

Alliance Point 12: Implement more effectively laws and regulations to detect and penalize money laundering in both countries, and enhance bilateral and multilateral exchanges of information and expertise to combat money laundering.

ACTION	BASELINE As of 1 Feb 98	TARGET	MEASUREMENT	STATUS As of 31 Aug 99
<p>12.1. Both countries authorities responsible for the prevention, detection and combat against money laundering, will make an effort to achieve efficient and effective coordination.</p>	<p>In general, the coordination has improved. Enforcement authorities are coordinating through meetings in San Diego, Laredo, and San Antonio to determine specific strategies for applying the resources of both countries should be aimed to prevent, detect, and combat money laundering.</p> <p>The Secretariat of Finance and Public Credit and the Department of the Treasury have increased their coordination by improving the effectiveness of their respective regulations and by enhancing information exchange.</p> <p>This has permitted the Secretariat of Finance and Public Credit, to efficiently contribute to the Federal Public Prosecutor.</p>	<p>Goals and actions to be carried out on this Alliance Point.</p>	<p>Development, progress and coordination impact to prevent, detect, and combat money laundering; taking into account quality, balance, reciprocity, and its usefulness.</p> <p>Analysis of the impact of the coordination in preventing, detecting, and combating money laundering.</p>	<p>On July, 1999, a Working Group was created to expedite the information exchange, simultaneous and coordinated investigations, pursuant to the FIEA and the MLAT respectively. The group is composed of U.S. Treasury and State Department representatives in Mexico, as well as, by representatives from Mexico's Financial Intelligence Unit (DGAIO) and the Unit against Money Laundering (UECLD).</p>

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<p>12.1.1 Mexico and the United States will enhance investigations and prosecutions of major money launderers and their organizations, to include increasing the number of coordinated investigations.</p>	<p>The U.S. and Mexico have established joint Task Forces, along their common border, to increase the number of simultaneous investigations.</p>	<p>From February 1, 1998 to August 1, 1999, the U.S. and Mexico will begin at least 12 new simultaneous money-laundering investigations.</p>	<p>The number and results of simultaneous money laundering investigations and money laundering prosecutions.</p>	<p>The Treasury and the SHCP initiated 16 simultaneous investigations pursuant to the FIEA, 9 were proposed by Mexico and 7 by the U.S.</p> <p>SHCP carried out 14 simultaneous investigations* prior to February 1998, and 2 simultaneous investigations were carried out after February 1, 1998, concluding in accusation and complaint for Money Laundering in Mexico.</p> <p>PGR and Justice Department initiated 4 coordinated investigations** pursuant to the MLAT.</p>

*The term “simultaneous investigations” means any investigation carried out by SHCP and Treasury pursuant to FIEA.

**The term “coordinated investigations” applies to any investigation carried out by PGR and Justice pursuant to MLAT.

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<p>12.1.2 Spontaneously, based on the international agreements in force between the two countries, relevant or significant information will be exchanged in order to detect, prevent and combat money laundering.</p>	<p>Spontaneously, pursuant to the FIEA, Mexico has sent 8 official communications containing data on 18,908 cross border currency reports.</p> <p>The U.S. has sent 712 CMIRs in specific matters.</p>	<p>See 12.1.3, 12.1.4, 12.1.5</p>	<p>Number of data reports and number of investigations initiated on the information sent.</p> <p>Number of reports sent.</p> <p>Number of investigations aided or initiated by information.</p> <p>Application and usefulness of the information in investigations.</p>	<p>Spontaneously, the SHCP sent 5 official communications, containing 5,817 reports on inbound transportation of currency. The information was provided up to December 1998, and will resume in accordance with and upon conclusion of negotiations on a MOU between Treasury and SHCP.</p> <p>DGAIO and FinCEN drafted a MOU on the exchange of information on transportation of currency and monetary instruments. Negotiations on the MOU are underway.</p> <p>Treasury issued to the SHCP 585 CMIRs, 338 CMIRs were generically received, 35 spontaneously and 8 were requested. From the preceding 226 CMIRs were integrated into 8 investigations carried out by the SHCP.</p>

