelines were adopted by Foreign Ministers in November 2004. Currently, we are working with members of the Organization of American States (OAS) to adopt similar guidelines.

V. U.S. Domestic Efforts

The U.S. recently passed a law, the Intelligence Reform and Terrorism Prevention Act of 2004, that includes a provision substantially increasing criminal penalties for the unlawful possession, export, import, or transfer of MANPADS. The provision establishes long mandatory jail sentences and severe monetary penalties intended to deter unlawful activities involving MANPADS.