



JUNE 2006

IN DEPTH...

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#### **COUNTERFEIT DRUG TASK FORCE REPORT - 2006 UPDATE.**

United States Department of Health and Human Services, U. S. Food and Drug Administration (FDA), Counterfeit Drug Task Force  
June 2006.

This Task Force report focuses on measures to ensure the safety of the U.S. drug supply, including the use of electronic track and trace technology, such as radio-frequency identification. RFID creates an electronic pedigree (e-pedigree) for tracking the movement of the drug through the supply chain. The Task Force notes the following key issues related to electronic track-and-trace that are in need of resolution:

- \* Technical aspects of the mass serialization of marketed drugs -- assigning a unique identifier or serial number to each drug package as the initial step in development of track-and-trace technology.

- \* Development of a nationwide universal drug pedigree with uniform information -- in contrast to various state laws imposing different pedigree requirements.

- \* Protection of consumer privacy to prevent unauthorized disclosure of information stored in RFID tags when RFID-tagged drug products are dispensed to consumers.

#### **NONIMMIGRANT OVERSTAYS: BRIEF SYNTHESIS OF THE ISSUE**

Congressional Research Service  
May 2006

As the 109th Congress debates immigration control (border security and interior enforcement) and legal reform (temporary and permanent admissions), concerns arise over the capacity of the Department of Homeland Security to identify and remove temporary aliens who fail to depart when their visas expire.

It is estimated that each year hundreds of thousands of foreign nationals overstay their nonimmigrant visas or enter the country illegally (with fraudulent documents or bypassing immigration inspections). The most recent published estimate based upon the March Supplement of the Current Population Survey (CPS) of the Census Bureau is that 11.1 million unauthorized aliens were residing in the United States in 2005. Reliable estimates of the number of nonimmigrant overstays are not available, and sample estimates range from 31% to 57% of the unauthorized population.

#### **BORDER SECURITY AND MILITARY SUPPORT: LEGAL AUTHORIZATIONS AND RESTRICTIONS.**

Congressional Research Service  
Updated May 2006

The military generally provides only support to law enforcement and immigration authorities along the southern border. Reported escalations in criminal activity and illegal immigration, however, have prompted some lawmakers to reevaluate the extent and type of military support that occurs in the border region. On May 15, 2006, President Bush announced that up to 6,000 National Guard troops would be sent to the border to support the Border Patrol. There are alternative legal authorities for deploying the National Guard, and the precise scope of permitted activities and funds may vary with the authority exercised. This report briefly reviews these legal authorities and their potential legal scope.

## **CIVILIAN PATROLS ALONG THE BORDER: LEGAL AND POLICY ISSUES.**

Congressional Research Service

April 2006

Civilian patrols along the international border have existed in a wide variety of forms for at least 150 years. Over the past 15 years, civilian border patrol groups appear to have proliferated along the U.S.-Mexico border, partly due to the increasing numbers of aliens entering the country illegally. In the spring of 2005, attention focused on these civilian patrols, when the "Minuteman Project" mobilized hundreds of volunteers along the Arizona-Mexico border to observe and report the movement of illegal aliens to the U.S. Border Patrol. Although some participants were armed, Minutemen volunteers were instructed not to engage in hostile confrontations with any illegal alien. Organizers of the Minuteman Project have expanded the Project to the other southwestern border states and Canada and have split the mission into a border defense corps and an internal vigilance operation that monitors businesses and government. A new nationwide Minuteman Project began in April 2006. This report provides a history of civilian border patrol groups, with a focus on those groups operating along the southwest border, including most particularly, the "Minuteman Project." It also addresses some of the legal and policy issues that have surfaced from civilian activities at the border. The report concludes with summaries of legislative proposals that have been introduced in the 109th Congress that address the issue of civilian border patrol groups.

## **IMMIGRATION ENFORCEMENT WITHIN THE UNITED STATES**

Congressional Research Service

April 2006

This report provides an analysis of immigration enforcement within the United States. The report opens with a definition of immigration enforcement, a discussion of the statutory authority to conduct immigration enforcement, and an overview of immigration enforcement related legislation since 1986. It follows with an exposition on the dichotomy of interior and border enforcement. The report then details different aspects of immigration enforcement in the United States including detention and removal, alien smuggling and trafficking, document and benefit fraud, worksite enforcement, inspections at ports of entry, and patrolling the border between ports of entry. The authors continue with a discussion of the role of state and local law enforcement in the enforcement of immigration laws. The report then presents a comparative analysis of the resources devoted to divergent immigration enforcement activities. It concludes with a discussion of crosscutting immigration enforcement issues related to the structure of the Department of Homeland Security.