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<p>12.1.3 The two countries are committed to reducing the time in information exchange.</p>	<p>The average response time of the U.S. FIU to a request from Mexico's FIU is 14 business days, and the average response time to the U.S. FIU from Mexico's FIU is 20 business days.</p> <p>Pursuant to the FIEA, the SHCP made 49 requests for information, the Treasury Department has made 92 requests for information. The Treasury Department has answered 24 requests for information and the SHCP answered 50. As a whole, 67 are pending.</p>	<p>The FIUs of Mexico and the United States are committed to reducing the average response time for request made under the FIEA to 10 business days.</p> <p>The U.S. and Mexico will work to ensure that all FIEA requests are presented to the other country in complete form.</p>	<p>Number of requests.</p> <p>Percentage of requests submitted concluded in complete form.</p> <p>Average response time to a request.</p> <p>Quality of information provided.</p> <p>Results obtained from information provided.</p>	<p>SHCP formulated 24 requests and received 26 from the Treasury Department; from the latter, 8 requests were totally and 3 partially answered. From the requests stated under the "Baseline" column, SHCP totally answered 13 and partially answered 5, while the Treasury answered one (1).</p> <p>Treasury answered 17 requests. The response time has been met by the SHCP and the Treasury Department. The SHCP has used this information in 8 complaints and in 11 accusations for money laundering.</p>

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<p>12.1.4 Mexico and the United States will continue to compare data on currency being transported across the United States-Mexico border and will make all efforts to ensure that the data collected by each party is compatible with any other data collected.</p>	<p>Since October 1996, Mexico has provided the U.S. with 6 disks of data regarding currency reported entering Mexico from the U.S.</p> <p>The U.S. analyzed 4 of the cross-border data currency reports that Mexico provided.</p> <p>The U.S. has provided Mexico with 1 report comparing U.S. outbound CMIR data with Mexico's inbound reports.</p>	<p>The U.S. will provide Mexico with cross-border currency movement report data in accordance with its laws.</p> <p>Mexico will provide currency reports in the same manner as provided by the U.S.</p> <p>The U.S. will provide Mexico with at least one additional report comparing cross-border currency report data.</p>	<p>Number of cross-border currency reports sent.</p> <p>Analyses of cross-border currency reports.</p> <p>Exchange of the analyses carried out.</p> <p>Number of investigations resulting from the information contained in the cross-border currency inbound reports and their analysis.</p> <p>Progress and results of the investigations.</p>	<p>See 12.1.2</p> <p>See 12.1.2</p> <p>The U.S. provided Mexico with a comparative analysis made between the U.S. outbound CMIRs and the inbound CMIRs to Mexico. The analyses are statistical, which allows identification of Mexican ports of entry with the highest rates of inbound currency transportation.</p>

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<p>12.1.4.1 By common accord, the two countries will establish methods and timetables for sending, receipt and analysis of information regarding cross-border money transfers.</p>	<p>Method and timetable (quarterly) for sending currency data reports have been established.</p>	<p>Provide a timely response to the requests for cross-border currency reports.</p>	<p>Compliance with the timetables established for sending reports.</p> <p>Jointly established methods of analysis.</p> <p>Uniformity, clarity and efficiency of the analysis.</p>	<p>See 12.1.2, 12.1.3 and 12.1.4</p>

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<p>12.1.4.2 Where appropriate, the United States and Mexico will endeavor to increase the sharing of information, based on agreements and treaties in effect, on United States or Mexican citizens and businesses believed to be carrying out money laundering transactions in both countries.</p>	<p>Additional channels are being sought to share information in a spontaneous manner.</p>	<p>Increase in the spontaneous exchange of information.</p>	<p>Programs for the exchange of information. The quality and amount of information exchanged.</p>	<p>DGAIO and FinCEN are using the Egmont Secure Web to exchange this type of information. Usage of the Web expedites the exchange. PGR and SHCP keep close communication with Justice, State and Treasury (Customs and IRS) Department representatives by holding monthly meetings.</p>

