

# Multilateral Evaluation Mechanism MEM



# United States of America

2009 EVALUATION OF PROGRESS IN DRUG CONTROL  
IMPLEMENTATION OF RECOMMENDATIONS  
FROM THE FOURTH EVALUATION ROUND





**RECOMMENDATION 1:****RATIFY THE INTER-AMERICAN CONVENTION AGAINST THE ILLICIT MANUFACTURING OF AND TRAFFICKING IN FIREARMS, AMMUNITION, EXPLOSIVES AND OTHER RELATED MATERIALS (CIFTA), A RECOMMENDATION REITERATED FROM THE FIRST EVALUATION ROUND, 1999-2000.**

The United States of America (U.S.) informs that the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and other Related Materials (CIFTA) was signed on November 14, 1997. The Convention was submitted to the Senate in 1998 and is still pending ratification. No further action has been taken.

CICAD is concerned about the lack of progress and urges the U.S. to fulfill this reiterated recommendation, given that it was assigned in the First Evaluation Round, 1999-2000.

**RECOMMENDATION 2:****ACCEDE TO 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 (2000), A RECOMMENDATION REITERATED FROM THE SECOND EVALUATION ROUND, 2001-2002.**

The United States of America (U.S.) reports that the country has made the sovereign decision not to sign the Protocol and indicates that U.S. law and practice is consistent with its obligations and terms.

CICAD takes note of the information provided and urges the country to fulfill this reiterated recommendation, given that it was assigned in the Second Evaluation Round, 2001-2002.

**RECOMMENDATION 3:****ACCEDE TO THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA (1982).**

The United States of America (U.S.) informs that the Senate Foreign Relations Committee voted in favor of accession to the United Nations Convention on the Law of the Sea, and the Convention was placed on the Senate's Executive Calendar in 2007. However, no further action has been taken.

CICAD encourages the country to comply with the recommendation.

**RECOMMENDATION 4:****ESTABLISH A NATIONAL REGISTER OF PREVENTION PROGRAMS TO INCLUDE THE NATURE, NUMBER OF PARTICIPANTS, AND COVERAGE OF THE DIFFERENT PROGRAMS, A RECOMMENDATION REITERATED FROM THE THIRD ROUND OF EVALUATION, 2003-2004.**

The United States of America (U.S.) indicates that given the number and variation in the nature of largely decentralized programs across the country, development of a national register of prevention programs would be a large and costly undertaking.

CICAD takes note of the information provided and urges the U.S. to implement this reiterated recommendation, given that it was assigned in the Third Evaluation Round, 2003-2004.

**RECOMMENDATION 5:****ADOPT THE NECESSARY MEASURES TO ENSURE THE MANDATORY NATURE OF THE MINIMUM STANDARDS OF CARE FOR DRUG ABUSE TREATMENT NATIONWIDE, A RECOMMENDATION REITERATED FROM THE SECOND EVALUATION ROUND, 2001 - 2002.**

The United States of America (U.S.) informs that under the federal system of government, regulation of substance abuse treatment is the responsibility of states and localities, except for opioid treatment which is regulated at the national level. Guidelines exist in the country on minimum standards of care for drug treatment, but without the force of federal law. The states and localities can license or certify providers applying different standards. The states that receive federal money for substance abuse treatment are expected to meet specific standards concerning services delivery. The U.S. estimates, that in 2006, federal funding accounted for 36 percent of treatment expenditures nationally in the United States.

With regard to opioid treatment, the U.S. has established guidelines for standards of care for drug abuse treatment on a national, state and local level. The country states that due, to the interstate aspect of drug trafficking and diversion, the federal government has assumed responsibilities for substances with abuse and dependence potential. Narcotic drugs, used to treat opioid abuse and dependence, are subject to the Federal Controlled Substances Act.

CICAD takes note of the information provided and urges the U.S. to extend mandatory minimum standards of care for all drug abuse treatment nationwide, given that this reiterated recommendation was assigned in the Second Evaluation Round, 2001-2002.

**RECOMMENDATION 6:****ESTABLISH A NATIONAL SYSTEM TO KEEP RECORDS ON ACCIDENTS RELATED TO DRUG USE, A RECOMMENDATION REITERATED FROM THE THIRD EVALUATION ROUND, 2003-2004.**

The United States of America (U.S.) reports that the U.S. Department of Transportation's (DOT) National Highway Traffic Safety Administration's (NHTSA's) Fatal Analysis Reporting System (FARS) contains annual data on a census of fatal traffic crashes within the 50 states, the District of Columbia, and Puerto Rico.