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## **IN DEPTH...**

### **INTERNATIONAL NARCOTICS CONTROL STRATEGY REPORT**

U.S. Department of State  
Bureau for International Narcotics and Law Enforcement Affairs  
March 2006

The 2006 International Narcotics Control Strategy Report (INCSR) is an annual report by the Department of State to Congress prepared in accordance with the Foreign Assistance Act. It describes the efforts of key countries to attack all aspects of the international drug trade in Calendar Year 2005. Volume I covers drug and chemical control activities. Volume II covers money laundering and financial crimes.

### **THE NATIONAL DRUG CONTROL STRATEGY**

The White House  
February 2006

When President George W. Bush took office in 2001, drug use had risen to unacceptably high levels. Over the past decade, drug use by young people had nearly doubled, as measured by those who reported having used drugs in the past month: 11 percent of young people had used drugs in the past month in 1991, and 19 percent had done so in 2001. Indeed, in 2000, over half of all 12th graders in the United States had used an illicit drug at least once in his or her life before graduation. Determined to fight this trend, the President set aggressive goals to reduce drug use in the United States, including reducing youth drug use by 10 percent in two years. That goal has been met and exceeded.

### **HOMELAND SECURITY: PROTECTING AIRLINERS FROM TERRORIST MISSILES**

Congressional Research Service  
Updated February 16, 2006

Recent events have focused attention on the threat that terrorists with shoulder fired surface-to-air missiles (SAMs), referred to as Man-Portable Air Defense Systems (MANPADS), pose to commercial airliners. Most believe that no single solution exists to effectively mitigate this threat. Instead, a menu of options may be considered, including installing infrared (IR) countermeasures on aircraft; modifying flight operations and air traffic control procedures; improving airport and regional security; and strengthening missile non-proliferation efforts.

### **DETECTION OF EXPLOSIVES ON AIRLINE PASSENGERS: RECOMMENDATION OF THE 9/11 COMMISSION AND RELATED ISSUES**

Congressional Research Service  
Updated February 6, 2006

The National Commission on Terrorist Attacks Upon the United States, known as the 9/11 Commission, recommended that Congress and the Transportation Security Administration give priority attention to screening airline passengers for explosives. The key issue for Congress is balancing the costs of mandating passenger explosives trace detection against other aviation security needs. Passenger explosives screening technologies have been under development for several years and are now being deployed in selected airports.

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**IN DEPTH ...**

**DECEMBER 2005**

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### **THE ROLE OF IMMIGRANTS IN THE U.S. LABOR MARKET**

Nabeel A. Alsalam and Ralph E. Smith  
Congressional Budget Office  
November 2005

The role of immigrants in the U.S. labor market has long generated substantial interest among policymakers. Lawmakers have considered a broad range of issues concerning foreign-born workers -- from the number of immigrants permitted to enter the United States and the criteria for determining who is admitted, to the rules governing their employment, and myriad questions related to undocumented workers.

This paper, requested by the Chairman and Ranking Member of the Senate Finance Committee, is the third of several reports by the Congressional Budget Office (CBO) that present facts and research on immigration to help inform the agency's federal budget and economic projections. The paper focuses on the role of immigrants in the labor market -- the skills they bring to that market; the types of jobs they hold; their compensation; and their impact on the native-born workforce. In keeping with CBO's mandate to provide objective, nonpartisan analysis, this paper makes no recommendations.

### **SECURITY CONTROLS ON THE ACCESS OF FOREIGN SCIENTISTS AND ENGINEERS TO THE UNITED STATES**

Commission on Scientific Communication and National Security  
Center for Strategic and International Studies  
October 2005

This white paper argues that the United States has strongly benefited from foreign engagement in the past, and in an increasingly globalized society, the value of foreign interaction continues to increase. For instance, the nation's scientific and technical infrastructure has long been enriched by foreign students, scholars, and professionals, and is now highly dependent on them.

Therefore, the health and vitality of the U.S. science and technology base - and the continued ability of that base to support economic competitiveness, improve health and quality of life, and maintain and enhance national and homeland security - depend critically on foreign interaction. The paper notes that openness can likewise facilitate those who threaten the security of the U.S. and its inhabitants. As a result, the national security community must identify individuals who intend to spy on the U.S. and U.S.-based commercial enterprises or to illegally export controlled technologies. At the same time, work must be done to ensure that U.S. visa policies facilitate, rather than undermine, long-term U.S. interests concerning foreign students, scientists, suppliers, and employees.