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<p>12.1.5 The governments of both countries will work to enhance their sharing of currency transaction report and suspicious activity report information that is directly related to money laundering, pursuant to the FIEA or any other mechanism or agreement.</p>	<p>The U.S. has sent 1,518 CTR's to Mexico.</p> <p>Mexico has sent 650 CTR's to the U.S.</p> <p>In June 1998, the U.S. provided the Government of Mexico with its first review of the U.S. Suspicious Activity Reporting System (SARS)</p>	<p>The U.S. will provide Mexico with FinCEN's annual written review of SARS.</p> <p>Both countries will analyze their suspicious transaction reports systems and report their analysis to each other.</p>	<p>Number of the reports sent by both countries containing the SARS analysis.</p>	<p>SHCP has sent 3 SARs or unusual transaction reports and 3 CTRs or great value transaction reports, pursuant to the FIEA.</p> <p>Treasury sent to the SHCP, 364 CTRs and 1,075 SARs (565 SARs were sent in response to two SHCP's requests for information).</p>

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<p>12.1.6 Mexico and the United States will increase efforts to expedite the exchange of documentation and legal assistance, based on the framework of the Agreement on Mutual Judicial Assistance.</p>	<p>Pursuant to the MLAT, the U.S. has provided certified and legalized documents on 14 issues requested by Hacienda and related to money laundering. Based on said Agreement, Mexico has sent documents on 14 cases related to money laundering (This agreement is held between the PGR and the Justice Department).</p>	<p>Improve and facilitate the exchange of information and evidence to prosecute and penalize criminals, disrupt drug trafficking through due compliance of the money laundering legislation, guarantee the security and appropriate use of this information and of the evidences provided.</p> <p>See also Alliance Point 16.</p>	<p>Response time for the assistance provided.</p> <p>Application and usefulness of the documentation provided.</p> <p>Number of certified and legalized documents.</p>	<p>The SHCP, through the PGR sent documentation on 2 cases originated from the FIEA.</p> <p>The PGR has made 22 requests for assistance, of which 6 have been fulfilled by the DOJ.</p> <p>The PGR received 6 requests of assistance from the U.S. Justice Department, of which 3 have been fulfilled.</p>

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<p>12.2. The Governments of Mexico and United States will review periodically the laws and regulations to prevent, detect, combat and penalize money laundering in order to adopt the necessary amendments or reforms.</p>	<p><u>Mexico</u> -- Incorporation of Articles 400 bis to the Federal Penal Code: since this is a new criminal offense, we are awaiting Judicial interpretation. -- Amended its financial laws. -- Issued general provisions to prevent and detect in several types of financial entities, transactions carried out with resources from illicit origin. -- Authorization and registered of the operational handbooks to prevent and detect transactions carried out in financial entities with resources from illicit origin. -- Put into effect Article 9, Customs Law and Article 105, Federal Fiscal code (offense similar to smuggling). -- Modified the internal Regulations of the SHCP, granting authority to create an FIU.</p>	<p>Mexico and the United States will review their respective laws and regulations annually and report any proposed changes to the other.</p>	<p>Review and report. New laws or regulations drafted. Amendments and additions to the current laws and regulations. FIU's progress and results. Computer processing and regulation progress. Confidentiality compliance.</p>	<p>SHCP issued the General Provisions to prevent and detect transactions with resources from illicit origin in the Insurance and Bond Institutions (a Standard Handbook is being prepared for Insurance and Bond Institutions). On December 31, 1999, SHCP will conclude authorization and registration of the Insurance and Bond Institutions Handbooks. DGAIO has achieved 90% progress on its of Financial Intelligence Computer System. "Know Your Customer" regulations proposed by the U S Executive (related to the Financial Institutions knowledge of transactions that have no apparent economic or legitimate reason) withdrawn due to opposition from banks and customers. Suspicious activity regulations have been proposed for casinos and money service businesses. Casinos in Nevada currently report suspicious activities to Treasury pursuant to Nevada State law.</p>