The country states that it established a national database in 2008 to gather data on drug use by drivers stopped for impaired driving. The U.S. indicates that the database is operational, internet based, and receives data from law enforcement agencies in 43 states. Efforts are reported to be underway to increase the number of law enforcement agencies that are providing input to the database.

CICAD notes the actions taken to date by the U.S. with respect to traffic accidents, and urges the country to continue its efforts to implement this reiterated recommendation, given that it was assigned in the Third Evaluation Round, 2003-2004.



## **RECOMMENDATION 7:**

### **ESTABLISH A NATIONAL COMPUTERIZED DATABASE FOR KEEPING RECORDS ON THE IMPORT, EXPORT AND IN-TRANSIT MOVEMENTS OF FIREARMS, AMMUNITION, EXPLOSIVES AND OTHER RELATED MATERIALS, INCLUDING SERIAL AND LOT NUMBERS OF FIREARMS, A RECOMMENDATION REITERATED FROM THE THIRD EVALUATION ROUND, 2003-2004.**

The United States of America (U.S.) informs that while federal law generally prohibits the creation of a national firearms registry or the centralization or consolidation of firearms records by the federal government, various systems exist among different federal agencies that constitute a record keeping system on the movement of firearms and related materials.

The U.S. State Department keeps computerized records for exportation and transit of firearms, ammunition, explosives and other related materials and for importation of firearms only. The Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) of the U.S. Department of Justice keeps non-computerized records for importation of firearms, ammunition, and other related materials. Although these agencies do not share a common computer platform, the information is shared as needed for criminal or civil enforcement of applicable laws and regulations.

CICAD acknowledges the information provided by the U.S. and urges the country to comply with this reiterated recommendation, given that it was assigned in the Third Evaluation Round, 2003-2004.

## **RECOMMENDATION 8:**

### **IMPLEMENT A FOLLOW-UP SYSTEM FOR INVESTIGATING SUSPICIOUS ACTIVITY REPORTS.**

The United States of America (U.S.) informs that the Financial Crimes Enforcement Network (FinCEN) of the U.S. Treasury Department requests feedback from domestic law enforcement generally, and specifically at the time Suspicious Activity Reports (SARs) are provided as part of an analytical package.

The U.S. reports that the volume of SARs filed on an annual basis precludes FinCEN from conducting follow-up on every individual report. Instead, FinCEN has established processes to maximize review of SARs not only by FinCEN, but also through direct access to SARs by domestic law enforcement entities. FinCEN also provides foreign financial intelligence units with information derived from SARs in response to requests and provides pro-active leads from SARs to domestic law enforcement entities.

CICAD recognizes the efforts made by the country on investigating Suspicious Activity Reports and encourages full implementation of the recommendation.

## **CONCLUSIONS**

The United States of America was assessed eight recommendations during the Fourth Evaluation Round. The country has made recent progress on one of these recommendations, while several other recommendations remain partially implemented. None of the recommendations have been fully implemented.



CICAD takes note of the progress made by the U.S. to keep records on traffic accidents related to drug use, and urges the country to continue its efforts to fully implement a national system for recording drug-related accidents.

While acknowledging that minimum standards of care are in place for drug abuse treatment subject to federal regulations, CICAD urges expansion of minimum standards of care nationwide for all drug abuse treatment.

CICAD encourages the U.S. to continue the process for acceding to the Law of the Sea Convention of the United Nations. Similarly, CICAD recognizes the utilization of Suspicious Activity Reports by the country to combat money laundering, and encourages the U.S. to fully implement a follow-up system for investigating these reports.

CICAD acknowledges the various information systems that the country uses to help track the import, export and in-transit movement of firearms, ammunition and explosives, and urges the country to continue towards establishment of a national computerized database for keeping such records.

CICAD notes the absence of a national register on drug prevention programs, and urges the country to establish a national register which will include a description of the nature, number of participants and coverage of the various prevention programs in the country.

CICAD is concerned about the lack of progress on ratifying the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and other Related Materials (CIFTA). Likewise, CICAD urges the U.S. to accede to 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.

CICAD recognizes the participation of the United States of America in the Multilateral Evaluation Mechanism (MEM) and encourages the country to continue its efforts to implement the recommendations pending.