**[Note: Contains copyrighted material.]**

### **COMBATting TERRORISM: THE CHALLENGE OF MEASURING EFFECTIVENESS**

Raphael Perl  
November 2005

This report is designed to help congress better understand the characteristics and importance of measurement of counter-terrorism activities, the dynamics of the phenomenon to be measured, i.e. terrorism, and what would generally be required from any entities -- government or otherwise -- tasked with establishing and

evaluating measures of effectiveness. It is not intended to define counter-terrorism activities, nor to create a definitive, in-depth methodology for measuring progress against terrorism. Rather, it is designed to provide added tools and insights to support Congress in its efforts to coordinate, fund, and oversee the nation's anti-terrorism activities.

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### **LAW VS. WAR: COMPETING APPROACHES TO FIGHTING TERRORISM**

Shawn Boyne, Michael German, and Paul R. Pillar

United States Army War College, Strategic Studies Institute (SSI)

July 2005

In three papers, the authors address one of the fundamental assumptions underlying the conduct of the War on Terrorism: the nature of the enemy and whether perpetrators of terrorist activities are criminals or soldiers (combatants). Although the United States recognizes that terrorist acts are certainly illegal, it has, in many ways, chosen to treat perpetrators as combatants. By contrast, much of the world (including many traditional U.S. allies) has opted for a purely legalistic approach. The papers were presented at a February 2005 conference -- "Beyond the U.S. War on Terrorism: Comparing Domestic Legal Remedies to an International Dilemma" - sponsored by the University of Virginia School of Law, in cooperation with the Strategic Studies Institute (SSI).

### **SPYWARE: THE THREAT OF UNWANTED SOFTWARE PROGRAMS IS CHANGING THE WAY PEOPLE USE THE INTERNET.**

Susannah Fox

Pew Internet & American Life Project

July 2005

The Pew Internet & American Life Project set out to measure the impact of the recent wave of online activity related to spyware and adware. Spyware is software that is placed secretly on a computer in order to track a user's behavior and report back to a central source. Adware, on the other hand, is software that comes bundled as a package with programs that consumers download, and is used to serve up targeted advertising based on the user's online behavior.

The researchers found that the threat of unwanted software programs is making people more cautious online. Most Internet users think symptoms of spyware are serious problems rather than simply minor annoyances. Millions of Internet users have first-hand experience with computer problems related to software intrusions and while many express confidence and knowledge of the issues, most think more should be done to guard against spyware and to notify people about adware.

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### DRUGS OF ABUSE.

United States Department of Justice. Drug Enforcement Administration (DEA). 2005.

This 2005 edition of Drugs of Abuse is a very useful compendium of information concerning drugs that are illegal and/or drugs of abuse in the United States. The publication begins with an overview of the Controlled Substances Act (CSA), Schedules I-V of controlled substance classification and a one-page chart of federal drug trafficking penalties, categorized by substance and by quantity found in possession. There follow chapters of descriptions of the main types narcotics, stimulants, depressants, cannabis, hallucinogens, inhalants and steroids.

### TOBACCO SETTLEMENT: STATES' ALLOCATIONS OF FISCAL YEAR 2004 AND EXPECTED FISCAL YEAR 2005 PAYMENTS. [GAO-05-312]

United States Government Accountability Office (GAO).  
March 21, 2005.

In the 1990s, states sued major tobacco companies to obtain reimbursement for health impairments caused by the public's use of tobacco. In 1998, 46 states (all but Florida, Minnesota, Mississippi and Texas) and four of the nation's largest tobacco companies signed a Master Settlement Agreement (MSA) that requires the tobacco companies to make annual payments to the states in perpetuity as reimbursement for past tobacco-related health care costs. The MSA commits the tobacco companies to pay the states approximately \$206 billion over the first 25 years. Some of the states have arranged to receive upfront proceeds based on the amounts that tobacco companies owe by issuing bonds backed by future payments.

The MSA allows states to use their tobacco settlement payments for any purpose. States reported that they used the largest portions of the fiscal year 2004 payments to address budget shortfalls (about 44 percent) and to fund health-related programs (20 percent). Compared with fiscal year 2004, states in fiscal year 2005 expect to decrease allocations to address budget shortfalls (11 percent) and to increase allocations to both health-related programs (32 percent) and debt service on securitized funds (23 percent).