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12.2 (Con't)	<p><u>U.S.</u></p> <ul style="list-style-type: none"> -- Issued proposed "know your customer" regulations for banks. -- Issued proposed regulations extending suspicious activity reporting to casinos and money service business. -- National Money Laundering Strategy in development. 			<p>The U.S. Administration drafted and proposed the Money Laundering Act of 1999. The Act will expand the list of Money Laundering predicates to include numerous foreign crimes, enhance prosecutor's ability to obtain foreign business records; create a crime of bulk cash smuggling in excess of U.S.\$10,000.</p> <p>Treasury will issue rules to require money services business, casinos, brokers and dealers in securities to file SARs.</p> <p>September 1999, U.S. issued the National Money Laundering Strategy.</p>

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<p>12.3. Both countries will develop programs and strategies in order to ensure those banks and other financial entities and their officers and employees comply with requirements established to keep records and file transaction reports.</p>	<p>Financial Entities, in coordination with the SHCP, formulated several programs to train employees and officers from financial entities on legal matters and data processing.</p> <p>Occasional training of bankers, through programs not aimed specifically at money laundering.</p>	<p>The United States will continue sharing experiences with Mexican bank regulators, bankers, competent authorities, analysts, and investigators regarding compliance with anti-money laundering laws and regulations.</p> <p>Both countries will continue their respective programs for training and technical assistance.</p> <p>In October 1998, bilateral training, lead by OCC, was provided to Mexican bank officers and employees.</p>	<p>Training provided to bank employees and officers, competent authorities, analysts, and investigators.</p> <p>Dissemination of information and documents regarding requirements established to keep records and file transaction reports.</p> <p>Application of the knowledge obtained.</p> <p>Compliance with record keeping regulations.</p>	<p>The SHCP-DGAIO participated as an expositor in the OCDEF Pacific Region Conference in Lake Tahoe.</p> <p>The IRS provided a course on suspicious transactions for the SHCP-DGAIO.</p> <p>SHCP-DGAIO participated as an expositor in the FIUs Seminar and their function in preventing Money Laundering, hosted by the Egmont Group, in Bolivia.</p> <p>The U.S. Embassy sponsored two Centura courses for the SHCP-DGAIO staff.</p> <p>U.S. Customs Service provided a course on Cyber Banking and Smart Cards for the SHCP-DGAIO</p>

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<p>12.4. The United States and Mexico will support the adoption of concrete measures against money laundering on a global level, on the basis of the FATF 40 Recommendations and the Summit of the Americas Communiqué adopted in Buenos Aires, and during the meeting of the Preparatory Committee of the Special Session of the United Nations in June, 1998.</p>	<p>Based on the Vienna Convention and the Summit of the Americas Communiqué, Mexico issued and put into force Article 400 bis, Penal Code, which criminalizes an offense commonly known as money laundering.</p> <p>Mexico amended its financial legislation, establishing the obligation for banking institutions and non-banking institutions to submit suspicious or unusual and large value transaction reports to the competent authority.</p> <p>Likewise, Mexico has established the obligation to report inbound cross-border currency movements.</p> <p>Mexico has signed two Financial Information Exchange Agreements to prevent transactions originating from illicit activities.</p> <p>Mexico established an FIU.</p>	<p>The United States and Mexico will support the adoption of the money laundering non-paper by the UN General Assembly Special Session on Drugs.</p> <p>Mexico will undergo a mutual evaluation for FATF and CFATF in order to become a full member of the FATF and a COSUN of CFATF.</p> <p>The U.S. will work with Mexico in its effort to meet the FATF membership criteria.</p>	<p>Documents adopted by UN.</p> <p>Compliance with documents adopted.</p> <p>Participation of both countries in FATF and CFATF.</p>	<p>In written manner, Mexico expressed to the FATF its political commitment to join and become a full member, as well as its willingness to undergo a mutual evaluation, to which all the FATF members have undergone. The FATF accepted Mexico as an observer. Mexico waits for FATF's official communication regarding the countries designated to conduct its evaluation and the date on which it will be carried out.</p> <p>Mexico accepted the invitation to participate as an observer in the next FATF Plenary meeting in September.</p> <p>Mexico signed a Financial Information Exchange Agreement with Spain.</p> <p>The U.S. continues to be an active member of the FATF and CFATF COSUN. The U.S. will continue to support Mexico's efforts to become a member of FATF and a COSUN of the CFATF. Mexico has met the pre-requirements for membership, and participated as an observer at FATF's September 1999, meeting.</p>

