

RECOMMENDATION 1:

RATIFY THE UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME, ITS PROTOCOL AGAINST THE SMUGGLING OF MIGRANTS BY LAND, SEA AND AIR AND ITS PROTOCOL TO PREVENT, SUPPRESS AND PUNISH TRAFFICKING IN PERSONS, ESPECIALLY WOMEN AND CHILDREN. SIGN AND RATIFY THE PROTOCOL TO THE ABOVE CONVENTION AGAINST THE ILLICIT MANUFACTURING OF AND TRAFFICKING IN FIREARMS, THEIR PARTS AND COMPONENTS AND AMMUNITION

PUBLICATION DATE: JANUARY 2003

The United States reports that the legislative process has not yet begun in the US Congress for ratification of the United Nations Convention against Transnational Organized Crime, or its Protocol against the Smuggling of Migrants by Land, Sea, and Air, or its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. The country indicates that it is a complicated and time-consuming process to complete the legal reviews and achieve the interagency agreements required to move forward in ratifying a treaty of this scope.

The United States also informs that it has not yet signed the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition.

CICAD expresses its concern over the slow progress of the ratification of this Convention and the protocols thereto and urges the country to implement this recommendation expeditiously.

RECOMMENDATION 2:

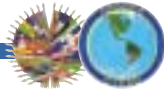
REITERATE THE RECOMMENDATION FROM THE FIRST EVALUATION ROUND 1999 – 2000 TO RATIFY THE INTER-AMERICAN CONVENTION AGAINST ILLICIT MANUFACTURING OF AND TRAFFICKING IN FIREARMS, AMMUNITION, EXPLOSIVES AND OTHER RELATED MATERIALS (CIFTA)

**PUBLICATION DATE: JANUARY 2001
REITERATION DATE: JANUARY 2003**

The United States reports that it has not yet completed the process of ratifying the Inter-American Convention against Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and other Related Materials (CIFTA).

Since this Convention was submitted to the United States Senate Committee on Foreign Relations June 8, 1998 there has been no evidence of progress with the ratification process.

CICAD expresses its concern at the fact that this reiterated recommendation, first assigned to the United States during the First Evaluation Round 1999 – 2000, has not been implemented and urges the country to move forward with the ratification of this inter-american juridical instrument, if possible, by the end of 2004.



RECOMMENDATION 3:

DEVELOP PREVENTION TRAINING PROGRAMS FOR PRISON GUARDS

PUBLICATION DATE: JANUARY 2003

The United States indicates that it has implemented the recommendation. The US federal prison system states that it provides all newly-hired correctional staff members, including prison guards, orientation, training and information on the drug abuse prevention and treatment programs that are available in each federal facility. Correctional officers are also trained to detect when inmates are under the influence of drugs.

For their part, 40 states and the District of Columbia provide education and training on substance abuse for prison staff. In addition, nearly all states provide, prior to hiring, education and training on prisoner health care and on state or prison programs for prisoners.

The country also reports that all prison staff members must subscribe to and follow the Drug Free Workplace Policy.

CICAD expresses its satisfaction at the implementation of this recommendation.

RECOMMENDATION 4:

TAKE THE NECESSARY STEPS TO ENSURE THAT MINIMUM STANDARDS OF CARE FOR DRUG ABUSE TREATMENT BECOME MANDATORY THROUGHOUT THE COUNTRY

PUBLICATION DATE: JANUARY 2003

The United States reports that the Substance Abuse and Mental Health Services Administration (SAMHSA) issued regulations in 2001 requiring all treatment programs of Opioids addicts to meet specified minimum standards of care and be accredited by no later than May 2003. A one-year extension was granted.

The country indicates that guidelines and protocols for other forms of substance abuse treatment exist in the United States, while acknowledging that they are not mandatory. However, all the states that receive Federal money for substance abuse treatment are expected to meet specific care standards concerning their delivery of services.

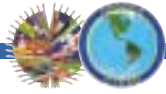
CICAD recognizes the progress made regarding treatment for Opioids addiction and urges the country to make minimum standards of care in treating abuse of other substances mandatory.

RECOMMENDATION 5:

REITERATE THE RECOMMENDATION FROM THE FIRST EVALUATION ROUND 1999 – 2000 TO IMPLEMENT MECHANISMS TO CALCULATE AREAS UNDER CANNABIS CULTIVATION AND THOSE AREAS NO LONGER UNDER CULTIVATION

PUBLICATION DATE: JANUARY 2001
REITERATION DATE: JANUARY 2003

The United States reports that the Office of National Drug Control Policy (ONDCP) is conducting a Domestic Marijuana Cultivation Survey whose data will enable a plan to be designed for generating estimates of marijuana cultivated within the United States. The effort is to design a methodology for obtaining national estimates of marijuana cultivation within the country at the



regional, state and potentially local levels. Also, the research will assess the feasibility of developing separate estimates for indoor versus outdoor cultivation and design appropriate methodologies for the two sets of estimates. Results for the Cultivation Survey are expected by October 2004.