### OLYMPIC SECURITY: U.S. SUPPORT TO ATHENS GAMES PROVIDES LESSONS FOR FUTURE OLYMPICS. [GAO-05-547]

United States Government Accountability Office (GAO).  
May 31, 2005.

Following the 2004 Summer Olympic Games, the U.S. agencies involved with providing security assistance identified a number of lessons learned, such as the importance of assessing a host government's security capabilities early to assist in planning U.S. support, appointing key personnel to craft unified messages for the U.S. security efforts, and coordinating with multilateral and other organizing entities. These lessons were then communicated by Washington, D.C.- and Athens-based personnel from the Departments of State, Justice (DOJ), Homeland Security (DHS), and Defense (DOD) to their counterparts in Italy who are preparing for the 2006 Winter Olympics in Turin. For the most part, the key lessons learned are being

applied in preparation for the Turin Games. For example, U.S. officials in Athens noted that the long-standing U.S. relationship with Greece helped in early identification of potential security gaps and areas for U.S. assistance in security preparations.

For Turin, the partnership between the United States and Italy in combat situations and counterterrorism efforts provides U.S. agencies with relationships with relevant Italian agencies, as well as knowledge about Italy's advanced capabilities to handle security for the Olympics. In addition, U.S. officials pointed out the importance of designating key U.S. officials to coordinate messaging and logistics efforts with the host country. In line with this lesson, the U.S. Embassy in Italy has appointed both an Olympic security coordinator and an Olympic coordinator for logistics. Finally, U.S. officials noted the importance of working with international, American, and local Olympics officials to enable U.S. security elements to gain access to venues. The application of this lesson has helped U.S. officials in Italy to begin working with the local organizing committee in Turin on these issues.

### **SCIENCE AND TECHNOLOGY: A FOUNDATION FOR HOMELAND SECURITY.**

Executive Office of the President. Office of Science and Technology Policy.

April 21, 2005.

This document builds upon the National Strategy for Homeland Security, released by the President on July 16, 2002 [[http://www.whitehouse.gov/homeland/book/nat\\_strat\\_hls.pdf](http://www.whitehouse.gov/homeland/book/nat_strat_hls.pdf)], which set forth a framework to reduce U.S. vulnerability and to increase capacity to respond with improved agility and effectiveness to future terrorist attacks.

Some key accomplishments highlighted in the document include:

- \* Bolstering border security through the development and deployment of nuclear detection equipment along the U.S. border, airports, and seaports to detect, deter, and ultimately prevent the trafficking of nuclear and radioactive materials.

- \* Providing an early warning system for bio-threats through Project BioWatch, a cooperative effort among the Department of Homeland Security, the Environmental Protection Agency, and the Centers for Disease Control and Prevention Laboratory Response Network.

- \* Speeding development and procurement of new medical countermeasures against current and future chemical, biological, radiological, and nuclear terrorist threats through Project BioShield, an initiative signed into law by the President in July 2004.

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### **STREET GANGS: THE NEW URBAN INSURGENCY.**

United States Army War College, Strategic Studies Institute (SSI). March 2005.

This report identifies some of the most salient characteristics of contemporary criminal street gangs (that is, "the gang phenomenon" or "third generation gangs"). The author argues that gang-related crime is now a serious national security and sovereignty problem in important parts of the global community. Manwaring maintains that although there are differences between gangs and insurgents in terms of original motives and modes of operation, "the gang phenomenon is a mutated form of urban insurgency. That is, these non-state actors must eventually seize political power to guarantee the freedom of action and the commercial environment they want. The common denominator that clearly links gangs and insurgents is that the gangs' and insurgents' ultimate objective is to depose or control the governments of targeted countries."

### **ADULT DRUG COURTS: EVIDENCE INDICATES RECIDIVISM REDUCTIONS AND MIXED RESULTS FOR OTHER OUTCOMES.**

United States Government Accountability Office (GAO). Web-posted March 1, 2005.

Drug court programs, which were established in the late 1980s as a local response to increasing numbers of drug-related cases and expanding jail and prison populations, have become popular nationwide in the U.S. criminal justice system. These programs are designed to reduce defendants' repeated crime (that is, recidivism), and substance abuse behavior by engaging them in a judicially monitored substance abuse treatment. This report describes the results of that review of published evaluations of adult drug court programs, particularly relating to (1) recidivism outcomes, (2) substance use relapse, (3) program completion, and (4) the costs and benefits of drug court programs. The U.S. Department of Justice (DOJ) reviewed a draft of this report and had no comments. Office of National Drug Control Policy reviewed a draft of this report and generally agreed with the findings.