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12.4 (Con't)	<p>Mexico has sent a letter to FATF and another to the CFATF agreeing to undergo a mutual evaluation to become a full member of FATF and Cooperating and Supporting Nation (COSUN) of CFATF.</p> <p>The UN did not have a specific document regarding anti-money laundering efforts.</p> <p>U.S.: The U.S. has undergone two FATF mutual evaluations.</p> <p>The U.S. is a founding member of FATF and a COSUN of CFATF.</p> <p>The U.S. has an established FIU.</p> <p>The U.S. criminalized money laundering in 1986, and has designated approximately 130 offenses to which the statutes apply.</p>			-Mexico's evaluation is scheduled for the second week of January 2000.

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<p>12.5. The two countries will coordinate efforts to design and develop specific training plans and programs aimed at analysts, regulators, prosecutors, judges, legislators, and personnel in financial entities.</p>	<p>FinCEN has provided 6 training courses in Mexico and one in the U.S. The courses were developed jointly by the two countries.</p> <p>No judicial conference regarding money laundering has occurred.</p> <p>The Department of the Treasury, in coordination with the Secretariat of Finance and Public Credit, conducted two courses aimed at the financial sector.</p>	<p>Each country will host a conference for federal judges from both countries. The first conference will occur prior to July 31, 1999.</p>	<p>Holding the conference.</p> <p>Usefulness of the conference as determined by participants.</p> <p>Number of personnel trained.</p>	<p>The Financial Intelligence Unit (DGAIO) SHCP established informal contact with the Judicial Power.</p> <p>Treasury and DOJ will assist and support-training efforts aimed at Federal Judges.</p>

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<p>12.5.1 Mechanisms will be implemented so that the competent entities exchange knowledge in an ongoing fashion, in order to make them known to analysis, investigators, financial agency personnel, and the prosecutors in the two countries.</p>	<p>An ongoing exchange of knowledge and information through courses, meetings, and the exchange of typologies information and legal documents.</p> <p>On August 5, 1998, FinCEN gave Hacienda access to its EGMONT Secure Web-site, permitting Hacienda to send secure e-mail to FinCEN and other EGMONT Group members.</p>	<p>FinCEN will sponsor an operational workshop for EGMONT Group members, including Mexico.</p>	<p>U.S. and Mexico's participation in workshop group.</p> <p>SHCP has been provided access to the EGMONT Group Secure Web-site.</p> <p>The effectiveness of the secure Web-site.</p>	<p>SHCP-DGAIO translated to Spanish the course: "Introduction to Money Laundering" and provided typologies for it. The course will be imparted by the IRS to Central American countries.</p> <p>PGR is carrying out with its staff exchange of knowledge meetings through the presentation of special cases aimed at solving problems.</p>

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<p>12.5.2 The United States will make its law enforcement agents stationed in Mexico available to train PGR and the Secretariat of Finance and Public Credit (Hacienda) personnel in techniques used to investigate money laundering.</p>	<p>The U.S. Customs Service Representatives in Mexico twice a year deliver lectures to the SHCP public servants.</p> <p>Between February 1, 1997 and February 1, 1998, IRS-CID held two training courses.</p>	<p>Between February 1, 1998 and July 31, 1999, the U.S. Customs Service will offer two courses and IRS-CID will also offer two courses to train money laundering investigators and prosecutors.</p> <p>Agents from the U.S. Customs Service, DEA, FBI, and IRS-CID stationed in Mexico will continue to make opportunities available for consultation and training regarding money laundering investigators and prosecutors.</p> <p>Mexico will use personnel trained by the U.S. to train additional Mexican personnel.</p>	<p>Number of courses delivered.</p> <p>Impact of “Train the trainer” resulting from trained personnel.</p> <p>Usefulness of the courses as judged by course participants.</p> <p>Number of personal trained.</p> <p>Sufficient number of individuals in place in positions for which they were trained.</p>	<p>IRS and U.S. Customs Service representatives in Mexico provided 2 courses to the SHCP-DGAIO. The knowledge acquired is being implemented in the functions entrusted to the DGAIO. In total, 37 individuals from the DGAIO were trained. See 12.3</p> <p>The PGR’s staff that has been trained by the U.S. Government is performing the task for which they were trained.</p>