The ONDCP is also carrying out a geo-mapping exercise on seizures whose analysis involves mapping for which there was National Guard Bureau (NGB) involvement. The country informs that detailed data for six states will be available during 2004.

CICAD recognizes the progress achieved by the United States in this area and urges the country to persevere in such effort and fulfill the recommendation within the time established by the country.

RECOMMENDATION 6:

EXTEND THE CONTROL OF CHEMICAL SUBSTANCES TO INCLUDE THOSE LISTED IN THE CICAD MODEL REGULATIONS

PUBLICATION DATE: JANUARY 2003

The United States reports that it has not yet begun to implement this recommendation as it considers that its current list of controlled chemical substances, as refined over the last 15 years, is suitable to its national circumstances and amply meets its international obligations.

In addition, it asserts that to incorporate the other chemicals of the CICAD Model Regulation list would place unnecessary burdens on legitimate commerce relative to the regulatory and law enforcement benefits that would be derived.

CICAD affirms that it is advisable for all countries of the Hemisphere, without exception, to take control of chemical substances in the terms set forth in the CICAD Model Regulations.

RECOMMENDATION 7:

CREATE A REGISTRY TO SEPARATE DATA FOR ILLICIT DRUG TRAFFICKING CORRUPTION CASES FROM OTHER CORRUPTION CASES

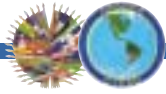
PUBLICATION DATE: JANUARY 2003

The United States reports that compiling and separating data related to public corruption and illicit drug trafficking are complex tasks because the Federal Government and the 50 state governments and territories each maintain their own set of statistics based on the efforts of their independent law enforcement agencies and what each state government deems important for statistical purposes.

In addition, as there are some 50,000 federal, state and local agencies and offices providing criminal justice services, it is difficult to ensure uniform and timely participation of all potential respondents in national data collection.

However, the US Department of Justice does maintain limited data on federal, state, or local public corruption cases, including cases involving public officials engaging in illicit drug trafficking.

CICAD encourages the United States to continue with its efforts to implement this recommendation.



RECOMMENDATION 8:

DEVELOP A NATIONAL COMPUTERIZED RECORD KEEPING SYSTEM THAT RECORDS DATA REGARDING THE IMPORTATION, EXPORTATION AND IN-TRANSIT OF FIREARMS AND AMMUNITION

PUBLICATION DATE: JANUARY 2003

The United States indicates that the US Department of State maintains a Defense Trade Application System for export, temporary export and temporary import approvals of firearms and ammunition covered under the CICAD Model Regulations. The data system includes the exporter, foreign importer and the quantity of articles approved for export under the license authorization.

The country also states that the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) maintains a system for permanent imports, imports made by non-immigrant aliens and imports made by US military personnel returning to the country. The Bureau for Alcohol, Tobacco and Firearms (ATF) data system contains the name of the applicant, the country of exportation, the name of the foreign seller and name of foreign shipper. The data system also captures the name and country of the manufacturer of the firearms, ammunition, or implements of war being sought for importation, in addition to the quantity being requested, and further descriptive information which allows ATF to determine the importability of the articles. The data system reflects whether the application was approved, denied, partially approved, or withdrawn by the applicant.

CICAD encourages the United States to continue its efforts to implement this recommendation.

RECOMMENDATION 9:

REITERATE THE RECOMMENDATION FROM THE FIRST EVALUATION ROUND 1999 – 2000 TO STRENGTHEN THE MECHANISM FOR THE EXCHANGE OF INFORMATION REGARDING INTERNATIONAL COOPERATION FOR THE INVESTIGATION AND PROSECUTION OF CRIMES RELATED TO THE MANUFACTURE AND ILLICIT TRAFFICKING OF FIREARMS AND AMMUNITION

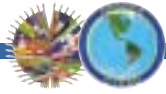
PUBLICATION DATE: JANUARY 2001
REITERATION DATE: JANUARY 2003

The United States reports that it avails itself of existing bilateral agreements to exchange law enforcement information relating to illicit trafficking of firearms as well as of Mutual Legal Assistance Treaties (MLATS), contacts through the International Police (INTERPOL), and other informal law enforcement contacts.