Most of the adult drug court programs assessed in the evaluations GAO reviewed led to recidivism reductions during periods of time that generally corresponded to the length of the drug court program. GAO's analysis of evaluations reporting these data for 23 programs showed the following: (1) lower percentages of drug court program participants than comparison group members were rearrested or reconvicted; (2) program participants had fewer recidivism events than comparison group members; (3) recidivism reductions occurred for participants who had committed different types of offenses; and (4) there was inconclusive evidence that specific drug court components, such as the behavior of the judge or the amount of treatment received, affected participants' recidivism while in the program.

### **GUN CONTROL AND TERRORISM: FBI COULD BETTER MANAGE FIREARM-RELATED BACKGROUND CHECKS INVOLVING TERRORIST WATCH LIST RECORDS. [GAO-05-127]**

United States Government Accountability Office (GAO). January 19, 2005; Web-posted March 8, 2005.

Under current law in the United States, membership in a terrorist organization does not prohibit a person from owning a gun. Thus, during presale screening of prospective firearms purchasers, the National Instant Criminal Background Check System (NICS) historically did not utilize terrorist watch list records. However, for homeland security and other purposes, the Federal Bureau of Investigation (FBI) and applicable state agencies began receiving notices (effective February 3, 2004) when such screening involved watch lists records. GAO determined (1) how many background checks have

resulted in valid matches with terrorist watch list records, (2) procedures for providing federal counterterrorism officials relevant information from valid-match background checks, and (3) the extent to which the FBI monitors or audits the states' handling of such checks. During the period GAO reviewed—February 3 through June 30, 2004—a total of 44 firearm-related background checks handled by the FBI and applicable state agencies resulted in valid matches with terrorist watch list records. Of this total, 35 transactions were allowed to proceed because the background checks found no prohibiting information, such as felony convictions, illegal immigrant status, or other disqualifying factors. GAO's research revealed that federal and state procedures for handling terrorism-related NICS transactions do not clearly address the specific types of information that can or should be routinely provided to counterterrorism officials or the sources from which such information can be obtained. For example, under current procedures, it is not clear if certain types of potentially useful information, such as the residence address of the prospective purchaser, can or should be routinely shared. Also, under current procedures, it is not clear if FBI and state personnel can routinely call a gun dealer or a law enforcement agency processing a permit application to obtain and provide counterterrorism officials with information not submitted as part of the initial NICS check. Furthermore, some types of information—such as the specific location of the dealer from which the prospective purchaser attempted to obtain the firearm—have not been consistently shared with counterterrorism officials. GAO argues that consistently sharing the maximum amount of allowable information could provide counterterrorism officials with valuable new information about individuals on terrorist watch lists.

**ADULT DRUG COURTS: EVIDENCE INDICATES RECIDIVISM REDUCTIONS AND MIXED RESULTS FOR OTHER OUTCOMES.**  
**[GAO-05-219]**

United States Government Accountability Office (GAO). Web-posted March 1, 2005.

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**AL-QAEDA IN SAUDI ARABIA. ASYMMETRIC THREATS AND ISLAMIST EXTREMISTS.**

**Anthony H. Cordesman and Nawaf Obaid.**

Center for Strategic and International Studies (CSIS). Revised January 26, 2005.

This report claims that although Al Qaeda has killed people in Saudi Arabia and damaged the Kingdom's economy, it has not been able to get as strong a grip as it would like. The authors argue that Al Qaeda has been unsuccessful in its recruiting efforts, has failed to define a viable alternative to the existing government structure, and has been deprived of enough funding to build strong. But the group remains powerful both inside and outside the Kingdom. Despite being able to keep some facets at bay, say the authors, "Saudi Arabia is at a critical juncture in its fight against terrorism. The threat is unlikely to disappear for years to come. Al Qaeda can draw on Saudis in Afghanistan, Pakistan, Yemen, and Central Asia, as well as other members of al-Qaeda who may be able to enter Saudi Arabia. The Iraqi and Yemeni borders present serious problems in terms of infiltration." The authors say that the roots of attraction for Islamic extremism are not easily eradicated without dealing with the sources of unrest. The Saudi government must do more, they say, to open up opportunities in the Kingdom for those who have been denied any voice in the economic and political systems that hold powerful sway.

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