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<p>12.5.3 Visits between the two countries will be scheduled to gain knowledge of the techniques and analysis procedures in investigation, as well as in the administrative, civil and penal proceeding applicable in each of the two countries.</p>	<p>The PGR visited the Department of Justice in September 1997.</p> <p>The PGR and Hacienda visited FinCEN in September and November 1997.</p> <p>Representatives from the countries' FIUs have visited each other on numerous occasions and speak regularly.</p>	<p>During the first quarter of 1999, the U.S. Treasury and Justice Departments will host a meeting with representatives from PGR's anti-money laundering unit and the Hacienda FIU to share experiences on establishing and running anti-money laundering units.</p> <p>Prior to July 31, 1999, FinCEN will offer to host an analyst from Mexico's FIU to work with analysts at FinCEN to improve coordination between the FIUs.</p>	<p>Visits carried out.</p> <p>Experience obtained.</p>	<p>The PGR and the DOJ have been regularly visiting each other.</p> <p>2 DGAIO analysts visited FinCEN in September 1999, to carry out an exchange of technical knowledge.</p> <p>See 12.5.4</p>

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<p>12.5.4 The United States will make training opportunities available for Mexican prosecutors from the PGR, and analysts from the SHCP.</p>	<p>See point 12.5. The U.S. has offered to train Mexican prosecutors on a number of occasions, however up to this point no training has been provided.</p>	<p>The United States will offer training for Mexican prosecutors, investigators, and analysts before July 31, 1999.</p>	<p>Training. Usefulness of the training provided as judged by the participants.</p>	<p>On late August, DGAIO and CID provided the seminar “Advanced Course on Money Laundering Investigation Techniques”, in Mexico, City, to public prosecutors, investigators and analysts of the PGR and the SHCP. On June, 1999, the Second U.S.-Mexico Binational Seminar was held in Mexico City. The PGR participated in said seminar. Identification and recollection of evidence as well as its results, were the issues discussed. On early 2000, SHCP-DGAIO and the PGR, in coordination with Treasury and DOJ will provide training to prosecutors, investigators and financial analysts on investigation proceedings and legal process to combat and sanction the money laundering offense, thus, by December 31, 1999 a program will be developed.</p>

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<p>12.5.4.1 The United States and Mexico will work to establish programs that permit selected prosecutors, investigators, and analysis form PGR and Hacienda to visit the United States to observe prosecutions of money laundering cases and to visit United States law enforcement task force.</p>	<p>The development of training programs about to begin.</p> <p>The U.S. Attorney’s Office for the Southern District of California has been notifying Mexico’s Attorney General’s Office of court hearings, including trials, that are being held in relevant drug and money-laundering cases so that representatives of PGR may attend the proceedings if they desire.</p>	<p>Continued notification program.</p>	<p>Percentage of money laundering hearings and trials of which PGR is notified.</p> <p>Percentage of hearings and trials PGR attends.</p>	<p>Drafting of programs has begun.</p>

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<p>12.6. The Government of Mexico and the United States shall plan an Annual Seminar on the efforts of both countries against money laundering. The initial seminar will include investigators, regulators, analysis and specialized prosecutors. Later sessions will include judges and legislators.</p>	<p>No joint seminars have been carried out.</p>	<p>By July 31, 1999 the U.S. and Mexico will hold a joint seminar for investigators, regulators, specialized prosecutors and analysts on efforts to combat money laundering.</p>	<p>Seminar held. Type of participants. Usefulness of conference as determined by participants.</p>	<p>The competent authorities of both countries are drafting a program to specify place and date.</p>