It states that ratification of the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and other Related Materials (CIFTA), and signature and ratification of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition of the United Nations Convention against Transnational Organized Crime would greatly simplify the task of exchanging information among law enforcement agencies of other countries.

CICAD agrees with the United States that signing the above-mentioned international instruments would assist in strengthening the information exchange mechanism for international cooperation in investigating and prosecuting illicit firearms trafficking-related offenses.

CICAD urges the country to implement this recommendation fully if possible, by the end of 2004, as it was first assigned to the country during the First Evaluation Round 1999 - 2000.



RECOMMENDATION 10:

REITERATE THE RECOMMENDATION FROM THE FIRST EVALUATION ROUND 1999 – 2000 TO CONTINUE TO IMPROVE CONTROLS AT THE ADMINISTRATIVE LEVEL FOR THE PREVENTION OF OFFENSES RELATED TO THE LICIT AND ILLICIT MANUFACTURE AND TRAFFICKING OF AMMUNITION

PUBLICATION DATE: JANUARY 2001
REITERATION DATE: JANUARY 2003

The United States indicates that Federal law requires manufacturers of ammunition for firearms and manufacturers of ammunition for destructive devices to be licensed. Furthermore, importers of ammunition for firearms and importers of ammunition for destructive devices must also be licensed. In addition, they must also be registered under the Arms Export Control Act.

Nonetheless, and in view of the fact that very few legal controls over the retail sale and distribution of ammunition exist in United States federal law, CICAD considers it pertinent and necessary for the country to improve its administrative controls to prevent offenses related to the manufacturing and illicit trafficking of ammunition.

CICAD therefore urges the country to implement this recommendation if possible, by the end of 2004, as it was first assigned during the First Evaluation Round 1999 - 2000.

RECOMMENDATION 11:

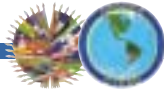
UPDATE CURRENT NATIONAL FIREARMS AND AMMUNITION LEGISLATION IN ACCORDANCE WITH INTERNATIONAL CONVENTIONS, IN PARTICULAR, WITH REGARDS TO CONTROLS OVER IMPORTATION AND EXPORTATION

PUBLICATION DATE: JANUARY 2003

The United States reports that it has implemented this recommendation fully. It indicates that the US Department of State has in place regulations (22 CFR 123) and thorough internal policies to ensure that exporters provide the required import approval from the importing country before authorizing any license approval for the export, temporary export or temporary import as provided in the CICAD Model Regulations.

In addition, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), in 2000, modified its regulations (27 CFR 447.45) to ensure that importers provide a proper export license from the exporting country prior to authorizing any import.

CICAD expresses its satisfaction with the implementation of this recommendation.



RECOMMENDATION 12:

IMPLEMENT MECHANISMS TO INCLUDE CLIENT AND TRANSACTIONS REGISTRIES AS PART OF THE CONTROL MEASURES FOR SUSPICIOUS TRANSACTIONS TO PREVENT MONEY LAUNDERING

PUBLICATION DATE: JANUARY 2003

The United States indicates that at present there are currently customer record-keeping requirements for all deposit-taking institutions that include all money transfers when the wire transfer is greater than US\$3,000; all sellers of traveler's checks, money orders and/or cashier's checks which are purchased with greater than US\$3,000 in currency; and all currency exchanges when the amount to be exchanged is greater than US\$1,000. However, customer identification requirements have not yet been extended to all types of money services businesses.

CICAD recognizes the progress made and encourages the United States to continue efforts to implement this recommendation fully.

CONCLUSIONS

CICAD recognizes that the United States is making efforts to implement a comprehensive and balanced strategy to reduce drug use and trafficking, and their consequences.

In respect of implementation of the recommendations, CICAD appreciates the progress made in generating mechanisms making it possible to estimate areas planted with illicit cannabis crops in the country. Similarly, CICAD recognizes advances in implementing mechanisms that make it possible to include customer and transaction records to prevent money-laundering and also in updating national legislation in force on firearms and ammunition to harmonize it with some dispositions in the CICAD Model Regulations.

However, CICAD views with concern that no progress has been made in ratifying the United Nations Convention against Transnational Organized Crime and the protocols thereto, as well as the slow progress made in ratifying the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials (CIFTA). The country argues that its legislation includes the mechanisms established in these international instruments. In CICAD's view, the principle of shared responsibility is supported in law precisely through legislative harmonization based on ratification of the international conventions.

CICAD appreciates the commitment of the United States to the Multilateral Evaluation Mechanism and the ongoing cooperation that it provides to ensure the development of the Anti-Drug Strategy in the Hemisphere. Accordingly, it invites it to persevere in implementing the recommendations emanating from the Second Evaluation Round 2001 - 2002.